

BURLEY PUBLIC LIBRARY REQUEST FOR RECONSIDERATION

To request the Burley Public Library, reconsider the inclusion of materials in its collection – or the location of materials in its collection – a patron with a current Burley Public Library card may fill out this form and return it to the circulation desk or submit the form by mail to:

Burley Public Library
1300 Miller Ave.
Burley, ID 83318

The Burley Public Library is a member of the LIBRI Consortium. As part of the consortium, Burley Public Library shares and receives materials from other member libraries. Burley Public Library only processes Requests for Reconsideration of Library Materials for materials owned by the Burley Public Library.

The process for reconsideration consists of the following steps:

1. Staff will review the request and the materials requested for reconsideration. Staff shall include reference to all materials used to form its decision in the written Staff decision. Materials referenced in the Staff's decision shall become part of the record for review in any appeals that follow. Staff will communicate its decision to the resident within 15 business days from the receipt of the complete and valid Request for Reconsideration.
2. The Resident may appeal the Staff's decision to the Burley Public Library Board of Trustees by submitting a written request for Board review within 14 days of receiving the Staff's decision. The request for Board review shall state the reasons why the resident disagrees with the Staff decision. The Board will review the material in question, the request for Board review, the Staff's decision and all materials in the records relied on by the Staff at the next scheduled board meeting. The board will ensure the Staff's decision is based on substantial evidence in the record, is not arbitrary, capricious or an abuse of discretion, and does not violate the state or federal Constitution. The Board may employ whatever public processes it deems necessary and appropriate to fully develop the record to make its decision including public hearing, hearing from the resident and staff, remand the staff to further develop the record, or other such processes not in conflict with Idaho law. The final written decision will be communicated to the resident within the 60-day time limit as outlined in statute.

In compliance with Idaho Statute, this reconsideration form includes the definition of "harmful to minors" as provided in Idaho Code § 18-1514.

18-1514. OBSCENE MATERIALS--DEFINITIONS.

The following definitions are applicable to this act:

1. "Minor" means any person less than eighteen (18) years of age.
2. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

3. "Sexual conduct" means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.
4. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
5. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.
6. "Harmful to minors" includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
 - a) Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
 - b) Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:
 - i. Intimate sexual acts, normal or perverted, actual or simulated; or
 - ii. Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors.
7. "Material" means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.
8. "Performance" means any play, motion picture, dance or other exhibition performed before an audience.
9. "Promote" means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.
10. "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief that warrants further inspection or inquiry.
11. "School" means any public or private school providing instruction for students in kindergarten through grade12.

Please fill out the following information as completely and accurately as possible. The information you provide will be an important part of the library's review of the materials. If you need additional space to answer the questions, you may attach additional pages.

Date _____

TITLE _____

AUTHOR/PERFORMER _____

PUBLISHER/COPYRIGHT DATE _____

Item Barcode _____

Request Initiated by _____

Address _____

Telephone _____

Email address _____

Do you have a current library account? YES___ NO___

Do you represent:

_____ Yourself
_____ An Organization (name) _____
_____ Other group (name) _____

1. To what in the material do you object? Why do you object? (Please be specific; for example, cite pages and specific passages.)

2. Did you read, view or listen to the entire work? YES___ NO___
a. If not, what parts did you read, view or listen to?

3. Did you check out the material? YES___ NO___

4. What do you feel would be the result of reading, viewing, or listening to this material? _____

5. What part of the work do you think are accurate and valuable? _____

6. What do you believe the theme of the work to be? _____

7. Are you aware of judgements of this work by professional critics? _____

8. For what age group would you recommend this work? _____

9. What action are you requesting the library take in regard to this work? _____

Signature: _____ Date: _____

By signing this form, I attest that I am a Burley Public Library cardholder and I understand that I am making a formal complaint to Burley Public Library about an item available for checkout. I acknowledge that this document will become a public record as soon as it is received by Library staff. I understand that to complete the process I must follow the above-mentioned steps in the timeline stated.

Received by _____ Staff Member

Date: