

CRITICAL TAKE-AWAYS

Calm, (Legally) Cool, and Collected: Tactics for Libraries Facing Book Challenges and Collection-based Protests

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Goal of session: Frontline workers and library leadership will have a simple, coordinated playbook and shared language for facing challenges and protests in the moment.

Session attendees will:

- Be given a very brief overview of “challenges” nation-wide, and in New York
- Be briefly brought through how, due to its legal nature, a library is situated to respond to challenges and protests
- Be briefly familiarized with the purpose of collection and challenge policies
- Be brought through what array of documents and policies should be assembled to inform a challenge and/or collection-based protest (Playbook)
- Be walked through different types of challenges and collection-based protests
- Be walked through techniques for de-escalating and addressing conflict and legal risk during content-based challenges and protests at any phase
- Be able to ask questions

Critical Take-away #1: Be prepared

Prior to and during a challenge or protest, the library should compile the following:

- Charter
- Bylaws
- Plan of Service
- Library Director Job Description
- Collection Policy
- Challenge Policy
- All policies governing behavior at the library (Patron Code of Conduct, Visitor Code of Conduct, Vendor Code of Conduct, board meeting rules, lease and/or security contract if applicable, etc.).

The combination of these documents creates a library's **Collection Challenge/Protest “Playbook”** (see more on that below).

Critical Take-away #2: When challenged, remain CALM

Confirm you recognize the person's concern

Assure them it will be addressed

Listen; do not apologize or argue

Manage the situation according to law and policy

Critical Take-away #3: When a challenge or protest manifests, your library should use its Playbook and past preparation to plan and carry out its response

There are many ways for frontline workers and library leadership to respond to a challenge or protest; the techniques and plan will vary from community to community, and from situation to situation.

No matter what "type" of situation is brewing, having a "Situation Response Plan" will reduce both legal risk and stress.

How can a library develop a "Situation Response Plan" when there are so many variables at play?

The below worksheet and terminology are a simple way for a library's board, director, employees, legal counsel, and allies to initiate a flexible and responsive plan, and track its progress.

NOTE: The terms used in the worksheet, including "Situation" and "Situation Response Team" ("SRT"), are defined in a glossary on page 7.

Situation Response Plan Worksheet	
<p>1</p> <p>Challenge or Protest Response Plan Worksheet for:</p> <p>Worksheet Version:</p>	<p>[Insert or attach brief description of the Situation]</p> <p>[Date]</p> <p><i>NOTE: This Worksheet may go through several versions as the Situation changes. The "Record-Keeper" will save the versions.</i></p>

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<p>2</p> <p>Goal of the library's response to the Situation:</p>	<p>NOTE: <i>A board can craft its own goal, but here is a suggested one:</i></p> <p>The library will use a flexible plan for addressing the broad implications of this Situation, including impact on mission, plan of service, employee well-being, legal compliance, budget, public relations, and any other concerns.</p>
<p>3</p> <p>Situation Response Team (SRT) Leader:</p>	
<p>4</p> <p>Situation Response Team Board Rep(s):</p>	
<p>5</p> <p>Situation Response Team Record-Keeper:</p> <p>Location of records:</p>	<p>NOTE: <i>The Record-Keeper will keep an orderly collection of relevant documents and correspondence, to ensure the SRT is working from thorough and consistent information. A copy of the "Playbook" should be in the records, and the records should be available to the SRT.</i></p>
<p>6</p> <p>Situation Response Team other Member(s):</p>	
<p>7</p> <p>Situation Response Team Member responsible for Public Relations:</p>	<p>NOTE: <i>This responsibility includes tracking communications and formal/informal media coverage to ensure awareness and/or timely response.</i></p>

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<p>8</p> <p>Legal/or Liaison to Legal Counsel:</p>	<p>NOTE: <i>All communications with the attorney for purposes of obtaining legal advice about the Situation should be protected by attorney-client privilege. This can be especially helpful if the board or SRT identifies a legal concern or misstep impacting the situation (like the challenged book being in the wrong section, or a volunteer who in the heat of the moment said the wrong thing) and a correction needs to be discussed confidentially.</i></p>
<p>9</p> <p>Do all SRT Members have a copy of the relevant policies (the "Playbook")?</p>	<p>NOTE: <i>Because the SRT needs to consider the library's guiding documents as it effects the response, this will aid legal compliance and smooth operations.</i></p>
<p>10</p> <p>Date team convened by the board:</p>	<p>NOTE: <i>Here is possible text for a resolution to appoint the SRT:</i></p> <p><i>"WHEREAS the Library wishes to ensure that the library's response to concerns about [insert] supports our mission, community, and employees, BE IT RESOLVED that the following people shall comprise a situation response team to effect, with board oversight, the library's response: [list people and roles]."</i></p>
<p>11</p> <p>Date legal counsel consulted:</p>	
<p>12</p> <p>Critical backup: <i>Library System</i></p> <p>Has the System's Executive Director been informed?</p>	<p>NOTE: <i>The System can aid in assessing what other mechanisms of State government can assist (DLD, local representatives, etc.).</i></p>

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<p>What role will they perform? Who is their liaison?</p>	
<p>13</p> <p>Critical backup: <i>Insurance Carrier</i></p>	<p>NOTE: <i>If there is a threat of legal action, inform the insurance carrier.</i></p>
<p>14</p> <p>Critical backup: <i>Friends</i></p> <p>If the library has a Friends or other support group, how is the support coordinated with the Library's response? Who is the liaison to the Friends/support group?</p>	<p>NOTE: <i>NYLA and the ALA have assembled materials on advocacy for libraries facing challenges.</i></p>
<p>15</p> <p>Possible back-up:</p> <p><i>Local arts/culture/civil rights advocacy group.</i></p> <p>If there is/are such group(s), how is the support coordinated with the Library's response? Who is the liaison?</p>	<p>NOTE: <i>This is a critical consideration since well-meaning groups can sometimes take action that is not helpful. Having a designated liaison to them will help with communications and timely assistance (if desired).</i></p>

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<p>16</p> <p>Possible back-up:</p> <p><i>State or national arts/culture/civil rights advocacy group.</i></p> <p>If there is/are such group(s), how is the support coordinated with the Library's response? Who is the liaison?</p>	<p>NOTE: <i>Groups with a national presence, including the ALA and Freedom to Read Foundation, and the Merritt Fund, may be in a position to offer powerful assistance. Having a designated liaison to them will help with communications and timely assistance.</i></p>
<p>17</p> <p>If a formal challenge has been filed per the library's policy, Date Filed:</p>	<p>NOTE: <i>the handling of a formal challenge should occur per the library's policy; the role of the SRT as that process unfolds is to address collateral issues such as ongoing public relations, coordinating contact with support, and addressing legal concerns.</i></p>
<p>18</p> <p><i>[Add other items as Situation evolves]</i></p>	
<p>19</p> <p>Date situation ended and SRT was deactivated:</p>	
<p>20</p> <p>Any after-action changes or refinements to policy, procedure, or other governing documents:</p>	

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Situation Response Plan Worksheet Glossary:

"Situation": A protest or challenge that has taken on enough momentum to warrant a coordinated response.

"Situation Response Team" (or "SRT"): A small group of preferably no more than 5 people assembled to address the Situation in a timely and well-coordinated manner.

"Situation Response Team Board Rep.": A trustee who is also a SRT member, authorized to convey direction from the board to the SRT.

"Situation Response Team Leader": A Situation Response Team member who effects the majority of the SRT's decisions. A natural fit for this is the library director, but the Leader can vary based on the situation (for instance, if a director is being threatened with criminal charges, and needs to focus energy on their own matter, a board may designate the board President as the Situation Leader, but keep the director on the team).

"Situation Response Team Record-Keeper": a Situation Response Team member whose primary job is to keep a running timeline and all documents related to the situation in an up-to-date and orderly manner, for the use of the Situation Response Team.

"Situation Response Team Member": A Situation Response Team member added to the Situation Response Team to assist as designated (for instance, monitoring social media, or reaching out to local/national groups for support).

"Situation Response Team Member for Public Relations": The SRT member responsible for conveying agreed-upon responses to the public. This role can be put on any SRT Member, and can be shared if the members are well-coordinated.

"Situation Response Team Legal OR Legal Liaison": The lawyer for the library OR the SRT member responsible for obtaining timely legal input for the SRT. This role can be effected by the library's lawyer, or assumed by any SRT Member as a liaison to that lawyer.

NOTE: If a lawyer is working with the board and SRT to formulate the response, the meetings are subject to attorney-client privilege, which is an important consideration for libraries subject to FOIL and the Open Meetings Law.

"Library Board": During a Situation, a library board, or its Executive Committee, meets as needed, and transmits board directives and policy decisions to the SRT. Care should be taken to involve legal counsel or document a well-defined legal basis

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when the board wishes to go into executive session to discuss the library's response to the Situation.

NOTE: If a library serves a city with a population of over one million, the SRT may be considered a sub-committee of the board and thus subject to the Open Meetings Law. This should be considered when assembling the Playbook.

Collection Challenge/Protest "Playbook": Prior to and during a challenge or protest, the board and the SRT assemble a current collection of the following: Charter, Bylaws, Plan of Service, Library Director Job Description, Collection Policy, Challenge Policy, and all policies governing behavior at the library (Patron Code of Conduct, Visitor Code of Conduct, Vendor Code of Conduct, board meeting rules, insurance policy, etc.).

Critical Take-away #4: Practice!

Coming together to effect an orderly response to a high-pressure situation is hard to do.

The good news is, by taking some time once a year to prepare employees, leadership and volunteers for a challenge or protest, the library will also prepare for responding to any other public relations event that could impact mission, community, and operations.

Trust me, it is worth the time.

If your library wants to practice, below is some more a) Shared Language and b) Scenarios for leadership to discuss and prepare for challenges and protests:

a. Shared Language: Challenge/Protest Types

Gathering situation: No protest or challenge made, but questions and/or comments suggest one may be in the works.

Informal: A person or organization complains about collection content **without** invoking the library's challenge policy.

Formal: A person or organization complains about collection content using the library's challenge policy.

Online: The protest or challenge is all online, with no action actually at the library or at a board meeting.

In-person: The protest or challenge is largely in-person (at board meetings, at the library).

Complicated: The protest or challenge situation is all over the place, and/or the inter-personal/community dynamics will make it hard to formulate an orderly response.

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b. Practice Scenarios

Tips for Practice Scenario Success:

- Prior to running any scenarios, every participant should be familiar with: The Library's Code of Ethics, its Mission, and the function of its Collection Policies.
- When running through the scenarios, feel free to add details while walking through how the library would respond to each scenario type.
- **For the person leading the discussion, remember that this is the time for leadership and workers to ask questions, to express confusion, and to share ideas.** Allow time for discussion and make sure everyone has a chance to ask questions.
- And finally: remember that for some people, this type of exercise can be stressful. Make sure participants are clear on the purpose of the exercise, and have a plan to take a break and create space for relieving stress.

Scenario 1:(Gathering, Informal)

A long-time patron sees a page, who is a local high school student, shelving a book with a theme the patron finds offensive. The patron says: "Who decided we should buy that book, anyway? It's gross."

Scenario 2: (Gathering, formal)

A long-time patron sees a page, who is a local high school student, shelving a book with a theme the patron finds offensive. The patron says: "Who can I complain to about this gross book being on the shelves of my library?"

Scenario 3: (Gathering, complicated)

A long-time patron sees that the author of a book in the collection of the library will be presenting a talk at the library. The patron works with a few friends to organize a protest of the book. Two of the protestors are the parents of the page, a high school student who is under 18. At the protest, a reporter asks "*Did you know your child would be exposed to this at their after-school job?*"

Scenario 4: (Informal, Online)

A community member posts in a local Facebook forum: "I was at the library today and I saw an underage worker handling the most disgusting book: [insert title here]. Who else is concerned? Sign my petitioner at Change.org."

Scenario 5: (Informal, In-person)

A long-time patron sees a page, who is a local high school student, shelving a book with a theme the patron finds offensive. The patron says: "Who decided we should buy that book, anyway? It's gross. I want to talk to someone about this right away."

Scenario 6: (Formal, Online)

The director is enjoying dinner after a busy day when their husband says: "Uh...I should probably wait until after you eat to show you this, but I know you'll want to see it." Following a Facebook link to a Change.org page asking "for signatures of support," there is a link to a document with a challenge per the library's formal challenge policy.

Scenario 7: (Formal, In-person)

A trio of patrons asks for an impromptu meeting with the director to "talk about how books are chosen," and when told they will have to schedule a meeting, says "Just give us the complaint form" and they fill it out right there, then say, "Just give this to the Director."

Scenario 8: (Formal, Complicated)

A patron files a formal challenge, but when informed by the director of how the process will proceed, says: "That's not fast enough, that book is hurting babies right NOW. I am calling my son at the PD to come arrest you, you smut-peddler." Whereupon: she places a call.

Scenario 9: (Informal, Complicated)

At a local school board meeting, a community member takes the mic to say "I am sorry to say that not ONLY do we have to watch out for obscenity at the local library, but right here in the elementary school, too. I suggest we form a Parent Book Review Committee to review the purchase lists before our hard-earned tax dollars buy another book. If a board member doesn't support this, we'll vote you out!"

Governance Note: When running through scenarios, remember: the **board** makes the policy decisions that run the library, the **director and their designees** effect the policy actions, and the **employees and volunteers** must be sufficiently trained to support that implementation, and to feel secure while doing so.