



Request for Reconsideration or Relocation of Library Materials Kuna Library District

Expressions of Concern and Reconsideration of Materials:

Pursuant to Title 33, Chapter 27 of the Idaho Code, 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.

The library's role is to provide opportunities that will allow individuals to freely examine subjects and make their own decisions. Kuna Library District does not endorse particular ideas, beliefs, or views. While patrons are free to reject for themselves what that they do not approve of, they cannot exercise this right of censorship to restrict the freedom of access to others. Removing library material solely on the basis of its content may amount to censorship in violation of the First Amendment.

The Kuna Library District is a member of the Lynx Consortium, sharing and receiving materials from the other member libraries. Requests for reconsideration are only accepted from Kuna Library District residents for Kuna Library District owned materials.

The Kuna Library District Director and the Board of Trustees are aware that patrons may take issue with the inclusion of specific items, programs, or practices, and they welcome the expression of concern by our patrons. Patron concerns will be dealt with promptly and courteously as detailed in the following process:

- The Kuna Library District staff will listen to the concern and assist the patron in finding a different item that interests the patron.
- After discussion with the Library staff member, a patron who requests further action will complete a "Request for Reconsideration of a Library Resource" form, (available at the circulation desk or at the libraries website) which will be submitted to the Director.
- The Director will contact the patron and schedule an appointment to discuss the completed "Request for Reconsideration of a Library Resource" form.
- After the scheduled appointment, the Director will review the materials under consideration and communicate its decision to the patron in writing within 60 business days. The Director shall consider each work as a whole, and individual passages will not be treated out of context. The Director will also consider the literary merit of works recognized as classics, even though classic works may contain words or sentiments which, today, are unacceptable. 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 this policy.
- After the Director has made the decision, an individual or group still seeking further action may appeal the decision and will have their "Request for Reconsideration of a Library Resource" form considered by the Board of Trustees at a regular meeting.
- The Board of Trustees will make a ruling on the concern and send a written response to the individual or group. The decision of the Board is final.

Request for Relocation of Library Materials from Minors:

- A parent or guardian of minor that resides in the Library District may request a Relocation Form pursuant to Idaho Code § 18-1517B.

- Once the entire form is completed and delivered to the Director, the Director will review the Request, within the framework of the applicable statute, the Library's mission, and the Collection Development Policy. The complainant will be informed, in writing, of the final decision regarding relocation. The item in question may not be removed from its location during this process.



Request for Reconsideration of Library Materials

Kuna Library District

The Kuna Library District recognizes the right of the individual or group in the local community to make their objections known to the library. Patrons wishing reconsideration of library materials must complete this form and return to: **Kuna Library Director 457 N. Locust, Kuna, Idaho 83634**

I. Section 1-Request for Reconsideration of Library Materials

a. Information about the Material:

1. Title: _____
2. Author/Performer: _____
3. Publisher/Copyright Date: _____
4. Item Barcode: _____
5. Format: (Book, Audiobook, DVD, etc.) _____

b. Information about the requestor:

1. Name: _____
2. Email Address: _____
3. Telephone Number _____
4. Address: _____ City: _____ Zip Code: _____
5. Preferred means of contact: _____
6. Are you a minor? Y / N
7. Are you filling this request on behalf of a dependent minor? Y / N
8. Do you represent an organization? Y / N
 - a. If so, which organization? _____
9. Do you have legal representation? Y / N
 - a. If so, who are they and how do we contact them? _____
10. Are you a Kuna Library District cardholder? Y / N

11. Did you obtain the Material from the Kuna Library District? Y / N

12. Did you check out, request, or use the Material that is the subject of this request? Y / N

c. Information about the request:

1. How was the Material brought to your attention? _____

2. How does this Material not meet the criteria identified in the Collection Development Policy?

3. Did you read, view, listen or etc. the entire Material? _____ If not, which parts? _____

4. Are you considering the Material as a whole? _____

5. What, in your opinion, is the theme of the Material? _____

6. What do you object to in the Material? (Please be specific; for example, cite pages, specific passages, songs, etc. Use additional sheet if necessary) _____

7. Have you read or heard any reviews of the Material? _____

8. What parts of the Material do you think are accurate and valuable? _____

9. What alternate work would you recommend that would convey as valuable a picture and perspective of the subject treated? _____

10. How would you like the library to respond to your request about the Material? _____

Signature

Date

By signing this section of the form, I understand that I am making a formal request to the Kuna Library District about a Material they have made available. I acknowledge that this document will become a public record as soon as it is received by library staff.

II. Section 2- Complaints Alleging Material Harmful to Minors

FILLING OUT AND SUBMITTING THIS SECTION OF THE FORM CONSTITUTES WRITTEN NOTICE PURSUANT TO THE “CHILDREN’S SCHOOL AND LIBRARY PROTECTION ACT”

[] Initial this box and fill out this section if you intend for this form to constitute Written Notice pursuant to Idaho Code § 18-1517B(3). By initialing this box, you affirm your belief that the Materials are Materials Harmful to Minors as defined by Idaho Code and Kuna Library District policy, and you request the Materials be relocated to a section designated for adults only within sixty (60) days of the Kuna Library’s receipt of this notice.

Idaho Code defines material harmful to minors as:

"Harmful to minors" includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

- (a) Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
- (b) 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 minors and includes, but is not limited to, patently offensive representations or descriptions of:
 - i) Intimate sexual acts, normal or perverted, actual or simulated; or
 - ii) Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors[.]”

Idaho Code § 18-1514(6)

The following subdefinitions found in Idaho Code § 18-1514 apply to the above definition of “harmful to minors:
“Minor” means any person less than eighteen (18) years of age.

“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.

“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.

“Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

“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.

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

“Performance” means any play, motion picture, dance or other exhibition performed before an audience.

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

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

“School” means any public or private school providing instruction for students in kindergarten through grade 12.

1. Complainant’s Information:

a. Name: _____

b. Address: _____

2. Complaint Information:

a. Please fill out Section I of this form. The information you provide will be an important part of the Kuna Library District’s review of the Materials.

b. How did you, or your dependent Minor, obtain the Material? Please include the format of the Material and the location the Material was obtained.

c. In what ways do you believe the challenged Material meets the definition of Material Harmful to Minors? Please state the basis of the claims and provide all explanation that may be helpful.

i. How does the Material appeal to the prurient interests of minors, as judged by the average person applying contemporary community standards?

ii. In what ways is the Material patently offensive to prevailing standards in the adult community with regard to what is suitable for Minors?

iii. Does the Material, when considered as a whole and in the context in which it is used possess serious literary, artistic, political or scientific value for Minors? Why or why not?

Signature

Date

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