



Review of Library Materials

Policy Number: LS 902

Effective: June 2019

Purpose

As provided by Section 5(13) of Chapter 84-443, Laws of Florida, this policy establishes an appellate procedure to hear and determine requests to remove or relocate library materials in the Tampa-Hillsborough Public Library (the "Library") collection.

Policy

Any Hillsborough County resident ("Customer") may request a review of Library materials. Library materials subject to review under this policy include all materials which are available for loan to a Customer, such as books, periodicals, DVDs, videos, audiobooks, e-books and other materials contained in the Library's reference collection. Library materials shall only be subject to review under this policy once every three (3) years.

Library supervisory staff have the primary responsibility to address requests for review of materials. Customer concerns that are not resolved by public service staff after discussion with the Customer should be referred to the branch or department supervisor. If the branch or department supervisor cannot address the Customer's concerns, then the Customer is provided copies of the Review of Library Materials Policy (LS902) and the Review of Library Materials Form. A formal review of the materials in question shall be undertaken in accordance with this policy.

Customers may request a review of multiple Library materials, but Library staff will treat each item to be reviewed as a separate review request. The order of review of such materials shall be determined by Library staff and review of a subsequent item shall only commence when the review process for the prior item has been completed. Requests for review of Library materials from different Customers will be processed in the order in which they are received. If a review of Library materials is in progress and a subsequent request for review of materials is received from the same or a different Customer, Library staff will complete the review in progress before commencing a new review of another item. The Library will conduct no more than two (2) simultaneous reviews.

Resolution of Customer requests to remove Library materials will be handled pursuant to the philosophy that a library is to represent the views of the various interests of the entire community, per Section 5(13) of Chapter 84-443, Laws of Florida. The procedures below are to be followed when a Customer requests a review of Library materials. A process overview chart is included herein.

Procedure

Customers must submit a completed Review of Library Materials Form to the branch or department supervisor, who will date the completed form, give a copy to the Customer and e-mail a scanned copy to the Manager of Library Collections ("Manager"). The librarian will also send the original to the Manager. The Manager will send the Customer a written acknowledgment that the review request has been received and advise the Customer whether the review will commence immediately or in the order in which it was received. A copy of this policy will also be enclosed.

The first level is review by two (2) librarians, selected by the Manager, who each conduct an independent review of the Library material. Each may consult and rely upon professional reviews and other expert sources in their review process. These librarians will provide their recommendations to the Manager, who will make a decision with respect to the materials. The Manager is not bound by any of the librarians' recommendations when rendering a decision. The decision of the Manager will be communicated in writing to the Customer by the Library within 45 business days of receipt of the Customer's initial review request.

If the Customer appeals the decision of the Manager, the second level of review is by the Library Director. To initiate this review, the Customer must send a written notice of appeal to the Library Director within seven (7) business days of receiving the decision of the Manager. The Customer may submit supplementary written material in support of the Customer's position with the Customer's appeal request. The Library Director will send the Customer a written acknowledgment of receipt. The Library Director will review the recommendations of the librarians, the decision letter of the Manager, any material submitted by the Customer, and may also request additional expert independent review. The Library Director is not bound by any previous review or recommendation when making his or her decision. Within twenty (20) business days of receipt of the Customer's notice of appeal, the Library Director will notify the Customer in writing of the Library Director's decision.

If the Customer wishes to appeal the Library Director's decision, a third-level review by the Tampa-Hillsborough County Public Library Board (the "Library Board") may be requested.

To initiate review by the Library Board, the Customer must send a written notice of appeal to the Board within seven (7) business days of receiving the Library Director's decision. The appeal will be presented to the Board at the next scheduled meeting. The matter may be reviewed at a Regular or Special Meeting as determined by the Chair of the Library Board or, in the absence of the Chair, by the Vice-chair. Copies of the Librarian reviews, the decisions of the Manager and the Library Director, and any other pertinent materials will be provided to the members of the Library Board and to the Customer in advance of the meeting, if not previously provided by or to the Customer. The Customer must be given at least five (5) business days' advance written notice of the meeting date.

The Library Board may vote on a decision at its initial meeting or vote to continue its deliberations at a second meeting to be held within fourteen (14) business days of the initial Library Board meeting, unless the Customer requests a later date. The second meeting may be a regular meeting or a Special Meeting. If a date for the second meeting cannot be decided upon at the initial meeting, the Library Board Chair, or Vice-chair in the absence of the Chair, will schedule the meeting. The Customer must receive at least five (5) business days' prior written notice of the date of the second meeting. Copies of all additional materials to be provided to the Library Board at its second meeting will also be provided to the Customer initiating the appeal, if not previously provided. If the Library Board does not vote on its decision at the initial meeting, it must do so at its second meeting.

To assist the review process, the Library Board Chair, or Vice-chair in absence of the Chair, may request that the Library Director, Library staff, and other individuals be present at one or both meetings to address the Library Board. The Customer may also address the Library Board at one or both meetings. Written notice of the Library Board's final decision will be sent to the Customer within seven (7) business days of that meeting date. The decision of the Library Board in the matter is final pursuant to Section 5(13) of Chapter 84-443, Laws of Florida.

Notwithstanding anything to the contrary in this policy, the Customer may waive any of the time periods for notice to the Customer set forth in this policy and the procedures set forth herein. Delivery of written notice under this policy may include, but not be limited to, delivery by e-mail. Any written notice sent hereunder will be deemed given when delivered.

Process Overview Chart

Step-by-Step Procedures for Review of Library Materials under Policy LS 902

Responsibility	Procedure	Time Frame
Customer	Expresses concern about library material.	
Branch/Department Staff	Listen politely and take the customer to the Branch/Department Supervisor (or In-Charge Librarian if Supervisor is not available.)	
Branch Supervisor or In-charge Librarian	Discusses customer's concern in private and provides the <i>Request for Review of Library Material</i> form if desired.	
Branch Supervisor or In-charge Librarian	Receives completed form, signs and dates it. Gives copy of the form to customer.	
Branch Supervisor or In-charge Librarian	Notifies Manager of Library Collections; emails a copy of the completed form to the Manager of Library Collections with cc to Public Services Manager and Director. Sends original to Manager of Library Collections and places copy in agency file.	Complete within one business day
Manager of Library Collections	Sends a letter to customer acknowledging the request for review with a copy of policy LS902.	7 Days
Manager of Library Collections	Locates copies of the material. Selects two librarians to conduct review.	Immediately
Reviewing Librarians	Independently review the material. Write and send review to Manager of Library Collections.	30 Days
Manager of Library Collections	Sends letter notifying the customer of the action. Provides a copy of the letter to agency and reviewers. Submits decision to Library Director.	5 Days
Customer	Accepts the decision or notifies Director in writing of intent to appeal.	7 Days
Director	Sends a letter to customer acknowledging request for appeal.	5 Days
Director	Conducts review of the material including all related documentation and may solicit expert opinion. Notifies customer of decision in writing.	20 Days
Customer	Accepts decision or notifies the Library Board in writing of intent to appeal the Director's decision.	7 Days
Library Board	Receives the appeal request at the next regularly scheduled Library Board meeting together with a packet of all related documentation for each Library Board member. The appeal is reviewed at a regular or special Meeting as determined by the Library Board Chair. Customer is given at least five (5) business days' advance written notice of the meeting date.	30 Days
Customer	Notifies the Library Board in writing of intent to speak at the meeting.	Prior to the Meeting
Library Board	May vote on a decision upon initial review or continue deliberation at a subsequent meeting. Customer is given at least five (5) business days' advance written notice of any subsequent meeting date.	14 Days
Library Board	Written notice of the Library Board's decision is sent to the Customer. The decision of the Library Board constitutes final action and concludes the process.	7 Days

Note: The Director will accept supplementary written material in support of the customer's position at any time during the sequential process outlined above. Verbal presentations from the customer or one acting on behalf of the customer may be made at a Public Library Board meeting upon prior written notice. All Public Library Board meetings are open to the general public.