As required by SDCL 22-24-56, the Menno Public Library implements the Materials Selection & Minor Access Policy

Request for Reconsideration Form

1. PURPOSE

The Menno Public Library provides materials in a variety of formats and subjects to serve the informational, educational, cultural, and recreational needs of the community. The Library seeks to maintain a diverse collection representing varied viewpoints, interests, reading levels, ages, backgrounds, and experiences. This policy establishes standards for selecting and maintaining Library materials and measures to restrict minors from accessing obscene matter or materials as required by South Dakota law.

2. MATERIALS SELECTION

Library materials may be selected based on popular interest and community demand; literary, artistic, cultural, educational, historical, or informational value; accuracy and reliability; author or creator qualifications; quality; community relevance; relationship to the existing collection; availability and cost; and format and suitability for the intended audience. The presence of a material in the collection does not constitute endorsement of every idea, opinion, statement, or depiction contained in it. The Library does not restrict materials solely because an individual or group objects to the subject matter, language, viewpoint, or content.

3. RESPONSIBILITY FOR MINORS

Parents and legal guardians are responsible for determining which Library materials are appropriate for their own children. The Library does not act in place of a parent or legal guardian in determining which materials an individual minor may access, except as required by law.

4. RESTRICTION OF MINORS' ACCESS TO OBSCENE MATERIAL

In accordance with SDCL § 22-24-56, the Library shall establish and implement measures to restrict minors from accessing obscene matter or materials. For this policy, a minor is a person under eighteen (18). “Obscene material” has the meaning established by SDCL § 22-24-27(12). Under that statute, obscene material is material (1) whose dominant theme, taken as a whole, appeals to the prurient interest; (2) that is patently offensive because it affronts contemporary community standards relating to the description or representation of sadomasochistic abuse or sexual conduct; and (3) that lacks serious literary, artistic, political, or scientific value. The determination is based on the material as a whole, rather than isolated words, passages, images, or portions. Sexual content, profanity, violence,

controversial subject matter, or mature themes alone do not automatically establish obscenity under this policy.

5. COLLECTION AND ACCESS

The Library will take reasonable measures to comply with South Dakota law concerning minors' access to obscene materials. Materials shall not be removed solely because they are controversial, offensive, objectionable, or inappropriate to an individual patron unless the material is determined to violate this policy or applicable law.

6. REQUEST FOR RECONSIDERATION

A patron who believes a specific Library material violates this policy may submit a written Request for Reconsideration of Library Material to the Library Director. The request should identify the title and author; the specific portions challenged; the specific concern; the basis for believing the material meets the statutory definition of obscene material; and the action requested. The Library Director may review the material and request and provide a written response. A material remains available during review unless temporary restriction is determined necessary to comply with law.

7. APPEAL

If a patron disagrees with the Library Director’s determination, the patron may appeal in writing to the Library Board of the Menno Public Library, as defined by applicable South Dakota law. The Library Board shall review the challenged material and determine whether it is obscene under the applicable statutory definition. The determination shall be based on applicable law and the material taken as a whole.

8. JUDICIAL REVIEW

Pursuant to SDCL § 22-24-56, a determination by the governing body concerning whether matter or material is obscene is subject to judicial review in a court of competent jurisdiction.

9. PUBLICATION This policy shall be made publicly available in accordance with SDCL § 22-24-56 and published on the official website of the political subdivision that maintains the Library, or annually in a legal newspaper designated by the governing body, as permitted by law.

10. PUBLIC ACCESS COMPUTERS

In accordance with SDCL § 22-24-56, each public access computer provided by the Library shall be equipped with software that limits minors' ability to gain access to obscene matter

or material, or the Library shall obtain Internet connectivity from an Internet service provider that provides filtering services to limit access to obscene material.

11. ELIGIBILITY

Requests for reconsideration may be submitted only by individuals who reside within the Elk Point Community Library service district. The individual submitting the Request for Reconsideration form must provide their name and address to establish eligibility.

12. REVIEW

This policy shall be reviewed periodically by the Library Board and revised as necessary to remain consistent with applicable federal, state, and local law. If a provision conflicts with applicable law, the applicable law controls.