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Materials Reconsideration Policy and Procedure

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Materials Reconsideration Policy and Procedure

GVSU Libraries

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Reviewed by: Library Executive Team, Library Leadership Team

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Executive Summary

Intellectual freedom is a necessary component of the university environment. University Libraries collect and acquire materials that represent a broad range of methodologies, viewpoints, expressions, approaches, ideas, and experiences. This will include works that are uncomfortable or offensive to some members of the GVSU community.

The Materials Reconsideration Policy and procedure recommendations establish how University Libraries can address and respond to attempts to remove materials from the collection.¹

Details

Procedures were revised after consulting with key partners including the Head of Collections and Digital Scholarship, and Office of General Counsel. These recommendations incorporate practices from the American Library Association, informed by existing campus policy and University Libraries' values.

- [The Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries](#), developed by the American Library Association's Office for Intellectual Freedom.
- Simmons University School of Information Science's [guide on challenge policies](#).
- University Libraries' [Mission, Vision, and Values](#); [Collection Development Policy](#); and the work of the [Inclusion, Diversity, Equity and Accessibility \(IDEA\) Committee](#).

Reconsideration requests can come from all perspectives and beliefs, however, documented materials challenges are overwhelmingly directed at works that feature characters of color and LGBTQIA+ characters, or contain thematic elements around sexism

¹ This document uses *reconsideration request* and *challenge form* interchangeably.

and racism.² When academic libraries encounter opposition to materials, the discussion is often coded in questions about a resource's merit as a scholarly object. These challenges are attempts to censor the collection on behalf of all users, even if the challenger's original intent does not recognize this.

Guidelines

- Materials reconsideration requests must come from current students, staff, and faculty members.

Affiliated users already have priority over unaffiliated users in how University Libraries acquire materials and manage resources. Current members of the community should have the opportunity to discuss their concerns as part of the libraries' commitment to lifelong learning, which may include users at a Predominantly White Institution like GVSU navigating their discomfort with materials and understanding the ethical impact of a challenge request.

The general public and unaccompanied minors are already limited in their ability to access the collection and library services through the [Non-Affiliate/Guest Use of Library Resources and Computers Policy \(SLT 3.9\)](#). Additionally, University General Counsel has approved restricting the Materials Reconsideration form to current students, staff, and faculty.

- The materials reconsideration request form will only be available on request from challengers who wish to initiate a formal complaint after discussion with the Head of Collections and Digital Scholarship.

ALA continues to document increased, nationally organized efforts to reclassify or ban materials, defund libraries, and harass library employees.³ This is an example where friction in user experience is useful. A public, discoverable form invites coordinated action and denial of service attacks to disrupt the learning environment and library services. To limit disruption of services and harm to employees, the form is available on request only from the Head of Collections and Digital Scholarship or their designate.

² "Banned in the USA: The Growing Movement to Censor Books in Schools" PEN America. <https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools/>. See also ALA's release of preliminary data on 2022 book bans.

<https://www.ala.org/news/press-releases/2022/09/ala-releases-preliminary-data-2022-book-bans>

³ This includes nearly 30 incidents of challengers filing police reports over library materials, per ALA's Office of Intellectual Freedom data.

- Materials under reconsideration will continue to circulate as part of the Libraries' collections.
- Materials will be reviewed in their entirety.

Procedures

Materials challenges have formal and informal processes. These steps are informed by University of North Texas' Reconsideration of Materials policy, and the Office for Intellectual Freedom's recommendations.⁴

1. Questions, concerns, and challenges to materials or resources should be referred to the Head of Collections and Digital Scholarship as soon as possible.
2. The Head of Collections and Digital Scholarship will address any concerns through an initial, informal discussion. The vast majority of concerns about materials can be resolved through informal conversation.
3. If concerns persist after the informal discussion, users have the option to request and complete a Materials Reconsideration form for each item (see Appendix B).
4. Complete Materials Reconsiderations forms are submitted to the Dean of Libraries.
5. The Dean of Libraries will acknowledge the receipt of the form in writing. The Dean is not obligated to respond to incomplete forms, challenges attempting to ban entire bodies of work or entire subjects, spam, attempts to circumvent the process, or rationale that does not demonstrate the challenger is familiar with the materials.
6. The Dean of Libraries will then appoint an ad-hoc committee to review the request(s).
7. The Committee's recommendation, including any minority opinion, will be sent to the Dean of Libraries who will make the final decision.
8. Within ninety (90) days of submitting the Materials Reconsiderations form, the challenger will be notified in writing by the Dean of Libraries of the decision and what, if any, actions may be taken.
9. Materials retained after the Dean of Libraries' decision are exempt from future reconsideration attempts.
10. The decision from the Dean of Libraries may not be appealed.
11. Materials retained after the Dean of Libraries' decision may not be exempt from other collection maintenance action, including but not limited to: replacement due to loss or damage, relocation to Special Collections and University Archives for preservation, format migration, or other processes.

⁴ See UNT's policy: <https://library.unt.edu/policies/reconsideration-materials/> and OIF's toolkit: <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit>.

Privacy, Freedom of Information Act, and Family Educational Rights and Privacy Act Considerations

Materials reconsideration policy and procedure intersects with Freedom of Information Act (FOIA) and Family Educational Rights and Privacy Act (FERPA) processes.

Faculty and Staff

Generally, GVSU does not redact faculty and staff names when a record that is part of a FOIA request relates to their actions within the scope of their employment. This could potentially include information from a challenge form. If the challenger were acting in their individual capacity and not on behalf of the university, the Office of General Counsel could justify redacting their personal information as part of a FOIA request. This would be difficult to determine without evaluating the nature of the challenge request and will be handled on a case-by-case basis per GVSU's FOIA Coordinator.

Data about individual use of library materials and specific library patron data are protected by the Michigan Library Privacy Act. However, information disclosed by challengers in the reconsideration request form, correspondence between the challenger and University Libraries, and the committee's recommendation to the Dean of Libraries may not be exempt from FOIA requests. A challenge request is essentially feedback about a service and does not disclose individual use records, so the Office of General Counsel's ability to protect personally identifiable information in a challenge request may be situationally limited.

Students

FERPA would protect a student challenger's personally identifiable information, but the remaining content of the form could still be made public under a FOIA request.

A short notice explaining this is included as part of the challenge form (Appendix B). The Office of General Counsel supports this action. Caselaw on where library user privacy ends and legitimate public interest begins is evolving. Users have the right to know what information may become public before submission.

Appendix A: Information for Self-Service Help and Ops/UX

There is an existing self-service help page on [Response to User Concerns about Controversial Materials](#). Additional information could be included for context and clarity.

What should I do if someone has concerns about materials in the collection?

As soon as possible, refer the user to the Head of Collections and Digital Scholarship, Cara Cadena. Users with additional questions can also review the [Collection Development Policy](#) for more information on how the library prioritizes and evaluates materials.

What should I do if someone is upset about a book?

Respond as though they have a [complaint or are in distress](#). If they are a current student, staff, or faculty member at GVSU refer them to the Head of Collections and Digital Scholarship, Cara Cadena. Unaffiliated users can [Connect with the Dean of Libraries](#) if they wish. In many cases, users will be satisfied by someone acknowledging their concerns.

It is not the responsibility of Ops/UX to tolerate belligerent, angry, or threatening behavior regardless of the user's rationale. It is also not the responsibility of Ops/UX to engage with users in debates about free speech, intellectual freedom, or the scholarly value of a particular resource just because they work in a public space. Faculty and staff working in public spaces should use de-escalation techniques if possible. Avoid apologizing for the collection or agreeing with the complaint as it can miscommunicate the Libraries' position on intellectual freedom.

Who can submit a Materials Reconsideration form?

After an informal discussion with the Head of CaDS, current students, staff, and faculty can initiate a challenge. Affiliated users have always taken precedence over unaffiliated users in how University Libraries acquire materials and manage resources. Additionally, University General Counsel has approved restricting access to the Materials Reconsideration form to current students, staff, and faculty. Unaffiliated users can [Connect with the Dean of Libraries](#) if they wish.

A minor is enrolled at GVSU. Can parents or guardians limit their access to materials?

Minors who are matriculated students of the University, guest students from other institutions, or dual-enrolled students have the same library privileges and responsibilities as adult students at GVSU.

A minor is enrolled at GVSU. Can parents or guardians see what items they have checked out?

Minors who are matriculated students of the University, guest students from other institutions, or dual-enrolled students are covered under Family Educational Rights and Privacy Act (FERPA). Additionally, individual user activity at the library is protected by the Michigan Library Privacy Act. Disclosing anyone's user information or history without their prior authorization is not possible without a court order.

Appendix B: Draft Materials Reconsideration form

Intellectual freedom is a necessary feature of the university environment. University Libraries collect and acquire materials that represent a broad range of methodologies, viewpoints, expressions, approaches, ideas, and experiences. By design, this will mean the inclusion of works that are uncomfortable or offensive to some members of the GVSU community. Reconsideration requests can originate from all perspectives and beliefs. This form initiates the reconsideration process. It does not guarantee materials will be removed from the collection.

Contact Information

Email
Phone
Address
State
Postal Code
GVSU G-number

I am a current GVSU:

Student
Staff member
Faculty member

About the resource

Title

Author(s) / Producers

Call number, URL, or DOI

What concerns do you have about the resource? Please be specific, cite pages and/or sections as necessary.

Free text response.

Data about individual use of library materials and specific library patron data are protected by the Michigan Library Privacy Act. However, information disclosed in the Materials Reconsiderations form, correspondence with requestors, and the committee's recommendation may not be exempt from Freedom of Information Act (FOIA) requests.

I understand the information I provide in this form may not be exempt from disclosure in a FOIA request.

I have discussed these concerns with the Head of Collections and Digital Scholarship.

Yes

No