

<p align="center">Cromaine District Library Policy</p>	<p>Policy #: 3010 Page 1 of 7</p>
<p align="center">Materials Selection and Reader Guidance Policy <i>(formerly Materials Selection Policy)</i></p>	<p align="center"><u>Tracking Record</u> Date Approved: 4/15/03 Revised: 11/24/08; 4/17/14; 4/19/18; 4/18/19; 5/19/22 Reviewed: 10/21/09; 3/23/11; 3/28/12; 3/20/13; 4/17/14; 3/27/15; 4/14/16; 4/7/17; 5/4/20; 4/15/2021 Revised by Library Council 12/15/22; 9/21/23; 6/20/24 Name Change and Revised 6/19/25</p>

I. Purpose

The purpose of Cromaine District Library’s Material Selection and Reader Guidance Policy (“Policy”) is to set broad guidelines to assemble, preserve, organize, administer and promote the use of a wide range of communication media and to inform the public about the principles upon which selections are made. These functions are undertaken to further the objectives of the Cromaine District Library (“Library”).

II. Definitions:

The term “Library Materials” means, books, magazines, DVD’s, CD’s, library programs or other synonyms as they may occur in the Policy having the widest possible meaning. This statement of Policy applies to ALL Library Materials in the collection. However, this Policy and the term “Library Materials” does not apply to Internet sites available through the library’s computers or Internet collection. The library has no control over the content of the Internet. Please see the Internet Use Policy for any issues related to computer or Internet Use.

The term “selection” refers to the decision to add, withdraw or retain material in the collection.

The term “reader guidance” refers to methods to help patrons find materials, including but not limited to labeling and location of materials in the collection.

III. Goals of materials Selection

- A. To meet the individuals need for information through maintenance of a well-balanced and broad collection of materials for information, reference, and research.
- B. To help the individual attain maximum self-development through life-long intellectual and cultural growth.

- C. To support the democratic process by providing materials for the education and enlightenment of the community.
- D. To assist the individuals in their pursuit of occupational activity and practical affairs.
- E. To provide diverse recreational experience for individuals and groups.
- F. To assist institutions of formal education with services that will assist individual study.
- G. To maintain Michigan and local history collections.

IV. Responsibility for Selection

The responsibility for selection lies with the professional staff of the library. That staff operates within the areas of service to children, young adults, and adults. Both the public and staff members may recommend materials for consideration. The ultimate responsibility for selection, however, rests with the Library Director who operates within the framework of policies determined by the Library Board of Trustees. The Director shall be responsible for ensuring that the funds budgeted for collection development are allocated appropriately depending upon the needs of the library and the fulfillment of the above Goals of Materials Selection.

V. General Principles

- A. Selection of Library Materials is based on the relationship of such work to the needs, interests and demands of the community.

Selection is not made based on anticipated approval or disapproval by patrons or Library users, but solely on the merits of a work, without regard to race, nationality, political or religious view of the writer.

- B. Responsibility for the reading material of children rests with their parents or legal guardians. Selection shall not be inhibited solely by the possibility that books may inadvertently come into the possession of children.

The library respects each individual parent's or legal guardian's right to supervise his/her children's choice of reading materials. However, the Library does not have the right to act in loco parentis (in place of the parent or guardian). Therefore, a parent or legal guardian who chooses to restrict the materials his/her children select must accompany those children when they use the collection to impose those restrictions. Materials may be labeled with non-prejudicial, viewpoint-neutral labels.

- C. The Library Director is responsible for overseeing where the books are shelved and catalogued, subject to the Library Board's review of challenges to materials brought under Section IX of this policy. Materials that are appropriate for adults or older teens but may be considered harmful to minors, as defined by the Library Privacy Act, shall be shelved within the adult collection.

See Appendix A.

- D. Further, Library materials will not be marked or identified to show approval or disapproval of contents. Library materials may be labeled to notify patrons that materials may contain graphic violence or sexually explicit material as defined in **Appendix B.**

- E. It is the responsibility of the library to provide circulating, reference and research materials for the public and students based on the services it is expected to perform. The use of rare and scholarly items of great value may be controlled to the extent to preserve them from harm.

VI. Specific Principles for Selection

The following principles, individually or collectively, will prevail in the selection of all Library Materials. The total collection will attempt to represent a variety of points of view.

- Community needs, interest, relevance and demands
- Contemporary significance or permanent value
- Lack of bias, factual. Portrays issues sensitively
- Literary, artistic, historical, scientific, or intellectual merit
- Recommendations of reviews from professional journals or publications of national repute
- Diversity of viewpoint and availability of other information on the subject
- Reputation, authority and qualifications of the author, illustrator, publisher, or producer
- Relation of work to existing collection
- Price, format, and ease of use
- Available shelf or storage space
- Availability of material through interlibrary loan
- Popular demand: The Library will make an effort to have materials available which are in high demand by the public: however, selections by popular demand will still be guided by consideration of merit, use and the specific principles for selection.
- Duplication of materials already in the collection: ie., purchase of additional copies of materials, shall be governed by intrinsic or historical value, or immediate need
- Collection objectives

VII. Gifts

Please see the gifts to the Library Policy #6004 for any issues related to gifts. Acceptance of gifts shall be governed by the same principles and criteria applied to the selection of items for purchase. Gifts of books or other materials which do not comply with the library's objectives and policies will be refused. No conditions may be imposed relating to any item either prior to or after its acceptance by the library. All gifts and donated materials (including works of local authors) become the property of the library. The manner of disposition of any materials which are not added to the collection will be decided by the library.

VIII. Maintenance of the Collection

The collection shall be periodically examined for the purpose of eliminating obsolete, damaged, duplicate, or unneeded materials, and for binding or repair of materials, in order to maintain a balanced, attractive and useful Library Materials collection.

IX. Challenges to Materials

If a patron objects to material owned by the library, they may complete a Request for Reconsideration Form for submission to the Director. The patron submitting the request must be a resident of the Croomaine District Library service area and hold a preexisting patron card. No material shall be removed from the library's collection until all steps in the following process have been completed.

- A. Patrons (“Requester”) who object to Library Materials will be sent to the Director.
- B. The Director will discuss the Library Materials in question with the Requester, attempting to resolve the concern to both the Requester’s and Library’s satisfaction.
- C. If the Requester wishes to carry the request further, the Director will provide the Requester with a copy of the Materials Selection and Reader Guidance Policy, including the Request for Reconsideration of Library Materials (“Request for Reconsideration”). A separate Request for Reconsideration form must be completed and signed for each Library Material challenged, specifying the reasons for objection.
- D. Once a completed, signed copy of the Request for Reconsideration for each Library Material is received, the Library Director shall evaluate each request, considering the Library’s Policy and any other relevant information. The Director may consult with staff or consultants when making this decision.
- E. The Library Director shall send the decision in writing to the complainant within seventy-five (75) days of the receipt of each completed request for reconsideration form. The Director may request additional time from the Board to respond, in order to fully evaluate the material. If the decision is that the questioned material be removed from the collection, the Requestor will be notified in writing by the Library Director and all copies of the item will be withdrawn. If the material is to be retained, the Requestor will be notified in writing. If the Director determines the material may contain graphic violence or sexually explicit material (as defined in the Appendixes), the material may be: relocated within the collection, and/or labeled with “This book may contain graphic violence or sexually explicit material- Cromaine District Library.”
- F. A written appeal of the Library Director’s decision may be submitted by the Requester to the President of the Library Board within (10) business days of the written decision. The appeal must specify the library material being appealed and the reasons for requesting the reversal. The Library Board will review relevant documentation and decide within sixty (60) days of receiving the appeal, with the option to extend if necessary to fully evaluate the material.
- G. The Library Board is the final authority on decisions involving retention, relocating and labeling of materials.

X. Revision of this Policy

This policy shall be reviewed and revised to remain consistent with the objectives of the library.

Appendix A:
THE LIBRARY PRIVACY ACT

Act 455 of 1982

AN ACT to provide for the confidentiality of certain library records; to provide for certain exceptions to the confidentiality of those library records; to provide for the selection and use of library materials; and to provide remedies.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

The People of the State of Michigan enact:

397.601 Short title.

Sec. 1.

This act shall be known and may be cited as "the library privacy act".

History: 1982, Act 455, Eff. Mar. 30, 1983

397.602 Definitions.

Sec. 2.

As used in this act:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations, including logical, arithmetic, or memory functions with or on computer data or a computer program, and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Crime" means that term as defined in section 5 of the Michigan penal code, 1931 PA 328, MCL 750.5.

(f) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(g) "Harmful to minors" means that term as defined in section 4 of 1978 PA 33, MCL 722.674.

(h) "Internet" means that term as defined in 47 USC 230.

(i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(j) "Library" means a library that is established by this state or by a county, city, township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities, a community college district, or a college or university, or a private library open to the public.

(k) "Library record" means a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron's name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library. Library record does not include either of the following:

(i) Nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

(ii) Recorded video surveillance images made solely for security purposes that do not include images of any activity or any other document or record that identifies a person as having requested or lawfully obtained specific services, materials, or information resources from a library.

(l) "Minor" means an individual who is less than 18 years of age.

(m) "Obscene" means that term as defined in section 2 of 1984 PA 343, MCL 752.362.

(n) "Sexually explicit matter" means that term as defined in section 3 of 1978 PA 33, MCL 722.673.

(o) "Terminal" means a device used to access the internet or a computer, computer program, computer network, or computer system.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 1998, Act 7, Imd. Eff. Feb. 6, 1998 ;-- Am. 1999, Act 37, Eff. Aug. 1, 1999 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

397.603 Library record not subject to disclosure requirements; release or disclosure of library record without consent prohibited; exception; procedure and form of written consent; hearing; disclosure exception.

Sec. 3.

(1) A library record is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) A library or an employee or agent of a library shall not release or disclose a library record or portion of a library record to a person without the written consent of the person liable for payment for or return of the materials identified in that library record, unless 1 of the following applies:

(a) A court has ordered the release or disclosure after giving the affected library notice of the request and an opportunity to be heard on the request.

(b) The release or disclosure is permitted under subsection (5).

(3) The procedure and form of giving the written consent described in subsection (2) may be determined by the library.

(4) A library may appear and be represented by counsel at a hearing described in subsection (2)(a).

(5) A library or an employee or agent of a library may disclose library records without a court order or the written consent described in subsection (2) under either of the following circumstances:

(a) The library or an employee or agent of the library may report information about the delinquent account of a patron who obtains materials from the library to a collection agency under contract with the library. The library or an employee or agent of the library shall provide the collection agency with only the library records necessary to seek the return of overdue or stolen materials or to collect fines from the patron.

(b) The library or an employee or agent of the library may disclose library records to another library or library cooperative for the purpose of conducting interlibrary loans. The library records must be limited to those required for providing interlibrary loans.

(6) This section does not prohibit an employee or agent of a library from providing a sworn statement or testimony to a law enforcement officer based solely on the personal knowledge of the employee or agent of the library regarding a crime alleged to have occurred at the library.

(7) As used in this section and section 4, "employee or agent" includes an employee of a library, a member of the governing body of a library, an individual who is specifically designated as a volunteer and who is acting solely on behalf of a library, and any other person who is lawfully performing services on behalf of a library under a written contract, including a collection agency.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 1996, Act 188, Imd. Eff. May 8, 1996 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

397.604 Violation of MCL 397.603; liability; civil action; damages; attorney fees and costs; equitable relief.

Sec. 4.

(1) If a library or an employee or agent of a library violates section 3, the library is subject to liability to the person identified in a library record that is improperly released or disclosed. The person identified in the library record may bring a civil action against the library for actual damages or \$250.00, whichever is greater, reasonable attorney fees, and the costs of bringing the action. A court also may grant equitable relief to a person under this subsection.

(2) If an employee or agent of a library knowingly violates section 3, the employee or agent is subject to liability to the person identified in a library record that is improperly released or disclosed. The person identified in the library record may bring a civil action against the employee or agent for actual damages or \$250.00, whichever is greater, reasonable attorney fees, and the costs of bringing the action. A court also may grant equitable relief to a person under this subsection.

(3) A civil action brought under this section by or on behalf of a person identified in a library record must be brought within 180 days after the date that the person first knew or had reason to know of the release or disclosure of the record giving rise to the civil action.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

397.605 Selection and use of library materials.

Sec. 5.

(1) Except as otherwise provided by statute or by a regulation adopted by the governing body of the library, the selection of library materials for inclusion in a library's collection shall be determined only by an employee of the library.

(2) Except as otherwise provided by law or by a regulation adopted by the governing body of the library, the use of library materials shall be determined only by an employee of the library.

History: 1982, Act 455, Eff. Mar. 30, 1983

397.606 Restriction of internet access to minors; immunity from liability; exceptions.

Sec. 6.

(1) If a library offers use of the internet or a computer, computer program, computer network, or computer system to the public, the governing body of that library shall adopt and require enforcement of a

policy that restricts access to minors by providing the use of the internet or a computer, computer program, computer network, or computer system in 1 of the following ways:

(a) Both of the following:

(i) By making available, to individuals of any age, 1 or more terminals that are restricted from receiving obscene matter or sexually explicit matter that is harmful to minors.

(ii) By reserving, to individuals 18 years of age or older or minors who are accompanied by their parent or guardian, 1 or more terminals that are not restricted from receiving any material.

(b) By utilizing a system or method that is designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors.

(2) A governing body of a library, member of a governing body of a library, library, or an agent or employee of a governing body of a library or library, is immune from liability in a civil action as provided in section 7 of the revised judicature act of 1961, 1961 PA 236, MCL 691.1407.

(3) This section does not apply to a library established by a community college district, a college or university, or a private library open to the public.

History: Add. 1999, Act 37, Eff. Aug. 1, 1999 ;-- Am. 2000, Act 212, Eff. Oct. 1, 2000

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Appendix B:
DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO
MINORS (EXCERPT)
Act 33 of 1978

722.673 Definitions.

Sec. 3.

As used in this part:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(f) "Sexually explicit matter" means sexually explicit visual material, sexually explicit verbal material, or sexually explicit performance.

(g) "Sexually explicit performance" means a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.

(h) "Sexually explicit verbal material" means a book, pamphlet, magazine, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed verbal description or narrative account of sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.

(i) "Sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film, video game, or similar visual representation that depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold, or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

(j) "Video game" means an object or device that stores recorded data or instructions generated by a person who uses it, and by processing the data or instructions creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, game console, or other technology.

History: 1978, Act 33, Eff. June 1, 1978 ;-- Am. 1999, Act 33, Eff. Aug. 1, 1999 ;-- Am. 2003, Act 192, Eff. Jan. 1, 2004 ;-- Am. 2005, Act 104, Eff. Dec. 1, 2005 ;-- Am. 2005, Act 107, Eff. Dec. 1, 2005

Constitutionality: Act 33 of 1999 violates the First Amendment and the Dormant Commerce Clause of the US Constitution. Defendants are permanently restrained and enjoined from enforcing any provisions of 1999 PA 33. *Cyberspace Communications, Inc v Engler*, 142 F Supp 2d 827 (ED Mich, 2001).

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