

## The Community Room

1. *Are ALA policies binding or advisory?*

The ALA policies are advisory but they are best practices and most libraries follow them. The ALA also provides support for libraries that encounter difficult situations pertaining to the ALA policies. The policies don't conflict with federal laws and are generally supported by federal and state laws though each library should take their individual situation into account.

2. *Are there legal issues here that might warrant seeking advice from the city attorney?*

Yes. The situation is tenuous and deals with serious legal issues like First Amendment rights, censorship, discrimination, and religious freedom. If the group defines itself as a religious gathering, it would be illegal for the library to bar them from meeting in a public space solely because of their religious beliefs. The library would be especially vulnerable to legal action if this were the case. The board should be sure the library's actions and policies are built on a solid legal foundation and consulting with the city's attorney is a necessity. However, if the group is causing physical injury to one of its members or another person or planning to do so, the local police should be involved.

3. *Is Lyle right that the group's meetings are damaging the library, and that's the important thing, censorship and/or intellectual freedom aside?*

No. It isn't clear from the case study just how much of an impact the group's meetings are having on the library and intellectual freedom cannot be placed to the side, regardless of the impact the group may be having on the library. I do agree with Peter that the library changing their policies to specifically exclude one group is very problematic and sets a precedent of library censorship around topics that some people in the community take issue with. Also, more information needs to be gathered regarding the group's purpose, activities, and beliefs to make an informed and equitable decision.

4. *Could the board draw up a policy on its own to stop the satanic group from meeting at the library? If so, who would be expected to implement that policy?*

The board could change the policies to stop the group meeting but they should not as they would be violating the ALA's Library Bill of Rights as well as the First Amendment. Any policy the board makes should be objective, clear, specific, provide equal access to everyone, and not discriminate against any group. If the group is doing something illegal, then the police should be involved, as is stated in the library's current policy. People's safety should be paramount but the library board should not be deciding who gets to utilize their public space based on their comfort level with the group's focus. The library is meant to be a place where all people can congregate freely without fear, regardless of age, origin, background, or views (ALA, 1991a) and "the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates (1991b)." If one group is banned from the library based on rumors and

fears, the library's integrity would rightfully be called into question and seriously damage the library's reputation. It would also compromise the library's legal standing. As to who would be responsible for implementing, enforcing, and justifying any policy changes to patrons, it would be the library staff since the library director leaves earlier in the day and the groups meet later in the day.

5. *Do you agree with Peter's stand?*

I agree with Peter's end conclusion but I disagree with the venue he chose to express his conclusions on the matter. The library already has an open and inclusive policy, as recommended by the ALA. It was intentionally created that way. If the group is violating any of the library's rules around use of their space then those issues should be dealt with in a calm, evenhanded manner as outlined in the existing policy. If the group is violating any laws, then the proper authorities should be notified.

6. *How well did Peter handle his interaction with Lyle? Was it smart to spring this decision at the board meeting, or should he have done something else?*

Peter should have spoken with Lyle before the board meeting. He should have set up a meeting with Lyle, explained his conclusions and the ALA's stance on such behavior, and see what Lyle has to say. Perhaps Peter and Lyle could have scheduled a time to meet with the city's attorney prior to the board meeting so they had more factual information to offer the board, rather than a lot of hearsay. The two of them have developed a strong working relationship over the past ten years. I think things would have gone much smoother if Peter has

discussed this first with Lyle privately, rather than in a public venue. I think Peter also should have discussed the benefits and drawbacks of attempting to reach a quick, definitive conclusion of this issue as part of a board meeting. Beyond anything else, minutes from library board meetings are publicly available and this is a matter about which the library needs to be very methodical and deliberate. The outburst from Lyle was not professional and could compromise his position as the head of the board. It also publically highlighted dissention between the head of the board and the head of the library. They need to show a united front, especially given the community's current state of agitation.

7. *Is Peter's job in jeopardy?*

It could be, depending on how angry Lyle is and how much power the board of trustees has over the library director's termination. While Peter might be fired for his stance on the issue, he does have the support of the ALA policies and the First Amendment. He could sue the library for wrongful termination and I think the board would be aware of that. I think that knowledge alone would stay their decision. Once the situation has been diffused and settled, I don't think there would be an adverse effect on Peter's employment.

8. *What do you think is going to happen next?*

Hopefully, Peter would approach Lyle in private and discuss the outburst at the board meeting. Peter would apologize for surprising and possibly embarrassing Lyle in the meeting; Lyle would apologize for his angrily spoken words. They would then settle down to figure out the best way to handle this situation

together as a team. After consulting with the city's legal counsel, they should see if they could meet with the much debated group to find out more about the group's focus. After that, perhaps they would initiate some kind of press release, reaffirming the library's commitment to freedom of expression while also reassuring the community that the library is meant to be a safe space for everyone and library policy is being carefully followed.

#### References

American Library Association. 1991a. Interpretation of the Library Bill of Rights – Universal Right to Free Expression. Accessed November 6, 2013.

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/universalright>

American Library Association. 1991b. Interpretation of the Library Bill of Rights – Meeting Rooms. Accessed November 6, 2013.

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/meetingrooms>