

# Materials Review Request Form — Proposed Revisions

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## Rationale for Update

Revision of the Materials Review Request Form is recommended so that the form accurately reflects the procedures, review standards, constitutional safeguards, and appeal process established in the revised Collection Development Policy.

Although the form was substantially updated in 2024, the current revision further aligns the form with the proposed 2026 policy and creates a clearer administrative record for evaluating requests to restrict, relocate, reclassify, or withdraw library resources. The revision preserves the principal eligibility and filing requirements adopted in 2024 while simplifying preliminary requirements and substantially improving the questions used to evaluate the merits of a request.

The revised form is designed to focus review on the complete resource, the requester's specific concern and requested remedy, the applicable Collection Development Policy, evidence of claimed harm, less restrictive alternatives, the continued-access interests of other library users, and any asserted constitutional or legal basis for restricting a resource.

## Detailed Changes

### 1. Alignment With the Revised Collection Development Policy

The form has been revised so that its eligibility, filing requirements, review standards, timelines, continued-access rule, and appeal procedure correspond directly to the revised Collection Development Policy rather than operating as a separate set of procedural rules.

The form also incorporates the policy's emphasis on professional judgment, evaluation in context, individual access, parental responsibility, and protection against content- or viewpoint-based restriction of constitutionally protected materials.

### 2. Retained and Clarified Eligibility Requirements

The form retains the principal eligibility standard adopted in 2024: a formal Request for Review may be submitted by an adult resident of Baker County, Oregon who is a registered BCLD cardholder.

The eligibility and filing rules are placed at the beginning of the form so requesters can determine whether they qualify before completing the substantive review questions.

### 3. Simplified Informal Consultation Requirement

The 2024 form required the requester to obtain a prior discussion and written response from the Library Director and to attach documentation of those efforts.

The revised form still requires an informal discussion with the Library Director or designee before a formal filing, but removes the requirement for a separate written response or supporting documentation. This preserves an opportunity for informal resolution without creating unnecessary procedural paperwork or the appearance of two separate formal Director decisions.

### 4. Clarified Filing Limits, Repeat Reviews, and Completeness Requirements

The revised form retains the limit of one formal Request for Review from the same person in any 30-day period and requires one form for one title, work, item, or discrete resource.

A resource that has been formally reviewed and retained will not ordinarily be reconsidered for three years, while allowing the Director to accept a new request when materially different grounds, a materially changed resource, or another significant circumstance warrants review.

Incomplete requests may be returned for correction. The requester has 30 calendar days after notice to supply missing required information before the request is closed without a decision on the merits.

## **5. Removal of the Discretionary Fee and Premature Hearing Election**

The 2024 form stated that a fee might be required after more than three requests within twelve months. The revised form removes that provision; the one-request-per-30-days rule remains the principal administrative limit on repeated formal requests.

The 2024 form also asked at the initial filing stage whether the requester would testify at a hearing. That question is removed because Board consideration occurs only after completion of the administrative review and a timely appeal.

## **6. Broader Description of Resources Subject to Review**

The form is no longer oriented primarily toward books and conventional audiovisual materials. It uses the broader terms “title / name of resource” and “author / creator / producer, if applicable.”

Format options include physical and digital resources, books and audiobooks, periodicals and news, video and film, music and audio, databases and online resources, games, Library of Things and other nontraditional resources, and other formats covered by the Collection Development Policy.

## **7. Updated Required Acknowledgments**

The requester must acknowledge that the Collection Development Policy has been received or reviewed, that the required informal consultation occurred, and that the signed request and related correspondence may constitute public records.

A new acknowledgment states that BCLD will evaluate the resource in context under the Collection Development Policy and applicable law and, for a discrete work, will evaluate the work as a whole rather than solely on isolated passages, images, excerpts, or features.

## **8. Clearer Inquiry Into How the Resource Came to the Requester’s Attention**

The revised form asks how the resource came to the requester’s attention and how much of it the requester personally read, viewed, listened to, used, or otherwise examined.

Unlike a rule requiring complete consumption of every resource before filing, the form permits a concern to proceed when less than the entire resource was examined, while requiring the requester to identify the portions reviewed. This gives decision-makers useful context about the factual basis of the request.

## **9. Simpler, More Fact-Specific Statement of Concern**

The form replaces several broader or more argumentative questions from the 2024 version with a direct request to explain the concern and identify the relevant passages, timestamps, images, entries, features, or other portions when possible.

The earlier series asking requesters to agree or disagree with general philosophical propositions about reading, young people, parental authority, and representation is removed. Instead, the revised form asks questions tied directly to the resource, the requested governmental action, and the policy standards that must be applied.

## **10. Required Consideration of the Resource as a Whole and Its Possible Value to Others**

The requester is asked to explain, in view of the work as a whole, the overall purpose, function, theme, or message of the resource.

The form also asks what positive qualities the resource might have for other library users, expressly inviting consideration of literary, artistic, educational, political, scientific, cultural, historical, recreational, practical, or other value or utility. These questions help ensure that the administrative record reflects the complete work and not solely the challenged portion.

### **11. More Precise Requested-Action and Less-Restrictive-Alternative Questions**

The requester must identify the action sought: relocation or change of audience designation, change of cataloging or classification, restriction of access, withdrawal, or another specified action.

When restriction, relocation, or withdrawal is requested, the form asks why a less broadly restrictive action would not adequately address the concern. The prompt specifically directs attention to individualized, viewpoint-neutral options available to parents or legal guardians for their own children rather than automatically limiting access for all users.

### **12. Direct Inquiry Into Claimed Harm and Supporting Evidence**

The revised form asks who has been, or would be, directly harmed by the resource and how, and asks the requester to cite specific harm and evidence supporting the claim.

This replaces the narrower 2024 question concerning personal or financial harm to the requester or a family member and creates a more useful record of any asserted public or individual injury that might justify government action.

### **13. Direct Question About Compliance With BCLD Policy**

The requester must state whether they contend that the resource fails to comply with the BCLD Collection Development Policy and may answer Yes, No, or Unsure.

If the answer is Yes, the requester is asked to identify the applicable section or criterion and explain how it applies. This focuses the review on the Board-approved standards that govern selection, access, maintenance, and withdrawal.

### **14. Added Constitutional and Legal-Standards Questions**

The revised form asks whether the requester contends that the resource is unlawful or falls outside applicable state and federal constitutional protections.

If so, the requester is asked to identify the legal category they believe applies, including incitement of imminent lawless action, true threats, obscenity, fraud, speech integral to criminal conduct, fighting words, defamation, or another asserted basis, and to provide specific examples from the resource as supporting evidence.

This creates a clear distinction between disagreement with protected expression and a claim that a resource is legally unprotected or unlawful.

### **15. Added Questions Reflecting the Miller Obscenity Framework**

The form includes three whole-work questions addressing whether the work appeals to the prurient interest, depicts or describes sexual conduct in a patently offensive manner as defined by applicable law, and lacks serious literary, artistic, political, or scientific value.

These questions provide a structured record when obscenity is asserted and reinforce the principle that the complete work—not an isolated passage or image—must be considered.

### **16. Explicit Consideration of Other Library Users' Continued Access**

When restriction, relocation, or withdrawal is requested, the form asks why BCLD should limit or deny access for other Baker County taxpayers who wish to continue having the resource available in its current location.

This replaces the 2024 form's broader philosophical questionnaire with a concrete, case-specific question about the effect of the requested action on other users' access and individual choice.

### **17. Professional Reviews, Legal Authorities, and Alternative Resources**

The form invites the requester to identify professional reviews, critiques, awards, legal authorities, scholarly sources, or other information BCLD should consider.

It also allows the requester to recommend alternative resources concerning the same subject, perspective, or issue. These questions remain optional so that lack of professional research does not prevent a resident from submitting a formal concern.

### **18. Continued Availability During Review**

The revised form expressly states that a challenged resource will remain available under ordinary library rules while review is pending unless it becomes unavailable for unrelated reasons or BCLD is required by law or court order to take other action.

This makes the continued-access rule visible to the requester at the beginning of the process and aligns the form with the revised Collection Development Policy.

### **19. Clearer Professional Review, Written Decision, and Board Appeal Process**

A "What Happens After Submission" section now explains the process in sequence: completeness and eligibility review; professional review arranged by the Library Director; a written Director decision normally within 30 calendar days after receipt of a complete request; and a written status update if more time is required.

A requester may appeal the Director's final written decision to the Board within 10 business days after the written decision date. The appeal must identify the policy or procedural provision believed not to have been followed or correctly applied.

The Board's role is expressly described as reviewing whether the process and decision reasonably complied with the Collection Development Policy. The Board may affirm, remand for additional review, or direct another action consistent with policy and applicable law.

### **20. Updated Public Records, Privacy, Certification, and Administrative Recordkeeping**

The form uses a single public-records and privacy notice explaining that formal and informal communications concerning a materials challenge may become part of BCLD's public administrative record while protected contact, account, and circulation information will be handled under applicable law and the BCLD Privacy and Confidentiality Policy.

The requester certifies that the information supplied is true and complete to the best of their knowledge and acknowledges that anonymous or unsigned submissions do not initiate a formal Request for Review.

A Library Use Only section records receipt, eligibility verification, completeness, Director decision date, appeal deadline, prior review date, and disposition or notes, supporting a consistent administrative record.

## **Overall Effect**

The revised form changes the Materials Review Request from a general complaint questionnaire into a more structured administrative-review instrument. It preserves residents' ability to raise concerns while directing the review toward the complete resource, the Board-approved Collection Development Policy, evidence supporting the requested action, constitutional and legal standards when asserted, and the access interests of other library users.

Together with the revised Collection Development Policy, the form is intended to provide clearer expectations for requesters, a more consistent professional review process for staff and the Library Director, and a more complete record for Board consideration if an appeal is filed.