

Utah State Library Online Training - Key Points

Acceptable Internet Use Policy

Utah State Code 9-7-215 states that a library must apply a filter to certain types of content in order to continue to receive funding from the state, and the library board must adopt these policies. Below is the code in full:

Utah Code § 19-7-215:

Prohibits a public library from receiving state funds unless the library enforces measures to filter Internet access to certain types of images; allows a public library to block materials that are not specified in this bill; and allows a public library to disable a filter under certain circumstances.

Requires local school boards to adopt and enforce a policy to restrict access to Internet or online sites that contain obscene material. (defined in 20 U.S.C. Sec. 9101)

Requires a school district or charter school that purchases educational technology to ensure that adequate on and off campus Internet filtering is in place.

Also imposes duties related to safe technology utilization and digital citizenship.

Required for Acceptable Use policies

- States that the library has a method of content filtering
 - Can be a product or method of the library's choosing
- Expresses compliance with CIPA and Utah Code § 19-7-215
 - State that it restricts access to Internet or online sites that contain material described in Section 9-7-215 (Utah Code) – see below for details on this section
 - Describe how the library intends to implement these restrictions
- Outlines patron behavior expectations
 - i.e., patrons must follow laws and regulations (no gambling or illegal activity), as well as library policies
- Clearly states the name of the library
- Records the date the most recent version was approved or reaffirmed by the board
- Indicate the date the policy takes effect
- Add a “footnote” to the policy indicating the date the policy was last reviewed by the Library Board
- Include administrative procedures and guidelines for staff to follow in enforcing the policy OR affirm that these procedures and guidelines have been adopted and are available for review at the library.
- Include procedures for use by patrons and staff to handle complaints about the policy, its enforcement, or about observed patron behavior relating to material described in Section 9-7-215 (Utah Code) OR affirm that these procedures are available for review at the library.

It is recommended that you include (but not required):

- Lifting the filter for adult users
- Emphasis on equitable access
- Delineate the supervision that the library will provide and the supervision that the parents will provide
- Acceptable use of library technology and equipment

These are links to resources on how to interpret your internet filtering policies, while also maintaining equitable access.

ALA interpretation of content filtering:

<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/internet-filtering>

The First Amendment and Censoring:

<https://www.ala.org/advocacy/intfreedom/censorship>

Davis County Library (Example Policy)

Access to Electronic Information

Details acceptable uses of public Internet access provided by Davis County Library, and regulates conformity with applicable state and national laws and the Children's Internet Protection Act (CIPA); guides management of the public space by balancing patron rights with necessary legal and practical limitations.

Introduction

1. The Davis County Library offers access to electronic information sources to expand the range of tools available to citizens seeking to satisfy their information needs. Such resources include, but are not limited to, online databases and print or audiovisual resources in various formats. At the same time, the Library recognizes that electronic information sources are powerful and dynamic, and evolve quickly both in scope and content. The Library also recognizes that the nature of electronic information sources makes it extremely difficult to subject information accessed electronically to the same types and levels of scrutiny used to select traditional information sources and materials for the Library. Given that the information accessed at the Library does flow into a public space, through publicly-owned equipment, the Library recognizes its obligation to set limits on the use of these resources and to respond to issues related to their use within the context of other library policies, procedures and practices.
2. It is the intention of this policy to provide equitable access to electronic information sources to as many library users as possible while guaranteeing the security of Davis County and Davis County Library computer systems. It is also the intention of this policy to place the use of electronic information sources within the context of the Library's mission, its service goals and plans, its commitment to meeting the information needs of individual patrons, and its role as an agency of Davis County government.
3. In adopting these policies, the Davis County Library recognizes that access to electronic information is a field that evolves on an almost daily basis. Therefore, it is also recognized that the issues addressed in these policies may need to be revisited frequently as changes in technology, patron expectations and needs, software and relevant laws dictate.

Policies

1. Electronic information sources are intended to complement other library sources in providing in-depth reference and information services. Patrons may use these sources to locate, retrieve and print publicly-available information and to access proprietary databases which are purchased by the Library. The Library also permits some uses, which have become common options for users of the Internet although these uses are not directly related to traditional library services. However, bandwidth may be limited, based on consultation with the Davis County Information Services Department, to adequate response time in the operation of the Internet throughout the system.

The Davis County Library has no direct control over the information accessed through the Internet. Therefore, each individual is responsible for the content of the searches he or she conducts, and parents are responsible for the use of the Internet by their minor children. However, the Library takes measures to restrict minors from accessing and from being exposed to electronic material that may be child pornography, obscene, or otherwise harmful to minors. These measures are based on applicable legal parameters and are subject to the limits of available technology and administrative capacity. They

include the use of software intended to block access to these types of electronic visual depictions. Such software is installed on all Internet-accessible PCs used by the general public; however, such software may be disabled or overridden by staff members upon request by an adult patron, except in the case of adults accessing the Internet in areas dedicated primarily to minors. Staff will also use guidelines established by the Library Director as a basis for monitoring visual media displayed in the library that may be harmful to minors. These Guidelines will be approved by the Library Board of Directors, and are available upon request.

2. Enforcement of these policies, consistent with the requirements of Utah Code Section 9-7-215 and Utah Administrative Code Rule R458-2, is based on the Guidelines approved by the Board and procedures defined by the Library defined by the Library Director. Methods of enforcement include but are not limited to patron education regarding policies, appropriate notification of patrons when violations occur, and limitation or suspension of privileges when violations are persistent. The Director will make the guidelines and procedures for enforcement of this policy available for public review at all branches. Patrons with concerns about this policy, the guidelines and procedures for its enforcement, or the staff's efforts to enforce the policy may direct verbal or written comments to the staff, the Branch Manager, the Director, or the Board of Directors. Response to any expressed concerns may be made verbally or in a letter from the Director or the Board of Directors, depending on the nature of the problem being addressed.
3. In undertaking this effort, the Library remains cognizant of and promotes the right of adults to access information and conduct inquiries with as few limitations as possible consistent with the Library's mission, its operation as a public space, and its goals and objectives.
4. Patrons may not use equipment owned by the Library or Davis County for purposes which are illegal. This includes but is not limited to gambling, accessing obscene materials, or displaying in the library materials which may be harmful to minors due to sexual content.
5. In accordance with Davis County policies the use of any software not owned by the Library is not permitted. Patrons are also prohibited from downloading files or computer programs on library-owned computers, and from creating personal folders, bookmarks, or system passwords of individualized files.
6. The Library may impose reasonable restrictions on the use of electronic information sources in order to facilitate equitable access by as many library users as possible, and employs software to assist in the orderly management of Internet access and to protect computer equipment. These limitations are defined in "Patron Use of Electronic Information Sources" below.
7. This policy, as revised, is effective as of April 16, 2019. This policy will be formally reviewed in its entirety and readopted no later than July 1, 2022, in accordance with Utah State law.

Patron Use of Personal Electronic Devices

The Davis County Library provides Internet access in branch libraries for patrons utilizing their personal electronic devices (laptops, PDAs, etc.). This access is through telecommunication connections provided by the Library. Accordingly patrons utilizing personal electronic devices must agree to comply with Library policies before conducting Internet searches. Enforcement of Library policies for Internet access using personal electronic devices will be undertaken in

accordance with established procedures defined in the "Guidelines for Appropriate Use of Electronic Information Sources."

1. As part of its policy enforcement procedures, access through personal electronic devices is filtered as to content utilizing the same software installed and settings established for this purpose on Internet-accessible PCs owned by the Library. Filtering software will not be disabled for users of personal electronic devices. Adult patrons requesting unfiltered access to the Internet will be directed to Library owned PCs on which filtering software will be disabled upon request, in accordance with Davis County Library policies and procedures.
2. Internet access through personal electronic devices will be provided in accordance with guidelines and procedures established by the Library Director.

Patron Use of Electronic Information Sources

The following procedures will be followed to govern the use of the Library's electronic information sources, and advance the Library's interest in providing equitable access to these sources by as many library users as possible, while guaranteeing the security of the Davis County and Davis County Library computer systems:

1. Patrons will have the opportunity to read and review policies and procedures for electronic information sources, and will be presumed to have read and agreed to abide by them before proceeding to use such sources. Signage will also clearly indicate that a complete copy of the Library's policies and Guidelines for acceptable use are available for review upon request.
2. The Library has established time limits for use of electronic information sources in accordance with demand. Patrons are limited to a maximum of three hours of Internet use on public PCs per day. This limitation applies whether use occurs in one or multiple branches and is user specific.

Patrons may not use multiple library cards to secure additional use time beyond the three hour limit. Patrons are expected to abide by the time limits and to end their use of PCs once their allotted time has expired as directed by the staff. The Library employs software to assist staff in the orderly management of Internet access. All members of the public have access to the Internet whether or not they hold library cards from our library system.

3. Patrons may print from electronic information sources at a price-per-sheet equal to the amount charged for photocopies.
4. Only staff members may load and unload electronic information sources. All sources, software and computer accessories loaded into library equipment will be owned by the Library or by Davis County. An exception may be made for accessories that prove either unsafe or impractical when provided to patrons, but that conform to all policies & guidelines regarding Library and Davis County computer systems.
5. The Library makes available to patrons additional equipment to be used in conjunction with Library owned computers. An enhancement to computer use, this equipment may include but is not limited to a trackball mouse and webcams with headsets.

Approved by Davis County Library Board, February 25, 1997; revised May 27, 1999; revised March 20, 2001; revised December 11, 2001; revised September 17, 2002; revised March 20, 2007; revised April 15, 2008; revised June 17, 2008; revised April 28, 2009; revised November 24, 2009; revised June 15, 2010; revised April 16, 2013; revised April 19, 2016; revised April 16, 2019

Internet Safety for Minors

Describes policy and process for protecting minors from viewing harmful information or disclosing personal information via the Internet in public library spaces; confirms Davis County Library's compliance with the Children's Internet Protection Act (CIPA), state and national laws; this policy is regularly reviewed and readopted by the Library Board.

Introduction & Purpose

1. The Davis County Library provides computer access to minors, including filtered access to the Internet. The Davis County Library participates in the federal E-Rate program. This program makes certain communications technology more affordable for eligible schools and libraries that are complying with the requirements of the Children's Internet Protection Act ("CIPA").
2. Davis County Library has instituted measures to:
 1. prevent use access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
 2. prevent unauthorized access and other unlawful online activity;
 3. prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
 4. comply with the CIPA

Definitions

1. Technology Protection Measure. The term "technology protection measure" means a specific technology that blocks or filters internet access to visual depictions that are:
2. Obscene, as that term is defined in 20 U.S.C. Section 9101;
3. Child Pornography, as that term is defined in Section 76-5b-103 of the Utah Code; or
4. Harmful to Minors, as that term is defined in Section 76-10-1201 of the Utah Code
5. Sexually Explicit Conduct. The term "sexually explicit conduct" has the meaning given in Section 76-5b-103 of the Utah Code.

Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") are used to block or filter Internet – or other forms of electronic communications – access to inappropriate information. Specifically, the Davis County Library utilizes filtering software to block visual depictions of material deemed obscene, child pornography, or to any material deemed harmful to minors.

Inappropriate Network Usage

1. To the extent practical, Davis County Library shall take reasonable measures to promote the safety and security of users of the Davis County Library online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, Davis County Library shall work to prevent inappropriate network usage such as (a) unauthorized access, including so-called

“hacking,” and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

2. Some measures the Davis County Library shall utilize, among others, include: (a) implementing filtering software to restrict access to material harmful to minors consistent with the requirements of Utah Code Section 9-7-215 and Utah Administrative Code Rule R458-2, and (b) posting of signs in the Libraries. The signs will inform patrons and minors of safe Internet practices and encourage all users to inform staff members or parents of inappropriate communications they may encounter during Internet sessions on the Library’s public Internet stations.

Supervision and Monitoring

1. To the extent practical, Davis County Library staff shall make reasonable efforts to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the CIPA.
2. Additionally, the Davis County Library encourages parents to supervise and monitor their minor children’s Internet sessions since filtering software may not be able to filter all information that may be harmful to minors. Some parents may deem that certain unfiltered materials are also unsuitable for their minor children.
3. The Davis County Library further encourages parents to discuss the use of the Internet with their minor children in relation to family values and boundaries.

Adoption

1. A public meeting for the purpose of discussing the proposed policy, Internet Safety for Minors, following normal public notice and comment, was held on May 24, 2011. This policy was approved by the Davis County Library Board of Directors on June 21, 2011.
2. This policy has been reviewed in its entirety and was reapproved by the Davis County Library Board of Directors on April 16, 2019 and is effective as of that date. This policy will be formally reviewed in its entirety and readopted no later than July 1, 2022, in accordance with Utah State Law.

Approved by the Davis County Library Board, June 21, 2011; revised April 16, 2013; revised April 19, 2016; revised April 16, 2019

Guidelines for Appropriate Use of Electronic Information Sources

Electronic access to information, particularly through the Internet, is a complex area for public library administrators and board members to address because the Internet is a complex, fluid, electronic crossroads where large amounts of easily accessed information is available at minimal cost. Accordingly, policies regarding access to the Internet in the public library are also complicated. When establishing policies, library board members and administrators must keep in mind the rights of individuals to free speech and inquiry, as well as the community’s interest in limiting certain types of speech in public spaces, especially areas frequented by minors. Libraries must also consider that information retrieval through the Internet has expanded to the point that, given competition for time on the limited number of PCs available for public use, priorities may have to be established regarding those uses which are most consistent with the mission of the library and those which may stretch beyond the scope of services the library offers.

As a result of the complexity of issues involved in electronic access, guidelines that separate acceptable from unacceptable uses must almost inevitably be unusually detailed. Detailed guidelines will assist staff members in a meaningful way as they attempt to enforce policies established by the Board in a manner which is consistent and fair across the system. This

approach will allow the staff to better navigate the difficult ground between individual rights and community interests.

Part I: Principles for Enforcing the Policy on Electronic Access

Staff members charged with enforcing policies can do so with more confidence, and can exercise judgment more effectively if they understand the principles upon which the policies and guidelines are based. Accordingly, the key principles that underlie Library policies and guidelines for electronic access are defined as follows:

Principle 1: The right of patrons to meet their information needs through library resources, including electronic resources, is at the heart of the Library's mission. The Library vigorously promotes the use of all of its resources, and encourages patrons to utilize its resources as fully as their needs dictate. However, the Library also recognizes that it operates in the context of other laws and community interests which suggest some limits to the rights of patrons to access or to display certain types of information. Those limits are narrowly defined and are the most minimal possible to balance the right of inquiry with the competing concerns of appropriate displays in a shared public space, and the access minors may have to sexually explicit materials.

Principle 2: While promoting the rights of adults and minors to conduct inquiries for information through electronic resources, the Library also has an obligation and right to administer the space in which the inquiry is conducted. The public character of the space is further and more specifically defined as a space which is frequented by minors. Consequently, the Library has an interest in managing the space in accordance with the precept that minors should not be exposed to certain types of visual representations.

Principle 3: In the case of minors, the Library has established an informal base for parents to understand the range of materials their children are likely to encounter when visiting the Library, which is best defined by the collection itself. Consequently, the Library has an interest in limiting the access which minors may directly have to visual images which may clearly be beyond what the Library could ever reasonably acquire for the children's or young adult collections based on its materials selection policies.

Principle 4: In enforcing policies in the area of electronic access, the Library wishes to adopt an approach which narrowly targets access to information that is illegal and to those materials which meet statutory definitions for visual images that may be harmful to minors and are therefore determined to be unacceptable for display in the library as a public space. In enforcing guidelines for accessing electronic information, the Library applies methods which are minimally intrusive and non-punitive, but also progressively firm and decisive. Enforcement is also based on the concept of fairly informing the patron of the behavior necessary to achieve compliance, informing the patron of the consequences of non-compliance, limiting privileges as a response to non-compliance, and defining a process for review and appeal by a patron of any enforcement action.

Part II: General Guidelines

In enforcing the Library's policies related to electronic access to information, staff members should view the following guidelines as part of the Library's overall approach to working with patrons and addressing patron behavior issues. Even though electronic resources have unique characteristics and pose special issues, they are utilized by patrons within the broad context of library services. Consequently, to the extent possible, patron use of them, and staff intervention necessary to assist in their use, should be guided by practices that apply as well to other

aspects of library service. Key service and patron-relation elements to remember in applying the guidelines detailed herein include the following:

1. The primary purpose of electronic access is to further enhance the ability of patrons to locate needed information, and the staff's primary obligation is to assist patrons in this endeavor. Staff members should focus their efforts on helping patrons widen the options they have for finding information even when that information is controversial, when it may be unpopular and when it may be offensive to some members of the community.
2. In enforcing Library policies, staff members should be clear they are not enforcing laws. Rather, they are enforcing library policies related to the use of electronic resources and the management of the library as a public space, drawing on state statutes and statutory definitions for guidance.
3. In working with patrons using electronic resources, staff members should strive to inform and educate them about library policies and use of search strategies and techniques, and should engage in enforcement procedures only as a secondary choice as the situation requires.
4. Staff members should exercise some judgment in applying the guidelines established below. Staff should be cautious when they intervene in a patron's use of a resource, and when they do intervene they should be certain they have grounds for doing so based on policy.
5. Content-limiting software is installed on all publicly accessible Internet PCs as a complement to the Library's electronic-access policies and the guidelines established for enforcing them remain. The approach taken in utilizing content limiting software is consistent with legal guidance based on Supreme Court decisions and is consistent with State law (Utah Code annotated 9-7-215). The Library recognizes the potential difficulties and limitations of content-limiting software. Thus, while it is possible that the software will inadvertently block access to sites that fall within the scope of acceptable uses, it is also possible that a patron will circumvent the software or that the software will fail to block a site that does not meet acceptability standards. Therefore, Library policies for Internet access remain in effect whether content-limiting software is engaged or has been disabled or overridden in accordance with these guidelines. However, consistent with case law, the library staff will immediately and without further investigation into the purpose or intent of the user disable or override content-limiting software on any PC upon request by a user 18 years of age or older, unless the PC is located in an area dedicated primarily to minors or personal electronic devices. Additional guidelines for this procedure are provided in Part IX, below.

Part III: Display of Information That May Be Harmful to Minors

Patrons may not display in the library images or visual depictions that meet the following definitions, as established in Utah State Code 76-10-1201 and specified therein as categories of representation that may be harmful to minors:

"Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification. "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

“Sado-masochistic abuse” means: (a) flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume, or (b) the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

“Nudity” means: (a) the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering; (b) the showing of a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or (c) the depiction of covered male genitals in a discernibly turgid state.

A narrowly-defined exception to the display or images or visual depictions of “nudity,” as defined above, is made based on the statutory-defined intent to exclude from the “harmful to minors” category information that has “serious literary, artistic, political or scientific value for minors.” Additional guidance on this narrowly-defined exception is provided in Parts IV and V, below. It is hoped that by focusing on these definitions, staff will avoid being arbitrary and capricious, or over-reaching the library’s purpose of limiting the display of certain types of information in a public space.

If a patron displays visual depictions which meet the statutory definitions contained above, he or she will be informed that the Library prohibits the display of such visual depictions, and a request will be made that the patron exit the site immediately and avoid accessing similar sites.

It should be acknowledged from the outset that interventions of this nature are uncomfortable for both the patron and the staff member. It is not easy to intervene in any situation involving patron behavior, including those involving the nature or content of a search. However, when it is necessary to intervene, the staff member should be careful and discrete, and verbal discussion of the situation in the public area, both between staff members and between staff members and the patron involved, should be as limited as possible.

1. If the situation permits, it is best that two staff members observe the situation in case future documentation is required.
2. A staff member will approach the patron and indicate something to this effect: “Sir/madam, I have to ask you to exit the site you are on immediately and to review this information.” The staff member will then provide the patron with a printed statement which reads as follows:
"As the library is a public space frequented by minors as well as adults, display of visual representations which may be harmful to minors, as defined in state statute, is prohibited. A copy of the Library’s policy and additional information is available upon request. If you have questions regarding this policy or its enforcement in this case, please contact the Branch Manager or Library Director at 801-451-3030."
3. It is hoped that the patron will comply with the staff member’s request. Following the incident, the staff member(s) will make a note describing the patron, the nature of the material seen, and any other pertinent information, such as additional conversation with the patron, which may be needed as supporting documentation for further enforcement.
4. If the patron refuses to exit the site, re-enters the site, or enters a similar site, the staff member will approach the patron and indicate something to this effect: “Sir/madam, I have informed you of the Library’s policies and asked you to comply with them. I will now ask you once again and for the last time to do so.”
5. Again, it is hoped the patron will comply. If the patron refuses to comply, or asks something to the effect of, “What will you do if I don’t?” the staff member will indicate that the library has established procedures for these cases and will present the patron with a printed statement that reads as follows:

“If a patron fails to comply with the request of a staff member to terminate prohibited uses of the Library’s PCs, or with other instructions from the staff regarding appropriate use of the PC’s, or to leave the PCs following repeated violations, the staff is instructed to contact local law enforcement officials who will determine what course of action to follow. The matter will also be referred to the Library Director who will determine, in consultation with the Davis County Attorney’s Office, whether to suspend the patron’s Internet privileges and whether to pursue additional legal actions.”

If the patron still refuses to comply, staff members should contact local law enforcement officers, indicate that a possible public nuisance situation is underway and request their immediate assistance. Upon the arrival of the police, staff should cooperate with them as fully as possible, leaving the management of the situation to them.

6. In these extreme cases, staff members should take appropriate measures to ensure the information in question is not visible to the public, but remains accessible to law enforcement; if possible staff should make note of the website being accessed. Staff members should also contact the Director, Deputy Director or a designated library administrator immediately. The Library Directors will, in turn, work with other Davis County personnel as appropriate, based on County and Library practices.
7. It should be noted that this approach would also be taken if an individual in some highly unusual case was displaying hard-copy materials, e.g., such as in a magazine, in the library and the staff had to intervene. It should be noted that the relevant public decency law which we would consider applying may be found in Utah Code 76-10-803, specifically subsection (b), which includes “offends public decency” in the definition of public nuisance.
8. Patrons who have been required to exit a site for any reason may appeal the action of the staff to the Library Director who will determine whether or not the site meets the Library’s policies for acceptable use. If the Director determines that site falls within the scope of acceptable use, he or she will discuss with the staff involved the basis for the initial action and inform them of the reasons for the reversal. If the Director determines that the site falls outside the scope of acceptable use, the patron will be so informed in writing. Appeals to the Director may be made immediately, and up to five (5) days after the action of the staff, and may be made verbally or in writing. The Director will respond within three (3) business days of receipt of the appeal. If the patron is not satisfied with the decision of the Director, an appeal may be made to the Library Board of Directors at its next regularly-scheduled business meeting, at which time the Board will act. The appeal to the Board of Directors must be made in writing.
9. Patrons may appeal any aspect of Library policies to the Board of Directors.

Part IV: Minors

As indicated in Principle 3, above, the Library views its relationship to minors in a somewhat different light than it does with adults in terms of Internet use. The Internet opens a world of information to a minor far beyond what most public libraries own in terms of both scope and content. Consequently, the Internet allows public libraries to provide all users with vastly more information than ever before; it can serve as the link to information which communities and states have deemed as potentially harmful for minors.

While the library cannot assume the responsibility of enforcing laws related to materials potentially harmful to minors, it can establish policies which attempt to limit the opportunities for minors to access or be exposed to materials beyond the reasonable boundaries of what may be considered appropriate for minors. In applying this concept, the Davis County Library relies not

only on definitions contained in state laws, but also on the notion that its collection development policies establish broad boundaries of appropriateness which in turn create an expectation of what images and visual representations parents may anticipate their children will encounter at the library in those collections developed for children and young adults. Consequently, content limitations for minors are somewhat more stringent than those for adults, and the basis established for staff members to intervene is accordingly broader.

1. Staff members may intervene in the use of the Internet by a minor when the minor is accessing materials which are sexually explicit, in accordance with criteria stated in Part III or which may be harmful to minors based on criteria established in Utah Code Annotated 76-10-1201, which reads in part as follows:

“Harmful to minors” means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:

1. taken as a whole, appeals to the prurient interest in sex of minors;
 2. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 3. taken as a whole, does not have serious value for minors.
2. In terms of actual enforcement of policy, most cases that are addressed by the definition of obscenity would already be prohibited for access by minors based on the “harmful to minors” definitions presented in Part III. In the unusual case in which this does occur, staff members should make a good-faith effort to apply the above criteria, preferably in consultation with a second staff member if the situation permits. In applying these criteria, it is again important to recall that the staff is not enforcing the law but is using criteria established by statute for guidance in managing public access to information in a public space.

All criteria established for adult use of the Internet apply to use by minors. Except when nudity meets the statutory intent of “serious literary, artistic, political, or scientific value for minors” as defined in Utah code 76-10-1201, staff members may intervene in the use of the Internet by a minor when the minor is accessing materials which include nudity. In determining whether the information being accessed may have serious value for minors, staff members should consider whether or not the type of information being accessed resembles information that could be available to minors in either the children’s or young adult collections of the library based on the library’s materials selection policy. This concept is elaborated in Principle 3, above. Staff members may also intervene in the use of the Internet by a minor when the minor is accessing materials which include graphic representations of gross bodily functions or graphic representations of extraordinary violence.

These guidelines clearly involve some element of judgment, and staff should intervene only when they are clear regarding the particular case. If there is doubt in the staff member’s mind, a second staff member should be consulted. If doubt remains, the staff member should refrain from intervening and simply document the case for future reference and discussion. As with adults, staff should defer to the right of the patron to search and conduct inquiries and use intervention only when necessary to remedy a clear situation. Preference should be given to providing the individual minor with information and to helping clarify appropriate uses of the Internet.

3. If a minor accesses material which requires intervention, staff members will make a judgment about the appropriate means for intervention based on the age of the

individual, the nature of the material being accessed and the opportunities the staff member senses for providing information that will deter future difficulties.

Minors may range in age from quite young to near adulthood, and methods for intervening when problems arise, including language used to explain the policy, should vary based on age. If problems persist with an individual minor either the same day or over several different visits to the library, staff should document the nature of the problem and the specific incidents, including dates and conversations. In consultation with the Branch Manager or Director, staff will map a strategy which involves a progressive level of response which may include conversations with and verbal warnings to the individual, a letter to the individual's parents and suspension of Internet privileges for a period of time. As with adults, minors may appeal the denial of access to a particular site in accordance with the method and timeframe established in Part III, subsection H, above.

Part V: Nudity

Visual images that meet the statutory definition of nudity may not be displayed in the public space unless such images may meet a statutory definition of having "serious literary, artistic, political or scientific value." Notably, this definition does not focus, for example, on whether an image is "art," or of "artistic interest," etc., but rather on "serious artistic value." In lieu of individuals rendering their personal subjective judgment regarding "serious value," the Library, in its effort to comply with statutory intent, relies on the judgment, commitment and purpose of other organizations with recognized competence and expertise. Consistent with this approach, staff members may determine whether an image may be permitted to be displayed based on the website where the image appears.

To guide staff members in applying this policy and meeting statutory intent, the Library considers bona fide museums, governmental agencies, universities, national health associations and similar organizations as authoritative to validate "serious value." Accordingly, information contained on their websites, or clearly labeled as owned by them may be permitted for access and display. An example would be art images made available through the Boston Museum of Fine Arts website or labeled with "Boston Museum of Fine Art" even if the latter is made available through an alternate website.

By contrast, for purposes of applying Library policy, the presence of an image on a commercial website, such as one selling posters or art prints without attribution of museum ownership, a commercial periodical, a private gallery, or the posting of an image to a personal or public website, such as one maintained by an individual artist, are not in and of themselves considered sufficient verification of serious value to permit display of nudity as statutorily defined.

Part VI: Illegal Activity

Staff members may intervene in the use of the Internet when they have reason to believe that information being accessed is illegal, e.g., accessing child pornography, engaging in on-line gambling, or other activities that are defined as illegal by federal or state statute. The following outline of procedure is written in terms of child pornography, but would be followed in documenting any noted illegal activity.

If the staff perceives that a patron is accessing information that involves graphic representations of children involved in sexual situations, which is the most likely scenario to arise which could involve a violation of the law, the following steps will be taken:

1. When possible, the staff member will ask a second staff to view the information in order to verify its nature.

2. The staff will immediately contact local law-enforcement authorities and inform them that a potential violation of laws has occurred related to accessing information which involves children in sexual situations.
3. Staff will note the time of the situation, and will monitor the patron until law-enforcement officials arrive.
4. Staff will make notes regarding the situation, including the basis for their decision to contact law-enforcement officials. A copy will be retained at the branch and a copy sent to the Director for review.

Part VII: Harassment

Harassing behaviors, as defined in the County's Harassment policy, are not permitted using the Internet, electronic resources, or in Library spaces. Staff members will respond to harassing behaviors as outlined in Davis County policies. Staff members will provide a copy of the County's Harassment Policy to patrons upon request.

Part VIII: Suspension of Privileges

A patron may have his or her Internet privileges suspended temporarily if he or she persists in using the Library's PCs for purposes which are not permitted under library policies and guidelines after being provided with information on appropriate use and afforded an opportunity to comply. Patrons will be provided with information regarding compliance with Library policies in accordance with a process of education and progressive enforcement established by the Library Director. Enforcement procedures regarding an individual patron may be pursued when documentation supports continued violations whether they occur in the same session, in multiple sessions on a single day or over several days, or in one or more branches of the Library.

Prior to any suspension of privileges, the patron will receive a letter from the Director alerting him or her to the nature of the problem, requesting compliance with library policies, indicating that further actions may be taken if compliance is not forthcoming, and providing an opportunity for the patron to offer his or her perspective. Following a further violation, the patron will be notified that his or her Internet privileges have been suspended for a period of time not to exceed six (6) months, and provide the patron with a right to appeal the decision to the Director and, ultimately, to the Board of Directors. Response to further violations will be made on a case by case basis by the library Director, in consultation with the Davis County Attorney's office.

Part IX. Disabling Content-Limiting Software and Overriding Blocked Sites

Staff members may disable content-limiting software and override blocked sites in accordance with the following directions. However, the capabilities and options available for such steps vary among software packages, and the choice of software is in turn contingent upon the network configurations and operational software employed by Davis County. Although the Library tries to identify content-limiting software packages that permit flexibility in application, including the ability to disable the filter, and recognizing the software changes from release to release, it is not always possible to make this feature available to patrons and staff members. The following guidelines are adopted to address both the situation when disabling is available as an option and when it is not.

Staff members will disable content-limiting software or override the block from a particular website for a user 18 years of age or older upon request, and will do so as immediately as work-flow permits. The staff member will disable the software or override a block without questioning in any manner the purpose or intent of the user in making the request. The staff member may answer any policy questions posed by the user making the request, e.g., "Does this mean I can get into pornography since the filter is turned off if I want?", but may not reiterate

policy or state policy in advance of any such question. In other words, the staff member may not preemptively state that all policy restrictions remain in effect as this presupposes that the intention of the user is to violate policy.

1. Staff members are to make no record of individual requests to disable content-limiting software or override a block except as the library determines it useful to make a neutral count of how many such requests are made.
2. B. Staff members will not disable content-limiting software or override a block on any PC located in a specific children's service area or on personal devices. Such PCs will be identified by signage indicating that they are children's PCs.
3. Staff members will not disable content-limiting software or override a block on any PC for an individual under the age of 18. A parent may personally request that the filtering software be disabled or a block be overridden on a PC that he or she intends to use with his or her minor child present. Generally, it must be the parent, not the minor, who uses the PC when the filters are disabled or overridden. All aspects of these guidelines as regards use by a minor apply throughout any session, whether or not the filters are engaged or overridden, when a parent uses a PC with a minor child. Similarly, it follows that the parent may not leave the child to use the Internet unfiltered. In the words of an attorney hired by the American Library Association to provide guidance related to the Child Internet Protection Act (CIPA), "CIPA does not contemplate parental control over library filters—that is, the statute provides that filters may only be disabled by a library employee for legitimate adult use." Regarding the case of a parent allowing his or her minor child to use the Internet after the filters have been turned off at the parent's request, the ALA attorney writes:

" . . . should the parent allow his or her child to use the computer, the parent should be required to remain at the monitor during use of the (unfiltered) computer by his or her child. While allowing the child to 'use' the unfiltered computer even in the presence of a parent does not literally comply with the statutory mandate, should a complaint arise, it is the parent, not the librarian, who should bear the responsibility."

While this is the attorney's general opinion, staff members who become aware of a minor using an unfiltered Internet PC should inform the parent that library guidelines require the filter be re-engaged during use by a minor, even if the parent remains present. If the parent refuses, staff members should document the case, including having informed the parent of the guidelines; if the parent consents, staff should simply re-engage the filters. In accordance with CIPA statute and the concepts conveyed by the ALA attorney, parents may not request or indicate in advance, by telephone or by any other means that their minor children be given access to unfiltered Internet use when they come to the library. Only an adult, on site at the time, may request that the filters be disengaged or a block on a website be overridden. Staff members may take reasonable steps to verify the age of a patron making a request to disable filtering software. These steps may include but not be limited to asking for age verification using a driver's license or other form of government-issued identification or a Davis County Library borrower's card.

4. Each PC, except those excluded as being in children's areas and designated for use by children only, will include signage indicating that a content-limiting software is engaged and that it will be disabled, and blocks on sites will be overridden upon request by an adult. All requests to disengage content-limiting software will be managed as unobtrusively as possible based on the concept of the neutrality of such requests. The

signage will indicate that library policies regarding appropriate use are in effect at all times.

5. Staff members will re-engage content-limiting software as soon as possible after use of the PC is completed by the patron who requested it be disabled. Re-engaging the filter may require rebooting equipment or altering software settings.

Revised April 19, 2016; revised November 15, 2016; revised April 16, 2019

**SAMPLE COVER LETTER FOR TRIENNIAL INTERNET AND ONLINE ACCESS POLICY
REVIEW**

Month 00, 2022

Chaundra Johnson, Division Director/ State Librarian
Utah State Library Division
250 N 1950 W, Suite A
Salt Lake City, UT 84116

Dear Chaundra,

In compliance with State of Utah Administrative Rule R458-2, we have enclosed a copy of the ABC PUBLIC LIBRARY Internet and Online Access Policy for your review.

This document was reviewed and adopted in a library board meeting open to the public on DATE OF ADOPTION. The policy is intended to meet the provisions of Section 9-7-215, UCA.

Cordially,

ABC SMITH
Library Director

XYZ JONES
Chair of the Library Board