



LS 111 Review of Library Materials

Section: 100-Materials

Effective: June 2019

Purpose

As provided by Section 5(13) of Chapter 84-443, Laws of Florida, this policy establishes an appellate procedure to hear and determine requests to remove or relocate library materials in the Tampa-Hillsborough Public Library (the "Library") collection.

Policy

Any Hillsborough County resident ("Customer") may request a review of Library materials. Library materials subject to review under this policy include all materials which are available for loan to a Customer, such as books, periodicals, DVDs, videos, audiobooks, e-books and other materials contained in the Library's reference collection. Library materials shall only be subject to review under this policy once every 3 years.

Library supervisory staff have the primary responsibility to address requests for review of materials. Customer concerns that are not resolved by public service staff after discussion with the Customer should be referred to the branch or department supervisor. If the branch or department supervisor cannot address the Customer's concerns, then the Customer is provided a copy of this policy along with the Request for Review of Library Materials Form. A formal review of the materials in question shall be undertaken in accordance with this policy.

Customers may request a review of multiple Library materials, but Library staff will treat each item to be reviewed as a separate review request. The order of review of such materials shall be determined by Library staff and review of a subsequent item shall only commence when the review process for the prior item has been completed. Requests for review of Library materials from different Customers will be processed in the order in which they are received. If a review of Library materials is in progress and a subsequent request for review of materials is received from the same or a different Customer, Library staff will complete the review in progress before commencing a new review of another item. The Library will conduct no more than 2 simultaneous reviews.

Resolution of Customer requests to remove Library materials will be handled pursuant to the philosophy that a library is to represent the views of the various interests of the entire community, per Section 5(13) of Chapter 84-443, Laws of Florida. The procedures below are to be followed when a Customer requests a review of Library materials. A process overview chart is included herein.

Procedure

Customers must submit a completed Review of Library Materials Form to the branch or department supervisor, who will date the completed form, give a copy to the Customer and e-mail a scanned copy to the Manager of Library Collections ("Manager"). The librarian will also send the original to the Manager. The Manager will send the Customer a written acknowledgment that the review request has been received and advise the Customer whether the review will commence immediately or in the order in which it was received. A copy of this policy will also be enclosed.

The first level is review by 2 librarians, selected by the Manager, who each conduct an independent review of the Library material. Each may consult and rely upon professional reviews and other expert sources in their review process. These librarians will provide their recommendations to the Manager, who will decide with respect to the materials. The Manager is not bound by any of the librarians' recommendations when rendering a decision. The decision of the Manager will be communicated in writing to the Customer by the Library within 45 business days of receipt of the Customer's initial review request.

If the Customer appeals the decision of the Manager, the second level of review is by the Library Director. To initiate this review, the Customer must send a written notice of appeal to the Library Director within 7 business days of receiving the decision of the Manager. The Customer may submit supplementary written material in support of the Customer's position with the Customer's appeal request. The Library Director will send the Customer a written acknowledgment of receipt. The Library Director will review the recommendations of the librarians, the decision letter of the Manager, any material submitted by the Customer, and may also request additional expert independent review. The Library Director is not bound by any previous review or recommendation when making his or her decision. Within 20 business days of receipt of the Customer's notice of appeal, the Library Director will notify the Customer in writing of the Library Director's decision.

If the Customer wishes to appeal the Library Director's decision, a third-level review by the Tampa-Hillsborough County Public Library Board (the "Library Board") may be requested.

To initiate review by the Library Board, the Customer must send a written notice of appeal to the Board within 7 business days of receiving the Library Director's decision. The appeal will be presented to the Board at the next scheduled meeting. The matter may be reviewed at a Regular or Special Meeting as determined by the Library Board Chair or, in the absence of the Chair, the Vice Chair. Copies of the Librarian reviews, the decisions of the Manager and the Library Director, and any other pertinent materials will be provided to the Library Board and to the Customer in advance of the meeting, if not previously provided by or to the Customer. The Customer must be given at least 5 business days' advance written notice of the meeting date.

The Library Board may vote on a decision at its initial meeting or vote to continue its deliberations at a second meeting to be held within 14 business days of the initial Library Board meeting unless the Customer requests a later date. The second meeting may be a regular meeting or a Special Meeting. If a date for the second meeting cannot be decided upon at the initial meeting, the Library Board Chair, or Vice Chair in the absence of the Chair, will schedule the meeting. The Customer must receive at least 5 business days' prior written notice of the date of the second meeting. Copies of all additional materials to be provided to the Library Board at its second meeting will also be provided to the Customer initiating the appeal, if not previously provided. If the Library Board does not vote on its decision at the initial meeting, it must do so at its second meeting.

To assist the review process, the Library Board Chair, or Vice Chair in absence of the Chair, may request that the Library Director, Library staff, and other individuals be present at one or both meetings to address the Library Board. The Customer may also address the Library Board at one or both meetings. Written notice of the Library Board's final decision will be sent to the Customer within 7 business days of that meeting date. The decision of the Library Board in the matter is final pursuant to Section 5(13) of Chapter 84-443, Laws of Florida.

Notwithstanding anything to the contrary in this policy, the Customer may waive any of the time periods for notice to the Customer set forth in this policy and the procedures set forth herein. Delivery of written notice under this policy may include, but not be limited to, delivery by e-mail. Any written notice sent hereunder will be deemed given when delivered.