

The Legal Lens: What Makes a Policy Legally Sound



Understanding Legal Boundaries and Obligations:

- What KIND of public library are you?
 - Title 65 O.S. Established Systems:
 - <https://oklahoma.gov/content/dam/ok/en/libraries/documents/lib-maps/systems-map.pdf>
 - Municipal Libraries:
 - Might serve City boundaries only
 - Might serve an entire County
 - Might also get funds from County excise board

Knowing your library type can influence what laws are applicable in your individual situation.

Understanding Legal Boundaries and Obligations:

- Library policies must comply with federal, state, and local laws.
 - <https://oklahoma.gov/libraries/law-legislative-reference/library-laws-and-regulations.html>
 - Municipal Codes
- Key Policies Your Library Should Adopt/Review:
 - Acquisition of Library Materials, aka Collection Development
 - Meeting Room Usage

Avoiding Common Legal Pitfalls :

- Discrimination Issues:
 - How do you define discrimination in library settings?
 - Legal Consequences
- First Amendment Concerns:
 - Free Speech vs. Operational Policies
 - Meeting Room Policies
 - Petition Policies
- Other Potential Legal Pitfalls:
 - Copyright Infringement
 - Minors Accessing Restricted Content
 - Be aware that professional organizations may recommend policies that may be in conflict with Oklahoma law.

Role of Legal Counsel & Library Boards:

- Lawyers:
 - Do you know who your library's legal counsel is?
 - What is their library philosophy?
- Library Boards' Role:
 - What kind of board does your library have?
 - Governing vs. Advisory: What is the difference?
 - Have you done any board training for difficult situations?

Collaboration is Key:

- Benefits of Collaboration:
 - Align library policies with municipal legal frameworks
 - Prevent lawsuits and conflicts with local government
- Key Areas of Collaboration:
 - Drafting Contracts
 - Public Safety/Security
 - Resolving Funding Issues
 - Neutrality

Meeting Room Policies:

- Public libraries are considered “limited public forums”, which means:
 - They must allow access on equal terms to members of the public when they open meeting rooms for general community use.
 - They cannot discriminate based on viewpoint (e.g., political, religious, or social views).

Meeting Room Policies (Continued):

- Libraries can (and should) adopt meeting room use policies that include typical policy provisions:
 - Room use must be for lawful, peaceful purposes only
 - No sales, fundraising, or private parties (unless the library approves exceptions)
 - Advance reservation required
 - First-come, first-served or priority for library-sponsored events
 - Time limits and cleanup requirements
 - Insurance or security deposit if needed

Collection Development (Selection) Policy:

- A collection development policy guides staff in selecting, maintaining, and evaluating library materials. It ensures:
 - Collections reflect the library's mission and community needs
 - Decisions are consistent, transparent, and defensible
 - Responses to challenges or reconsideration requests follow due process

Reconsideration Items for Thought:

- Does your policy allow for challenges from people outside the service area?
- Do you limit how many titles an individual may challenge in a given time period?
- Do you allow the same title to be challenged repeatedly by different individuals?
- Do you allow AI generated challenges?

Key Takeaways :

- Be able to:
 - Understand legal frameworks governing library operations
 - Collaborate with legal counsel and boards
 - Partner with municipal teams for smooth operations
 - Constantly update policies to keep them compliant

Questions & Discussion

Thank you!

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