



## **Request for Relocation Policy with Regard to Harmful to Minors**

*Prairie River Library District*

### **Purpose**

Citizens of the Prairie River Library District community represent a wide variety of cultural, educational, ethnic, religious, political, and financial backgrounds. The District is committed to providing access to materials and information sources that reflect and respond to the diverse interests of the population that it serves and offers the same access, services, privileges, responsibilities and fees to all Valnet library cardholders regardless of age, gender, gender orientation, race, color, religious creed, and ability. Prairie River Library District firmly believes that all the materials in its collection are valuable for everyone, regardless of age, and possesses serious literary, artistic, political and scientific value when the materials are viewed in the context for which they are intended. Controversial materials may be collected in the natural course of providing a wide range of ideas and points of view, including within the children and teen collections. Responsibility for the reading and viewing of materials of children and adolescents rests with their parents or legal guardians.

The Prairie River Library District Board of Trustees supports intellectual freedom and has adopted the following statements as policy: the Library Bill of Rights; the ALA Intellectual Freedom Statement; and the "Freedom to View" statement of the American Film and Video Association.

The "Children's School and Library Protection Act" allows libraries to restrict access to materials based on the complaint of a single person although libraries must also comply with First Amendment requirements. The decision to censor or restrict material to an adult-only section by a library board cannot be appealed according to the "Children's School and Library Protection Act." Therefore, the Prairie River Library Board of Trustees will be cautious when limiting or removing access to library materials and determining whether claims meet the statutory definition of "material harmful to minors", ensuring that any action taken places as few restrictions as possible on First Amendment liberties.

Prairie River Library District is a member of the Valnet Library Consortium and as part of that consortium, Prairie River Library District shares and receives materials from other member libraries on behalf of its patrons.

## Process

If a minor, their parent, or legal guardian discovers that material checked out by or provided to their minor child, in line with the "Children's School and Library Protection Act," meets certain criteria outlined in Idaho Code § 18-1517B, they can request the relocation of such material by filling out, in full, the "Relocation of Materials Request with Regard to Material Harmful to Minors" form. Written relocation requests can be submitted in any format.

In accordance with Idaho Code § 18-1514, the following definitions are applicable to this policy:

1. "Minor" means any person less than eighteen (18) years of age.

2. "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 the nipple, or the depiction of covered male genitals in a discernibly turgid state.

3. "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 a person be a female, the breast.

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

5. "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.

6. "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:

Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and

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:

Intimate sexual acts, normal or perverted, actual or simulated; or

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.

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

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

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

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

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

After receiving the completed form, the Prairie River District Director, and two designees of the Director who are members of the Prairie River Library District administrative team will review the request and re-examine the material in question as a whole within 28 days of receiving the form. The Director and staff will then provide a recommendation to the Library Board of Trustees. Within 30 days of receiving the recommendation, the Library Board of Trustees will review both the request and the recommendation from the Library Director and staff, make a decision and issue a written decision to the person requesting relocation. The Library Board of Trustees' decision shall be final.

While the request for relocation is being reviewed, the material in question shall remain in circulation and will not be removed from the collection.

The Prairie River Library District Board of Trustees' process for reviewing a Relocation of Materials Request with Regard to Material Harmful to Minors shall comply with all applicable provisions of the Idaho Public Records Act, Idaho Open Meeting Law, and all other applicable laws necessary to ensure a fair and open process and an impartial decision based on the evidence submitted. Persons submitting the Relocation of Materials Request with Regard to Material Harmful to Minors form are responsible for complying with all requirements of the "Children's School and Library Protection Act" and any other applicable laws or court rules to maintain their ability to seek judicial review.

Prairie River Library District administration shall maintain a case file for each Relocation of Materials Request with Regard to Material Harmful to Minors submitted and make it publicly available via the library's website, with applicable information redacted as required by Idaho law with regards to minors. The case file shall include, as applicable, the completed Relocation of Materials Request with Regard to Material Harmful to Minors form, the Library Director's written recommendation to the Library Board of Trustees, and the written decision of the Library Board of Trustees.

**Approved:** June 4<sup>th</sup>, 2024

**Appendices to this policy:**

Library Bill of Rights

ALA Intellectual Freedom Statement

Freedom to View” statement of the American Film and Video Association

Freedom to Read statement of the American Library Association

Diverse Collections: An Interpretation of the Library Bill of Rights

Relocation of Materials Request with Regard to Material Harmful to Minors

## Relocation of Materials Request with Regard to Material Harmful to Minors

In keeping with the Idaho Public Records Act, completion of this form creates a public record. Prairie River Library District will evaluate if any redactions to personal information contained in the form are required by Idaho law prior to making the completed form publicly available.

Libraries endeavor to protect the privacy of their patrons in regard to the material they access. I understand that I am hereby revoking that right to privacy by disclosing what I, a minor, or I, the parent or legal guardian of a minor has accessed by completing this form. Initials [ ]

Completing this form and submitting it to a staff member for review at Prairie River Library District constitutes my written notice pursuant to the "Children's School and Library Protection Act", and affirms that I believe that the material in question is harmful to minors as defined by Idaho Code § 18-1517B and should be relocated to a section designated for adults only within sixty (60) days of receipt of this notice.

Idaho Code § 18-1514(6) defines material harmful to minors as:

"Harmful to minors" includes in its meaning the quality of any material of 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 stimulated; 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[.]"

The following definitions 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 a 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.

**For your request to be considered, please complete the following in full.**

Request for relocation initiated by: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Preferred means of contact: \_\_\_\_\_

I am an adult / minor. (circle one)

Are you completing this request on behalf of a dependent minor? Yes / No

Title of material: \_\_\_\_\_

Author / Producer of material: \_\_\_\_\_

Publication date: \_\_\_\_\_

Type of material: book                      DVD / Blu-ray    magazine                      cd audiobook

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

