

Appendix G

Collection Management Policy 2.1 -2.6; Adopted 6/26/08

North Olympic Library System

Procedure for Appealing Library Director's Decision Regarding the Library Collection

I. Appeal of Director's Decision

- 1.1. **Time Limitation:** Petitioner shall file a written petition for appeal within 30 calendar days of the date of the Director's written communication of decision.
- 1.2. **Content of Appeal:** Petitioner shall state in his/her petition the grounds upon which the appeal is based.
 - a) All persons joining in the appeal shall separately sign and date the petition. Each person signing the petition shall be deemed a co-petitioner.
- 1.3. **Request for Hearing.** If the Petitioner desires a hearing before the BOARD OF TRUSTEES regarding his/her appeal, the petition must contain a request for a hearing. If no request is made for a hearing, then the BOARD shall consider the appeal based only on the record before it without additional argument from the Petitioner or the Director.

2. Time of Hearing

- 2.1. If a hearing is requested by the Petitioner, the hearing shall be scheduled for the next regularly conducted BOARD meeting, unless the hearing request is made within 10 days of the next regularly scheduled BOARD meeting, in which case the Committee Chair may schedule a hearing for the next subsequent BOARD meeting date.
- 2.2. The Petitioner(s) shall be notified by the Library Director of the hearing date and time and invited to present his/her/their appeal before the BOARD.
- 2.3. The Library Director shall take steps to ensure at least one copy of the collection item in question is available as an exhibit to the BOARD at the time of the hearing. Subject to the desires of the BOARD, the Library Director shall also ensure that a copy of the item remains available to each BOARD member for independent review subsequent to the hearing and until such a time the BOARD renders its decision on the appeal.

2.4. With the exception of copies needed for review, the item in question shall remain in the Library Collection and available for normal circulation access by the public until such time the appeal is adjudicated by the BOARD.

3. Hearing

3.1. The Chair of the BOARD or his/her designee shall moderate the hearing.

3.2. The hearing shall be conducted as a public meeting subject to the provisions of applicable Washington laws. All testimony and documentary evidence presented during the course of the hearing shall be considered part of the public record.

3.3. Petitioner shall have up to 15 minutes for oral presentation of his/her appeal before the BOARD; the Director shall have up to 10 minutes for rebuttal.

a) These allotments of time are exclusive of time required to reply to questions posed by the BOARD during the course of the presentation.

b) More time may be granted by the BOARD Chair in equal amounts to each side.

c) If more than one petitioner is present and desires to speak, the time allotted to the petitioners shall be divided among each of the petitioners.

d) There is no duty or obligation upon the BOARD to afford each petitioner opportunity to speak.

e) The BOARD may allot more time to others present who wish to speak.

3.4. Members of the BOARD shall have unlimited opportunity to ask questions of either the Petitioner or the Director.

a) All questions asked of the petitioner by the BOARD must be posed at the hearing.

3.5. Petitioner shall provide to BOARD all documents he/she deems pertinent to his/her appeal at the time of the hearing.

a) Once presented to the BOARD, all documents shall become part of the public record. The BOARD may reproduce all or any portion of the Petitioner's submissions for the convenience of its review.

4. Procedure for Review

4.1. The BOARD shall hear and consider each appeal as a committee of the whole.

- a) Only a quorum of the BOARD need be present to conduct an appeal hearing. The BOARD may decide to have a subcommittee perform some function of review.
- 4.2. The Library Director shall compile for review by the BOARD all documents, which may include but not necessarily be limited to past correspondence with the appellant, staff memoranda, selection criteria, policy citations and professional reviews, pertinent to the item in question.
- a) Members of the BOARD shall review all testimony and materials presented on appeal during the interim before the next scheduled BOARD meeting at which the appeal has been placed on the agenda for deliberation.
- 4.3. Deliberation by the BOARD on the appeal shall begin during its next scheduled meeting where the appeal matter is placed on the agenda. Deliberation may be continued beyond this meeting at the discretion of the Committee, but in no event shall the appeal remain unresolved beyond 90 calendar days from the date of the original hearing.
- 4.4. Upon a motion of any member and seconded by another member during a meeting at which a quorum is present, a vote to accept a proposed order regarding disposition of the appeal may be taken. A simple majority prevails.
- 4.5. The decision of the BOARD is final. There is no appeal of this decision.
- 4.6. Only the BOARD may modify an order.
- 4.7. Once a decision has been rendered by the BOARD, the Chair of the BOARD shall inform Petitioner of the decision and order.

5.0 MISCELLANEOUS PROVISIONS

- 5.1 The procedure in effect upon commencement of an appeal remains in effect throughout the appeal, despite the power of the BOARD to modify, vacate or create procedures.
- 5.2 In no event shall a procedure be added, changed, modified, or vacated to the exclusion of one party. Each change shall be fairly applied to each party.
- 5.3 The burden of persuasion is on the Petitioner.