

3 **RESOLUTION: Resolution for Library Policy to Protect Children from Harmful, Sexually Explicit Material in**
4 **Areas Designated for Minors**

6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, it shall be the goal of Winnefox and Winnebago County Libraries' Boards, through its collections
8 policies in areas designated for minors, to meet the educational, informational, and recreational needs of minors; and

9 **WHEREAS**, Winnefox and Winnebago County Libraries' Boards takes seriously its obligation to not include
10 obscene, sexually explicit or graphic materials within the minor sections. (see 3 p.Addendum #1); and

11 **WHEREAS**, Winnefox and Winnebago County's Libraries' Boards have legal requirements to conform the
12 entirety of minor collections to the requirements of the Children's Internet Protection Act (CIPA) set forth at 20 U.S.C.
13 § 9134 and 47 U.S.C. § 254: and 18 U.S. Code § 1470 - Transfer of obscene material to minors, and US code title 18
14 part One, chapter 110, Sub 2256/definitions; and

15 **WHEREAS**, much library material for minors contain obscene, graphic, or sexual content that would
16 previously be labeled pornographic, and **WHEREAS** the definition of the word pornographic has been changed to
17 now allowing material that before would've been restricted to minors; and

18 **WHEREAS**, libraries located in Winnebago County do not provide a secure section for minors containing
19 explicit materials; and

20 **WHEREAS**, current library policy does not require parental/guardian permission for a minor to check out
21 materials containing said content, because that's fully the parent's or guardian's responsibility; and

22 **WHEREAS**, current library administration because of their guidelines on full parental/guardian responsibility,
23 takes no responsibility in protecting minors from explicit materials (defined in Addendum 1); and

24 **WHEREAS**, many book covers and titles of sexually explicit materials make it difficult for parents/guardians
25 to be aware of the adult material inside; and

26 **WHEREAS**, minors' use, including At Risk Youth, of the library is promoted through i.e. free bus passes,
27 presuming no parental or guardian oversight; and

28 **WHEREAS**, many citizens in Winnebago County prefer underage children not be exposed to materials
29 containing adult content without proper authorization; and

30 **WHEREAS**, unauthorized exposure to said materials containing adult content may have the potential to lead
31 to lawsuits;

- 32 • Weeding : (See full Weeding Policy- Resolution Addendum #2) excerpt:
33 Weeding identifies damaged items, ephemeral materials which are no longer used, out-of-date materials, extra
34 copies which are not being used, and materials which are inappropriate for the collection as defined by library
35 policies including the Protecting Children from Harmful, Sexually Explicit Materiaendum I Policy for materials in areas
36 intended for minors.

37 **NOW THEREFORE BE IT RESOLVED** by the Winnebago County Board of Supervisors that it respectfully
38 requests that within 6 months, all taxpayer funded libraries in Winnebago County create a safe environment for our
39 children by creating a secure adult only section for materials containing sexually explicit content, ex. Gender Queer.

40 **BE IT FURTHER RESOLVED** that Winnebago County library directors shall ensure that, in developing
41 library collections for minors, no materials added to the children's and young adult sections of the library's
42 collections shall include (a) any picture, photograph, drawing, sculpture, motion picture film, videocassette, or other
43 visual representation of a person or portion of the human body which depicts nudity or sexual conduct, sexual
44 excitement, sexual battery, bestiality, or sadomasochistic abuse, which is obscene or which is otherwise harmful to
45 minors as defined by CIPA; or (b) any book, pamphlet, magazine, printed matter, or sound recording, however
46 reproduced, which contains explicit or detailed descriptions or narrative accounts of sexual excitement or sexual
47 conduct which is obscene or otherwise harmful to minors as defined by CIPA. (See Addendum #1) (The sole
48 exception to this policy is that the library director may curate constitutionally protected materials of the type identified
49 in paragraph (1) above for bona fide research by adults but must ensure that such materials are not accessible to
50 minors. The library director shall ensure that all such materials are kept in such a way as to prevent access by
51 children.)

52 **BE IT FURTHER RESOLVED** that Winnebago County Library Directors shall report to their Library Board
53 regularly, but no less often than once every six months, regarding the Library's compliance with this policy.

54 **BE IT FURTHER RESOLVED** that the default for parental and guardian controls be reversed, to opting in for
55 explicit media, print material, and unfiltered computer terminals throughout the library. So that minors must show
56 librarians proper authorization when checking out any materials that are beyond the minor section of the library.

57 **BE IT FURTHER RESOLVED** that Winnefox and Winnebago County library directors shall report to their
58 Library Board regularly, but no less often than once every six months, regarding the Library's compliance with this
59 policy.

60 **BE IT FURTHER RESOLVED** that no county monies be paid to Winnefox and County libraries unless within
61 6 months, the aforementioned changes take place.

62 **BE IT FURTHER RESOLVED** that the intent of this resolution be incorporated into any contracts for county
63 library services under Wisconsin State Statutes 43.12(3) to the extent allowed by law.

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65 Respectfully submitted by:

66 **Supervisor Shanah Zastera, District 32**

67 **Supervisor George Bureau, District 29**

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69 Vote Required for Passage: **Majority of Members Present**

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71 Approved by the Winnebago County Executive this ____ day of _____, 2024.

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Jonathan D. Doemel
Winnebago County Executive

Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors

It shall be the goal of the Campbell County Public Library System, through its collections policies in areas designated for minors, to meet the educational, informational, and recreational needs of the community, especially its children. In curating its collection in the children's and young adult sections for the benefit of the community, the Campbell County Public Library System takes seriously its obligation to not include sex acts or sexually explicit or graphic materials within the children and young adult sections that would be harmful to minors or impede their development.

The term "sex act" or "sexual activity" is defined as any of the following:

1. Penetration of the penis into the vagina or anus.
2. Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person or the genitalia or anus of another person.
3. Contact between the finger, hand, or other body part of one person or the genitalia or anus of another person, except in the course of examination or treatment by a person medically licensed.
4. Ejaculation or orgasm.
5. By use of artificial sex organs or substitutes therefore in contact with genitalia or anus.
6. The touching of another person's genitals or anus with a finger, hand, or artificial sex organ or other similar device at the direction of another person.

To improve the experience of our community's children in the Library and conform the entirety of the Library's collections in the children's and young adult sections to the standards established by the Library Board and requirements of the Children's Internet Protection Act (CIPA) set forth at 20 U.S.C. § 9134 and 47 U.S.C. § 254:

(1) The library director shall ensure that, in developing the Library's collections for minors, no materials added to the children's and young adult sections of the library's collections shall include (a) any picture, photograph, drawing, sculpture, motion picture film, videocassette, or other visual representation of a person or portion of the human body which depicts sexually suggestive nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse, which exhibits sex acts as previously defined or which is otherwise harmful to minors as defined by CIPA; or (b) any book, pamphlet, magazine, printed matter, or sound recording, however reproduced, which contains explicit or detailed descriptions or narrative accounts of sexual excitement or sexual conduct which exhibits sex acts as previously defined or otherwise harmful to minors as defined by CIPA.

(2) The sole exception to this policy is that the library director may curate constitutionally protected materials of the type identified in paragraph (1) above for bona fide research by adults but must ensure that such materials are not accessible to minors. The library director shall ensure

that all such materials are kept in such a way as to prevent access by children.

(3) The library director shall report to the Library Board regularly, but no less often than once every six months, regarding the Library's compliance with this policy.

Section II-3 Weeding/Retention - Revised 2023

Weeding

Weeding, or the intelligent discarding of library materials, is inseparable from collection development. To maintain an up-to-date, useful collection, worn and obsolete materials are continuously weeded. Materials may also be withdrawn if they are little used or superseded by a new edition or have a better work on the same subject come available. Depth and breadth of varying degrees are desirable in various areas of the collection. The Collection Development Policy serves as a guide for weeding and maintaining the collection and for the selection of materials.

Titles are withdrawn from the collection through systematic weeding or because of loss or physical damage. Materials which are withdrawn because of loss or damage are reported to the appropriate manager who decides whether the item should be replaced using the same criteria as for selection. Other factors applicable when deciding on replacements include the number of copies of a title the Library owns, the availability of newer materials on the subject, the importance of the work in its subject area, its listing in standard bibliographies, and its cost.

Systematic evaluation and weeding of the collection is required to keep the collection responsive to patrons' needs, to insure its vitality and usefulness to the community, and to make room for newer materials. Library collections should be reassessed for relevancy and currency in accordance with the specific individual material statements.

Weeding identifies damaged items, ephemeral materials which are no longer used, out-of-date materials, extra copies which are not being used, and materials which are inappropriate for the collection as defined by library policies including the Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors for materials in areas intended for minors. Weeding also helps a selector evaluate the collection by identifying areas or titles where additional materials are needed, older editions which need to be updated, and subjects, titles, or authors that are no longer of interest to the community. Titles can be checked against standard bibliographies on the subject to see if the items have historical or literary value. Holdings which are readily accessible in other libraries may also be considered when making weeding decisions. Withdrawn materials which are in readable condition will be put in the book sale. Materials withdrawn from the reference collection which retain informational value may be transferred to the circulating collection or offered to other libraries. As outlined in the Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors, any materials taken from the area intended for minors,

may be reshelved in an adult section that reflects the intended genre. Continuous informal weeding takes place as items are checked for damage when they are circulated and/or shelved. The following criteria are considered when making the decision to retain, replace, or weed:

- significance and relevance to current classification holdings
- presence of multiple copies in the collection
- availability of new works
- titles in a series
- circulation statistics
- format
- age and physical condition
- shelf space

Retention

A big part of weeding is remembering the retention advice. Materials generally retained in any specific collection consist of:

- titles in a series
- award winning titles
- titles in popular demand
- regional authors
- literary classics
- high circulating titles

Please Note: Other weeding or retention advice specific to a genre will be listed in the Weeding/Retention sub-section under that genre.

Reconsideration.

A faux book shall be located in the original shelf location of any book that has been relocated from the Children's or Young Adult section to a new location in the general collection or removed from the collection, as a result of weeding and the application of the Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors. The faux book shall include the title and author of the book and indicate the new location of the relocated book or that it has been removed from the general collection.

A list of the titles of all books that are either relocated or removed from the Library collection due to the weeding process as a result of the application of the Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors shall be prepared and maintained for public review on the Library website upon request. The list shall be updated as weeding occurs.

Any patron may challenge the relocation of any book from the Children's or Young Adult section to a new location in the general collection or its removal from the collection, as a result of weeding and the application of the Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors. The challenge shall be made according to Section II-10 Reconsideration of Library Materials.

Sample Library Policy to Protect Minors

Addendum #2:

Policy for Protecting Children from Harmful, Sexually Explicit Material in Areas Designated for Minors

It shall be the goal of **[The Governing Body Library System]**, through its collections policies in areas designated for minors, to meet the educational, informational, and recreational needs of the community, especially its children. In curating its collection in the children's and young adult sections for the benefit of the community, **[The Governing Body Library System]** takes seriously its obligation to not include obscene sexually explicit or graphic materials within the children's and young adult sections that would be harmful to minors or impede their development.

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- (1) The library director shall ensure that, in developing the Library's collections for minors, no materials added to the children's and young adult sections of the library's collections shall include (a) any picture, photograph, drawing, sculpture, motion picture film, videocassette, or other visual representation of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse, which is obscene or which is otherwise harmful to minors as defined by CIPA; or (b) any book, pamphlet, magazine, printed matter, or sound recording, however reproduced, which contains explicit or detailed descriptions or narrative accounts of sexual excitement or sexual conduct which is obscene or otherwise harmful to minors as defined by CIPA.
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When a book is returned damaged or in poor condition, department staff determines whether to repair it in-house or send it to the bindery. Care should be exercised, and very selective decisions made in sending books to the bindery. In many cases it is more cost efficient to buy a replacement or to buy a newer title. This also helps keep the collection looking new. Re-binding should be reserved for titles which cannot be replaced or would be too costly to replace. Books which cannot be repaired or rebound are withdrawn from the collection.