

## Application of Ethical and Legal Principles of Librarianship

**Scenario #1: A school board member removes books from a high school media center because a citizen said the books contain offensive language. Neither the citizen nor the board member has read the books in question.**

*hopefully*  
The only way a book may be removed from a public school media center is if the media center specialist has removed the book. No one has the right to come into a media center and remove books from shelves. If there are issues with a book or other media center item, every county or township has a standard procedure that everyone must follow in order to challenge a book found in the media center. Therefore, the “school board member” and the “citizen” have no right to arbitrarily take books from the media center shelves. The Library Bill of Rights blatantly addresses the actions of this school board member and citizen when it states, “Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” On no level was it appropriate for these two complainants to remove the books from the shelves.

First of all, in regards to this situation, the person who has found issue with these “books” has not read them, nor has the individual who has been charged with removing the books from the high school library shelves. Without having read the materials, there is no firm basis for censorship.

Second of all, had either or both of these individuals read the books, they would need to first address the issue with the media center specialist. This conversation should be a formal, scheduled meeting to discuss the books’ merits and the issues the complainants have regarding said books. At the meeting, the complainants must provide the media center specialist with the reasons why they find the books offensive. The media center specialist, meanwhile, should be prepared to defend the books, following the airing of their grievances, by providing at least two positive professional reviews per book that maintain that each book is an appropriate and worthwhile book for young adults to read. This meeting should be the first step the media center specialist takes to resolve this issue *after* the two complainants have read the books in question.

If, after this meeting, the complainants still feel that these books should be removed from the library shelves, they must submit a formal Reconsideration of Materials Already in Use form and follow the appropriate steps through the county or township education hierarchy.

This scenario can be perceived as sticky because the person who is doing the initial “removing” is a school board member. School board members, during board meetings, are responsible for many educational choices made for the good of the entire county or township. They are not, however, people within the school system who may bypass set standards for maintaining a public school media center.

The media center specialist who is faced with having to defend the selection of these books may refer to an “Interpretation of the Library Bill of Rights” found on the American Library Association (ALA) website: “[Selectors] employ educational criteria [...] unfettered by their personal, political, social, or religious views [...] School library media specialists resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means.” As it says above, the media center specialists must “resist efforts” because what is found on the shelves in their media centers have been selected because they are perceived as providing beneficial academic or personal texts for patrons.

Removing a book from a shelf is censoring and no media center specialist who believes in freedom of information for all of their students and colleagues has the ethical ability to turn away from such a blatant display of illogical censorship.

### **Scenario #6: The music teacher is using a copy machine in the media center to make copies of a piece of choral music that is going to be sung at an upcoming school choral concert.**

Copyright law and fair use guidelines are at play with this particular scenario. According to the Stanford University Libraries “Copyright and Fair Use” page, there are four factors that judges in the Federal Court will examine when determining whether someone has infringed upon the copyright and fair use legislation: “The purpose and character of your use; the nature of the copyrighted work, the amount and substantiality of the portion taken; and the effect of the use upon the potential market.”

The first guideline, “Purpose and character of your use,” addresses whether someone has taken a copyrighted work and used portions of it to create something new. If this is the case, the copying of the work be viable as fair use. The scenario did not mention whether the piece of choral music is a copyrighted work. However, assuming that it is, this teacher has not taken portions from it and transformed it into something different and new; he has merely copied the piece so that there are enough copies for each member of his choral group. He has not met the criteria for this first guideline.

The second guideline, “Nature of the copyrighted work,” addresses whether the work that has been copied is factual and researched, as opposed to creative, and is well-established. If the piece is something creative, such as a novel or a composed piece of music, the determination of whether the copying of this piece is legal under fair use is much murkier—the piece is creative property of the original author and should not be copied, especially if the copying that is occurring is happening just to provide every member of a group with a copy. The music teacher from this scenario has also not met the second guideline. According to the University of Maryland page on copyright and fair use, “the more a work tends toward artistic expression, the less likely it will be considered fair use.” A piece of choral music is most definitely artistic expression.

The third guideline, “Amount and substantiality of the portion taken,” says, “The less you take, the more likely that your copying will be excused as a fair use. However, even if you take a small portion of a work, your copying will not be a fair use if the portion taken is the “heart” of the work.” According to the scenario, the music teacher is copying the entire piece of choral music and is making enough copies for his entire

choral group. Not only is he copying the “heart” of this piece of music, he is copying the entire piece and distributing it, as opposed to ordering enough sheets of music for his entire group. His practice definitely does not meet the requirements for the third guideline.

The fourth guideline, “Effect of the use upon the potential market,” is another important factor in determining whether an individual’s copyright infringement falls under fair use. The simplest way to interpret this guideline is to determine whether the copyright infringement prevents the original author (or composer in this case) from making royalties on the original work. This guideline, of the four, is the one the music teacher can claim he followed since his choral group is not making money off of the copyright infringement. However, having not bought enough parts in the first place and instead copying what he needed to provide enough copies for the group members, he has still prevented the author/composer of this work from gaining the necessary royalties from this transaction.

The music teacher does not have any ill-intentions with his copying. However, according to fair use (on the University of Maryland website), if an educator wishes to use a text (or in this case, a piece of music) in its entirety, then the educator must obtain permission. In this scenario, then, the media center specialist should ask the music teacher if 1) the piece of copyrighted, 2) he is copying the entire piece, and 3) if he has obtained permission. If he answers yes to the first two questions and no to the third, then the media center specialist has a responsibility to protect copyright infringement and must ask the music teacher to stop copying the piece of choral music.

**Scenario #8: A parent comes into your media center and asks that you restrict her son, who is in the middle school, from checking out any graphic novels.**

On the page entitled “Coping with Challenges: Strategies and Tips for Dealing with Challenges to Library Materials,” on the ALA website under sample Questions and Answers, a “mock” parent asks “I pay tax dollars to support the library. Why shouldn’t I be able to control what my kids are exposed to?” The answer to this is simple: parents should and do control what their children are exposed to through a number of intervention strategies. They talk to their children about responsibility, they monitor what their children are reading and checking out of the library by asking them, and they supervise their children while in the public library. It is the parents’ responsibility to ensure that the materials their children are reading are beneficial on a personal and/or academic level.

It is not the media center specialist’s responsibility to “control what” the children are exposed to. According to the above webpage, “parents can request only that their child be denied access to materials being reconsidered.” If a parent has an issue with a book or a type of book, unless this book is being reconsidered through a formal parent complaint, it may not be denied to anyone wishing to check it out of the library, including someone’s son.

Therefore, the above parent has the perfect right to deny her son graphic novels. However, the media center specialist should not and cannot be the enforcer of this. All library materials in any school library are available to the public through the Library Bill

of Rights: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The concept of Intellectual Freedom dictates that anything found within a library is of quality and consequence to people. By restricting someone from reading a certain or type of book, a media center specialist is curbing that person's intellectual freedom.

To address the concern in this scenario, the media center specialist should listen patiently to the parent's request and allow her to explain her concerns regarding her son's interest in graphic novels. Following this explanation, the media center specialist must explain that (s)he does not have the right nor the desire to restrict any middle school student from checking out materials because the media center is a place where Intellectual Freedom is encouraged. The only way that this student can be denied access to the graphic novels is if the mother prohibits her son from checking graphic novels out of the library herself.

Obviously, the mother cannot monitor this during the school day unless she seeks such drastic measures as coming to school and accompanying her son during his media center visits. However, as mentioned in the "School Library First Principles" in Chapter 7 of Mona Kerby's book *Collection Development for the School Library Media Program, a Beginner's Guide*, "Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children." If the mother does not want her son to check out graphic novels, then she must trust that her son will abide by her wishes. The media center specialist is not a monitor; (s)he is a professional charged with maintaining Intellectual Freedom with his/her media center.

**Scenario #11: A parent comes to the media center to inform you that her family is moving and she needs a list of all the books checked out by her daughter, who is in middle school, so she can make certain all books that have been checked out are returned before the family moves.**

The child of this parent is in middle school, however we do not know whether she is in sixth, seventh, or eighth grade. This grade level distinction may make a difference in regards to this situation. Although student checkout records are private, even if parents or guardians request them, it is often customary to provide parents of elementary-aged students with a list of the checked-out books because these children may need assistance in locating the materials at home. This same concept may hold true for sixth grade students because their age and mentality is so close to that of an elementary-aged child.

However, assuming that this child is either in seventh or eighth grade, the media center specialist in this case should not provide the parent with the requested list. Checkout records are private and students, who are citizens under the law, maintain the same legal rights as adults, especially in regards to privacy. While this mother's intentions seem nothing but honorable (she has offered to help return media center items), she does not have the right to obtain her daughter's checkout records. According to the ALA's Code of Ethics found on their website, Article III states, "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." The daughter has a right to be the one who decides to show her parents the materials that she has selected from the

media center. The media center specialist does not have the authority to strip this student of her right.

The Code of Ethics also states, “We respect intellectual property rights and advocate balance between the interests of information users and rights holders.” The daughter in question is most definitely an information user because the parent has made it clear that she has checked library materials. However, under the law, she is also a rights holder and should be treated as such by the media center specialist.

If, as the mother says, this family is moving and she wishes to return all of the materials that her daughter has checked out of the media center, the daughter must come in and request the list of checked-out texts on her own. This option should pose no hardships on the mother or the daughter; the daughter simply needs to come to the media center specialist herself and request the list.

The mother may raise issue with this option, however, because her daughter may very well be unreliable or forgetful. These characteristics may especially be true because the mother has demonstrated that the daughter already has numerous books out that need to be returned. If the mother sees this option as implausible, the solution is easy.

The media center specialist need only print out the list and deliver it to the student during her first period class. The parent should anticipate this since she had made the original request and then check her daughter’s book bag upon her return home from school. Thus, the student is the individual who presents her parent with her records, and the media center specialist has provided the list without infringing upon the student’s right to privacy. The issue behind this particular request is not that parents do not have the right to know what their children are reading. Rather, it should be the student not the media center specialist who presents his/her parent with this knowledge.