



**NAVIGATING THE FIRST AMENDMENT HIGHWAY IN YOUR LIBRARY
FROM FILTERING TO BOOK SELECTION TO PATRON BEHAVIOR:
HOW TO STAY IN THE RIGHT LANE**

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I. OVERVIEW OF FIRST AMENDMENT

- Forum Analysis
- Traditional Public Forum
 - Time, place, and manner restrictions allowed if:
 - content-neutral
 - narrowly tailored to meet significant governmental interests; and
 - leave open ample alternative channels of communication
- Designated public forum (limited public forum)
 - Time, place and manner restrictions
 - Examples
 - Historical use
 - Purpose
 - Viewpoint neutral
- Non-Public Forum
 - Viewpoint Neutral
 - Reasonable criteria based on purpose
 - Limit content

II. FILTERING AND CENSORSHIP

- Internet Access
 - Potential Liability
 - Access by minors
 - Exposure of other patrons
 - Use of Federal Funds
 - E-Rate
 - LSTA
- Children's Internet Protection Act

- Steps to Minimize Liability
 - Internet Policy
 - Practical advice

III. MATERIAL SELECTION

- Discretion
- Censorship
- Space Requirements
- Factual Inaccuracies
- Parental consent – when it is permitted
- Steps to Minimize Liability
 - Policy
 - Examples

IV. MEETING ROOMS/BULLETIN BOARDS

- Forum Analysis
- Importance of Parameters
- Analyze uses and history of use
- Control
- Buy-A-Brick
- Policy
 - Planning
 - Enforcement

V. PATRON BEHAVIOR

- Right to Access
- Appearance and Behavior
 - Policy
 - Clear/unambiguous
 - Objective

- Enforcement
 - Hygiene
- Denial of Use of Facilities
 - Suspension/termination
 - Hearing
 - Pre-deprivation
 - Post-deprivation
 - Written Notice

VI. QUESTIONS

