

Framework for a Vermont “Libraries for All” Act

30 August 2023

EveryLibrary Institute

SUBSTANTIVE REQUIREMENTS for a BILL

SECTION: SHORT TITLE

"Vermont Libraries for All Act"

SECTION: FINDINGS.

The General Assembly hereby finds:

(a) Public libraries serve as a cornerstone of our democracy, providing free access to information and resources for all citizens.

(b) The State of Vermont values its diverse citizenry and believes that all citizens should have equal access to public library resources and services, without discrimination or basis.

(c) Public libraries play a vital role in fostering a culture of intellectual freedom and inquiry, allowing individuals to explore a wide range of subjects without fear of reprisal, ridicule, or discrimination.

(d) In upholding the principles of the First Amendment, public libraries serve as guardians of citizens' rights to receive and express diverse ideas and information, unencumbered by censorship, discrimination, or bias.

(e) Title II, Title VI, and Title VII of the Civil Rights Act of 1964 and Vermont anti-discrimination statutes mandate the provision of equal access to public accommodations, prohibition of discrimination, and protection against harassment in workplaces.

(f) As places of public accommodation, public libraries are obligated to ensure their services, facilities, and resources are accessible and inclusive to all, without favor or discrimination.

(g) Public library policies should further these goals by creating environments that are inclusive, welcoming, and representative of the diversity of our state

(h) Therefore, to ensure that Vermont libraries protect and promote the principles of free speech, inquiry, and discovery, it is necessary that library boards adopt policies that are in substantive compliance with the First Amendment and civil rights, anti-discrimination, and harassment-free workplaces, in accordance with federal and state laws.

SECTION: DRAFT LEGISLATIVE LANGUAGE.

1) Amend public accommodation statutes at 9 [§ 4501](#). Definitions to include “free public library” as follows:

(1) “Place of public accommodation” means any school, free public library, restaurant, store, establishment, or other facility at which services, facilities, goods, privileges, advantages, benefits, or accommodations are offered to the general public.

2) Amend [22 § 67](#) “Free Public Library Service: Public libraries; statement of policy; use of facilities and resources” as follows:

(a) The General Assembly declares it to be the policy of the State of Vermont that free public libraries are essential to the general enlightenment of citizens in a democracy and that every citizen of the State of Vermont should have access to the educational, cultural, recreational, informational, and research benefits of a free public library.

(b) To ensure that Vermont libraries protect and promote the principles of free speech, inquiry, discovery, and public accommodation, it is necessary that free public library boards adopt bylaws, rules, and policies that are in substantive compliance with the First Amendment and state and federal civil rights, anti-discrimination, and harassment-free workplaces statutes.

~~(b)~~ (c) The trustees, managers, or directors of a public library may use library resources as a community center. Community centers may serve as forums and exhibition areas for the exchange of ideas that encourage the growth of artistic, educational, literary, and scientific knowledge as well as the intercultural understanding of the Vermont citizenry. Public libraries may cooperate with community groups to provide these services.

3) Insert into [22 § 606](#) Other duties and functions (of the State Library) and renumber as follows:

(6) May develop and promulgate model policies for free public libraries concerning collection development, display, meeting room use, patron behavior, internet use, materials reconsideration, harassment-free workplace, and other relevant topics to

ensure substantive compliance with the First Amendment to the Constitution and Vermont equal accommodation statutes.

(67) May receive and administer gifts of real and personal property accepted by the Governor on behalf of the State under 29 V.S.A. § 101.

(78) May dispose of by sale or exchange, or may discard, material which is obsolete or has ceased to be useful, because of its physical condition or otherwise. Any proceeds from the sale or disposition of materials shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department for the purchase of library materials.

(89) Shall be the primary access point for State information, and provide advice on State information technology policy.

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Administrative Topic: Minimum Standards Rubrics

Free public libraries should be required to develop and adopt policies within a non-discrimination framework that explicitly prohibit discrimination based on race, color, national origin, gender, sex, disability, religion, and other protected characteristics, applicable to all library services and activities, that ensure:

(1) Collection Development: Inclusivity and diversity in library collections, considering a range of viewpoints, cultures, languages, and experiences, and accessibility for patrons.

(2) Materials Access: Equal access to all library materials and resources for all patrons.

(3) Display and Exhibits: Representation of diverse cultures, experiences, and viewpoints in all library displays and exhibits.

(4) Facilities Use: Provide that patrons have equal access to library facilities with clear, objective, and uniformly applied policies, including behavior.

(5) Workplace Environment: Maintenance of a harassment-free workplace, with comprehensive definitions and examples of harassment, clear procedures for reporting and investigating complaints, and preventative measures against harassment.

(6) Internet Access and Digital Services: Equal access to internet and digital services for all patrons, with assistance available for patrons unfamiliar with digital resources and accommodations for patrons with disabilities.

(7) Privacy Policies: Clear privacy policies compliant with relevant laws, protecting all patrons' rights to privacy regardless of their protected characteristics.

(8) Material Challenge and Review Policies: Transparent, fair policies for challenging library materials, ensuring the due process rights of petitioners while neither favoring or disfavoring any group based on protected characteristics.

(9) Staff Training and HR Policies: Individual libraries should conduct regular training for library staff on non-discrimination laws and library non-discrimination policies, with HR policies reflecting the library's commitment to diversity, inclusivity, and non-discrimination.