

## ABLE 12 - Ethics and Public Service

### Slide 1: ABLE Course 12: Ethics and Public Service

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### Slide 2: WELCOME!

This course is designed for members of the library community who have no formal library training. You will learn about the fundamental principles of the library profession. Other courses in this series include the reference interview, evaluating reference sources, and basic reference tools.

This course is divided into six sections, which include information, links to explore and a self-evaluation test. The course takes approximately 2 hours to complete. You can stop and re-enter the course at anytime.

During the course you will be prompted to explore links to external websites. If you click on one of these, a new window will open. When you are ready to return to the course, just close that window.

After you complete the final examination, you will be prompted to access a course survey which will allow you to print your own certificate of completion for the course.

## Slide 3: Course Objectives

In this course, you will learn about the following principles of the library profession:

1. Professional ethics
2. Equal access for all
3. Intellectual freedom and censorship
4. Privacy and confidentiality
5. Importance of policies and procedures
6. Intellectual property rights

## Slide 4: Course Sections

Click on the section to further explore the topic of ethics and public services. It is recommended to go through the course sequentially so you don't overlook any category.

Once you have successfully completed all the sections, then click on "Complete Final Survey and Print Certificate."

## Slide 5: Section 1. Introduction to Library Ethics

Ethics is defined as "the body of moral principles or values governing, or distinctive of, a particular culture or group."

Why do ethics matter? Ethics affect behavior. Responsible behavior, regardless of personal biases, is the result of adhering to values or ethics. While most people have personal ethics that affect their daily behavior, there are also ethics in the workplace.

Most professions have codes of ethics, that is, fundamental principles that serve as a guide for professional conduct. For example, doctors, lawyers and educators all subscribe to their own codes of ethics.

## **Slide 6: Professional Ethics**

It is important to understand the ethics of your profession or workplace because these ethics provide a background, or framework, for creating policies, procedures, and guidelines which influence day-to-day activities.

If you are in a position to create policies or procedures, understanding the ethics of the workplace will help you establish reasonable policies and procedures.

If you are not a policy-maker, understanding the ethics, or values, that shape the library policies will help you be more effective in carrying out your responsibilities.

How ethical issues are handled will vary according to the type of library in which you work, your community, and your library's administration and board. School, public, academic, and special libraries each have issues that are unique to their library community. It is important to have policies, procedures, and guidelines in place that address these issues within the framework of the ethics of the profession.

## **Slide 7: ALA Code of Ethics and Library Bill of Rights**

The American Library Association's Code of Ethics and Library Bill of Rights state the fundamental principles of the library profession.

They cover all aspects of librarianship, including:

1. Equal access for all
2. Intellectual freedom and censorship
3. Privacy and confidentiality
4. Intellectual property rights

In this course, we will define the issues, discuss their impact on the library community, identify common customer service issues that are affected by these principles, and introduce the Code of Ethics and the Library Bill of

Rights. Click on the links to review and print out a copy of each of these documents for future reference.

Please proceed to the next section.

### **Slide 8: Section 2. Equal Access for All**

Article I of the American Library Association Code of Ethics states: We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

This statement can be summarized by the word “access,” which is central to library services. Everything we do in libraries supports our commitment to make all manner of information resources available to all kinds of people.

Providing access includes:

- Physical access to our facilities: reading areas, open stacks, and public computers
- Online access to the growing number of electronic resources
- Appropriate resources, selected according to the perceived needs of our clientele and organized for efficient retrieval

### **Slide 9: Reference Service**

Article I states that we provide reference service in an equitable fashion. We do not limit our services according to a customer’s age, income, political persuasion, or social status.

While each customer will have individual information needs and different resources will be appropriate for each case, every person who asks a question, from toddler to senior citizen, is entitled to the same level of service and respect. This applies whether they come to the library or contact us by phone or email.

## **Slide 10: Access**

“Access” implies the removal of barriers. Barriers to information service can involve communication, social status, reading literacy, and computer literacy. Good reference librarians and other public service staff use the skills discussed in other ABLE courses to welcome customers and put them at ease. Special local services such as computer skills classes, gaming nights for youth, or a roster of language interpreters may need to be developed to enhance customers’ access to information.

## **Slide 11: Be Objective**

Articles VI and VII of the Code of Ethics also address equal access for all, dealing specifically with a librarian’s personal beliefs and interests.

We do not advance private interests at the expense of library users, colleagues or our employing institutions.

We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.

One of the most difficult challenges in reference work is to remain neutral about the subject matter. You may feel a strong emotional reaction to certain questions because you are uncomfortable thinking about them or because your convictions differ from those of a customer. Regardless, it is your job to mentally stand aside and look at the question from the point of view of an impartial observer.

Provide the best answer, using the resources at your library. Use this as an opportunity to hone your skills in evaluating reference materials by guiding your customer to the most authoritative sources available.

### **Slide 12: All Questions are Important**

Working in library public services, you are bound to meet customers who are passionate about a personal interest and want to share their enthusiasm with you, at length. There are three lessons to draw from this:

Save your personal passions for your own time. You, the reference librarian, do not have the luxury, while on the job, to push your enthusiasm on customers or other library staff. Nor should we use time or resources at work to pursue our private interests.

Any question asked by a customer is an important question. Treat both the question and the customer with respect. A question from a child may not take as much effort to answer as one from a school principal, but the child deserves just as much attention. You may personally feel a question is trivial, but it is important to the person asking. Also, there may be a reason behind the question that is not immediately obvious. For example, a student who wants to know how many toes an ostrich has may be working on a drawing for art class. It is not our job to judge whether or not a question is worth answering.

Some customers will want to monopolize your time by continuing the conversation after you have answered their questions. It is perfectly permissible in this case to disengage yourself, politely, to go help another customer.

Please take the following quiz and then proceed to the next section.

### **Slide 13: Quiz: Equal Access for All**

### **Slide 14: Section 3: Intellectual Freedom and Censorship**

Article II of the Code of Ethics states:

We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

This core principle of the library profession is based on the First Amendment to the United States Constitution providing for the right to freedom of expression. In addition, the Library Bill of Rights addresses this issue in more detail. Access the document on the American Library Association website under the Office for Intellectual Freedom.

### **Slide 15: What is Intellectual Freedom?**

What is intellectual freedom and censorship and their impact on libraries?

On its website, the American Library Association offers the following definitions:

"Intellectual freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas. It is a core value of the library profession and a cornerstone of democracy."

"Censorship is a change in the access status of material, based on the content of the work and made by a governing authority or its representatives. Such changes include exclusion, restriction, removal, or age/grade level changes."

### **Slide 16: Daily Workflow**

How do these concepts affect the daily in your library? Libraries play a leading role in promoting intellectual freedom by making all types of information available in an organized manner. In addition, libraries support literacy and the individual's right to read. While there have always been challenges to intellectual freedom, such as banning books which has been practiced for centuries, electronic media, especially the Internet, opened new areas where intellectual freedom can be compromised.

Challenges to library resources, restricted access to materials, and Internet access are all intellectual freedom and censorship issues that libraries face frequently. The next few slides will discuss these issues.

### **Slide 17: Challenges to Library Resources**

What happens when some person or group questions your policies or asks you to remove items in your collection? It is essential to have policies that show your library is committed to the principles of intellectual freedom, as stated in the Library Bill of Rights.

Examples of policies from a variety of libraries can be found at Acqweb's Directory of Collection Development Policies on the Web. In addition, a number of books contain examples of good policies. (See the bibliography in Attachments.)

The American Library Association has a great deal of helpful information on handling complaints and challenges to your library's resources. One of the documents you will find on their website, *Dealing with Concerns about Library Resources*, offers advice on how libraries can be prepared for challenges and how to deal with them.

### **Slide 18: Be Prepared for a Challenge**

The library should have a written collection development policy approved by the library's governing authority - either the library board or the school board. The library should also have a policy that covers such things as registration for library cards and the services that it offers.

The library should have specific procedures for handling complaints. For example, complaints should be submitted in writing and the person making the complaint must be identified. The American Library Association website has a sample form that can be used for complaints. All library staff should be acquainted with the policies and trained in the procedures to follow when a complaint is made.

Remember, anyone has a right to express a concern, and the person receiving the complaint should listen respectfully. Be sure to explain the library's policies and the procedures for submitting a formal complaint.

### **Slide 19: Be Prepared for a Challenge**

You should notify your administration and/or library board or school board of the complaint. You may want to contact the ALA Office for Intellectual Freedom and the Idaho Library Association's Intellectual Freedom Committee to enlist their support.

You may also want to enlist the support of local organizations. In fact, if local civic, religious, educational, and political organizations and the local media understand your selection and service policies, they may be more supportive when a challenge does occur. Refer to the Library Bill of Rights, as it addresses the issues of intellectual freedom and censorship.

Do everything possible to retain library materials that meet the standards established in the collection development policy. Do not restrict or remove any materials until a decision has been made by the appropriate authority.

While many of these steps indicate action that needs to be taken by the library director, quite often library staff members working with the public will be the first to hear complaints. It may not be your responsibility to follow through with the response, but your understanding of the library's selection and service policies and procedures will help make certain that the complaint is addressed in a professional and timely manner. If you are not sure about the policies and procedures of your library, check with your library director or library board or school principal or school board to learn about them.

### **Slide 20: Restricted Access to Materials**

Article V of the Library Bill of Rights states:

A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

The "right to use a library" includes free access to, and unrestricted use of, all the services, materials and facilities the library has to offer. Some public libraries have procedures and practices making it difficult to gain access to materials by putting them in special areas that limit their use.

### **Slide 21: Restricted Access to Materials**

Any situation restricting access creates a barrier for patrons. Barriers may be related to language or be psychological in nature.

For example, traditionally some restricted materials have dealt with controversial or sensitive subjects. Patrons may be reluctant to ask for these materials because they may be intimidated or embarrassed.

Another barrier for patrons can be language if a person has difficulty communicating with the library staff because of language skills.

### **Slide 22: Restricted Access to Materials**

Some materials are kept in separate areas in order to protect the materials - specifically for physical preservation which can include protection from theft and mutilation. This is usually done with materials that have lasting value and cannot be replaced if they are stolen or defaced. Older materials with historical value are often housed in separate collections.

Children are often denied access to certain services and materials that are available to adults. Restrictions can take a variety of forms such as: library cards that limit circulation of some materials to adults only, collections for adults only, collections restricted according to a student's grade level, and interlibrary loan service for adults only.

Remember, materials appropriate to meeting the needs and interests of

each library user must be determined on an individual basis. Librarians cannot predict what resources will satisfy the needs of any child based on a single fact such as age or school grade.

Libraries should not restrict access to collections and services for children in order to avoid controversy or objections from parents. Neither should staff in public libraries overrule the rights and responsibilities of parents. A public library's policies should state that only parents have the right and responsibility to restrict the access of their children (and only their own children) to library resources. A school library may have more latitude in this area depending on the policies set forth by the school board.

While good, clear policies and procedures won't keep challenges from occurring, they are essential to help you and your staff deal with them. The next section will discuss challenges to your library's collection and policies.

### **Slide 23: Internet Access and Filtering**

The issue of Internet access in libraries is a controversial issue - especially as it relates to children. In 2000, Congress passed the Children's Internet Protection Act (CIPA), requiring public libraries to install filters on computers in order to block websites that contain offensive materials. This requirement is a condition for receiving federal funds. The law was challenged in the courts, and on June 23, 2003, the U. S. Supreme Court ruled in favor of the government (United States v. American Library Association).

While the intent of the law is to protect children from pornography, most librarians view the law as a violation of the First Amendment. They contend that, by censoring information, the law violates the principle of equal access for all. In addition, because no filter is perfect, some legitimate websites will be blocked. However, the Supreme Court ruled that the law does not violate the First Amendment, because libraries can disable the filters for any adult patron who asks.

The Federal Communications Commission (FCC) administers e-rate funds

for schools and libraries. A factsheet about e-rate and CIPA is available at the provided link.

It is extremely important for librarians to keep informed on developments associated with this court ruling, as it may change the way your library does business. Watch LIBIDAHO, Idaho's librarian email list, for information.

Another website that is tracking the impact of the court ruling is FAQ on E-rate and the Children's Internet Protection Act (CIPA).

The Filters and Filtering section on the ALA website is another useful resource covering CIPA and other issues affecting Internet access.

### **Slide 24: Internet Use Policies**

All libraries should have Internet use policies, just as they have policies for other library services and collections. If you are creating a policy or updating one, evaluate it in light of the library's mission statement as well as your other access policies, such as those for circulation and reference service. Your policy may also need to be revised because of the U. S. Supreme Court decision on the Children's Internet Protection Act.

In its Checklist for Creating an Internet Use Policy, the American Library Association suggests the following considerations:

- Ensure that policies speak to access for all.
- Involve your library staff, board and Friends group in the policy writing process.
- Keep it simple. Avoid jargon. Making the policy too technical will confuse people.
- Make policies readily available and visible to the public.
- Provide an up-to-date code of conduct or etiquette guide for using the Internet at your library; include specific suggestions for positive action. List prohibited behavior and the consequences.
- Provide a statement addressing patron privacy.
- Communicate clearly that users are responsible for what they access

online; parents are responsible for their children's Internet use.

- Update your policy regularly; make sure it reflects the Supreme Court CIPA decision.

### **Slide 25: Internet Use Policies**

Restrictions to Internet use might include limits on the amount of time allowed per day and/or the number of pages printed per session. A statement of prohibited activities should include viewing obscenity or child pornography, unauthorized copying of copyrighted or protected materials, propagation of computer viruses, vandalism or reconfiguration of workstations, and any other illegal activities.

Be aware that the Children's Internet Protection Act has Internet safety policy requirements for libraries that receive federal funds for Internet connectivity.

Sample Internet policies can be found on the web or in a variety of books and articles on the topic of Internet use in libraries.

You may not be the person responsible for creating an Internet policy for your library. However, if your library does not have an Internet policy posted and you do not know if there is one, check with your library director, school principal, or the governing board to find out if one exists, and if not, what can be done to create one.

Please take the following quiz and then proceed to the next section.

### **Slide 26: Quiz: Intellectual Freedom and Censorship**

### **Slide 27: Section 4: Privacy and Confidentiality**

Article III of the Code of Ethics 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.

Privacy and confidentiality are important issues in the library profession. The underlying principle behind protecting patron privacy and confidentiality is tied to the commitment to intellectual freedom.

The American Library Association's webpage on privacy states:

"What people read, research or access remains a fundamental matter of privacy. One should be able to access all constitutionally protected information and at the same time feel secure that what one reads, researches or finds through our Nation's libraries is no one's business but their own.

There are many privacy bills that have been introduced into recent Congresses relating to business, health, student and other records. The expansion of e-government, e-commerce, and other forms of electronic transactions, including library services, raises serious questions for the library community in protecting individual privacy, especially the privacy and confidentiality of library patron records."

### **Slide 28: Privacy vs. Confidentiality**

While privacy and confidentiality go hand-in-hand, there are some differences in their meanings. The American Library Association, in its Questions and Answers on Privacy and Confidentiality, states:

"In a library, the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf. Confidentiality is a library's responsibility."

What is meant by "personally identifiable information?" It is information that

not only identifies a particular individual but also tells something about that person; for example, what books he or she checks out. In libraries there are many forms of personally identifiable information used daily, such as circulation records, computer sign-up sheets, or overdue and reserve notices.

### **Slide 29: Reduce the Risk**

The best way a library can protect the privacy and confidentiality rights of its patrons is to limit the amount of personally identifiable information it collects. There are three practices a library can adopt that will reduce the risk of having patrons' personal information disclosed:

- Evaluate the information collected about individuals, and limit it to only what is absolutely necessary.
- Know the legal requirements for keeping this information, and destroy it as soon as possible.
- All staff should be aware of their privacy and confidentiality responsibilities; only appropriate staff should have access to patrons' records.

### **Slide 30: Privacy and Confidentiality Issues**

Library staff has an obligation to protect the privacy of patrons and keep their information needs confidential. Frequently, it is necessary to consult with other staff members when conducting circulation and reference transactions. However, in these discussions, staff members should respect their patrons' privacy by keeping the consultations confidential and revealing only as much information to their colleagues as is needed to respond to the patron's request. In addition, library staff has a professional obligation not to discuss specific library users with friends or colleagues in or out of the workplace.

In addition to protecting circulation records, don't forget interlibrary loan. Patrons' names and other personally identifiable information usually

appear on interlibrary loan forms that go to the lending library. Make sure the minimum amount of information necessary for record keeping is included on the forms.

### Patrons and Computers.

Patrons have a right to find and use information without having it observed by others - either staff or other patrons. This can be an issue for public computers. Evaluate the physical setup of your library. Are your public computer workstations positioned to give the maximum amount of privacy possible? You may want to consider using privacy screens on the monitors if computer privacy is not possible otherwise. Having staff routinely monitor patron use of library materials and resources is inappropriate unless it is done for the purpose of protecting library property.

Another privacy issue is individuals - either staff or patrons - who are offended by what someone is viewing. Information does not have to be illegal to be offensive to others. However, when lawsuits result, the courts have generally ruled in favor of the right of the person using the material, unless it was impossible for the offended person to avoid seeing the information. This is an added reason to provide as much privacy as possible for library users.

### Illegal Activities.

Privacy and confidentiality rights do not extend to illegal activities. If library staff members observe illegal behavior, it should be reported immediately to the appropriate law enforcement agency. Your library should have written procedures for responding to criminal behavior, as well as for behavior that violates library policies. Your policy for conduct in the library and your policy for Internet use should contain statements that illegal acts will not be permitted; for example, "Any activity or conduct that is in violation of federal, state, or local laws is strictly prohibited on library premises." You may also wish to include in your policy the definition of obscene material that is in the Idaho Code Title 18-4101.

### **Slide 31: Children**

Privacy and confidentiality for children is a different matter. There is a difference in the roles of public and school libraries with respect to privacy and confidentiality for children.

In the public library, parents should be held responsible for their children's use of the library and should be notified about the privacy and confidentiality policies of your library as a standard procedure when issuing library cards to children.

School libraries may assume more of a parental role for the students, though this varies from school district to school district.

In addition to federal laws, many states have privacy and confidentiality laws specifically directed at protecting children. When creating or revising your library's privacy and confidentiality policies, check with your library's attorney to find out if any state and local laws, in addition to federal laws, apply.

More information on privacy and confidentiality issues can be found in Questions and Answers on Privacy and Confidentiality and in Privacy: An Interpretation of the Library Bill of Rights.

### **Slide 32: Requests for Library Records**

Individuals or organizations, such as the media, have attempted to gain access to a library's records.

Occasionally, requests for a patron's records have come from individuals or organizations wishing to embarrass an individual or harm their reputation by making this information public.

There may be requests from individuals wanting to know who has an item checked out, so they can gain access to it before it is returned to the library.

Often these requests for library records come from law enforcement agencies seeking help in criminal investigations. In fact, their interest in library records has increased in recent years because of computer crimes, such as e-mail threats, child pornography, and the need for surveillance and investigation since September 11, 2001.

Regardless of the reason for seeking access to library records, most states have laws protecting the confidentiality of this information. These laws generally exempt library records from disclosure as public records. This means they can only be obtained legally by court order.

Idaho's law on library records is found in the Idaho Code, Title 9-340E. The following records are exempt from disclosure:

*“The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.”*

### **Slide 33: Confidentiality Policies**

Every library should have a policy on confidentiality along with procedures for the staff to follow when faced with requests for library records.

The American Library Association has prepared a document, Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and Its Staff, that identifies the types of official requests libraries might receive and how they should be handled by library staff; it also lists items to include in preparing or revising a library policy on confidentiality.

Every library should establish and follow a retention policy for keeping personally identifiable information. Collect the minimum amount needed and discard what you can as soon as possible. Make sure your policy is in compliance with state and local laws.

Take steps to change common library practices that place personal

information on public view. Avoid exposure to the public of: postcards sent for overdue or requested materials, staff computers with screens that can be observed by the public, sign-in sheets for equipment and services, even telephone messages that are left on patrons' answering machines about information or materials requested.

### **Slide 34: Law Enforcement Requests**

Be sure your policy requires that a court order must be shown for law enforcement requests for library records or information. All staff, board members, and volunteers should know who on the staff is designated to handle requests from law enforcement. This is usually the library director or school principal. Make sure all staff and volunteers are trained in the procedures to follow for handling a law enforcement request.

Law enforcement officers making requests for library records should be asked for identification, then referred to the designated person responsible for handling such requests. This person should be prepared to handle a variety of information requests from law enforcement. For more information, refer to the ALA document, Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and Its Staff. You should also consult with your library's attorney for guidelines.

You may not be the designated person responsible for receiving requests for confidential information. Nevertheless, you need to know the rights and responsibilities of the library and the correct procedures to follow. If your library does not have policies and procedures for addressing requests for library records, encourage your administration and/or governing board to create policies and procedures for handling such requests.

You should be aware that the USA PATRIOT Act has changed some of the rules under which law enforcement officials can obtain information. This section has dealt with general requests for library records. The next section highlights how USA PATRIOT Act requests for records are different and explains how your library can be prepared.

### Slide 35: USA PATRIOT Act

What is the USA PATRIOT Act and how does it affect libraries?

USA PATRIOT is an acronym that stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism". This Act was passed on October 26, 2001, in the wake of the September 11th terrorist attacks. The purpose of the law is to expand the surveillance and investigation capabilities of federal law enforcement agencies.

In particular, libraries are affected by access to records under the Foreign Intelligence Security Act (FISA). Provisions of this law include, but are not limited to, the following:

- Federal agents can obtain search warrants for library materials, equipment, or records, including records for circulation, Internet use, and patron registration.
- Probable cause (grounds to suspect a crime has been, or is being, committed) is not required.
- Libraries and library staff served with a search warrant issued under FISA may not disclose that the search took place and that records or material were removed. Patrons cannot be told their records were taken by the federal government.

It is important to know that this law overrides state confidentiality laws.

### Slide 36: USA PATRIOT Act

Since the law was passed, libraries have experienced an increase in requests from law enforcement for patron records and e-mails. What should librarians do? Follow the recommendations in the previous section:

- Create policies and procedures for staff to follow in handling requests from law enforcement agencies.
- Be sure that all staff understands the policies and is trained in the procedures.

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- Evaluate your record-keeping procedures for personally identifiable information.
- Don't keep information that is unnecessary for operating your library.

A library may have to respond differently to each public records request depending on who is making the request and how the request is made. Libraries should have a straightforward policy, reviewed by a lawyer, with the following provisions:

- The library will comply with all state and federal laws dealing with public records.
- The library will establish a procedure for handling public records requests.
- A staff person will be designated as the contact person for all public records requests. This person will be properly trained to handle requests.
- Upon receiving a public records request, the designated staff person will immediately contact a lawyer and keep him or her informed throughout the process.

If your library does not yet have policies and procedures addressing public records requests, encourage your director or governing board to create appropriate policies and procedures. You may not be the person responsible for creating policies and procedures, but knowing about laws that can affect your job will be helpful to you in your work. Two websites with more information about this Act are:

- The American Library Association USA PATRIOT Act
- Intellectual Freedom website has timely information about this law and other privacy and confidentiality issues.

The Special Libraries Association has a USA PATRIOT Act Portal on its website. This portal includes papers on the impact and analysis of the Act, links to other articles on the subject, and provides information on additional legislation and regulations.

Take time to further explore these links. After exploring the links, take the following quiz and then proceed to the next section.

### **Slide 37: Quiz: Privacy and Confidentiality**

### **Slide 38: Section 5: Importance of Policies and Procedures**

It may seem that ethical issues are more abstract than practical and don't affect the day-to-day activities in your library. Nothing could be further from the truth.

Some common customer service problems overlap all the ethical concepts previously discussed - equal access for all, intellectual freedom, and privacy and confidentiality.

Next, we will discuss difficult and disruptive patrons and unattended children. These issues point out the need to have library use or library conduct policies for your patrons, and procedures or guidelines for staff to follow when they are not obeyed.

And finally, we will discuss the issue of giving information versus advice to patrons.

### **Slide 39: Difficult and Disruptive Patrons**

Problem patrons can challenge your ability to provide equal service to everyone. First, identify why the person is a problem, so you can decide on the appropriate next steps.

The difficult patron is one who tests your patience, even though your desire is to be of assistance.

The difficult patron may be

- the demanding user who wants everything right now
- the customer who can never seem to find what she needs without

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your constant help

- the man or woman who always brings you a complaint, or even
- the person who (your nose tells you) seldom bathes

Take extra care and creativity in working with all these people – perhaps even a tactful conversation about the amount of time you can spend with each patron during a busy period. However, you are ethically bound to show them respect and courtesy, and to assist them to the best of your ability within the time you have available.

Disruptive patrons, on the other hand, require a different approach. These are people who disturb the library's users or staff with aggressive or bad behavior, such as loud arguments or angry threats. These folks represent a potential danger and must be treated with special care. Remain calm and collect your thoughts.

Assess the situation and, if you feel comfortable doing so, ask the patron to accompany you to a quieter area - though not to an office or corner where you could be trapped. If possible, enlist the assistance of another staff member.

Calmly ask the person to tell you what is wrong, and listen carefully to the response. Because most people want to feel as though someone else takes their issues seriously, your goal should be to understand the reason for the outburst and to help the person feel listened to and understood.

A good response might be, "I can certainly understand why you feel that way." Usually when people believe their concerns have been heard, they will become less aggressive. You can then talk about what can and can't be done to meet their needs. Explain your policies quietly but firmly. Make it clear that consequences result from not following the rules.

Unfortunately, you may come across some people who are so angry, upset or emotionally troubled that they cannot or will not respond well to a situation such as previously described. When you are dealing with a person

who is out of control, it is essential to protect yourself and others in your library. If, at any time, you or others in the library feel threatened, immediately call the appropriate authorities (law enforcement or security staff).

### **Slide 40: Unattended Children**

Unattended children in the public library fall in the category of problem patrons. Even the best behaved young child should not be left in the library without a parent nearby. In libraries of more than one room a child should not be left unsupervised in the children's section while the parent goes off to another area.

In a library, as in any public place, an unattended child is vulnerable to accidental injury, theft of the child's own property (backpack, lunch money, etc.), fights and, in the worst-case scenario, sexual predators or kidnapping. Public libraries have every right to insist that a responsible adult accompany each child in the building.

Unfortunately, there will be times when children are left unattended. During those times, you will want to keep four guidelines in mind:

- Protect the children from injury and harm from another person.
- Protect their right to use the library.
- Prevent them from interfering with other people's use of the library.
- Involve the outside world: parents, teachers, child protection agencies, police, and other organizations which care about the welfare of children.

The library should have policies addressing unattended children in the library and guidelines for handling these situations. Basic library rules apply to children and adults equally.

### **Slide 41: Library Use Policies and Procedures**

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The best defense against problem patrons is to establish good, workable policies and administer them consistently. Policies are the official rules set by the trustees of your library or school district. Policies should be available in a handbook or manual for all staff and patrons; in addition, you may want to post selected policies for your patrons, such as rules of conduct.

Procedures provide library staff with guidelines for enforcing the policies; they are often step-by-step instructions for handling situations.

It is extremely important that all staff be aware of library policies and be trained in the procedures. An introduction to the procedures should be included in orientation for all new employees, and they should be reviewed with all staff at regular intervals.

Sample policies and procedures for a variety of problems are available in books and on library websites. One excellent source is *Dealing with Difficult People in the Library*, by Mark R. Willis. Policies and procedures from several different libraries are provided for a variety of problems, including unattended children and various kinds of disruptive behavior, such as fighting, talking, sleeping and aberrant behavior.

### **Slide 42: Information vs. Advice**

Librarians should help patrons find information. However, avoid giving advice, especially in the areas of law, medicine, and consumer products and services. The difference between information and advice is really one of fact (information) and opinion or interpretation (advice).

Click on “Law”, “Medicine” or “Consumer Products and Services” to learn more about each area. When you are done, click the “Continue to Self-Evaluation” link to take the next quiz.

### Legal Reference

When providing legal reference service, it is okay to help patrons locate information. Do not:

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- attempt to explain the content of the material or interpret the law
- attempt to apply information to a particular case
- tell a patron whether something is legal or illegal, or
- make recommendations about lawyer

Suppose a patron asks you what to do to obtain a divorce or file for bankruptcy. You can:

- direct the person to the laws in the Idaho Code, or
- refer Idaho residents to the Idaho Supreme Court Self Help Center. This is a good starting point for people who want to represent themselves, as well as those who are looking for background information. In addition, this website explains how low-income individuals can obtain legal services.

### Medical Reference

The same basic guidelines apply to providing medical advice or information. It is okay to help patrons locate medical information. Do not

- attempt to explain or interpret the content of information
- recommend a specific method, procedure, treatment, or specific drugs
- assist patrons in self-diagnosis, or
- recommend specific physicians or clinics

You can recommend the US Department of Health and Human Services website for reliable information. Encourage patrons to get basic information so they can return to their doctors, prepared to ask informed questions.

### Consumer Products and Services

People will come to your library asking for a recommended brand of product (for example, lawn mower, air conditioner or electric toothbrush) to purchase. Although you may have strong opinions in this area, you will be safer to refer customers to the research of reliable and impartial organizations which have made rigorous comparisons between similar brand products.

Consumer Reports is the best-known magazine which publishes the results of such testing, but your patrons can find a surprising number of additional product evaluations in databases located in lili.org.

### **Slide 43: Quiz: Importance of Policies and Procedures**

### **Slide 44: Section 6: Intellectual Property**

Article IV of the Code of Ethics states:

We respect intellectual property rights and advocate balance between the interests of information users and rights holders.

Intellectual property is defined as a product of the human intellect. It can be tangible - in physical form - or intangible. Patents, trademarks and copyrights are all intellectual property and are protected by law.

What are the differences among patents, trademarks, and copyright?

Patents protect inventions and discoveries and are registered through the U. S. Patent and Trademark Office, an agency of the United States Department of Commerce.

A trademark protects the words, phrases, and symbols that identify products or services in a way that distinguishes them from others. It is registered through the U. S. Patent and Trademark Office, an agency of the U. S. Dept. of Commerce.

Copyright protects original works of authorship and is registered through the U. S. Copyright Office of the Library of Congress.

Copyright refers to the protection provided by law to authors and creators of original works, such things as literary, musical, artistic, photographic, or film works. This protection gives the copyright holder the exclusive right to reproduce, adapt, distribute, perform, or display the work. Copyright may be retained by the original author or creator, or it may be transferred, or

sold, to the publisher of the work. Copyright protection applies to both published and unpublished works.

### **Slide 45: Copyright Law**

Copyright is a form of protection provided by the laws of the United States to the authors of original works, including literary, dramatic, musical, and artistic works. The most recent comprehensive law, the Copyright Act of 1976, generally gives the owner of a copyright the exclusive rights to the work.

How long does copyright protection last? The term of copyright for a particular work depends on several factors, including whether it has been published, and, if so, the date it was first published. As an example, works created on or after January 1, 1978, are automatically protected for the life of the author plus an additional 70 years. When the time has expired for a work to be protected by copyright law, it is in the public domain. Works published before 1923 are in the public domain.

Most library staff won't need to know the time limits for copyright, but it can be helpful to know they exist and where to find the information. For more information about copyright, go to [Copyright Basics](#) and [Frequently Asked Questions about Copyright](#). Both can be found on the U.S. Copyright Office website. In addition, a useful chart, [When Works Pass Into the Public Domain](#) by Lolly Gasaway, shows at a glance what is protected by copyright. Click on the links to further explore these resources

While it is illegal to violate copyright law, there are some exemptions from copyright liability. One exemption is the doctrine of "fair use". This is the section of the copyright law that has the most effect on libraries. Libraries are legally and ethically bound to abide by the fair use guidelines.

### **Slide 46: Fair Use**

Fair use limits the exclusive rights of copyright holders, making it possible

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for individuals to reproduce copyrighted materials without permission under certain circumstances. The fair use doctrine has a significant effect on libraries, because photocopying materials is a common practice for patrons and staff - for example, a large portion of interlibrary loan requests are for photocopies.

Libraries have an ethical, as well as a legal, obligation to practice fair use. In general, the guidelines for fair use are as follows:

The guidelines for copying articles and parts of larger works (such as a chapter in a book) state they must be intended for private use, such as scholarship or research, and not for profit. This guideline applies to both patrons and library staff.

The law also permits libraries to reproduce one copy of a work to replace missing or damaged materials if a replacement cannot be purchased at a reasonable price. In addition, libraries may copy items for their patrons. Only one copy of an item may be made and the copyright notice must appear on the copy.

All libraries should display the "Warning of Copyright" prominently on or near their photocopiers. This notice should state that the copyright law of the United States (Title 17, U. S. Code) governs the making of photocopies or other reproductions of copyrighted materials. If the user does not comply with the fair use guidelines, they may be liable for copyright infringements.

Text of this Warning can be found in Circular 21. Reproduction of Copyrighted Works by Educators and Librarians, published by the U. S. Copyright Office. This 24-page document can be downloaded, in PDF format, from their website.

### **Slide 47: Factors for Determining Fair Use**

Fair Use is described in section 107 of the Copyright Law. Deciding whether the use of a copyrighted item is fair or not depends on four factors:

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- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
- the nature of the copyrighted work
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and
- the effect of the use upon the potential market for or value of the copyrighted work.

Each factor must be measured on a sliding scale. For example, the scale leans toward fair use if the use is made for nonprofit educational purposes, if the material used is factual in nature, if the amount of the work that is used is smaller, and if there is likely to be no effect on the market for the item. On the other hand, the scale leans away from fair use if the purpose is commercial, if the work is highly creative (as in a novel or a play), if a large portion of the work is used, and if the use is made in place of buying a legal copy.

Two other laws add to the difficulty of interpreting copyright practices. The Digital Millennium Copyright Act (1998) and the TEACH Act (2002) both include specific restrictions on uses of digital publications, particularly how they may be used in the classroom and in distance education.

A good summary of current copyright law is *Complete Copyright: An Everyday Guide for Librarians*, by Carrie Russell. Published by ALA in 2004, it includes outlines of all the major legislation and many scenarios that illustrate how to interpret the law.

Copyright law (and its implications for libraries) will continue to change. For anyone working in a library, it is a good idea to keep up with new developments. Some websites with good information on copyright and fair use issues for libraries include:

- American Library Association, Copyright.
- Copyright & Fair Use by the Stanford University Libraries.

- Copyright, Intellectual Property Rights & Licensing Issues by the Berkeley Digital Library SunSITE.
- Crash Course in Copyright by the University of Texas.

Click on the links to further explore these resources.

### **Slide 48: Interlibrary Loan**

Copyright laws and the fair use guidelines have a great impact on procedures for interlibrary loans.

The acronym CONTU stands for the National Commission on New Technological Uses of Copyrighted Works, established by Congress after the passage of the 1976 Copyright Act when it became apparent that more guidance was needed. The guidelines for Interlibrary Loan state, but are not limited to, the following:

- In a calendar year, a library may request a maximum of five recent (published in the past five years) articles from a specific journal title.
- The requesting library must keep records on these transactions for three years.
- These restrictions do not apply to journal articles that were published more than five years ago.
- The lending library may comply with the request only if the borrowing library states that the request falls within the guidelines.

You have probably seen "CCG" and "CCL" on interlibrary loan forms. "CCG" stands for "Conforms to Copyright Guidelines" and refers to articles less than five years old. "CCL" stands for "Conforms to Copyright Law" and is used for copies that are older than five years. Checking one of these informs the lending library that the borrowing library is complying with the guidelines and the law.

What options are available, if your library receives more than five requests for recent articles from a journal within a calendar year? You can:

Deny the request or suggest the requestor wait until after January 1st.

- Order the article from a document delivery service. Be aware that the service will charge you for the royalty fees.
- Submit the request and pay the royalty fees either to the Copyright Clearance Center or directly to the publisher.
- Subscribe to the journal; placing a subscription to a journal is considered to be complying with copyright guidelines (CCG).

Interlibrary loan is a valuable service that expands the resources available to your patrons; as library staff, we have both a legal and an ethical responsibility to make sure we use it properly.

Please take the following quiz and then proceed to the conclusion of this course.

### **Slide 49: Quiz: Intellectual Property**

### **Slide 50: Conclusion**

In this course, we have discussed all of the articles in the Code of Ethics except for two. The last two are about us - librarian, aide, clerk, assistant, or volunteer - anyone who works in a library.

Article V of the Code of Ethics states:

We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

Remember, it is not just what we do for our patrons that is important; what we do for each other is important too. We treat our colleagues with the same respect and concern that we give to our patrons.

## Slide 51: Professional Development

Article VIII of the Code of Ethics states:

We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Take advantage of opportunities to improve your professional knowledge and skills, as this will enhance the service you provide your patrons. There is always something new to learn. In addition to learning new skills, keep up with what is going on in the library profession.

- Whenever possible, attend the Idaho Library Association (ILA) conference and the spring conferences.
- Participate in training activities.
- Subscribe to library online discussion groups, such as LIBIDAHO, to keep up with library activities in the state and nationwide. (Instructions for joining LIBIDAHO can be found on the Idaho Library Association website.)
- Network with colleagues in other libraries.
- Read professional literature. Many library journals are available through lili.org.
- Take pride in your work.

For more resources, click on attachments to print the appendix and bibliography documents.

## Slide 52: Keep in Mind...

Finally, keep in mind the words from Gardner Hanks' acceptance speech for the Idaho Library Association's Librarian of the Year award in 2001, when he said:

"I believe that the library is society's most vibrant, democratic and life-affirming institution. It does not attempt to impose its opinions on anyone, but seeks to help people make up their own minds. At its best, it is open to everyone, but it forces itself on no one. Because it neither affirms nor rejects any opinion, it gives a voice to the unpopular, the unheard and the brokenhearted, sometimes at great cost to itself.

Libraries should never be an afterthought. To have a great community, a great school, or a great college or university, you begin by creating a great library. And to have a great library, you must begin by having great librarians. Every one of us ... has been given the opportunity to make a real difference in people's lives. It is both a wonderful privilege and a tremendous responsibility to be a librarian."

The next slide will be the Final Exam for this course.

### **Slide 53: Final Exam**

### **Slide 54: Certificate of Completion**

Click on the link to access the course survey. Completing this survey will allow you to print a personalized Certificate of Completion for your continuing education files.

Be sure to check the attachment "States Recognizing ABLE" to see if your state is on the list of recognizing ABLE as a continuing education credit for your state's required library certification.

Thank you for taking the Alternative Basic Library Education Ethics and Public Service course.