Prepare to Be Challenged!

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Abstract

An examination of the controversy at the West Bend Community Memorial Library over homosexual materials in the young adult collection, and an informal survey of the collection development plans, challenge procedures, and challenge forms of more than sixty Wisconsin public libraries, raise questions about the challenge process itself. The survey shows widespread support of intellectual freedom principles but great variety in procedures to address patron concerns. Boards should consider policies that specify who may file a challenge, require an intermediate staff committee to document reviews and circulation statistics, and make a recommendation, set an expeditious timetable, and decide when or whether a public hearing is needed. A process that focuses on the offending item, not the offended patron, and asks whether the work meets the criteria of the library's collection development process might enhance the process itself and the public's understanding of why the library's provision of diverse viewpoints benefits the entire community.

At the public hearing before the trustees of the West Bend, Wisconsin, Community Memorial Library (WBCML) on June 2, 2009, Ginny Maziarka, founder of West Bend Citizens for Safe Libraries and challenger of homosexual materials in the library's young adult collection, complained that she and her husband were being put on trial (yalibrarianwi [Maziarka], 2009). In contrast, Maria Hanrahan, organizer of West Bend Citizens for Free Speech and supporter of the library's acquisition of such materials, commended the library for providing a democratic forum in which to air diverse points of view (yalibrarianwi [Hanrahan], 2009). After two hours of testimony from almost sixty speakers, the board voted unanimously that the collection be "maintained, without removing, relocating,

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labeling, or otherwise restricting access to it" (WBCML, 2009a), but the episode left the community shaken, with the polarization of sentiment, the retirement of the library's director, and the refusal of the Common Council to reappoint four trustees. As a cautionary tale, the controversy in West Bend raises important questions about the challenge process itself and how public libraries can best prepare for such a challenge. When emotions run high, the process may become a needlessly adversarial one. Small details can determine whether, regardless of the final outcome, the library and challenger feel well served by the procedure.

An informal survey of more than sixty collection development plans, challenge procedures, and forms found on the websites of Wisconsin public libraries shows both commonality in their support of intellectual freedom principles and variety in their responses to patron concerns.¹ Wisconsin public libraries almost universally subscribe to the Library Bill of Rights, affirming that libraries are forums for information and ideas, providing library resources for all people of the community, and presenting all points of view, while refusing to remove material because of partisan or doctrinal disapproval (American Library Association, Office for Intellectual Freedom, 2010, p. 49). Wisconsin Public Library Standards do not mandate a specific intellectual freedom policy but do require library trustees to adopt a collection and resource development policy and to review it every three years (Wisconsin Department of Public Instruction, Public Library Development Team, 2012, p. 17). At the time of the controversy, the Collection Development/Selection Policy of the West Bend library dealt, in less than a page, with selection responsibility and criteria, formats, gifts, and weeding (WBCML, n.d.). While almost all the Wisconsin libraries surveyed had challenge procedures, these ranged in length and complexity from a few paragraphs (Boulder Junction, 2007) to several pages (Manitowoc, 2011a). West Bend's policy stated that "patrons who object to any materials in the library may submit a written explanation of their complaint. A form is available upon request."

IDENTITY AND VALUES

According to Trustee Essentials: A Handbook for Wisconsin Public Library Trustees (Wisconsin Department of Public Instruction, Division for Libraries, Technology, and Community Learning, 2002; Wisconsin Department of Public Instruction, Division for Libraries and Technology, 2012), two of the main responsibilities of library trustees are formulating library policy and serving as advocates for the library in the community. As laypersons, board members are often unfamiliar with the professional standards of librarianship and require training and support in their new role. Prospective trustees need to know that board membership could require them to set aside their personal views in order to defend the library's right to hold controversial works. Without an orientation to intellectual freedom

issues, board members may be ill prepared to defend the library's commitment to free information access. In West Bend, the concerned patrons first expressed their concerns about "Out of the Closet," a webpage of materials on homosexuality for young adults, in a phone call to a long-time board member. According to the chronology posted by Ginny Maziarka on the WISSUP (Wisconsin Speaks Up) blog, the board member was unaware of the website but advised them to file a formal complaint (Maziarka, 2009c).

Creating a climate in which trustees, staff, library users, and other community members understand and value the library's commitment to intellectual freedom is a shared and ongoing responsibility. When the controversy in West Bend escalated, library director Michael Tyree called on the ALA Office for Intellectual Freedom for assistance, and at the June public hearing, Deborah Caldwell-Stone, deputy director of the ALA Office for Intellectual Freedom, presented an overview of intellectual freedom principles and case law, the kind of orientation that would benefit all newly appointed members. Like many Wisconsin public libraries, West Bend had endorsed ALA's Library Bill of Rights and the Freedom to Read statement, powerful declarations of the importance of free information to a free society. If, however, a library has adopted statements only from the ALA, it may be open to the charge that outsiders have influenced library policy in ways contrary to community values. Indeed, at the hearing, Ginny Maziarka vehemently objected to the influence of the American Library Association, the Wisconsin Library Association, the University of Wisconsin-Milwaukee School of Information Studies, and the ACLU on the West Bend library (yalibrarianwi [Maziarka], 2009).

Trustees can enhance their own and their community's understanding of intellectual freedom by formulating and approving their own statement on free access to information, in addition to or instead of endorsing ALA statements. This allows the library to express the relevance of free access to its locale within the broad framework of intellectual freedom principles. The selection policy of the Watertown, Wisconsin, Public Library, for example, recognizes "the pluralistic nature of this community, and the varied backgrounds and needs of all citizens, regardless of race, creed, or political expression" (Watertown, n.d.). The Challenged Materials Policy of the Cudahy Family Library drew on ALA's statements to make its own: "The Cudahy Family Library believes in freedom of information for all and does not practice censorship" (Cudahy, 1992).

Day-to-day, not just at times of controversy, public libraries must remind their users, taxpayers, local officials, businesses, and civic and religious groups of the values that animate library service. Through exhibits, book talks and blogs, Banned Books Week observances, and forums on current topics, the public library demonstrates its identity as a community space where information and ideas can be shared and debated. By making its

intellectual freedom and collection development policies easily accessible on its website and by considering patron suggestions of resources to be added to the collection, the library maintains an intellectual open door.

"CHALLENGE" FORM

A public library can use the challenge process itself to reaffirm its mission and to educate the community about its commitment to offer diverse viewpoints. Since the formal process usually begins with submission of a form from a concerned patron, library boards need to pay closer attention to what message the form conveys. The form establishes the tone for a potential challenge and, if thoughtfully designed, can enhance understanding of the library's identity and values. It can determine whether the process is an educational or adversarial one, whether it leads to healthy dialogue or acrimonious dispute. The name itself may tell the tale. Is the person who submits the form a concerned citizen, patron, inquirer, or a library challenger? Among Wisconsin public libraries, forms are variously called "Statement of Concern about Library Resources" (Lakes County, 2005), "Materials Selection Inquiry" (New Berlin, n.d.), and "Request for Review of Library Materials" (Brown County, 2012), but rarely "Challenge Form." To avoid ambiguity, the Poynette Area Library calls its form, "Patron's Request Form for Re-evaluation of Specific Library Materials" (Poynette Area, 2007). West Bend's form was titled "Request for Reconsideration of Library Materials" but referred to those submitting the form as "Complainant(s)" and their concerns as "complaints against library materials."

The availability of the form also may affect how the process is perceived. Must it be requested from a staff member, or is it available online? Requiring that the patron request a form enhances the chance for informal conversation with staff that may allay the patron's concerns. On the other hand, making the form available online may enable a reluctant challenger to consider what the challenge will involve. In general, challenges may not be made anonymously. On February 3, 2009, after their conversation with the library trustee, Jim and Ginny Maziarka deposited a letter in the library's drop box asking that the "Out of the Closet" webpage be removed from the library's website. On February 5, director Tyree let the couple know that they had to fill out the Request for Reconsideration of Library Materials form, which he had mailed to them along with a copy of the library's Collection Development/Selection policy (Maziarka, 2009c).

The American Library Association and other professional associations provide guidance on the challenge form, but adopting a sample form wholesale may be a missed opportunity. Devising an original challenge form and formulating questions for concerned patrons may help staff and board members see the process from start to finish. As an instrument of library identity, the form should include the library's name and contact in-

formation. West Bend's form, and those of most of the libraries surveyed, did not include this. To help the patron put their concern in context, the form might also include a brief statement on intellectual freedom. This is a chance to remind the patron that the library is committed to a diverse collection and that any challenge will be conducted within that framework. The Frank L. Weyenberg Library, serving Mequon and Thiensville, notes on its form that the library board has approved the ALA's Freedom to Read and Freedom to View Statements and its Library Bill of Rights as policies of the library (Frank L. Weyenberg, 2012). The Monroe Public Library reformatted its "Policy on Requests for Materials Reconsideration" with an attractive font and the library's logo and motto in color (Monroe, 2011).

Challenge forms ask the concerned patron a variety of questions. In its sample, revised in 1995, the ALA Office for Intellectual Freedom offers a simple and straightforward approach, asking for the patron's name and contact information, a description of their concern, and suggestions of materials that might be added to the collection (American Library Association, Office for Intellectual Freedom, 2010, p. 245). The Manitowoc Public Library uses such an open-ended form (Manitowoc, 2011b). In contrast, some libraries provide a checklist of possible concerns, including sexually explicit or racially offensive material, homosexual content, and violence. While it requires little effort by the patron, such a list may also suggest new objections. The form of the Slinger Community Library, located ten miles from West Bend, asks, "Are your objections based on (check all that apply): religious principles, moral teachings, political beliefs, inaccuracies, other (please explain)" (Slinger, 2002). In between, many libraries use a short-answer form that tests what the patron knows about the work but may also discourage a potential challenger who has not read reviews or is not able to identify the work's main theme. The Poynette Area Library has such a form (Poynette Area, 2007).

The West Bend form asked, "To what in the material do you object? What do you feel might be the result of reading or viewing this material? Is there anything good about the material? What do you believe is the purpose of this material? What alternative materials would you request in place of the objectionable material? (Be specific)" (WBCML, 2009d). The form did not make clear that it could be used only to challenge a single work, and in their chronology on the WISSUP blog, Ginny Maziarka complained that they were not told that they had not correctly followed the procedure. She described the book by book approach as "ridiculous."

Further, there was confusion about what the Maziarkas wanted the library to do. In their letter accompanying the form, the Maziarka asked the library to add books on leaving homosexuality or the origins of same sex attractions: "Please provide equal access to all information including ex-gay books. According to the American Library Association, libraries cannot

support censorship and a librarian's professional code requires them to seek out books that represent a wide range of viewpoints. Therefore, please order some of the following books for the library" (Maziarka, G., & Maziarka, J., 2009). The Maziarkas felt that the library gave little attention to the works they suggested, many of which were out of date and not reviewed in major sources, but some of which were bestsellers on Amazon. com. Because of the shifting nature of their demands, the city attorney determined that the Maziarkas had withdrawn their original complaint, a ruling to which the Maziarkas took strong exception.

Challenge forms frequently ask how an offending work came to the challenger's attention, whether they have read the whole work, and what they find offensive, but most do not ask if the concerned patron has read the library's collection development policy. While some Wisconsin public libraries—including those in Menasha (Elisha D. Smith, 2010) and Madison (2008)—explicitly link a challenge to the library's collection development policy, most do not. The issue, however, is not whether the work is offensive or whether the patron was offended. The patron's challenge demonstrates that. The question is whether that work is appropriate for the library's collection, according to its collection development policy. So the important questions to be asked are whether the concerned patron is familiar with the library's collection development policy and why the challenged work does not meet the criteria of that policy. Indeed, West Bend city attorney Mary Schanning stated this issue explicitly in an email on February 27 to librarian Michael Tyree and board President Kathryn Engelbrecht: "The main issue is whether the materials they object to are acceptable under the library's current policy" (Schanning, 2009). That question puts the work itself and the library's collection development policy at the heart of the discussion, rather than the challenger's identity or particular concerns. Although library director Tyree had sent Mr. and Mrs. Maziarka a copy of the library's collection development policy, the form did not ask if they had read it.

"CHALLENGE" PROCESS

Though done by only a few libraries, (Manitowoc, for example, is one), the form should also provide a summary of the challenge process to let the potential challenger know what to expect. Since there are no legal requirements for library challenges or for public hearings, trustees have considerable flexibility in structuring the process. Trustees must decide who is entitled to submit a challenge form or appear at a hearing. At the Cudahy Family Library and the Monroe Public Library, for example, only library patrons may request a review of library material. Trustees must decide what information the challenger has to provide and what happens after the form is submitted. In addition, they must determine whether to require a conversation with a library staff member or the director before

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or as part of the challenge, who is to review the challenge, what documentation must be collected, how long the process will take, and who is to make the final decision. Most importantly, in light of the West Bend experience, they must decide whether there be a public hearing and whether the challenger will be required to appear.

Like the challenge form, the challenge process provides an opportunity for the library to reaffirm its values and educate its community, but in contrast to the easy availability of sample challenge forms, less guidance is available on the challenge process. James LaRue, in *The New Inquisition: Understanding and Managing Intellectual Freedom Challenges* (2007), advises against involving the library board and recommends leaving the matter to staff (p. 71). The procedures of some Wisconsin public libraries, such as Eau Claire's, do not include a public hearing (L. E. Phillips, 2013). In those libraries the matter may be referred to a committee that makes a recommendation to the director whose decision is final. The Waukesha Public Library involves an appeal to the library board but only on the question of whether the library's challenge procedure has been followed (Waukesha, 2009).

However, frequently the procedure provides that after the form is submitted, the challenge will be taken up at the next meeting of the library board (Black Earth, 2011; Lakes County, 2005). The West Bend process, laid out on its form, was somewhat unique in requiring first a face-to-face discussion of the material between the challenger and a staff member. If satisfaction was not gained, the library director was to arrange a conference to discuss the material with the complainant, using the questions on the form to guide discussion (WBCML, n.d.). If agreement was reached, the meeting was recorded on the form and sent to the library board president. If this conversation left the patron unsatisfied, Step Three required that the complaint be referred to the Library Board. Only at that point was the complainant requested to read the book and answer the questions about it. The complainant was also required to appear at a public meeting of the board. Mr. and Mrs. Maziarka met with young adult librarian Kristin Pekoll and assistant director Sue Cantrell on February 23 and with Cantrell and library director Tyree on February 25. Ginny Maziarka posted her minutes of these meetings on the WISSIP blog (Maziarka, 2009a, b). In June, after months of acrimonious debate; scheduled, rescheduled, and cancelled meetings; dueling petitions; an expanding list of challenged titles; and a determination by the city attorney that the original complaint had been withdrawn, the requisite public hearing was finally held (American Library Association, 2009).

The West Bend library's procedure, like those of many Wisconsin public libraries, did not provide for a review committee (made up of library staff, board members, or community members) to gather reviews, circulation statistics, and holding information and to make a recommendation to the

board. Trustee Essentials recommends creation of such a committee with the board holding a public hearing only if deemed advisable (Wisconsin Department of Public Instruction, Division for Libraries and Technology, 2012). At the meeting with the Maziarkas, West Bend's young adult librarian presented detailed information on reviews of the challenged works. In addition, board member Maryjane Burdge solicited information on holdings of challenged titles in area school libraries, but this documentation was not part of a formal recommendation to the board. Drawing on the expertise of the library's professional staff, a review committee can provide a fuller context for disputed and recommended works.

The West Bend hearing was not a trial, as Ginny Maziarka complained, nor a democratic dialogue, as free access proponents asserted. Though it was a well-run meeting with a strictly enforced two-minute time limit for each speaker, with time provided for alternating points of view, the hearing was not a discussion. Speakers addressed the board, not each other. Misinformation went uncorrected. Speakers from outside West Bend were allowed to appear. Although ALA guidelines suggest that a library board not act on a challenge at the same meeting as a hearing, the West Bend board voted immediately after hearing public testimony. Libraries have adopted widely varying timetables, from a forty-eight-hour response from the library director in Boulder Junction (2007) to a ninety-day process in Eau Claire (L. E. Phillips, 2013). The protracted nature of the West Bend controversy allowed both sides to gather steam, lines to harden, and political matters to intrude.

At the West Bend library, changes followed in the wake of the hearing. At its July meeting, the board approved an updated collection development policy and reconsideration form. The revised policy set its commitment to intellectual freedom in the context of the West Bend Community: "It is the Library's goal to provide a diverse West Bend community with library materials that reflect a range of views, expressions, opinions and interests. Specific acquisitions may include items that may be unorthodox or unpopular with the majority or controversial in nature. The Library's acquisition of these items does not constitute endorsement of their content but rather makes available its expression" (WBCML, 2009c). The revised policy also more fully described the challenge process but left it essentially intact. Reconsideration forms still had to be obtained from staff, the complainant still had to meet with a librarian and the library director, and if not satisfied, had appeal to the Library Board.

At the August board meeting, Alderman Nick Dobberstein, one of the board members not reappointed, proposed formation of "a citizens group of community leaders, election officials, business leaders, etc. to learn more about our library with the goal of 'promoting knowledge of this asset" (WBCML, 2009b). The controversy had revealed a gap in the com-

munity's understanding of the library's mission and values that the challenge process had failed to breach. It revealed as well gaps in the challenge process itself that prolonged and complicated the dispute. Now, having revised its policy, the board was invited to assume its advocacy role to help the community understand how the presence of diverse, and sometimes controversial, works in the library's collection benefited all.

Public libraries have adopted a variety of policies to affirm their commitment to intellectual freedom and procedures by which patrons may express concerns about items in their collections. But they share an interest in ensuring that board members, local officials, and the public understand that commitment and in devising a challenge process that is expeditious, fair, and focused. Through its collection development policy, programs and exhibits, and its openness to patron suggestions, the library can demonstrate that commitment in practice. The experience of the West Bend library and its community suggests points in the challenge process that merit further and ongoing consideration. While few challenges become as controversial, a public library can prepare by thoroughly reexamining its challenge process, what it is called, who is involved, and what it asks of the concerned patron. By thoughtful planning the board may mitigate its adversarial qualities and enhance its educational potential. Most importantly, by framing the question in terms of the library's collection development policy, not the offensive nature of the material, it may reduce the drama of a challenge by putting the library's mission, and not the challenger, center stage.

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