

trustee tale

Newsletter for Public Library Trustees

The Americans With Disabilities Act after 19 Years

By Mark Arend, Assistant Director, Winnefox Library System

Remember the ADA—The Americans with Disabilities Act? The first President Bush signed it into law in 1990. And for a couple of years it was in the news.

It's still there and we're still bound by it. Title II of the ADA states: *"no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity"*.

What does this mean? To be in compliance, libraries must address the following issues:

- **Access to buildings and facilities**—This includes such things as parking, entrances, furniture, signage, and restrooms.
- **Access to services**—This includes all the services provided by the library, such as reference service, access to programs for children and adults, and access to materials in accessible formats.
- **Policies and procedures**—Library policies should be reviewed and revised and procedures set in place to assure equal access.
- **Staff training**—Library staff and volunteer training should include disability awareness training. It is important to avoid excluding persons with disabilities because of stereotypical attitudes held by staff.
- **Employment practices**—Policies and practices for hiring, promotion, and other employment actions should be reviewed and revised as needed. Employers must make any reasonable accommodation for a disabled employee that does not result in undue hardship for the employer.

Libraries must make reasonable modifications to their policies, practices, and procedures to allow equal opportunity for individuals with disabilities to participate, unless to do so would fundamentally alter the nature of the service, program, or activity. They must also provide auxiliary aids and services, integrated program access through nonstructural and architectural modifications, and meet employment provisions.

The library does not need to remove all physical barriers in existing buildings as long as programs & services are readily accessible to users with disabilities in another facility.

Generally, when the topic of accessibility comes up, people tend to think that the sole benefit is for persons who are disabled. But the reality is that accessible buildings make life easier for everyone. Parents with a child in a stroller appreciate being able to walk right in and not having to squeeze through aisles and around tables. Healthy, active seniors appreciate not having to struggle with heavy doors and having safety bars in the bathroom. Children appreciate service counters that are at their height and don't force them to stand on tiptoe or look way up to talk

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The Trustee's Role Regarding Intellectual Freedom

By James D. Backus, WLTA Chair

When the average library trustee is appointed to his board, he seldom anticipates that defending the Constitution will be one of his most important responsibilities. However, the First Amendment to our great Constitution gives American citizens the right to unrestricted access to the expressions and beliefs of others. The place that citizens look toward to find this unfiltered information is their public libraries. In 1953, Dwight D. Eisenhower said it well when he related, "The libraries of America are and must ever remain the homes of free, inquiring minds. To them, our citizens... must ever be able to turn with clear confidence that there they can freely seek the whole truth, unwarping by fashion and uncompromised by expediency."

So, our new trustee realizes that his first responsibility is self-education. There is much more to this new position than just going to occasional meetings, drinking coffee, and munching on pastries. The Wisconsin Department of Public Instruction (DPI), the American Library Association (ALA), and the Wisconsin Library Association (WLA), publish many materials to assist in this self-education process. The new trustee learns that he must defend the "Freedom to Read." In America we expect people to be self-governing, but to do so responsibly they must be well-informed. They must have free access to diversified opinions in order to make informed decisions.

This sounds like a simple matter. Who could be against that? How would people attempt to subvert that Constitutional right?

One word: Censorship! Attempts at censorship come in many forms and from many different angles.

Government: There are occasional new legal definitions and interpretations of existing laws that can threaten the operations of public libraries. Changing legislation may carry the threat of investigation which may compromise the confidentiality of library records. Political extremists have historically attempted to suppress opinions which differ from their own, and "expose" people who read what they feel are dangerous materials.

Communities: Under the guise of "Threats to Community Standards," attempts are frequently made by private groups, both political and religious, to modify the types of materials maintained in their local public library. Local community groups are most often the source of banned book lists. Attempts to censor materials come from many different lines of reasoning about politics, sex, religion, science, civil rights, and race, to name a few.

Librarians: Librarians can effectively censor materials through a much subtler method, namely their Collection Development activities. Political pressure, community pressure, or their own personal beliefs can color the Acquisitions Policy the librarian administers. This is a less effective method with the widespread availability of Interlibrary Loan, but it can still affect immediate access to materials.

In most cases, the people attempting to censor library materials are not evil people. They are ordinary citizens who believe strongly in one issue or another, and simply do not feel that others should be exposed to materials that they feel are blatantly wrong or morally corrupting. So, what is the trustee to do to combat these attempts at censorship and fulfill his role in creating and protecting a "right to know" climate in his library?

Trustees Must Fulfill Three Roles:

Policymaker: Trustees must insure that the policies and procedures of the library are current and consistent with the First Amendment guarantees, as well as ALA & WLA positions on Intellectual Freedom. In particular, they must ensure that the Collection Development Policy is written so it is measurable and enforceable, and ensures a collection of diversified opinions.

Employer: The board hires (and fires) the library director. The trustees must ensure that the director is following the policies and procedures that the library board has mandated. If the director is doing so, the board must support the librarian and ultimately "take the heat" of any challenges to collection content. A clearly defined Challenge Policy in line with the Wisconsin DPI's Trustee Manual must be in place to handle the challenges.

Access Provider: The board of trustees has the responsibility to protect its library patrons' First Amendment rights of access to library materials. The trustees do this both through their policymaking and employer roles, and also through communicating with community leaders and the general public as to the library's position on Intellectual Freedom, and how the library is working to protect the patrons' "right to know." Since the board of trustees may be communicating with the people who provide the tax dollars that allow the library to operate, this can be a delicate balancing act. This is especially important since it is ALA's opinion that "communications on the Internet deserve the same level of constitutional protection as books, magazines, newspapers, and speakers on a street corner soap box."

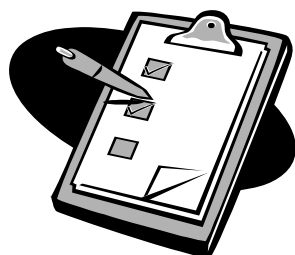
The role of the responsible trustee regarding Intellectual Freedom is not an easy one. The true test of a trustee's commitment comes when he is called upon to allow and defend the expression of ideas which are opposed to the trustee's personal beliefs of right and wrong.

Here's What We Know About Libraries ...and What Your Local & County Officials Need to Know

Need some talking points for your 2010 budget development? Here are a few suggestions.

1. Libraries are essential to economic recovery.

- Libraries provide valuable materials, programs, and services to get people back on their feet and skilled staff to help them find what they need.
- Resources to learn about resume writing, and how to complete job application forms
- Resources to learn financial management
- Resources to help create small businesses
- Resources to learn about health, nutrition and wellness activities
- Online databases that provide valuable information for businesses
- Computers and Internet access for applying for jobs online
- Computers and Internet access for virtual classes and training
- Computer training on email, searching, work processing, spreadsheets, PowerPoint and more software programs
- Free email access to apply and receive correspondence about jobs
- Assistance in setting up free email accounts
- Resume writing software and assistance
- Referrals to agencies that provide loans, food, shelter and other essentials
- Meeting places for businesses to conduct interviews and group meetings
- Meeting places for tutors and students
- Staff to proctor exams for correspondence classes, virtual universities, and job qualification tests
- Practice tests, both print and online



2. Libraries are models of cost-efficient operations.

For years, libraries have set the standard for working together, sharing resources, and creating efficiencies – always with an eye to enhancing customer service and making the best use of taxpayers' dollars. The examples are numerous:

- Shared public access computer systems
- Access to online databases
- Access to materials in digital formats
- Interlibrary loan: physical delivery of materials
- Interlibrary loan: document delivery
- Electronic reference services (Instant messaging/chat)
- Long-range planning (e.g., Council of Libraries and Network Development report on future of Wisconsin libraries)
- Continuing education
- Special needs (e.g., Regional Library for Blind & Physically Handicapped)

3. Libraries are experiencing increased demands for service.

The current economic climate has made libraries an even more vital part of their communities; they're busier than ever. It's a national phenomenon.

Key quote*: "Whenever you have tough economic times, public libraries are a place people go because they have no other alternatives or because they know they are going to get the kind of powerful information that will make a difference in their lives."
—*Kristin McDonough, Director of the Science/ Industry/Business Library of the New York Public Library.*

- "Frugal readers drive up library circulation 30%." *Chicago Sun-Times*, 6/28/2009.
- "Downturn Puts New Stresses on Libraries". *The New York Times*, 4/1/2009.
- "Libraries Stressed, Yet Needed More Than Ever." *The Denver Post*, 3/22/2009.

- *"Hard Economic Times a Boon for Libraries. *CNN.com*, 2/28/2009.
- "In Slumping Economy, Library Use Shoots Up". *Greater Milwaukee Today*, 2/10/2009.
- "Libraries many benefits rediscovered in hard economic times". *Milwaukee Journal Sentinel*, 1/22/2009.
- "Folks Are Flocking to the Library, a Cozy Place to Look for a Job". *Wall Street Journal*, 1/15/2009.
- "Library use up with economy drop." *Racine Journal Times*, 1/4/2009.
- Check it out: As the economy sags, library use is booming." *The Boston Globe*, 1/4/2009.
- "As economy goes down, traffic at the library goes up." *Wisconsin State Journal*, 1/1/2009.

These talking points were developed by the Wisconsin Library Association's Library Legislation & Development Committee

FAQ

Can members of the village board or city council be excluded from a closed session of the library board?

No.

Section 19.89 of Wisconsin Statutes state that no member of a municipal governing body may be excluded from any meeting of a subunit of that governmental body. Because the library board is legally a subunit of the municipal board they cannot be excluded from any library board meeting.

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to library staff. And busy library staff appreciate doors that open automatically when they approach with an armload of heavy books.

The focus here is to make programs, services, and resources accessible to persons with disabilities. Often this can be done with minimal changes in procedures or with a small monetary outlay. Sometimes your library will have to make major changes in buildings or in policies. But regardless, it must be done. It's not only the law; it's the right thing to do.

For more information:

- *Trustee Essential 20:*
The Library Board and Building Accessibility
- *Trustee Essential 21:*
The Library Board and Accessible Services
- Great Lakes ADA Center
<http://www.adagreatlakes.org/>

Attend Library Legislative Day

Mark your calendars now for the Wisconsin Library Association's Library Legislation Day in Madison on Tuesday 16 February 2010. This is a great opportunity for library supporters to talk with their State Legislators about the importance of libraries in Wisconsin.

Check out the WLA website at <http://www.wla.lib.wi.us/legis/index.htm> and click on the Library Legislative Day link.



Have questions?

Contact

Rick at OWLS

rick@mail.owls.lib.wi.us

920-832-6190

or

Mark at Winnefox

arend@winnefox.org

920-236-5222

and we'll try to help.

trustee tale is written and distributed by Outagamie Waupaca Library System (OWLS) and Winnefox Library System (WLS). Distribution to your board is funded by your home system.

If you have questions, comments or suggestions for future articles, send them to:
OWLS: Rick Krumwiede, 920-832-6190
or rick@mail.owls.lib.wi.us
WLS: Mark Arend, 920-236-5222
or email arend@winnefox.org

Editors: Rick Krumwiede & Mark Arend
Graphic Artist: Renee Miller



Winnefox Library System
106 Washington Avenue
Oshkosh, WI 54901-4985