

## Unprovoked, Unbiased, and Undaunted: Library Trustee Skills for 2024

**Session Goal: Trustees will learn and apply the legal fundamentals of trusteeship with respect to library materials challenges, programming concerns, people recording in the library, and aggressive criticism of all kinds.**

### Learning Checklist

Item	Learning take-away
	<b>THE BASICS</b>
	Every library in MCLS is its own separate corporation, governed by a board of trustees.
	In times of stress and challenge, clarity about charter, bylaws, policy, job descriptions, and budget is essential.
	A public library is a “limited public” forum, which means that so long as rules are rationally related to library operations, the time, place and manner of speech on site can be subject to rules.
	A public library is an independent education corporation whose board has the authority to set policy and whose director and other professional staff are empowered to select library materials and provide library services, including programming, per the law and library policy.
	<b>RECORDING IN THE LIBRARY</b>
	As a separate corporation, your library sets the rules for library space through policy.
	Library policy can be used to limit recording in the library, so long as the limit is rationally related to the library’s operational priorities (such as patron privacy).
	If space and operations allow it, it is wise to set up an area for streaming/recording, and designate it through effective signage.
	Library leadership should have a map of the library’s territory handy (if your library owns it, a survey; if a lease, a marked survey or floorplan of exactly what is leased).
	If your library can facilitate recording in a way that doesn’t compromise privacy and security (for instance, after hours per pre-arrangement, or during non-peak hours), consider offer those who want to record in the library a guided tour to showcase the cool things you have to offer.

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	<b>FOIL REQUESTS</b>
	The Freedom of Information Law applies to all public libraries except association libraries.
	Every non-association public library must have a designated “Records Access Officer” to whom records requests can be sent.
	Every non-association public library must have a FOIL policy for timely responding to FOIL requests.
	Every non-association public library’s FOIL policy must designate a “FOIL Appeals Officer” to consider appeals; this person cannot be the Records Access Officer.
	Every non-association public library must designate a “Records Management Officer” who ensure the Library is retaining records as required by the LGS-1. [NOTE: The Records Management Officer can—but doesn’t have to be—the Records Access Officer]
	<b>PROTESTS AT THE LIBRARY</b>
	A non-association library can use policy to limit actions that are disruptive to library operations, but just like with recording, the limits must be <b>genuinely</b> related to library operations.
	All libraries should have a customized safety plan that considers how likely scenarios will be addresses with a focus on safety and minimal service interruption.
	<b>COLLECTION CONCERNS</b>
	Every public library should have a collection management policy governing selection, purchasing, cataloging, and removal of collection materials. Selection and weeding criteria should be set by the director and other designated employees.
	When there is a collection concern, follow the library’s policies.
	<b>PROGRAMMING CONCERNS</b>
	The responsibility for library programming can be in a policy, or set out in a job description.
	When there is a programming concern, honor the roles in job descriptions, and follow the library's policies.
	<b>BE PREPARED WITH--</b>
	A " <b>privilege of the floor</b> " policy to encourage input but impose reasonable conditions for orderly board meetings.
	A <b>FOIL policy</b> to ensure timely and compliant responses to FOIL requests and appeals. For association libraries, a "records request policy" is wise.
	A <b>collection management policy</b> that addresses all phases of collection management (selection, cataloging, re-evaluation, removal).
	A " <b>Library Programming</b> " policy on how library programming is selected and arranged.
	A " <b>Recording or Streaming in the Library</b> " Policy that addresses priorities such as privacy, safety, and orderly operations of the library.

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	A " <b>Code of Conduct</b> " with provisions that empower the library to maintain the desired atmosphere for offering library services.
	An understanding or " <b>Official Statements</b> " policy regarding who addresses speaks for the library and/or answers questions from the media or other parties during a controversy.
	An <b>understanding or MOU with local law enforcement</b> of how to address harassment, abuse, and threats to library workers, volunteers, and property. This should include an understanding of how the library will work, whenever possible, to de-escalate visitors with an aggressive or agitating demeanor.
	<b>Training</b> to ensure library employees and volunteers feel safe and securing working with policies that mediate access to library information and premises.
	<b>After-action assessment</b> when a protest, challenge, or stressful event occurs. This can help improve current policies, inform future responses, and most critically, ensure any impacted employees, volunteers, or trustees can be supported as needed.

And an oldie but a goodie from our session in 2022:

# REMAIN CALM

Confirm you recognize the person's concern

Assure them it will be addressed

Listen; do not apologize or argue

Manage the situation according to law and policy



and

## Knowing Your Library's "Brand" During Times of Controversy

### Diagnostic Quiz



In today's world, controversy is an inevitability.

While hopefully your library's community always has something to say about the library, a "controversy" is when there is **divisive criticism that could impact library actions** (such as future use, programming, support, or partnerships).

For a public library, "controversy" can come in many forms:

- A contentious budget process
- A contentious ballot or bond initiative
- Aggressive criticism of library programming
- Book challenges with public attention at any phase
- A local event impacting the library

When controversy happens, the library needs to address it—and ideally, to get out ahead of things, so the library can impact the evolving narrative, rather than being reactive to it.

To do this effectively (and with as little stress as possible), it helps to know the library's "overall brand" when it comes to public relations and marketing, and to know what aspect of that brand the library is using when there is a controversy.

What is an "overall brand"?

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Here are some famous examples:

- The “National Parks” social media brand uses humor to address safety issues;
- The “World Wrestling Federation” multi-media brand focuses on smack talk and high drama;
- The “Dolly Parton” brand boosts the singer while focusing on charitable works and self-deprecating humor;
- The “State Farm” brand uses gentle narrative humor and personalities to forge connections and trust.

For a public library, a customized version of any of these brands can work for boosting awareness of library events. Some libraries use humor, while others use wholesome enthusiasm, or scholarly reserve. Still others (usually smaller libraries) rely on the ability of their staff to forge more personal connections.

There is no one right approach to a library’s “overall brand.” So long as it can be used consistently, and doesn’t solely depend on the skills and personalities (and social media accounts) of one or two select employees, it is your unique approach to interfacing with your community, and the larger world.

When it comes to controversy, however, whatever “overall brand” a library has developed must support (and perhaps be subordinate to) an approach that is:

- Mission-focused
- Calm (responsive, but not reactive)
- In control

There are a number of factors that contribute to the unique way a particular library can determine this part of their brand...*before* controversy happens. Your answers to the questions below will shed light on your approach.

And if the answer to some of the questions is “IDK” (“I don’t know”), then now is the time to figure them out.

### Diagnostic Quiz

#	Question	Your Answer
1	When there is a public controversy involving the library, who decides if a public statement is made?	
2	When the library (not a particular employee) is criticized in public, if a reply is required, who replies?	

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3	When a particular employee is criticized in public, who replies?	
4	When the library makes a public statement in response to criticism, who authorizes it?	
5	<p>When the library replies to criticism, what tone is used?</p> <p>Possible answers:</p> <p><i>Dignified          Friendly          Professional</i></p> <p><i>Mission-focused/Ethics-Focused</i></p> <p><i>Concerned          A Tad Salty When Warranted</i></p> <p><i>Idealistic          Engaged</i></p> <p><i>Neighborly          Informative          Conciliatory</i></p>	
6	<p>What is the library’s preferred way to engage the public on a controversy?</p> <p>Possible answers:</p> <p><i>Hope it will blow over (“Non-confrontational”)</i></p> <p><i>Have a public meeting to address things head-on (“Head-on Open Dialogue”)</i></p> <p><i>Publish a public response but not engage in person (“Above the Fray”)</i></p> <p><i>Develop and promote alternate programs and outreach to pull focus from the controversy (“This Too Shall Pass”)</i></p>	
7	Has the library adopted the ALA or NYLA Code of Ethics and Library Bill of Rights, or its own code of ethics to refer to during times of controversy?	
8	When there is a controversy, who are library’s major supports?	

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	<p>Possible answers:</p> <table> <tr> <td><i>Library system</i></td> <td><i>Other libraries</i></td> </tr> <tr> <td><i>Friends</i></td> <td><i>Nearby cultural orgs</i></td> </tr> <tr> <td><i>Library's lawyer</i></td> <td><i>3R's Council</i></td> </tr> <tr> <td><i>PR expert</i></td> <td><i>ALA</i></td> </tr> <tr> <td><i>NYLA</i></td> <td><i>Local government officials</i></td> </tr> </table>	<i>Library system</i>	<i>Other libraries</i>	<i>Friends</i>	<i>Nearby cultural orgs</i>	<i>Library's lawyer</i>	<i>3R's Council</i>	<i>PR expert</i>	<i>ALA</i>	<i>NYLA</i>	<i>Local government officials</i>	
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9	Of the major supports listed in “8” above, who has the library connected with to discuss how they would connect if a controversy emerges?											
10	Does the library have a crisis communications plan?											
11	Who is responsible for arranging support for employees, volunteers, trustees, patrons, and others personally impacted by the controversy?											

All of these questions impact your library’s “controversy brand” but the most critical are to rolling out a mission-focused, non-reactive, calm response are 5, 6, 7, and 11.

Regarding 5 (“Tone”)

The “tone” of a response really will vary from library to library; what is important is that the tone be consistent, and sincere. This also helps reduce the impact of individual board members and employees as leadership comes together to address an emerging situation; once a course of action is plotted, it should be delivered in a consistent tone that matches the overall approach (for example, don’t use the “*A Tad Salty When Warranted*” if your plan involves bringing people together for an open meeting; save the salt for when hateful or aggressive criticism just needs to be tagged as not worth more of everyone’s time).

Regarding 6 (“Preferred Manner of Engagement”)

When confronting controversy, some libraries may prefer to craft a written response and not oxygenate the issue with a public meeting (or to not reply at all). On the flip side, some libraries may want to host a forum to help their community come together to navigate a disagreement, or bring in help from their library system or others to encourage discussion (and hopefully avoid rage). Again, there is no one “right” way. What’s important is picking a tactic that is within the capacity of the library and meets the goal of promoting the library’s mission.

Regarding 7 (“Code of Ethics”)

This one is important. A solid code of ethics will provide guideposts for leadership to make decisions.

Regarding 11 (“People First”)

Every controversy will bring an impact on people, and sometimes, that impact will hurt. As a board and library leadership addresses an ongoing controversy, appointing one or two people to think first, at all times, about the impact on people, is a good idea. These designated “people first” people should have access to advice and input about how to minimize harm and support people at the heart of a difficult situation. This way, while the overall plan is developed and executed for the benefit of the library, it can keep the well-being of people in mind, too.

And that is your “controversy brand.”