Collection Development Policy

(Est. 10/21/2009; Revised 7/17/2019, 5/18/22, 2/22/23, 06/26/24, 06/24/2026)

A. Purpose

1. To provide guidelines and direction to the Director and staff as they select materials in the various Library collections, and
2. To clarify those criteria for patrons of the Library.

B. Basic Goals

1. To assemble, provide, and promote a varied collection of materials that facilitate personal, continuing educational, and professional access needs for materials and information for the patrons of the Library within the reasonable capability of the Library to purchase or borrow such materials.
2. To recognize the patron's right to intellectual freedom and free and equal access to information and Library materials without restriction due to financial need, age, sex, ethnic origin, or religion, in the spirit of the "Library Bill of Rights" and "Freedom to Read" statements.
3. To ensure continued cooperation with other libraries, including the sharing of resources through a reciprocal borrowing agreement with other participating libraries and with libraries nationwide through interlibrary loan.
4. To provide an atmosphere that encourages information sharing and access to a rich collection of services.
5. To address the needs and interests of our community and, as much as possible, reflect the diversity of patrons who reside in the Madison Library District.

C. Criteria for Selection

1. Pursuant to Idaho Code 33-2720, the Board of Trustees has among its powers the authority to establish policies for the governance of the Library. The responsibility for selection of Library materials rests with the Library staff as assigned through the Library Director.
2. The Director has authority to use their judgment in interpreting the Collection Development Policy.
3. Inclusion in the Library's collection is constrained by budget and space limitations.
4. The relative value of materials is increased by the following factors:
    a. Public interest identified by demand:
        i. Patron requests for materials;
        ii. Library program tools; community educational, recreational, and informational relevance; and timeliness of topic;
    b. Excellence in terms of artistic merit, scholarship, vitality of format and authoritativeness;
    c. Value to humanity, significance of subject, factual accuracy, and effective expression, as judged by trusted experts in source evaluations;
    d. Current or historical significance of author or subject;

e. Regional interest: materials and authors specifically related to Idaho and the Northwest may be favored;
f. Reasonable balance among the various target ages, abilities, language, and other patron groups;
g. Reasonable balance in different media, including audio, video, electronic, Internet, online computing, networking, and other media;
h. Reasonable level of diversity of viewpoint;
i. Current collection objectives, program objectives, and existing subject coverage;
j. Multiple copies when necessary for development goals and patron demand;

5. The relative value of materials is decreased with the following factors:
    a. Can be better accessed through interlibrary loan or electronically;
    b. Costly or specialized in nature;
    c. Rare and out-of-print sources;
    d. Textbooks;
    e. Not likely to be used by multiple patrons.

D. Donations

1. The Library solicits and welcomes donations of funds and materials. Donations may include:
    a. Grant applications;
    b. Dedicated donations in memoriam of individuals;
    c. Private collections;
    d. Material gifts.
2. Stipulations regarding material gifts and private collections:
    a. Donations of this type are unconditional; i.e., the donor may not restrict the Library's use of the materials;
    b. Gifted items may not be reclaimed;
    c. Receipt for donations will be provided upon request, but assigning value is the responsibility of the donor;
    d. The Library reserves the right to decide whether the gift should be added to its collection using the standards in this Collection Development Policy;
    e. The Library reserves the right to dispose of gift materials not added to the collection in any way it deems fit, which may include donation to the Madison Library District Foundation Bookstore;
    f. The Director may, with justification, make exceptions to these stipulations.
3. For donations of non-public monies defined as donations of money, material, and other personal property, see the Library's Investment Policy.

E. Collections Maintenance and Weeding

1. Maintenance and weeding shall be done with the same care, thought, criteria, and judgment as selection.
2. A practical, useful collection is maintained through continual replacement, discarding, addition, and, when helpful and practical, repair.
3. Materials are to be withdrawn when considered:

a. Outdated;
b. No longer of interest or in demand;
c. Unnecessarily duplicated (multiple copies);
d. Or have significant wear or damage;

4. Materials meeting the above criteria may be kept when they are considered to have special value in the total collection;
5. Electronic resources are not exempt from routine collection maintenance.

F. Disclaimers

1. The use of Library materials by patrons is an individual matter. It remains the responsibility of the patron to determine what is appropriate for their own use.
2. The Library does not act in *'loco parentis'* for minors. Responsibility for children's and teen's use of library materials rests solely with their parents or legal guardians.
3. The presence of materials and other resources in the collection, or their labeling, does not indicate endorsement of their contents by the Library.
4. The Library does not endorse the viewpoints or vouch for the accuracy of information provided in the Library, including information obtained through the Internet.
5. The Library does not mark or identify approval or disapproval of content.
6. Materials are not sequestered except for the purpose of protecting from damage or theft.

G. Reconsideration of Materials

1. The Library considers all materials selected under this policy to be protected under the First Amendment of the United States Constitution and the Idaho State Constitution. Removing Library material solely on the basis of its content or references without context to the whole may amount to censorship in violation of the First Amendment. The Library will respect and follow proper court jurisdiction over protections.
2. A patron residing within the Madison Library District boundary can object to any Library-owned material, or where it is shelved, in writing to the Library Director using the "Request for Reconsideration Form" provided upon request from the Director/Administration.
3. No materials shall be excluded from the Library's collection solely because of coarse language or implicit or explicit treatment of certain situations, if a reasonably accurate picture of human experience is portrayed, if the work is deemed a significant artistic endeavor, or if the work meets the criteria outlined in Section C of this policy.
4. Materials may be available to patrons until a decision is made.

H. Item Reconsideration Review Process

1. In reviewing the objection, the following factors will be considered:
    a. Each work as a whole and its place in the Library collection as outlined by this policy. Individual passages will not be treated out of context.
    b. The literary merit of works recognized as classics, even though classic works may contain words or sentiments which, today, are unacceptable.

2. Once a completed, signed form is received by the Library Director, the thoughtful, deliberative process for reconsideration of the Library materials identified by the library patron will begin.
3. The decision will be reported to the patron in writing by the Library Director.
4. Written notification of the outcome of the request for reconsideration will be issued within 60 days of receipt of a completed form.
    a. The Library reserves the right to a 60-day extension in some circumstances, such as availability of the title or volume of reconsideration requests.
    b. Should an extension apply, the requester will receive notification of the extension.
5. Materials that have been challenged within the last 24 calendar months will not be reconsidered again.
6. The Library Director reserves the right to compile multiple challenges of the same item and issue the outcome collectively.

I. Appeals Process

1. If the patron does not agree with the Director's determination, the patron can appeal that determination to the Board within 30 days using the "Request for Reconsideration Appeal Form" detailing where they believe the Director and assigned staff did not follow the Collection Development guidelines.
2. The Board will review the appeal solely on the merit of whether there is clear and convincing evidence that the Director's determination was not based upon substantial evidence or support as guided by the Collection Development policy.
3. The decision of the Board is final.
4. The Board will provide written notice of its decision to the patron within 10 days of the decision.
5. The Board reserves the right to compile multiple appeals of the same item and issue the outcome collectively.

J. Children's School and Library Protection Act

1. Beginning July 1, 2024, Idaho Code 18-1517B, known as the "Children's School and Library Protection Act," provides a private cause of action for any parent or legal guardian of a minor to sue the library if the minor obtains material from the Library that the minor, parent, or legal guardian considers to be "material harmful to minors." Additionally, the Act provides an opportunity for the Idaho Attorney General or county prosecuting attorneys to sue libraries if they make available "material harmful to minors."
2. The Madison Library District and libraries across the state of Idaho have steadfastly maintained that they do not have materials in their collections that are harmful to minors. Libraries seek to provide educational, informational, and recreational resources to kids and adults that help them better understand themselves and the world, not to cause harm.
3. The "Children's School and Library Protection Act" asks libraries to restrict access to materials based on the complaint of a single person despite the Constitutional analysis applying community and reasonable person standards to

determine whether the material really is harmful to minors. While the “Children’s School and Library Protection Act” asks libraries to restrict access to materials based on a single complaint, the Library must also comply with First Amendment requirements. In addition to the community and reasonable person standards, the First Amendment strongly disfavors government discrimination of materials based on content or viewpoint.

4. The burden is on the censor to prove that specific material meets the definition of “material harmful to minors.” The Library Board will fairly and impartially adjudicate claims that materials in the collection meet the statutory definition of “material harmful to minors,” but will apply the statutory definition closely to ensure access to protected speech is not illegitimately restricted. Adequate procedural safeguards, including judicial determinations, are necessary to ensure protected speech is not infringed.
5. The Madison Library District is very mindful of First Amendment rights to free speech guaranteed to persons in the United States of America, including the right to access information. The Madison Library District acknowledges and appreciates the fundamental role this right plays in upholding the democratic system of government in America by helping to inform and provide critical thinking skills to the electorate and to educate minors that are yet to reach voting age but must be informed and capable of critical thinking when they reach voting age.
6. *Idaho Code 18-1514. OBSCENE MATERIALS – DEFINITIONS.*
   The following definitions are applicable to this act:
   a. *"Adolescent minor" means any person thirteen (13) years of age or older but less than eighteen (18) years of age.*
   b. *"Minor" means any person less than eighteen (18) years of age.*
   c. *"Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.*
   d. *"Sexual conduct" means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.*
   e. *"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.*
   f. *"Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.*
   g. *(a) "Harmful to minors" means the quality of any material when it:*

i. *Taken as a whole, appeals to the prurient interest of adolescent minors as judged by the average person, applying contemporary community standards; and*

ii. *Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for adolescent minors and includes, but is not limited to, patently offensive representations or descriptions of:*

1. *Intimate sexual acts, normal or perverted, actual or simulated; or*
2. *Masturbation, excretory functions or lewd exhibition of the genitals or genital area.*

(b) "Harmful to minors" shall not include material that, when considered as a whole, possesses serious literary, artistic, political, or scientific value for adolescent minors.

h. "Material" means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.

i. "Promote" means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

j. "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief that warrants further inspection or inquiry.

k. "School" means any school providing instruction for students in kindergarten through grade 12.

l. "Sexually explicit" means the quality of any material when it contains erotic depictions of nudity, depicts sexual conduct or sado-masochistic abuse, or contains any explicit and detailed description or narrative account of sexual excitement, sexual conduct, or sado-masochistic abuse. "Sexually explicit" shall not include diagrams about anatomy for scientific education, religious books such as the Bible and the Torah, or content relating to classical works of art.

K. **Relocation of Materials from Minors Process**

1. A parent or guardian of a minor may obtain a Request to Relocate Materials from Minors Form (Relocation Form) pursuant to Idaho Code 18-1517(b). The form is available upon request from the Director / Assistant Director at the Library.
2. The Relocation Form must be completed in its entirety to be valid.
3. Once a completed and signed Relocation Form is received by the Library Director, the thoughtful, deliberative process for relocation of the Library materials identified by the library patron will begin.

4. A submitted Relocation Form, including the name of the patron and the material in question, will be included on the following Library Board Meeting agenda and will be listed in Library Minutes. Library minutes are a permanent public record.
5. The Library has 60 days from the date the Director / Assistant Director received the Relocation Form to process and respond to the request.
6. The Board's decision and response will be reported to the patron in writing by the Library Director.
7. The Board reserves the right to compile multiple challenges of the same item and issue the outcome collectively.
8. The Library will respect and follow proper court jurisdiction pertaining to Idaho Code 18-1517(b).