

REQUEST FOR RECONSIDERATION

The Caldwell Public Library steadfastly maintains 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. With this in mind, this policy details who can request the reconsideration of materials the Caldwell Public Library makes available, the options for doing so, and the procedures the Library Board will take to review such requests.

A. Definitions.

- i. Library Board – The Caldwell Public Library Board of Trustees as established and defined by Idaho Code Title 33, Chapter 26 and Caldwell City Code Chapter 2, Article 7.
- ii. Material – As defined in Idaho Code § 18-1514(7) means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.
- iii. Material Harmful to Minors – As defined in Idaho Code § 18-1514(6) and read in conjunction with U.S. Supreme Court caselaw, means material that contains nudity, sexual conduct, sexual excitement, or sado-masochistic abuse that a) appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; b) depicts or describes nudity, sexual conduct, sexual excitement, or sado-masochistic abuse that is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors including patently offensive representations or descriptions of intimate sexual acts, normal or perverted, actual or simulated or masturbation, excretory functions or lewd exhibition of the genitals or genital area; and c) when considered as a whole, and in context in which it is used, does not possess serious literary, artistic, political or scientific value for a legitimate minority of normal, older minors. “Nudity,” “sexual conduct,” “sexual excitement,” and “sado-masochistic abuse” as used herein are as defined in Idaho Code § 18-1514.
- iv. Prurient Interest – As defined by the U.S. Supreme Court, prurient interest means a shameful or morbid interest in nudity, sex, or excretion, and goes substantially beyond customary limits of candor in description or representation of such matters, and does not include a normal, healthy interest in sex.
- v. Request for Reconsideration of Materials – A request for the Library Board to reconsider whether material in the Caldwell Public Library collection meets the standards of the Collection Development Policy and related exhibits and regulations or whether the material meets the definition of Material Harmful to Minors. The request should be made using the form available.

B. Procedure for submitting a Request for Reconsideration of Materials or a Written Notice.

- i. The Request for Reconsideration of Materials form will be available at each Caldwell Public Library branch location and on the Caldwell Public Library's website.
- ii. A completed Request for Reconsideration of Materials or Written Notice can be submitted by the following means.

Physical mail:

Caldwell Public Library
ATTN: Library Director – Material Challenge
1010 Dearborn St
Caldwell, ID 8360

Or by email via: materialchallenge@cityofcaldwell.org

C. Procedure for Library Board review of a Request for Reconsideration of Materials or a Written Notice.

Book challenges are time-consuming endeavors. The material must be considered as a whole and individual passages cannot be taken out of context. Supporting materials should also inform the analysis. Library Board deliberation must be done openly on the record at noticed meetings, which are additional time pressures that must be accommodated within the 30-day window provided by the "Children's School and Library Protection Act."

All Library Board procedures to review a Request for Reconsideration of Materials or a Written Notice shall comply with all applicable provisions of the Idaho Public Records Act, Idaho Open Meetings Law, and all other applicable laws necessary to ensure a fair and open deliberative process and an impartial decision based on the evidence submitted.

The Library Director may submit a written recommendation to the request for reconsideration that can be presented to the Library Board when being considered. The Library Board shall give the Library Director's written response and recommended decision substantial deference. The Library Board can adopt the Library Director's written response and recommended decision as its own, with or without modification, or the Library Board can issue its own decision.

If the Library Board decides to remove material from the collection, or move the material to an adult access only area, or restrict access in any way, there is no right of appeal to the courts under the "Children's School and Library Protection Act." Being that the decision to censor materials is unappealable and the decision not to censor materials is appealable, the Library Board will exercise due restraint when limiting or removing access to materials.

Approved: 6/20/24