

Politics in American Libraries: An Interpretation of the Library Bill of Rights

The First Amendment to the United States Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or of the press...” The Library Bill of Rights specifically states that “all people” and “all points of view” should be included in library materials and information. There are no limiting qualifiers for viewpoint, origin, or politics.

Quick Links

[Contact Congress](#)

[Menu](#)

The First Amendment to the United States Constitution states that "Congress shall make no law . . . abridging the freedom of speech, or of the press..." The Library Bill of Rights specifically states that "all people" and "all points of view" should be included in library materials and information. There are no limiting qualifiers for viewpoint, origin, or politics. Thus there is no justification for the exclusion of opinions deemed to be unpopular or offensive by some segments of society no matter how vocal or influential their opponents may be at any particular time in any particular place.

Associate Justice William J. Brennan, Jr. observed in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), "[There exists a] profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

Therefore, libraries should collect, maintain, and provide access to as wide a selection of materials, reflecting as wide a diversity of views on political topics as possible, within their budgetary constraints and local community needs. A balanced collection need not and cannot contain an equal number of resources representing every possible viewpoint on every issue. A balanced collection should include the variety of views that surround any given issue.¹

If a library has designated a space for community use, it must make that space available to all community organizations and groups regardless of their views or affiliations.² Libraries should rely on appropriate time, place, and manner regulations to guarantee equitable access and to avoid misuse of library space. These may include regulations governing the frequency and length of meetings and penalties on disruptive behavior.³ Libraries should establish similar regulations if they make library space available for public exhibits or the public distribution of literature.⁴

The robust exchange of ideas and opinions is fundamental to a healthy democracy. Providing free, unfettered access to those ideas and opinions is an essential characteristic of American libraries. Therefore, libraries should encourage political discourse as part of civic engagement in forums designated for that purpose. Libraries should not ignore or avoid political discourse for fear of causing offense or provoking controversy.

Special limitations may apply to workplace speech (including political advocacy) by library employees.⁵ When libraries are used as polling places, state statute or local ordinance may mandate temporary time, place, and manner restrictions on the political expression of members of the public, poll workers, and library employees while polling places are open.

This interpretation is most clearly applicable to public libraries. School, academic, and private libraries, including those associated with religious institutions, should apply these guidelines as befits or conforms to their institutional mission.

¹ "Diverse Collections: An Interpretation of the Library Bill of Rights," Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 *under previous name* "Diversity in Collection Development"; and June 25, 2019.

² "Meeting Rooms: An Interpretation of the Library Bill of Rights," Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.

³ "Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage," Adopted January 24, 1993, by the Intellectual Freedom Committee; revised November 17, 2000; revised January 19, 2005; and March 29, 2014.

⁴ "User-Initiated Exhibits, Displays, and Bulletin Boards: An Interpretation of the Library Bill of Rights," Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, July 1, 2014 *under previous name* "Exhibit Spaces and Bulletin Boards"; and June 25, 2019.

⁵ "Speech in the Workplace Q&A," Adopted by the Committee on Professional Ethics, July 2001; amended January 2004; June 26, 2006; January 24, 2007; July 1, 2014; and April 30, 2019.

Endorsed by the ACRL Professional Values Committee in June 2017. Adopted June 27, 2017, by the ALA Council.

Meeting Rooms Q&A

Many libraries provide meeting rooms and other spaces designated for use by the public for meetings and other events as a service to their communities. This Q&A outlines the differences between varying public fora and examples of items a meeting room policy can cover. The Q&A also addresses sponsoring groups, political speech, contract violations, user eligibility, and fees.

Quick Links

[Contact Congress](#)

[Menu](#)

Definitions

Behavior policy: Behavior policies cover actual behavior and not arbitrary distinctions between individuals or classes of individuals, appearance, or behavior that is merely annoying or generating negative subjective reactions from others.

Establishment Clause: The First Amendment's Establishment Clause prohibits the government from making any law "respecting an establishment of religion." This clause not only forbids the government from establishing an official religion, but also prohibits government actions that unduly favor one religion over another. It also prohibits the government from unduly preferring religion over non-religion, or non-religion over religion.

Library-sponsored event: This event is planned and executed by the library; co-sponsored events are normally considered to be library-sponsored.

Meeting room policy: Meeting room policies provide rules and regulations that govern all possible spaces used for meetings by outside groups in the library including library-related parks, lobbies, and labs.

Non-library sponsored (group) event: This is an event that is planned and executed by an entity other than the library.

Public forum: A public forum is a place or space, either physical or virtual, in which any person can exercise their First Amendment right to speak or engage in other expressive activities. The courts have identified three different types of public forums:

- A **traditional public forum** is a government-owned place that has been traditionally available for public assembly, speech, and discussion (e.g., parks, sidewalks, and streets).
- A **designated or limited public forum** is a place purposefully opened by the government for designated expressive activity by part of the public or all of the public.
- A **nonpublic forum** is a place that is neither traditionally used for expressive activities nor set aside or opened up in a substantial way for expressive activities.

Rules about what kinds of restrictions on speech may be legally imposed in a given place are based on the type of forum that has been established.

Public Forum (Meeting Rooms and the Law)

1. Does the First Amendment apply to my library?

The First Amendment applies to all government and publicly funded agencies, including libraries. It does not apply to private institutions. The extent to which it applies to a government or publicly funded agency—whether a public library, public school library, or academic library that is part of a public institution—will depend on the context and application of the public forum doctrine.

Because the mission of public libraries is to serve the larger community, courts have imposed stricter standards on restrictions to access to the library's resources and facilities, and require greater access to information and the library facility in public libraries. Public schools and universities—including their libraries—serve defined communities of students and employees, rather than the general public. As a result, they are generally considered nonpublic forums. They may have greater latitude to impose restrictions on access consistent with their missions. Students' access to resources and the removal of materials in public schools and academic libraries in public colleges and universities, however, are matters still subject to the First Amendment.

Any institution that opens its facility to the public for the use of its space could be considered a limited or designated public forum for that purpose and would have to meet the more stringent First Amendment standard applicable to that type of public forum. Also, any library that participates in the Federal Depository Library Program (FDLP) must provide free access to FDLP information resources in all formats to any member of the general public without impediment.

All libraries, public or private, are encouraged to adopt policies supporting intellectual freedom and reflecting the principles expressed in the *Library Bill of Rights*.

2. Must a public library provide meeting rooms to the public?

A public library is not obligated to provide access to its meeting rooms and other facilities.

If a public library chooses to open its meeting rooms, display cases, or literature tables for public use, those facilities are considered a designated public forum.

Public libraries that open their facilities to public use cannot disadvantage or exclude speakers or groups from using their facilities solely because they disagree with those parties' views or the content of their speech.

A public library that opens its facilities for public use may not exclude a group from its facilities to avoid controversy or public disapproval.

3. Must publicly funded school and academic libraries provide meeting rooms to the public?

Publicly funded school and academic libraries are not obligated to provide access to their meeting rooms and other facilities.

School and academic libraries are likely to be subject to institutional policies and should consult with their administration about these spaces. Publicly funded schools and universities that open their spaces to the public would be governed by the same public forum rules as public libraries, so libraries are advised to consult with their administration.

4. Do libraries endorse the speech or viewpoints of outside groups that use library meeting rooms?

Just as libraries do not endorse information contained in their collections, libraries do not (and should not) endorse any speech made by outside groups in their meeting rooms. This includes political, social, religious, and partisan groups as well as groups that advocate or advance controversial ideas or disparage others. Libraries should consider including language in their policies stating that the provision of meeting room space to a group is not an endorsement of the group, its beliefs, or its speech.

5. Does it violate the Establishment Clause if a public library provides meeting space to a religious group or a group that intends to engage in religious practices?

No court has held that the First Amendment's Establishment Clause requires libraries to prohibit meeting room use by religious groups engaged in worship. Religious groups and organizations must be treated like any other community group. See also "[Religion in American Libraries Q&A.](#)"

6. Who promotes meetings and events when the library is not a sponsor?

The sponsoring group should be responsible for promoting its meeting or event. Libraries are under no obligation to display advertising for outside groups, but if they choose to do so, all groups should be treated equally. Promotional materials should clearly indicate the name and contact information of the sponsor of the program. If the name and address of the library is used for directional purposes, advertising should indicate that the views do not represent that of the library.

7. Can libraries deny a group access to meeting rooms?

Libraries may deny access only if an individual or group does not meet the eligibility guidelines stated in the library's policies. Meeting rooms are open to reservation by everyone who is eligible to use the facility according to the library's policy.

The reasons for denial must be reasonable in light of the policy, apply equally to all individuals or groups, and cannot be based on the organizers' views, background, beliefs, or the content of their speech. Meeting room policies should include a means of appealing a decision to the library director or the governing body of the library.

Libraries may not deny access because of disagreement with an individual or group or because they are considered offensive or controversial. Article VII of the *ALA Code of Ethics* states, "We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair

representation of the aims of our institutions or the provision of access to their information resources."

8. Has a library ever been sued for denying access to the library's meeting rooms?

Libraries have been successfully sued by groups that have been denied access to library meeting rooms based on the group's beliefs, the content of their speech, or the fear that the group's meeting will cause controversy. Most notably, libraries have been successfully sued by religious groups that have been denied access to library meeting rooms. See *Concerned Women for America, Inc. v. Lafayette County*, 883 F.2d 32, 35 (5th Cir. 1989) and *Citizens for Community Values, Inc. v. Upper Arlington Library Board of Trustees*, Case No. C-2-08-223 (S.D. Ohio 8/14/08).

9. Should a library exclude politicians, elected officials, and partisan political activities?

An individual or group should not be denied access to the library's meeting room because they intend to engage in political speech, to meet with constituents, or to discuss partisan views. Partisan campaign events may be inconsistent with the library's mission and should be addressed in the library's policies. In addition, state and local laws governing the use of public funds and facilities may regulate the use of the library's facilities for partisan events. Libraries should consult with their legal counsel for guidance on these issues. See also "[Politics in American Libraries: An Interpretation of the *Library Bill of Rights*](#)."

Policy

10. What should a meeting room policy cover?

A policy should address the following items:

- Statement of why the library provides meeting rooms to the public

- List of what the library provides as a meeting room to the public
- Eligibility requirements
- Appeals procedure

A policy may address, but is not limited to, the following:

- After-hours events
- Alcohol and drug consumption
- Consequences of not following policies
- Contract or written agreement
- Costs for cleaning
- Extra security and any related fees
- Food and beverage consumption
- Frequency of using a room (e.g., no more than once a week/month)
- Noise
- Prohibited items
- Purpose of use by the individual or group making the reservation
- Rental fees for room or use of equipment
- Restrictions on length of meetings
- Sales in the room

The meeting room policy should be applied equally to all individuals and groups and reflect the mission and plan of service of the library. Policies must adhere to local, state, and national laws and regulations.

The policy can regulate the time, place, or manner of use, as long as the regulations do not pertain to the message communicated during the meeting or to the beliefs, opinions, or affiliations of the sponsors. The meeting room organizer and those attending the meeting are required to comply with the library's behavior policy.

Best practice is to include a statement addressing the failure to comply with these policies, which may lead to immediate termination of the meeting, exclusion of individuals from library premises pursuant to the rules, and/or loss of future meeting room privileges.

The policy should provide a means of appealing a decision to deny access to the library's facilities to the library director or the governing authority.

Policies should be regularly reviewed by staff and be easily accessed on both the library's website and in the library itself.

11. What other policies apply to meeting room use?

All libraries should have a behavior policy approved by the relevant governing authority. Groups using library meeting rooms should be given a copy of the behavior policy when signing the meeting room contract or written agreement.

See "[Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities](#)"

12. What if the individual or group reserving the meeting room violates the contract or written agreement?

If the group or person violates the contract, policy, or terms of use, consequences may be imposed, including cancellation of reservation or loss of future use of the meeting rooms. These procedures should be outlined in the meeting room policy and in any other contract or terms of use given to the group or person when they reserve the room or space, including an appeals process. Compliance with the library's behavior policy should also be incorporated into the contract or written agreement.

13. What if the organizers or attendees violate library policy?

Library workers should take appropriate action as defined in the library's policies when a group or individual is violating those library's policies, such as the behavior and use policy. Behavior that harasses employees or users should not be tolerated.

Library administrators have a responsibility to ensure that all library workers are familiar with and trained about all applicable policies concerning meeting rooms and user behavior. See "[Hateful Conduct in Libraries: Supporting Library Workers and Patrons](#)."

Sales and Fees

14. Would engaging in sales or offering commercial information be allowed in a meeting room?

Meetings and organizations engaging in sales or offering commercial information may only be excluded under limited circumstances. Policies must be explicit when stating if sales or promotions of services and items are allowed.

15. May a public library charge fees for its public spaces?

Yes, but the fees must be applied equally. The rules and fees must be outlined in the library's policies. See "[Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*](#)."

Where can I find more information?

Questions about meeting rooms can be directed to the [ALA Office of Intellectual Freedom](#) by phone at (312) 280-4226 or by email at oif@ala.org.

Approved by the [Intellectual Freedom Committee](#) June 24, 2019.

Hate Speech and Hate Crime

Hate speech is any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons on the basis of race, religion, skin color, sexual identity, gender identity, ethnicity, disability, or national origin. Hate crimes are overt acts that can include acts of violence against persons or property, violation or deprivation of civil rights, certain "true threats," or acts of intimidation, or conspiracy to commit these crimes.

Quick Links

[Contact Congress](#)

[Menu](#)

Hate Speech

There is no legal definition of "hate speech" under U.S. law, just as there is no legal definition for evil ideas, rudeness, unpatriotic speech, or any other kind of speech that people might condemn. Generally, however, hate speech is any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons on the basis of race, religion, skin color sexual identity, gender identity, ethnicity, disability, or national origin. ¹

In the United States, hate speech is protected by the First Amendment. Courts extend this protection on the grounds that the First Amendment requires the government to strictly protect robust debate on matters of public concern even when such debate devolves into distasteful, offensive, or hateful speech that causes others to feel grief, anger, or fear. (The Supreme Court's decision in Snyder v. Phelps provides an example of this legal reasoning.) Under current First Amendment jurisprudence, hate speech can only be criminalized when it directly incites imminent criminal activity or consists of specific threats of violence targeted against a person or group.

Hate Crime

For the purposes of collecting statistics, the FBI has defined a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity," including skin color and national origin. Hate crimes are overt acts that can include acts of violence against persons or property, violation or deprivation of civil rights, certain "true threats," or acts of intimidation, or conspiracy to commit these crimes. The Supreme Court has upheld laws that either criminalize these acts or impose a harsher punishment when it can be proven that the defendant targeted the victim because of the victim's race, ethnicity, identity, or beliefs. A hate crime is more than than offensive speech or conduct; it is specific criminal behavior that ranges from property crimes like vandalism and arson to acts of intimidation, assault, and murder. Victims of hate crimes can include institutions, religious organizations and government entities as well as individuals.

For Libraries

All libraries should be welcoming and inclusive spaces for all library users, library workers, and members of the community. Each library user has the the right to use the library free of discrimination and loss of individual safety; library workers also have a right to a safe workplace free from bias and discrimination. Hateful conduct should never be tolerated in the library. A library's policies on user behavior and workplace safety and conduct should address hateful conduct as a violation of those policies. Libraries should be prepared to prosecute, or support prosecution, of all bias-motivated criminal acts and provide aid and support to victims of such crimes and those targeted by hateful conduct.

Responding to Hateful Speech and Hate Crime

Reports of hateful speech and hate crimes in libraries is escalating in a time when reported hate crimes are at an all time high. The American Library Association's Office for Intellectual Freedom and Office for Diversity, Literacy and Outreach Services have prepared a white paper, Hateful Conduct in Libraries: Supporting Library Workers and Patrons to provide additional guidance for librarians struggling with issues of hate and intolerance.

In responding to hate speech and hateful conduct, public libraries should be aware that they operate under the First and Fourteenth Amendments and the associated court opinions governing access to the library as a designated public forum. There is an established body of case law holding that public libraries are a type of public forum, and that every person using a public library has a First Amendment right to access, use and take advantage of all the services the public library has to offer, without regard to the person's background, identity or economic status or their beliefs, opinions, or views. This is consistent with ALA's support for intellectual freedom, as expressed in ALA's Library Bill of Rights, which states that "a person's right to use a library should not be denied or abridged because of origin, age, background, or views."

Thus, under law, public libraries cannot discriminate against a library user or deny the user access to library resources and services based upon their views or beliefs.

This principle applies to the provision of access to books, media, programming and the internet as well as publicly available meeting room space.

Knowing that the presence and activities of some groups in public libraries, while constitutionally protected, can cause fear and discomfort in some library users and staff, there are some strategies public libraries can employ to embrace their role as welcoming, inclusive, and responsible spaces that go beyond the adoption and enforcement of user behavior policies.

One strategy is to forgo the provision of public meeting room spaces for all users, allowing the library to fully control the messaging that takes place in its building and spaces. A second strategy is to employ the library's right under the First Amendment to speak in its own voice as a government agency about matters of importance. The library can exercise its prerogative to convey strong messaging that counters messages of bias, hatred and discrimination. Such messaging can be proactive, affirmative, and ongoing as well as a reaction to an incident of hateful conduct or speech. Libraries, could, for example, mount prominent signage throughout the library and in meeting rooms announcing its support for equality, diversity, and inclusion, and its belief in the human dignity of all persons, especially those in marginalized communities. Library-sponsored programming and services can echo this message.

Both the Office for Intellectual Freedom and the Office for Diversity, Literacy, and Outreach Services are available to provide assistance, counsel and support to libraries considering these strategies.

ALA Resources, Statements and Policies

[Resource Guide for Library Safety and Preparedness \(2023\)](#)

[Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights \(2017\)](#)

[Libraries Respond: Hate Crimes in Libraries \(2017\)](#)

[Libraries Respond: Hate Groups and Violence in Libraries \(2017\)](#)

[Resolution on Libraries as Responsible Spaces \(2017\)](#)

[Hateful Conduct in Libraries: Supporting Library Workers and Patrons \(2020\)](#)

The Universal Right to Free Expression: An Interpretation of the Library Bill of Rights (2014)

Diverse Collections: An Interpretation of the Library Bill of Rights (2019)

Religion in American Libraries: An Interpretation of the Library Bill of Rights (2016)

Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation: An Interpretation of the Library Bill of Rights (2020)

Politics in American Libraries: An Interpretation of the Library Bill of Rights (2020)

Meeting Rooms: An Interpretation of the Library Bill of Rights (2019)

Assistance and Consultation

Hate crimes can be reported on the OIF Challenge Reporting form.

The staff of the Office for Intellectual Freedom is available to answer questions or provide assistance to librarians, trustees, educators and the public about hate speech and hate crimes. Areas of assistance include policy development, First Amendment issues, and professional ethics. Inquiries can be directed via email to oif@ala.org or via phone at (312) 280-4226.

ALA's Office for Diversity, Literacy, and Outreach Services (ODLOS) works in close coordination with the Office for Intellectual Freedom (OIF) to respond to incidents that have been reported, as well as units across the Association and its affiliates as needed. However, if library staff have encountered hate speech that may not be defined as a crime, we acknowledge that the impact can be traumatizing. We encourage you to reach out to ODLOS at diversity@ala.org, or directly contact ODLOS Interim Director Kristin Lahurd.

¹Kenneth Ward, Free Speech and the Development of Liberal Virtues: An Examination of the Controversies Involving Flag-Burning and Hate Speech, 52 U. Miami L. Rev. 733 (1998)

Responding to and Preparing for Controversial Programs and Speakers Q&A

This Q&A offers strategies and resources for preparing your library to approach community concerns as well as reaction to potentially controversial programs, events, and speakers.

Quick Links

[Contact Congress](#)

[Menu](#)

This Q&A offers strategies and resources for preparing your library to approach community concerns as well as reaction to potentially controversial programs,

events, and speakers. Libraries are encouraged to look to their own institution's policies regarding behavior, programming, and collection development, and to consult with legal counsel in the context of these issues. For additional information, contact the Office for Intellectual Freedom at oif@ala.org.

- [Representation of all views at library programs](#)
- [Disinvited speakers and authors](#)
- [Dealing with protests and speakers](#)
- [Security for programs and events](#)

Representation of all views at library programs

Why do libraries offer programs, events, and speakers?

According to "[Library-Initiated Programs and Displays as a Resource: An Interpretation of the Library Bill of Rights](#)," "Library-initiated programs support the mission of the library by providing users with additional opportunities for information, education, and recreation. Article I of the *Library Bill of Rights* states: 'Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.'"

How do libraries plan programs, events, and speakers?

Libraries should have written guidelines or policies, similar to a collection development policy, that have been drafted in consultation with legal counsel and approved by the governing body. Policies should outline the mission of the library, how speakers are chosen, the scope of the programs offered, how facilities are used, how programs will be advertised and by whom, and potential security needs. The policies should also refer to the library's code of conduct and expectations for customer behaviors during library-initiated and -hosted events. Libraries should be receptive to community suggestions for programs, events, and speakers.

Do we need a broad representation of views in library-initiated programs?

As stated in "[Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights](#)," libraries should strive to provide a full range of viewpoints in their programming and experiences, serving the needs of all members of the

community. As with collection development, programs in libraries enhance the collection, support the institution's mission, and provide the community with access to diverse ideas and information.

How do libraries balance the representation of views in their choice of programs, events, and speakers?

Libraries may use a variety of criteria to select speakers. Common criteria may include current topics and interests, and information needs of the community. The availability of resources to present programs and speakers is also a factor. Libraries have a responsibility to represent diverse views and avoid bias. Libraries should be proactive and present programs that provide multiple viewpoints. Library-sponsored speakers should have some expertise, credentials, or credibility on the topic they are discussing.

What if an outside group wants to use a library meeting room to host an event, speaker, or program?

Article VI of the *Library Bill of Rights* states, "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." Libraries may not exclude groups from using meeting rooms based on the viewpoint of the speakers or the content and subject matter that will be discussed.

Libraries with meeting rooms should develop policies that clearly outline expectations and guidelines for use. See "[*Meeting Rooms: An Interpretation of the Library Bill of Rights*](#)" for further guidance.

An outside group has reserved a library meeting room to hold an event that supports a specific point of view. Does the library have to plan a library-initiated program to educate the public on the alternative perspective?

The library is under no obligation to create programming balancing an outside group's use of the space, nor is it prohibited from doing so, depending on community interest or relevance.

What if a library-initiated program causes controversy?

Libraries should not shy away from controversy. Staff should be aware of applicable library policies and the criteria for selecting programs and community

use of library spaces. They should be prepared to explain the policy, as well as the bedrock principles of intellectual freedom.

How do we respond to community complaints about an upcoming library-initiated program, event, or speaker?

Complaints should be received respectfully. Many complaints can be resolved with a respectful conversation.

Every library should have a request for reconsideration policy and follow it. The principles of these policies also apply to programs, events, and speakers. Libraries can modify reconsideration policies to be applicable to programming. Information on reconsideration policies can be found in "[Selection and Reconsideration Policy Toolkit for Public, School, and Academic Libraries](#)" and the *Intellectual Freedom Manual*.

A library-initiated event may cause controversy, and staff want to make sure we create a civil environment that fosters respectful discussion. How can this be accomplished?

Generally speaking, user behavior policies apply to all library-initiated programs regardless of venue and should be provided to attendees ahead of time. As with any event held at the library, library staff should welcome all. Library staff should be courteous. Policies and procedures should be transparent, available to all, and equitably enforced. For library-initiated events, a library representative should set the tone at the start of the event to reflect shared values and community spirit, and outline clear expectations for frank but respectful dialogue.

What do we do if someone causes a disruption at an event in the library?

Expectations of behavior should be made clear before the event. If people violate acceptable behavior guidelines, they should be asked to cease that behavior or leave the library. If people fail to comply, the library should follow its appropriate behavior policy.

What if an audience member at a library-initiated event poses challenging or provocative questions?

Provocative and challenging questions are part of civil discourse and free speech. Libraries may establish time, place, and manner restrictions to limit the amount of time a questioner may speak. However, libraries support the right of individuals to

ask uncomfortable questions. If there is concern the questions may detract from the program, alternative Q&A formats may be considered. Some libraries have found success in having audience members submit written questions to be read by a moderator. Libraries should not use this as a method to censor relevant questions.

Disinvited speakers and authors

When is it appropriate for a library to disinvite a speaker or cancel a program or event?

It may be appropriate to disinvite a speaker or cancel a program or event when there is a facility issue or inclement weather. It is not appropriate when the topic is controversial or if there have been complaints about the speaker, program, or event. If there is a credible public safety threat, library workers should consult with legal counsel and local law enforcement.

What if the speaker for a library-initiated event has controversial views on a topic or has been accused of something inappropriate but unrelated to their speaking engagement?

Article I of the *Library Bill of Rights* states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." "Materials" may include programs, resources, and speakers. "Background" may include alleged behavior, past publications, or expression of controversial views.

What are the ramifications of canceling a library-initiated speaker, program, or event due to controversy?

Canceling a speaker, program, or event because of real or anticipated controversy could negatively impact the reputation of the library and its ability to serve the community as a forum for the exchange of ideas. There could also be public relations, legal, financial, or other contractual implications.

Dealing with protests and speakers

People are upset about a program and want to organize a protest. What should I do?

Begin by recognizing the concerns the person has with the program, and take steps to address them with respectful and civil conversation. Staff should follow their reconsideration policy for programs, events, and speakers. Staff should also carefully review any publicity to ensure it describes the event accurately. A model response from the Darby (Mont.) Community Public Library is published in *American Libraries Magazine*.

We had the conversation, and they are still planning a protest. How do we prepare?

- Library administrators should determine the maximum occupancy of the building and address any other building-safety issues (for example, clearing hallways and ensuring access to emergency exits).
- Library administrators should ensure that the library has written policies that address disruptive behavior, including any protest inside the library that interferes with patrons' quiet use and enjoyment of the library. Public libraries are not public squares and may restrict disruptive behaviors. Similarly, publicly funded school and academic libraries that open their facilities for use by the public should have written policies that address disruptive behavior, including any protest inside the library that interferes with patrons' quiet use and enjoyment of the library. Publicly funded school and academic libraries that open their facilities for use by the public are considered to be a designated public forum. Strict scrutiny will apply to any restrictions placed on access.
- Library administrators should communicate with leaders of the protest groups, and maintain an open line of communication with them. Ask the group leader to establish a tone of respect and civil discourse during the program. Inform them that libraries are not required to allow protests inside the library. People have a constitutional right to protest on the public sidewalk and other public spaces not controlled by the library. Remind group leaders to consult with local government regarding the permitting process for any organized protest/demonstration.
- When there is an early indication of multiple protest groups attending, local law enforcement should be consulted about proper procedure. If there is any

question of safety or sign that groups will clash, library administrators should request local law enforcement support. It is not the library's responsibility to supervise or control the behavior of protesters on spaces that are considered traditional public forums. If protesters impede access to the library, local law enforcement should be notified.

The protesters are my friends and neighbors. How should I react to them?

Safety is paramount. Library management should consider in advance what level of interaction they are comfortable with, if any. There is no legal requirement to interact with protestors. Everyone should be treated with dignity and respect.

What if community members express concern about the protesters? Is there anything the library can do?

So long as the protesters are engaged in peaceful protest on a public sidewalk and not impeding access to the library, they are entitled to exercise their First Amendment right to free speech.

What if protesters interfere with library users entering the library?

Libraries should notify local law enforcement if protesters are interfering with users entering the library.

What if someone has threatened violence?

Libraries should consult with relevant law enforcement or security officials to ascertain the credibility of the threat. Administrators should respond as circumstances require and plan for a range of responses for likely outcomes.

We are concerned that someone will bring a Nazi flag or banner with racial slurs to a protest event outside the library, which could lead to violence. Can we tell them they cannot display Nazi flags or banners because it may pose a public safety issue?

The First Amendment protects the right of individuals and groups to engage in peaceful protest on public sidewalks, even if the protest includes expressive activities that are viewed as outrageous or offensive. If the library fears that the protest may become violent, they should notify local law enforcement.

Are there local, state, and federal laws to consider regarding protesters' rights and responsibilities and protest procedures for the library?

Libraries are not required to allow protests inside the library. Public libraries, and publicly funded school and academic libraries that open their facilities to the public, should have written policies that address disruptive behavior, including any protest inside the library that interferes with patrons' quiet use and enjoyment of the library. Publicly funded school and academic libraries that open their facilities for use by the public are considered to be designated public forums, and strict scrutiny will apply to any restrictions placed on access. Libraries should contact their local government agencies or legal counsel if they have further questions about specific local requirements.

Security for programs and events

We've decided to hire security for an event. Who is responsible for paying the cost?

If an outside group is renting or using space for an event, the library could require them to pay the cost of security. This requirement should be spelled out in the approved usage of space policy, and be applicable to any person or group reserving the space under the same circumstances, such as events held outside the library's normal operating hours. These policies should be reviewed by the library's legal counsel to ensure they meet legal requirements. If it is a library-initiated program, the library would bear the cost.

How many security personnel should there be?

Libraries should consult with a security firm or local law enforcement for guidance.

How do we convey security expectations and library policies to hired security (and who is responsible for communicating them)?

Whether the event is being held at the library or another venue offsite, library administrators should communicate with security staff and any co-sponsoring organizations. There should also be a written agreement. If the venue is not library property, library administrators should convey to security personnel information about the library code of conduct, how it applies to the event, and who is responsible for enforcing it. If the facility where the event is being held has a code

of conduct or security requirements that vary from the library's, how these requirements are addressed should be mutually agreed upon prior to the event.

How can libraries protect the public and author/speaker without paid security personnel?

Libraries can help protect the public and the speaker by increasing staff coverage to assist attendees. Best practice should be to have a senior staff member at potentially controversial events. Library administrators should determine the maximum occupancy of the building and address any other building safety issues (for example, clearing hallways and ensuring access to emergency exits). A tone of respect and decorum at the meeting or event should be established at the start. It can be helpful to have a verbal and/or written plan for a discussion segment following the presentation. For example, a library director or other carefully chosen moderator may pose all discussion questions to the speaker with questions submitted in writing. Library administrators may notify law enforcement about the event and request police presence if such security measures are merited.

We decided not to hire security, but what do we do if something happens during the event?

Library staff have at least three options. First, they may notify law enforcement ahead of time, and request a visible presence. Second, staff might ask that officers be aware that they might get a call in the event of a problem. Third, whether or not law enforcement has been notified ahead of time, staff should always reach out to them if the health and safety of the public or staff are in danger.

UPDATED JUNE 2018



EMAIL



PRINT