

TIMBERLAND REGIONAL LIBRARY
BOARD OF TRUSTEES SPECIAL MEETING
Service Center, 415 Airdustrial Way S.W., Olympia, WA 98501

April 20, 1999

MINUTES

BOARD MEMBERS PRESENT: Peggy Meyer, President; Art Blauvelt; Jean Davies; Bill Lawrence; Douglas Mah; Glen Nutter; Janelle Williams

A record of others in attendance was not kept. Approximately 115 were in attendance.

President Meyer called the special meeting to order at 6:05 p.m. The only agenda item was Internet Services. Ms. Meyer reviewed how the meeting will progress beginning with background information, followed by public comments and then Board discussion. She requested that public comments be limited to 3 minutes by each person, that everyone be courteous and respectful, listen without interruption, and avoid repetition.

Background Information

Library Director Kruse said the TRL Board adopted an Internet Use Policy in April 1995. (A copy of the Internet Policy is attached to these minutes.) She reviewed the process the Board followed in reexamining the Internet Use Policy in 1996. (A copy of Timberland Regional Library's "Process Followed in Reexamining the Internet Use Policy" dated April 1996 is attached to these minutes.)

Mike Wessells, Regional Library Manager, Coastal Region, provided information on the framework which the TRL Board needs to consider. (Copies of "Considerations When Preparing An Internet Access Policy" and "Why The Internet is Different" are attached to these minutes.)

TRL Attorney Craig Hanson addressed several basic principles which he thinks are relevant to the Board's review of the Internet Policy. Libraries that the Board has jurisdiction over are designated public forums. Libraries are a public place where people are able to access information and ideas. When creating a public forum, we must be aware of the constitutional issues which apply. If libraries restrict information available, there are constitutional considerations which take place, primarily the Fourteenth Amendment and the First Amendment to the Constitution. He is making the assumption that the Internet access which has been made available to library patrons is also a designated public forum. It is not there for a limited purpose but is there for people to access information and ideas. The First Amendment right to expression is both the right to give information and the right to receive information. Obscenity, as defined by law, and child pornography are not protected by the First Amendment. Obscene materials and child pornography are made illegal by various state, federal and municipal jurisdictions.

There are also harmful to minor laws that impact materials that are less than obscene and are not child pornography. The Washington State Legislature has found that libraries are expressly exempted from harmful to minors criminal considerations. Mr. Hanson referred to the Miller test, which is a three-pronged obscenity test having to do with how the average person in a community considers things. Obscenity is very definitively defined by the U.S. Supreme Court. Libraries do have authority to make time, place and manner restrictions if those restrictions are content neutral. Even these restrictions must be narrowly tailored to serve a significant government interest and leave ample opportunity for alternative channels of communication. As the legislative body over libraries and the designated forums that have been created, the Board may restrict the spectrum of knowledge out there if it has compelling interest to do that and does it in the least restrictive way possible. These are the principles he believes are relevant to the Board's review of the Internet Policy.

Public Comments

There were comments from 32 people in attendance. The comments ranged from support of TRL's current Internet Use Policy, support for filtering Internet, and support for filtering some of the computers in the libraries.


Board Discussion

There was considerable discussion by the Board. The following motion was made:

99-14 DOUG MAH MOVED THAT THE LIBRARY DIRECTOR DEVELOP A PLAN TO IMPLEMENT A METHOD TO PROVIDE THAT A PORTION OF THE PUBLIC PCs WITH INTERNET ACCESS BE EXCLUSIVELY FILTERED TO PREVENT THE VIEWING OF SEXUALLY EXPLICIT IMAGES AND THAT THIS PLAN BE READY FOR REVIEW AT THE MAY 1999 BOARD MEETING; BILL LAWRENCE SECONDED THE MOTION. DOUG MAH, BILL LAWRENCE, GLEN NUTTER AND JEAN DAVIES VOTED IN FAVOR OF THE MOTION; ART BLAUVELT, JANELLE WILLIAMS AND PEGGY MEYER VOTED AGAINST THE MOTION. MOTION CARRIED.

The comments were recorded and the tapes are available for checkout from the Timberland Regional Library Service Center.

There was no further business and the meeting adjourned at 9:10 p.m.



President



Secretary

TIMBERLAND REGIONAL LIBRARY

INTERNET USE POLICY

Timberland Regional Library offers Internet access to its patrons as part of its mission to provide resources which reflect the great diversity of interests and opinions in our communities.

Timberland Regional Library does not monitor and has no control over the information viewed through the Internet and cannot be responsible for its content. As with other library materials, parents or legal guardians are responsible for their minor children's use of the Internet.

Originally adopted by the Timberland Regional Library Board of Trustees on April 26, 1995.

Revised and adopted by the Timberland Regional Library Board of Trustees on March 20, 1996.

TIMBERLAND REGIONAL LIBRARY

PROCESS FOLLOWED IN REEXAMINING THE INTERNET USE POLICY

April 1996

In April of 1995 the Timberland Regional Library Board of Trustees adopted the Internet Use Policy. The board revised the policy on March 20, 1996. The revision did not change the intent of the policy but rather changed the language to conform to usual policy standards. This policy states that information accessed on Internet is treated in the same way as are all materials and information resources in the library--without restrictions regarding access. This policy was adopted in conjunction with bringing Netscape up in the regional reference centers and the Tumwater library.

In November 1995, at the annual Timberland Regional Library Board retreat, the board members began a reexamination of the Internet Use Policy and procedures regarding its use. While no complaints or concerns had come directly to the board at that time, plans were underway to install public access to Netscape in all of the remaining Timberland libraries, and consideration of the possible public reaction seemed wise. Candace Morgan, chair of the American Library Association's Intellectual Freedom Committee, spoke to the board and the board also looked at policies of other libraries. Newspaper and magazine articles on this topic were distributed and discussed throughout this review period.

On January 8, 1996, at a public work session, again at the January 24, 1996 Timberland Regional Library Board meeting in Montesano, and also on February 20, 1996, at another public work session, the board discussed the Internet Use Policy. Staff also held work sessions to discuss the policy. Two special sessions of the Management Council were called to discuss this specific topic and all staff were encouraged to attend the board's work sessions and regular meetings. The Regional Library Managers met and drafted a statement about the use of Internet.

From discussions at all of the meetings listed above, four major issues emerged:

1. Privacy

The Timberland Regional Library Board recognizes that people are entitled to privacy in their use of all library resources and materials, including Internet.

Placement and type of equipment are key to ensuring as much privacy as possible in a public facility.

Action: Evaluate equipment placement in every facility and make changes as necessary. Evaluate new equipment (such as privacy screens, recessed computer stations) for use in various locations as appropriate. The board recognized that costs will be incurred and is prepared to approve equipment purchases and charges for

TIMBERLAND REGIONAL LIBRARY
PROCESS FOLLOWED IN REEXAMINING THE INTERNET USE POLICY
Page 2

rewiring.

Changes are being made as soon as they can be accomplished.

2. Access

The board reaffirms its commitment to free and open access to all library resources and materials, including the Internet.

The board reviewed World Wide Web filtering software with staff. They found that problems with currently available software include: vendor-supplied blocking lists are too restrictive or unknown; filtering software slows performance on the PCs; software installation and maintenance is labor intensive; software cannot guarantee restrictions because the Internet changes so fast; it would be too labor intensive for Timberland Regional Library to create and maintain its own blocking lists because the Internet is growing and changing so fast. The board does not want to place staff in the position of monitoring what people are accessing on Internet or of having to make individual determinations of what is offensive.

3. Education and Training

The board strongly encourages staff to provide resources and training opportunities and to publicize the library's policy on Internet to all who use the library. The board does not require that people go through such training before using the Internet.

The board recognized that individuals who use Internet have varying degrees of knowledge regarding its use. After discussion about requiring individuals to sign a statement that they agree to abide by the library's rules of use, it was decided that other library policies already cover these issues. Abuse of any equipment or disruptive behavior should be dealt with under already existing codes of conduct.

Action: Develop a plan to publicize, provide and distribute policy and training information through such means as videos, brochures, work sessions, special collections at equipment sites.

Current status: An ad hoc committee was appointed to develop and implement this plan. The brochure "Child Safety on the Internet" is being widely distributed. The Internet Use Policy is posted by every Internet terminal. New card holders are informed of library policies.

4. Parental Approval for Minors

TIMBERLAND REGIONAL LIBRARY
PROCESS FOLLOWED IN REEXAMINING THE INTERNET USE POLICY
Page 3

The board reaffirms its commitment to free and open access for minors.

The board acknowledged the responsibility of parents to make decisions for their own minor children about using the Internet. The board considered and rejected such methods as requiring minors to register before use with parental signature. The board recognized the staff time which would be involved in registering minors as well as the inequities and difficulties involved in enforcing such a policy. Denying access to Internet within the library based on age would be to cut off the single greatest information resource available. The library does not deny access or make special use requirements for any group or age level for any of its other resources.

Board members and the Director are attending local library board meetings during the next few months to discuss the Long Range Plan. These meetings will also provide a good opportunity for public discussion of Internet and other intellectual freedom issues. The board is always interested in community input and welcomes opportunities to hear from community members throughout the district.

CONSIDERATIONS WHEN PREPARING AN INTERNET ACCESS POLICY

The following considerations are based on the historical record as well as current legal principles, and must be taken into account when setting policies such as those for Internet access.

I. Publicly funded libraries are a part of “government”

- Libraries are subject to the First Amendment of the Constitution. Private businesses are not
- Libraries must serve the entire community, not just selected groups
- The library must allow its patrons to use its resources, as long as their actions do not inhibit other people from using the library
- Limitations of access cannot be based on the viewpoint or opinions expressed in a work, but may be based on considerations of time, place, and manner

II. The public library has a specific mission

- The mission is to provide to all citizens access to the information they decide they need to fulfill their roles in a democratic society
- The mission is to provide equal service to all, regardless of their economic circumstances or personal opinions

III. Free speech includes the right to receive speech as well as give speech

- Free speech has limits; some speech is not protected by the Constitution
 - Libel, slander, and incitatory speech
 - Obscenity and child pornography
- The free speech rights of adults may not be abridged solely in order to protect children
- Children do have First Amendment rights, but these are not as strong as those of adults

WHY THE INTERNET IS DIFFERENT

The Internet is a new, technologically advanced forum for communication. In trying to understand it, people have used many library related analogies, but none are wholly correct because *The Internet is Different*.

- **The Internet is not a book**

Books stay the same from one day to the next; the Internet changes and adds pages constantly. Books emerge from an editorial process with checkpoints for accuracy. The Internet has no checkpoints for accuracy.

- **The Internet is not a newspaper or magazine**

While the Internet serves many of the same functions, it has no editorial limitations, sources cannot be checked, pages appear and disappear at will, no archival copy exists except portions printed by the end user, and the Internet is more interactive than a paper.

- **Purchasing the Internet is not the same as purchasing a set of reference books**

The content of the Internet changes constantly; by using links, one can proceed sequentially in a huge variety of ways; no matter how much information gets added to the Internet, it doesn't take up any more space or cost a cent more money.

- **Internet sites are not purchased one at a time like books**

The cost of providing Internet access covers hardware, software and access charges and remains constant regardless of how many sites are added and subtracted each day. What is being purchased is highly useful and excellent value for the money and the rest of it is available to any of the interested public at no additional charge.

- **Filtering the Internet is not the same as selecting books for purchase**

The role of the library is to provide citizens with all possible information they might need to fulfill their roles in a democratic society. The citizen's job is to select from all the information available those parts that, in the citizen's opinion, are necessary or desirable. In the best of all possible worlds, a library would house all the information in the universe. This is not an option for any library. Libraries are limited by the money and the space available. Librarians use their professional judgement to select material that best reflects their community needs until space or money is gone. They stop. The rest remains unavailable except through interlibrary loan. So selection means taking some of the published material that is unavailable to patrons and making it available until the resources run out.

The Internet is a single purchase. Library resources include hardware, software, wiring, and access fees. Once the "switch" is turned on, all the Internet is there. When new sites appear no additional library resources are expended. So conceivably the library could continue to offer all sites to all patrons. Filtering requires expenditure of funds to establish a system using the judgement of a private vendor to block access to certain sites based on content criteria of some kind. Filtering means taking material that is available to patrons and making it unavailable. This is why filtering raises free speech and First Amendment issues that selection does not.

- **Filtering may be a useful tool to help patrons select and organize the Internet sites they wish to see**

Just as the Dewey Decimal System organizes a wide-ranging collection into a usable order, so filtering may help individual patrons find what they wish more easily and avoid what they wish to avoid more reliably. That is why current TRL policy allows every patron the option, if they wish, to use a filtered search environment while searching the Internet.