

APPENDIX 1: Guidelines for Library Policies

The American Library Association has adopted the *Library Bill of Rights* and interpretations of the *Library Bill of Rights* to provide library governing authorities, library workers, and library users with guidelines on how constitutional principles apply to U.S. libraries.

Publicly supported libraries exist within the context of a body of law derived from the U.S. Constitution, defined by federal, state, local, and tribal law, and implemented by regulations, policies, and procedures established by their governing bodies and administrations. These regulations, policies, and procedures establish the mission of the library; define its functions, services, and operations; and help ascertain the rights and responsibilities of the individuals served by the library.

Publicly supported library service is based upon the First Amendment right of free expression. The publicly supported library is a government entity that provides free, equal, and equitable access to information for all people of the community it serves. When this purpose is confirmed in policies and practices, the library is a designated limited public forum for access to information. When library policies or practices make meeting rooms, exhibit spaces, or bulletin boards available for public use, these spaces are designated as limited public forums for the exchange of information.

Because the *Library Bill of Rights* “affirms that all libraries are forums for information and ideas,” libraries that are not publicly supported also are encouraged to observe these guidelines as they develop policies, regulations, and procedures.

Libraries adopt administrative policies and procedures to regulate the organization and use of library materials, services, and facilities. These policies and procedures may have the effect of restricting, denying, or creating barriers to access to the library as a public forum, including the library's resources, facilities, and services. Library policies and procedures that impinge upon First Amendment rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

Public libraries function as limited public forums for access to information. Article V of the *Library Bill of Rights* states: “A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” Thus, policies, procedures, or regulations that may result in denying, restricting, or creating physical or economic barriers to access to the library’s public forum must be based on a compelling government interest. However, publicly supported libraries’ governing authorities may place reasonable and narrowly drawn restrictions on the time, place, or manner of access to library resources, services, or facilities, provided that such restrictions are content neutral and are not based upon arbitrary distinctions between individuals or classes of individuals. Some examples of such distinctions would be restricting access based on citizenship or immigration status, restricting access for minors to resources

routinely provided to adults, restricting access based on financial means or housing status, or restricting access based on partisan or doctrinal disapproval of the user's views or of the information the user seeks.

Libraries should develop ongoing training programs to foster understanding of the legal framework and principles underlying library policies. Training should also help library workers gain the skills and ability to respond to potentially difficult circumstances in a timely, direct, and open manner. This program should include training to help develop empathy and understanding of the barriers facing some library users.

All library policies, regulations, and procedures should be carefully examined to avoid denying or restricting access or creating barriers to access. All policies should:

1. be developed and implemented within the legal framework that applies to the library (including the U.S. Constitution, especially the First Amendment, and those provisions addressing due process and equal and equitable treatment under the law as provided in the amendments to the U.S. Constitution and all other applicable federal, state, local, and tribal law);
2. cite statutes or ordinances upon which the authority to make that policy is based, when appropriate;
3. be developed and implemented within the framework of the Library Bill of Rights and its interpretations;
4. be based upon the library's mission and objectives;
5. avoid restrictions on the access to or use of library resources, services, or facilities unless those restrictions are necessary to achieve the library's mission and objectives;
6. tailor prohibitions or restrictions narrowly, in the rare instances when they are required, so they are not more restrictive than necessary to serve their objectives;
7. balance competing interests and avoid favoring the majority at the expense of individual rights;
8. avoid arbitrary distinctions between individuals or classes of users and denying or abridging a person's right to use library resources, services, or facilities based upon arbitrary distinctions such as origin, age, background, or views¹;
9. not target specific users or groups of users based upon an assumption or expectation that such users might engage in behavior that will materially interfere with the achievement of substantial library objectives;
10. be clearly stated so that a reasonable person will have fair warning of what is expected;
11. provide a means of appeal;
12. be reviewed regularly by the library's governing authority and legal counsel;
13. be communicated clearly and made available to all library users in an effective manner; and

14. be enforced evenhandedly and not in a manner intended to benefit or disfavor any person or group in an arbitrary manner.

ALA's Intellectual Freedom Committee recommends that publicly supported libraries use the above guidelines, based on constitutional principles, to develop policies, regulations, and procedures.

- ^{1.} In the *Library Bill of Rights* and all its interpretations, it is intended that "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals.

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