

## **Utah Military Academy (UMA) – LIBRARY POLICY**

### **Board Policy 2022-8: Library and Sensitive Materials Policy**

Adopted 27 September 2022. Posted: 30 September 2022

#### **1. Purpose:**

This policy provides policy regarding UMA's Library in accordance with:

- Section 53G-10-103, Sensitive Instructional Materials,
- State and federal law, Board Rule R277-217, Educator Standards, passed 26 July 2022.

#### **2. Policy:**

- A. Utah Military Academy's school libraries support and enhance student learning. UMA values libraries, media centers, and library staff who select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students.
- B. This policy specifies the process for identifying materials to be included or disqualified from use in libraries and schools based on Section 53G-10-103, Sensitive Instructional Materials, state and federal law, Board Rule R277-217, Educator Standards and LEA Reporting, or based on age appropriate content.
- C. All employees of UMA must adhere to this policy and are subject to the UMA employee conduct policies for any personal violation.

#### **3. Selection of Materials for Library Collection:**

- A. The library professional or designated UMA volunteer will initially select all library materials under the direction of UMA's Board, including gifts and donations, consistent with this policy using the following criteria:
  - Seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
  - Create a collection that reflects diversity of ideas; and

- Create a collection that adheres to the law.
- B. Electronic databases and other web-based searches and content will be filtered through the UMA state-required internet filter.
- C. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria.
- D. The responsibility for final material selection rests with trained library personnel under direction of the governing Board of UMA using the following criteria:
  - Overall purpose and educational significance;
  - Legality;
  - Age and developmental appropriateness;
  - Timeliness and/or permanence;
  - Readability and accessibility for intended audience;
  - Artistic quality and literary style;
  - Reputation and significance of author, producer, and/or publisher;
  - Variety of format with efforts to incorporate emerging technologies; and Quality and value commensurate with cost and/or need.
- E. A record of reviewed materials will be maintained by each school within UMA and include:
  - The name of the school;
  - The title and author of the material;
  - All available formats of the material (digital/hard copy/etc.);
  - The intended use of the material;
  - The date the material was reviewed; and
  - The employee's name and title that reviewed the material.

#### **4. Library Collection Maintenance:**

- A. Library materials will be maintained consistent with the criteria listed above State and Federal laws, including Utah Code Ann. *Section 53G-10-103*, and represent varying viewpoints.
- B. The school librarian or designated specialist will inventory the school library collection and equipment annually.

- The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
- The inventory may also be used to deselect and remove materials that are inconsistent with the law, or that are no longer relevant to the curriculum or of interest to students.
- Identify gaps or deficits in the library's collection.

## 5. Library Materials Review Process:

- A. UMA will ensure that each school within UMA's District approves a least restrictive, transparent process for a library materials review request to be made in physical or electronic formats.
- B. A library materials review request of a material may only be made by:
  - A parent of a student that attends the school;
  - A student who attends the school; or
  - An employee of the school.
- C. If challenges become unduly burdensome UMA may limit the number of challenges an individual may make in the course of a school year.
- D. A library materials review may be based upon the concern that the material is a sensitive material as defined in *Section 53G-10-103*, or upon concerns that with age-appropriateness of content.
- E. The identity of the requestor will be protected and kept confidential from all individuals outside of the review process outlined in this policy, to the extent possible.
- F. UMA will ensure each school provides access to a *Library Materials Review Request Form* (as posted).
- G. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.
- H. The material that is subject to a review request will have restricted access by maintaining the material within the School Office (in a cabinet or drawer) or requiring an access code for digital materials until the processes described in this policy are completed. **Access is limited to students with prior parent/guardian permission only.** A list of restricted materials shall be made available to the public.

- I. The material's access level will be consistent in all schools within UMA until a final determination is made regarding the material.
- J. Upon receipt of a request for review, the school administrator or designee will acknowledge the receipt of the request, create a case number for the review and convene a Review Committee within a reasonable time according to the procedure outlined:
  - A Review Committee will include a reasonable and an odd number of individuals. Members of the committee will include:
    - A facilitator chosen by UMA's administration;
    - At least one administrator or designee;
    - A licensed teacher at the school who is currently teaching English language arts (ELA) or subject relevant to the challenged material;
    - A licensed teacher-librarian or designated school librarian; and
    - Parents of current students at the school that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in *Subsection 53G-10-103(3)*.
- K. The Review Committee will determine the amount of time needed for an adequate review of a material to make a thorough and thoughtful decision and inform the requestor of the determined timeline with a preference for 30 school days where possible and no longer than 60 school days.
- L. The Review Committee may request that UMA's Board determine the maximum amount of time allowed for review and determination.
- M. Members of the Review Committee will receive materials to complete the review process, including the following:
  - Access to the complete work that includes the material being challenged;
  - A copy of the Materials Review Request form;
  - A copy of this policy
  - Relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material; and
  - Recorded public comment as described below at *Subsection O*.

- N. Prior to a decision of the Review Committee the school conducting the review will provide an opportunity for public comment regarding the material at a governing board meeting.
- O. The school conducting the review will provide notice to parents about the opportunity to provide public comment and include the name of the material that is the subject of the materials review at least 48 hours prior to the scheduled meeting for public comment.
- P. The school conducting the review will record all public comment, including written comment received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
- Q. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.
- R. The notes from each meeting will be retained by UMA and the school conducting the review along with all relevant documentation and the final determination.
- S. The Review Committee will determine whether the material constitutes sensitive material consistent with *Section 53G-10-103*, this policy, and the guidance letter provided by the Attorney General's Office dated June 1, 2022.
- T. In deciding whether the material constitutes sensitive material, the Committee must:
- Consider all elements of the definitions of pornographic or indecent materials as defined in *Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227*; and
  - Whether the material is age appropriate due to vulgarity or violence.
- U. In deciding whether the material is age appropriate due to vulgarity, violence, or content, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which may include the following objective criteria:
- Reliable, expert reviews of the material or other objective sources;
  - Committee members' experience and background; and
  - Community standards.

- V. In deciding whether the material taken as a whole has serious literary, artistic political, or scientific value as described in *Subsection U*, the Committee should consider that:
- Serious value does not mean any value; and
  - Greater protections should exist concerning content for a library in an elementary or middle school setting.
- W. The Review Committee will make a final determination of a reviewed material as follows:
- Retained: the determination to maintain access in a school setting to the challenged material for all students.
  - Restricted: the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
  - Removed: the determination to prohibit access in a school setting to the challenged material for all students.
- X. The decision of the Review Committee will be determined by majority vote.
- Y. A material may not be reviewed again for three school years following the Review Committee's determination.
- Z. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.
- AA. UMA will maintain a list of all materials that receive a "removed" determination and make the list available to similar schools within the UMA District.
- BB. Decisions of all challenged books will be communicated to schools within UMA whether retained, restricted, or removed.

## **6. Appeals Process:**

- A. The original requestor or another individual who was not on the Review Committee may appeal the determination of the Review Committee in writing to the school principal within fifteen (15) business days of receipt of the Review Committee's final determination using an Appeal Request Form.
- B. An appeal is filed with the school principal, the local governing authority will act as the Appeals Committee:

- The local governing authority (Appeal Committee) may add parent or school administrator member(s) who did not participate in the initial Review Committee, only as necessary to have an odd number of members.
- C. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.
- D. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than sixty (60) school days and a preference for thirty (30) school days, of a material required to make a thorough and thoughtful decision and inform the requestor of the determined timeline.
- E. Members of the Appeals Committee will receive materials to complete the review process, including the following:
- A copy of the material;
  - A copy of the Materials Review Request form;
  - All meeting minutes;
  - The Review Committee's final recommendation and rationale for the decision;
  - Any other documents considered part of the administrative record related to the Review Committee's proceedings including all recorded public comments as described in Subsection V, O above.
- F. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee and maintain minutes of each meeting.
- G. The notes from each meeting will be retained by UMA along with all relevant documentation and the final determination by the Appeals Committee.
- H. The Appeals Committee may make a final determination of a reviewed material as follows:
- Retained: the determination to maintain access in a school setting to the challenged material for all students;
  - Restricted: the determination to restrict access in a school setting to the challenged material for certain students;
  - Removed: the determination to prohibit access in a school setting to the challenged material for all students; or

- Another determination as decided by the Appeals Committee.
- I. The decision of the Appeals Committee will be determined by majority vote.
- J. A material may not be reviewed again for three school years if the Appeals Committee votes to uphold a Review Committee's determination.
- K. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within ten (10) days of the determination.
- L. UMA will maintain a list of the determinations by Appeals Committee and make the list available to all schools within the UMA District and the public.

**7. Final Procedural Review:** (Not Legally Binding until USBE amends R277-123)

- A. The requestor in Section 5 AV.A. before, may petition the USBE for a procedural review of the Appeals Committee's decision.
  - The USBE will review the petition and determine if a procedural review is warranted, to determine whether the LEA correctly followed its library materials review policy referred to in *Rule R277-628*.
  - That determination may include the USBE's decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.
  - If the USBE determines in USBE's procedural review that the LEA did not correctly follow its materials review policy, it will return the appeal to the LEA with direction to repeat its review process in compliance with its library materials review policy referred to in *Rule R277-628*.
- B. The USBE will make a final written appeal decision no more than sixty (60) school days after the USBE's determination that the appeal satisfies the criteria for USBE review.
- C. This USBE review decision is final.

**8. Communcation:**

- A. An easily accessible webpage on the public website for UMA will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:
  - A Materials Review Request Form.



- An Appeal Request Form.
  - Application process to volunteer to serve on a materials Review Committee;
  - UMA's Library Policy;
  - A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.
- B. If made aware of material that may be considered sensitive material as defined in *Section 53G-10-103*, UMA will inform relevant parties regarding appropriate actions to take pursuant to this policy.

## UMA Materials Review Form

Title: \_\_\_\_\_

Author: \_\_\_\_\_

School: \_\_\_\_\_

Review Request initiated by: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip: \_\_\_\_\_

Email: \_\_\_\_\_

1) Does your child attend this school?      Yes    No

2) Was this material recommended, assigned, or made available through the students' school?    Yes    No

If Yes, where? \_\_\_\_\_

3) What concerns you about this material? Please provide and attach examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.

4) What action are you requesting the committee to consider? (Attach additional sheet).

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*\*\*\*Below is for internal use only\*\*\*\*\*

LEA Appointed Committee Convener/Facilitator (Determined by UMA Administration):

\_\_\_\_\_

Suggested Review Timeline: \_\_\_\_\_

## Appeal Request Form

### Instructions:

1. A requestor will submit the District Appeal Form along with a copy of the School Library. Materials Reconsideration decision within fifteen (15) business days of receiving the decision of the School Library Material Reconsideration Committee.

### Requestor Information:

1. Date: \_\_\_\_\_
2. Legal Name of Guardian: \_\_\_\_\_
3. Address: \_\_\_\_\_
4. E-mail: \_\_\_\_\_
5. Phone Number: \_\_\_\_\_
6. School: \_\_\_\_\_
7. School Challenge Decision Date: \_\_\_\_\_

The submission of a District Appeal Form will receive a receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an estimated time-line for a determination of the District Appeal to be completed within a reasonable time period not to exceed \_\_\_\_\_ school days.

### Challenged Material Information:

1. Title \_\_\_\_\_
2. Author \_\_\_\_\_
3. Publisher and date of publication \_\_\_\_\_
4. School where title can be accessed \_\_\_\_\_

Please provide a written statement setting forth your rationale to appeal the School Committee's decision regarding the title (attach additional pages as needed).

Requestor's Signature: \_\_\_\_\_

**UMA Libraries and classrooms do not, have not and will not contain the following books.** While this list is not exhaustive, it was compiled from lists shared by Utah State Libraries:

- *The Bluest Eye* by Toni Morrison.
- *Beyond Magenta* by Susan Kuklin.
- *Monday's Not Coming* by Tiffany Jackson.
- *Out of Darkness* by Ashley Hope Perez.
- *The Opposite of Innocent* by Sonya Sones.
- *Lawn Boy* by Jonathan Evison.
- *Lolita* by Vladimir Nabokov.
- *Gender Queer* by Maia Kobabe.
- *L8R G8R* by Lauren Myracle.
- *Twisted* by Laurie Halse Anderson
- *The Haters* by Jesse Andrews
- *Damsel* by Elana K. Arnold
- *Red Hood* by Elana K. Arnold
- *What Girls Are Made Of* by Elana K. Arnold
- *My Friend Dahmer* by Derf Backderf
- *Queer: The Ultimate LGBTQ Guide for Teens* by Kathy Belge and Mark Bieschke
- *The Sin-Eater's Confession* by Ilsa J. Bick
- *Forever...* by Judy Blume
- *Flamer* by Mike Curato
- *This Book Is Gay* by Juno Dawson
- *The Girl Who Fell from the Sky* by Heidi W. Durrow
- *The Carnival at Bray* by Jessie Ann Foley
- *Rethinking Normal: A Memoir in Transition* by Katie Rain Hill
- *Crank* by Ellen Hopkins
- *Fallout* by Ellen Hopkins
- *Impulse* by Ellen Hopkins
- *People Kill People* by Ellen Hopkins
- *Tilt* by Ellen Hopkins
- *We Are the Ants* by Shaun David Hutchinson
- *All Boys Aren't Blue* by George M. Johnson
- *Almost Perfect* by Brian Katcher
- *Milk and Honey* by Rupi Kaur
- *Gender Queer* by Maia Kobabe
- *A Lesson in Vengeance* by Victoria Lee
- *Two Boys Kissing* by David Levithan
- *Real Live Boyfriends: Yes. Boyfriends, Plural. If My Life Weren't Complicated, I Wouldn't Be Ruby Oliver* by e. lockhart
- *Daughters Unto Devils* by Amy Lukavics
- *A Court of Frost and Starlight* by Sarah J. Maas
- *A Court of Mist and Fury* by Sarah J. Maas
- *A Court of Silver Flames* by Sarah J. Maas
- *A Court of Thorns and Roses* by Sarah J. Maas
- *A Court of Wings and Ruin* by Sarah J. Maas

- *The Truth About Alice: A Novel* by Jennifer Mathieu
- *Fade* by Lisa McMann
- *Shine* by Lauren Myracle
- *ttfn* by Lauren Myracle
- *ttyl* by Lauren Myracle
- *Breathless* by Jennifer Niven
- *Neanderthal Opens the Door to the Universe* by Preston Norton
- *Out of Darkness* by Pérez, Ashley Hope
- *grl2grl: Short fictions* by Julie Anne Peters Nineteen
- *Minutes* by Jodi Picoult
- *The Nowhere Girls* by Amy Reed
- *Angus, Thongs, and Full-Frontal Snogging* by Louise Rennison
- *The Midnight Lie* by Marie Rutkoski
- *Push* by Sapphire
- *Jesus Land: A Memoir* by Julia Scheeres
- *SEX: If You're Scared of The Truth Don't Read This!* by Carl Sommer
- *The Art of Racing in the Rain* by Garth Stein
- *This One Summer* by Mariko Tamaki and Jillian Tamaki