

**St. Tammany Parish Library
Board of Control Special Meeting
October 12, 2023
St. Tammany Parish Council Chambers
21490 Koop Dr.
Mandeville, LA 70471
1:00 P.M.**

MINUTES

This special meeting was called due to a quorum of Library Board of Control (LBOC) members wishing to participate in the Rules and Regulations Committee Meeting.

The meeting was called to order by Rebecca (Becky) Taylor, President. Kelly LaRocca, Director, called the roll and declared that a quorum was present.

Present: Jake Airey, Bill McHugh, Anthony Parr, Becky Taylor

Absent: Carmen Butler, Ann Shaw

Emily Couvillon with the Civil Division of the District Attorney's Office was also present as legal counsel for the library.

B. Taylor explained the rules for public comment. A three-minute time limit is established for each member of the public wishing to speak (for or against) an item on the Agenda. Public comments were accepted by email (lboc@stpl.us) until 11:00 a.m. on the morning of the meeting.

1. New Business

A. Section 403 – Criteria for Selection

Discussion:

K. LaRocca stated that the Library Board of Control adopted the new card system to comply with LA R.S. 25:225 (formerly known as Act 436) at the last LBOC meeting. K. LaRocca reviewed *Chapter 4. Collection Development, Section 403. Criteria for Selection* in the Rules and Regulations of the St. Tammany Parish Library Board of Control. She highlighted additions that were suggested after studying and discussing the new law with legal counsel. The committee discussed the policy. Typos were noted and corrected. Sentences were edited for grammar and clarity. The committee discussed the phrasing of paragraphs and agreed to remove statements that are irrelevant to the Collection Development policy.

The committee discussed the part of the policy that states that materials cataloged in the Juvenile and Young Adult sections shall not contain sexually explicit material or sexual conduct

as defined by LA R.S. 25:225. K. LaRocca stated that if staff become aware of materials that contain the type of sexual conduct defined in LA R.S. 25:225, the items will be moved to the Adult section. It was clarified that this does not prohibit the library from acquiring such material, as long as the material is properly cataloged and shelved in the Adult section. B. McHugh emphasized this statement and stressed the importance of understanding that the library can purchase these materials, but they cannot be cataloged or shelved in the Juvenile or Young Adult sections.

There was discussion about whether or not to include the definition of sexual conduct, which was copied directly from LA R.S. 25:225. E. Couvillon noted that LA R.S. 25:225 states that, "The policy required by this Subsection may adopt the definitions in Subsection B of this Section by reference." E. Couvillon advised that if the exact definition is going to be removed, the Board needs to be more specific in the citation stated in the policy. The citation should be: LA R.S. 25:225B(3). J. Airey suggested adding "which is adopted herein by reference" after the citation. E. Couvillon agreed and suggested "or the most recent version of which is adopted herein by reference" after the citation.

Public Comment: There was no public comment.

B. Section 407 – Statements of Concern About Library Resources

Discussion:

K. LaRocca reviewed *Section 407. Statements of Concern About Library Resources*. There were no changes made to part A. *General*. In accordance with LA R.S. 25:225, it is now specified in part B. *Process* that any person completing a Statement of Concern (SOC) must hold a St. Tammany Parish Library card and must reside in St. Tammany Parish.

J. Airey discussed the wording of the last sentence of part A. *General*. He stated that based on the law and in respect to certain age groups, the Board technically does have the right to judge what others read. It was decided to strike the sentence from the policy. B. McHugh suggested removing the words "the cost of" after the word "however" in the second sentence of the first paragraph under B. *Process*.

E. Couvillon noted that the library uses the term "Statement of Concern," but LA R.S. 25:225 uses the term "Request for Reconsideration." For clarity, she suggested adding that the SOC is also referred to as a Request for Reconsideration under LA R.S. 25:225.

K. LaRocca reviewed submission criteria. The final paragraph under B. *Process, Part 1* reads as follows: "Any Statement of Concern seeking to restrict access by a minor to a digital resource categorized as Adult and thus only available to Adult, Juvenile, and Juvenile Unrestricted cards, shall not be considered." K. LaRocca stated that if we were to receive a SOC that fits the above scenario, we would send the patron a letter stating that the resource is an adult digital resource and is only available to Adult, Juvenile, or Juvenile Unrestricted library cards. If a parent does

not want their child to access this digital resource, they have the option of choosing a restricted card that does not allow access to this material.

J. Airey asked if that statement can be retroactive for SOCs that were previously submitted. E. Couvillon stated that it can, but advised the Board to proceed with caution in doing so. She explained that those SOCs were submitted under the previous process and the complainant's due process rights for that challenge to be heard would be removed. It was decided to leave the statement as-is.

There was discussion about the internal staff committees and the review and recommendation processes. B. McHugh discussed the possibility of returning to the previous process of the committee making a decision with an option to appeal, rather than a committee recommendation with an automatic Board review and decision. He noted that an exception to this is that the Board is required to review material containing sexual conduct as defined by LA R.S. 25:225.

K. LaRocca clarified that the guidance received from Attorney General Jeff Landry's office confirms that the Board is required to make the decision if the accusation or concern is that the material contains sexual conduct as defined in LA R.S. 25:225. B. McHugh noted that the revised SOC form includes a question that asks if LA R.S. 25:225 is a reason for the patron's concern and gives a "yes" or "no" option for the patron to select. He stated that many people will select "yes" to force the Board to review the book. He stated that we are not required to include that question on the form and that if a patron wants to refer to the statute they can do so elsewhere on the form.

K. LaRocca noted that the sample form provided by Jeff Landry's office includes that question. J. Airey stated that it would be a mistake not to include the question if it is in the Attorney General's sample. B. McHugh stated that it is not in the statute and that the Attorney General's opinions are not binding. K. LaRocca noted that the question on our form is more detailed than what is on the sample form.

E. Couvillon stated that it was her suggestion to include the question on the form to save the librarians from having to make that determination on their own. B. McHugh asked if that puts the onus on the Board to make that determination. E. Couvillon confirmed that it does. She suggested asking the complainant to identify the sexual material by page number and to note where the item is housed in the library. E. Couvillon stated that the goal is to balance the accountability of the challenger, the committee's responsibility, and the decision of the Board.

There was further discussion about whether or not to return to the previous process of a staff committee making the decision with an option to appeal to the Board. B. McHugh noted that this would speed up the process and suggested implementing time limits on appeals. He stated that returning to a committee decision process puts the responsibility for the decisions in the

hands of professionals instead of amateurs. He explained that the board members are amateurs in terms of this subject matter.

J. Airey stated that in the absence of LA R.S. 25:225, he would agree, but he does not think it is possible based on the wording of the law. He noted that this is a statutorily created Board that oversees the policies of the library and anyone not up for the challenge should not be on the Board. He stated that while he understands that librarians are professionals, the Board is the public's input into the process.

K. LaRocca stated that the majority of the current SOCs will have to be reviewed by the Board, as most of them reference sexually explicit material as the concern. B. McHugh stated that returning to the previous process demonstrates that the Board trusts the librarians to make the decisions. He suggested that the Director could give a report of recent committee decisions at Board meetings to keep the Board and public informed. K. LaRocca stated that the current policy complies with LA R.S. 25:225. E. Couvillon stated that it actually exceeds what is required by LA R.S. 25:225.

A. Parr asked if the staff and librarians are safe and comfortable with making the decisions, given the recent climate. K. LaRocca explained that they are currently on record as making the recommendations and the only difference is that they would be deciding rather than recommending. K. LaRocca also noted that the staff committees are volunteers who have offered to participate on their own time.

K. LaRocca reminded the Board that the decision-making process was transferred to the Board in an effort to be transparent, as the complainants accused the library of having a bogus and unfair process. The majority of the complainants chose not to appeal to the Board.

The committee will draft two versions of the policy and present them to the Board at a future LBOC meeting. One version will state that the Board will review and decide on all challenges. The other version will state that a staff committee will review and decide on all challenges with an option for the complainant to appeal to the Board. An exception to this is that the Board is required to review material containing sexual conduct as defined by LA R.S. 25:225.

B. McHugh discussed the resolution that was adopted on December 13, 2022, that places challenged materials behind the circulation desk until they are reviewed and decided. He noted that this is not required under LA R.S. 25:225. He proposed that the Board consider rescinding the resolution. He noted that the vast majority of people commenting in person and via email are in favor of leaving the challenged materials on the shelves while the reviews are taking place.

A. Parr asked what the policy was prior to the resolution. K. LaRocca stated that there was not a specific policy and the items were left on the shelves during the review process. B. McHugh

spoke of the unfairness of one person having the power to banish a book to a restricted area because they made a complaint.

B. Taylor pointed out that question number five in Jeff Landry's guidance for libraries clarifies and defines that the library is not required to restrict a minor's access to library materials prior to checkout. B. McHugh asked for the policy to specifically state that the materials remain on the shelves while challenged.

There was discussion about the logistics of presenting the two versions of the decision-making process to the Board, as well as the option for the Board to rescind the December 13, 2022, resolution. K. LaRocca and E. Couvillon clarified that the two decisions could take place at the same board meeting under two different agenda items.

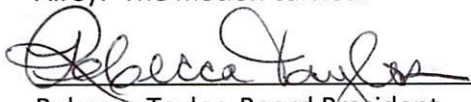
J. Airey spoke about the decision-making process and stated that he feels there should still be some Board discretion involved since there have been a couple of instances where it was decided to move a title to the Adult section. B. McHugh noted that would still allow one person to force the issue and place the books behind the desk.

E. Couvillon advised the committee to be careful with the phraseology in revising Section 407 to include rescinding the December 13, 2022, resolution. She explained that oftentimes the book is not available for checkout because the copies are being used by staff and the Board for review. T. DiMaggio stated she would follow up with E. Couvillon regarding the phrasing of statements in the policy. B. McHugh asked if they can circulate questions about wording and phrasing before drafting a copy of the policy for the agenda, so that the Board can provide feedback. E. Couvillon advised that staff cannot circulate questions with a quorum of the Board, as that violates open meetings law.

K. LaRocca reviewed changes to the SOC form. B. McHugh asked about the statement on page three that states, "This statement will be referred to the Library Board of Control." K. LaRocca clarified that it means that a copy of the SOC will be sent to the Board. B. McHugh stated that it implies that the Board will take an action, so he suggested changing the word "referred" to "forwarded." B. McHugh asked why the copies of SOCs are redacted. E. Couvillon explained that it is due to the privacy rights of individuals as required by the *Louisiana State Constitution, Article I. Declaration of Rights*. E. Couvillon stated that the individual's home address, email address, and phone number are redacted.

2. Adjournment

There being no further business, a motion to adjourn was made by A. Parr and seconded by J. Airey. The motion carried.


Rebecca Taylor, Board President