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nd or beginning? The approach of a new millenium offers an opportunity for those associated with public libraries to take stock. It is not just a new decade or a new century, but the end/beginning of a new thousand year era. For public libraries, the turning of the calendar surely represents epochal challenges and opportunities. In this special issue of *Indiana Libraries*, we focus on public library trustees and offer current theory—governance, management, and economic—along with a substantial dose of best practice. We hope that trustees and the larger library community in Indiana and elsewhere will take some time to read and reflect on the thinking enclosed here.

In the first article "Strategic Positioning Plans to Achieve Your Library's Vision," Ellen Miller asserts that the duties of trustees fall into two categories: fiduciary and legal. She outlines seven areas in which trustees exercise fiduciary responsibility: planning, operations, staffing, communications, evaluation, resources, and vision. We have adopted these seven areas for organizing the articles in this collection.

Vision. According to Miller, vision is the "linchpin of a successful library." She describes a process for examining customers and stakeholders to define the library's target audience and setting goals, strategies, and action plans to position the library. She outlines important roles for trustees to play in achieving the library's vision and includes examples of vision statements and positioning strategies.

Planning. John and Miriam Carver are well-known experts in the field of policy governance, a system which they developed in Indiana. In this article, they return to the roots of policy governance and describe two kinds of policies that trustees should create—*ends* policies which define the customers and services that the library will provide and *means* policies which proscribe (i.e., set off limits) those actions which the director may not take to reach the ends. Within those limits, they propose that the director should have complete authority for action. Their theories have been tested and proven over twenty years in hundreds of not-for-profit organizations.

Sidney Marks reviews neoclassical economic theory and its potentially threatening impact on the public library's role as a "popular materials center." He finds cause for hope in the writings of Francis Fukuyama, who proposes that only 80 percent of economic behavior can be accounted for by considering profit motives alone. He suggests that some community organizations—libraries among them—serve as "intermediate social structures" that help create the "social trust" that accounts for the remaining 20 percent of social capital. His is a cautionary tale, but with a glimmer of hope that libraries can adapt to the "survival roles" required by neoclassical economics while continuing to make cultural contributions.

Operations. No one would argue that the operational decisions facing library trustees will be simpler in the next millenium. In this issue, we look at only two that face public libraries—building security and collection development. Bruce Canal uses his experience as a state policeman and security consultant to advise library trustees on best practices for securing public spaces.

Millard Johnson describes Inspire, the new statewide full-text suite of databases that promises new ways of accessing information for Indiana information seekers. Inspire is exciting, not just because it brings information to the desktops of Hoosiers at home, at school, and at work, but because it is a model of cooperative endeavor which could blossom in the next millenium. He speculates on future directions that Inspire might take.

Staffing. Many books have been written and conference programs given on productive board-director relationships, but there are as many failures as successes in public libraries in Indiana (or, I venture, any other state) Steve Saucerman, President of the Board of the Mooresville Public Library, and Lynn Jurewicz, Director, write together about working together as a team. Their article offers a model and shows an unprecedented leve of communication and understanding that will be the envy of many in the library community.

Communications. Whether it's among the trustees or between the library and the community, communication will be critical to public libraries in the next millenium. Our authors look at two aspects. Jeanne Farah and Sally Otte describe a process for building the board team and share the "Expectations for Board Conduct" they developed at Indianapolis-Marion County Public Library.

Jim Fleck tells the story of building community support for the Peabody Library in Columbia City—a process that can help trustees in other communities find

and nurture the support their libraries need.

Evaluation. Perhaps the hardest thing that trustees have to do is to evaluate their director, as it requires dispassion, careful control, and consistent practice. Yet evaluation is one of the keys to effective leadership, as it offers a regular opportunity for board and director to discuss priorities, results, and plans. With it a good director gets better and better; without it no director can long feel secure. Dan Cain shares strategies for director evaluation based on the library's long-range plan and the job description.

Resources. Tim Seiler takes us back to Benjamin Franklin and the beginnings of public libraries and reminds us that "public libraries were born of private philanthropic initiative, not public governmental action." I venture that was true for most Indiana libraries, as well. Seiler says that foundation funding can "get things started, or rejuvenate languishing projects, and they can inspire confidence in other givers," but they cannot provide "sustained support over time." Corporate partnerships offer another funding opportunity, especially if libraries can align themselves with what corporations want to accomplish. The overwhelming majority of of giving—$130 billion a year—is by individuals. Seiler offers suggestions for identifying potential donors, building relationships with them, and asking them for gifts.

Virginia Rose tells the story of a library building project at Monroe County Public Library, where she was President of the Board. It was a 12-year process that resulted in "The Jewel of the Community"—a building which is widely admired and heavily used.

Legal. At last, we come to the second responsibility of library trustees—assuring compliance with a growing welter of laws and regulations. David Ferguson shares the basics of the Open Door Law and how its considerations must be extended to committee meetings as well as meetings of the entire board. He also discusses public comment at meetings of the board.

Perhaps the hottest area of public library discourse is the First Amendment, Internet access, and protection of children. Fred Cate takes us carefully through the legal basics of all three issues and shows how each constrains the other. This is one area that will surely affect your library in the next millenium.

This issue of *Indiana Libraries* offers food for thought for Indiana library trustees that will last well into the twenty-first century.

STRATEGIC POSITIONING:

PLANNING TO ACHIEVE

YOUR LIBRARY'S VISION

by Ellen G. Miller

Why is that we library trustees so often see trees and not the forest? One symptom of that problem is complaints from fellow board members about "having to spend so much time on that monthly meeting."

Listen up, trustees! We're overseeing a business that is supported by tax dollars. Our libraries operate in the court of public opinion. For some of us, our libraries are one of the bigger employers in town. We need to know our governance job . . . and carry it out effectively.

Concern about board performance isn't limited to the not-for-profit sector. In 1996, 50 corporate boards were rated best and worst by *Business Week*.[1] Aspects of the best boards that could carry over to the library world include:

1. Evaluating performance of the CEO (chief executive officer) annually

2. Linking the CEO's pay to specific performance goals

3. Reviewing and approving long-range strategic and one-year operating plans

Many states provide us with trustee handbooks, continuing education and a steady flow of news items about our ever-changing industry. Unfortunately, despite those aids, too many library board members still believe their sole job is attending the monthly board meeting—and getting out as soon as possible.

THE BIG PICTURE

Whether you sit on a library or Fortune 500 board, you have two basic responsibilities. First come the legal ones. In the case of public libraries, they range from spending federal funds properly per the new Library Services and Technology Act (LSTA) to following state sunshine laws about open meetings, records, etc.

The second basic responsibility is fiduciary. Some folks have trouble understanding what "fiduciary" means, but it's simple: Being a good shepherd. That's why you so often see the following language concerning fiduciary responsibilities: "To exercise rights and powers for, and on behalf of, others with diligence and care."

How to assure that your board carries out those two responsibilities? By following the POSCERV management model. Adapted from the public administration literature,[2] its seven elements are:

Planning

Operations

Staffing

Communications

Evaluation

Resources

Vision

Take a look at your monthly board agendas for the past 12 months. Understandably, operational issues will show up frequently. However, guard against operations being the tail that wags the dog. Each of the remaining six POSCERV items should appear at least once annually, including the written performance evaluation of your head librarian.

GETTING ROI

Why worry about POSCERV and the big picture? To assure that your governing body is spending time on the right items, not micromanaging daily operations.

Library trustees are very busy people. We usually have other community commitments, to say nothing of family involvement and jobs. We can't waste time. It's essential for us to get return on the investment (ROI) of our precious discretionary hours.

The fast-approaching 21st century provides a good reason to step back and take a careful look at our boards' ROI. Are we getting the results our library needs? Are we working effectively as a governance body? Are we looking far enough ahead?

Planning and visions come under constant scrutiny in the library world, often due to the premises or methodology used.[3,4] For example, the Public Library Association' Public Library Development Program (PLDP) has been discussed, cussed and revised since its introduction in 1987. The latest version was unveiled at the 1998 PLA conference

Others question planning and envisioning because the rate of change is so relentless in the library world. They criticize taking time to create a plan that's obsolete when written. Are these comments relevant? Yes. Are they crip-

pling? No. The answer lies in creating a strategic planning process that meets your current and future local needs while addressing the big picture.

VISION LEADS THE WAY

From a business perspective, vision and supporting plans are essential. They show how to allocate scarce resources. They also reduce the strife between competing units or factions since the organization's leadership adopted the plans and vision.

I believe that the linchpin of a successful library is its vision. Vision is defined here as a shared image of a desired reality, of what we wish to become.

Most everything varies about a library planning process:

■ Who's in charge: Head librarian or board?

■ What methods to use: Standard format from a local, regional or national group? Written and/or telephone surveys? Focus groups? Interviews with leaders and/or influentials? Meetings with civic, social and/or political groups? A mix?

■ Planning period covered: Five, 10 or 15 years?

■ Leadership: Outside facilitator or do it yourself?

Whatever your methodology, do get the opinions of a maximum number of target audiences. Friends of the

Library, employees, volunteers, customers, non-users, voters, elected officials, community groups, decision-makers and influentials lead the list. Where applicable, do include your library foundation's board and membership.

Developing a thoughtful vision is the single most important step any public library board member will ever take. Authorize the extra time, effort and money to get ideas, concerns and suggestions from as many target audiences as possible. Casting your net widely helps create the vision that will drive your publics' library for many years.

TARGETING DOLLARS

Envisioning is like a freshly-baked, from-scratch macadamia nut and white chocolate cookie. It takes all the right ingredients to get desired results. For envisioning, one essential ingredient is target audience analysis that distinguishes customers from stakeholders.

■ Customers: Those who use your services and products. . . or should use them.

■ Stakeholders: Those who care about your services and products . . . or should care.

Why split customers from stakeholders? To better match limited resources with needed visibility and impact. For a public library, customers usually include in-house patrons, dial-access users, telephone users, etc. Don't forget your non-users; they have opinions you need to know.

Stakeholders typically include Friends, library foundation board, community groups, elected officials, civic leaders, influentials, voters, etc. Of course, individuals may show up in both groups.

Often an entity identifies sub-groups within the larger customer and stakeholder categories. That helps to target limited dollars and staff hours even more carefully. For example, in January, 1998, the Urban Libraries Council board adopted four priority areas for its attention and resources in the coming years.[6] Those areas are (1) capacity building, (2) urban issues, (3) personal learning support and (4) urban youth.

Reading those four ULC areas brings to mind possible customer and stakeholder sub-groups such as employees, neighborhood and urban leaders, underserved populations, families, home schoolers, youth, seniors, for-profit and non-profit partners, and elected officials. These sub-groups are similar to those that public libraries might identify.

Alert to head librarians: Don't worry that your board is micromanaging when it discusses customers vs. stakeholders. The more your board delves into these target audiences, the better it will understand your implementing those yet-to-be-defined positioning strategies.

ABCS OF POSITIONING STRATEGIES

What are positioning strategies? Succinct statements of how an organization desires to be seen or considered by its customers and stakeholders.

Positioning strategies are to strategic positioning plans as macadamia nuts are to that irresistible, fresh-out-of-the-oven cookie: Essential! The recipe for an overall strategic positioning plan often includes:

1. <u>Goals</u>. The overall goal of a strategic positioning plan is simple: Obtaining additional resources from decision makers in order to provide more and better services. Those resources include larger operational and/or capital improvement budgets, increased mill levy(ies) and additional positions.

For public libraries, the decision-makers especially include voters and elected local and state officials. For other libraries with trustees, such as private and public colleges and universities, key decision-makers are usually the provost, vice president for financial affairs and president.

How to reach your goal of more resources? By gaining the advocacy of an increasing proportion of customers and stakeholders. As used here, advocacy means taking the opinion of another as one's own.

Customers and stakeholders' advocacy can be demonstrated through testimony and other official support, informal comments, officials' decisions about your library's recommendations, and/or voter behavior at the ballot box.

2. <u>Customers vs. stakeholders.</u> (See above section, "Targeting dollars" on the why and how of categorizing target audiences.)

3. <u>Division of labor between the board and administrators</u>. When you write your plan, be sure to set up a division of labor between board and administrators/staff that assures peers talk with peers.

Here's where we trustees can be especially helpful, keeping in regular contact with community leaders and elected officials. We should also be out speaking to key groups such as the Chamber of Commerce, Rotary, Parent-Teachers Association and Knights of Columbus.

4. <u>Primary and supporting positioning strategies</u>. These are the concise, arresting statements of how you want to be seen by your customers and stakeholders. The primary positioning strategy is supported by other, more detailed brief statements.

Taken together, the general and support positioning strategies help differentiate an organization from its competition while providing a foundation for internal and external communications. Over time, the positioning strategies are utilized in all written, verbal and electronic

WORDS DO MAKE A DIFFERENCE

Indiana's Valparaiso University made history early in 1998 when its basketball team for the first time made the NCAA Final 16 tournament. But its Moellering Library had achieved a campus "first" in 1997 by adopting a strategic marketing plan, following a series of university strategic planning activities.

"We met with faculty, students, staff and administrators," reported University Librarian Kathryn H. Carpenter. "Their input made all the difference." The facilitated planning process included student and faculty focus groups; intensive staff SWOT (strengths, weaknesses, opportunities, threats)analyses; review of earlier customer surveys; and one-on-one interviews with key administrators.

Moellering Library's primary positioning strategy is:

"Connecting minds to the rest of the world."

The support positioning strategies included:

1. "Partnering for results, ideas and enthusiasm."

2. "Integrating information and resources for today's student and tomorrow's world."

The Library's implementation plan includes:

Meetings and/or in-office demonstrations with first-time faculty and honors students

New efforts during "Parent-Prospective Student" weekends

New library visual element for use with written and website materials

Internal steps such as rearranging collections

"Our implementation activities are being spread over several years to minimize the impact on budgets and staff,"Carpenter concluded. "We believe this is the practical way to proceed while being responsive to our customers' needs."

communications.

5. <u>Action steps</u>, including who will be responsible for carrying them out. Steps for board members may include:

Courtesy briefings of VIPs

Participating in the library's speakers bureau

Assigning each board member to specific elected officials and community leaders

6. Quarter-by-quarter calendar of events. Make sure that each trustee knows what he/she is supposed to do and when. For the desired level of visibility and publicity, do work closely with the host organization.

"Wait a minute," you say, "This strategic planning positioning sounds too complicated!" Board members, our job is to see that scarce resources are used wisely . . . and position our library to get more. If you don't take the time to plan carefully before you act, you might as well sit at the board meeting and burn dollar bills.

Do you implement your strategic positioning plan all at once? Most libraries can't afford it. Just make sure that over time all of your library's written, verbal and electronic communications get updated. The outcome is a consistent message to all your target audiences.

TRUSTEE STEPS

Your vision is done. The strategic positioning plan has been adopted unanimously.

Now it's time for action. Board members, get ready to carry out your part of the division of labor. Just keep these items in mind:

1. Reality factors. "Hold on," said the head librarian concerning a speakers bureau for the upcoming bond election. "My trustees can't even remember our collection size from one board meeting to the next! How can they be trusted to present information accurately?"

Start by asking for volunteers from your board. You may get only one or two trustees who have the desire and time to do public speaking, but all of them should be able to accept one-on-one assignments to keep key officials informed about library issues.

Help your trustees by providing tools such as:

■ Fact sheets

■ A presentation script or outline

■ One or two handouts such as your annual report or copies of recent media coverage

Those tools should reflect your general and support positioning statements as well as providing statistics, facts and customer comments.

2. Getting ready. "But what am I actually supposed to do?"the board member asked plaintively. "What should I say? What about questions I can't answer?"

Don't drop your board members into 60 feet of water swarming with hungry crocodiles. Start slowly. Coaching and role play are effective ways to get your trustee familiar with your fact sheet and script. Most important, they reduce the anxiety and risk your trustee may feel.

3. Starting out. Conduct the first two or three meetings jointly with your head librarian. This will help relieve his/her anxiety. It also lets you, the board member, see how he/she answers questions.

While you're still doing joint presentations, get feedback from the head librarian after each session. Effective feedback needs to be timely and specific; few opportunities are better than the drive back from a joint presentation. You may have some suggestions for your librarian, too.

4. On the road. Finally the time comes when you're on your own. What about the question you can't answer? Just write it down, along with how to contact the questioner. Turn it over to your head librarian.

As President Jack Ryan found in his early stump appearances,[7] nothing energizes more than the positive give and take between speaker and audience. Some board members should like the visibility; a few may even want to take on more assignments.

NEW DEMANDS, NEW RESULTS

"Nobody told me I'd have to talk to people when I got on this board," the trustee sighed.

That's true for many of us. However, we're in a new era. Explosive growth in information media and customer demands can't be met by "same old, same old" resources.

As the governance body, our job is to achieve our vision which benefits our customers and stakeholders while carrying out our legal and fiduciary responsibilities. Doing our job right means gaining the advocacy of those critically important decision-makers: Voters, mayors, city councils, county commissioners, state legislators and other officials.

What's the measure of those decision-makers' advocacy? Authorizations—whether at the ballot box, during city council meetings or as part of the legislative session—that provide additional dollars and new positions. Advocacy doesn't happen by itself. It's through your strategic positioning plan that your library can gain the advocacy of additional resources that benefit your customers and stakeholders.

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REFERENCES

1. John A. Byrne. "The best and worst boards." *Business Week* (November 25, 1996): 8—106.

2. John P. Kotter. "Power, dependence, and effective management." In *Harvard Business Review—on Human Relations,* 359-374. (New York: Harper & Row, 1979).

3. Richard M. Dougherty. "Getting a grip on change." *American Libraries* (August 1997): 40—42.

4. Patricia C. Doyle. "Planning process obstacles and opportunities." *Public Libraries* (December 1997): 231-235.

5. Carole Francq Gall and Ellen G. Miller. "Strategic planning with multitype libraries in the community." *Bulletin of the Medical Library Association* (April 1997): 252-259.

6. Joey Rodger. "ULC future focus." *ULC Exchange* (March 1998): 1-2.

7. Tom Clancy. *Executive Orders.* (New York: Berkley Books, 1997): especially 466—74.

GOVERNING (NOT MANAGING) THE LIBRARY

by John Carver and Miriam Carver

It seems like many years since anyone considered a library merely to be a place with books, or a librarian just a person who checks them out. But it is a reasonably safe bet that conceptions of the position and role of the library board have been largely unchanged for generations. Libraries inhabit a world of rapidly changing possibilities and expectations; their staffs must continually update their technologies, knowledge and practice. In this environment, it is daunting that the technology of governance is unlikely to have advanced at all. Today's library boards do much the same as their predecessors: they hear reports, listen to staff recommendations, attempt to help the staff with staff jobs, form committees, attend to emergent issues, and generally carry out a reactive role.

Governance is the most underdeveloped discipline in the management spectrum; a fact both inexplicable and dismaying when one considers the power of the governing board and its weighty accountabilities. The board is, after all, accountable for the library or library system it governs and is the initial holder of all legitimate authority in the entire organization. No one else has authority until the board delegates some of its power. How this delegation occurs has huge implications for the organization, its customers and employees.

Perhaps the central question for any governing board concerns the manner of delegating authority so that the organization can be effectively, responsibly and creatively managed, while at the same time preserving the board's legitimate right and obligation to control the organization. Historically, the question has been answered by board practices such as approvals (read: don't do anything until we have authorized it) and the routine review and acceptance of reports (read: judged against criteria rarely made explicit). These time-honored techniques force the board to react to the staff, cause the board to follow rather than lead, and drive the board into enough details that careful attention to the big picture is a rare event in the boardroom.

The Policy Governance model—now a worldwide phenomenon, created by the senior author but demonstrated first in Indiana—offers boards a more powerful and systematic approach. The model ensures sufficient board control, but in such a way as to allow staff an area in which their own creativity may and even must be used. But this true revolution in board capability requires boards to make major changes from the traditional ways they have conceived their roles and calls upon them to engage in a type of decision making that is quite foreign to the conventional wisdom.

Policy Governance begins by recognizing that the board of any enterprise is, on behalf of the owners of that enterprise, accountable for organizational success. Two terms need definition here. *Owners:* Libraries don't have owners in the same way that corporations have stockholders, but can nonetheless regard the legitimacy base of the board, the group to which the board owes allegiance and on whose behalf it speaks, as the ownership of the library. For public libraries, this ownership group is the general public. *Success:* To get success, the board must first define it. The board must state its expectations for organizational achievement and conduct, expectations that are then couched as job requirements to the chief executive officer (CEO).

Board expectations that define success are developed by Policy Governance boards in two ways. The first—which here we will refer to as "Ends"—describe the change, outcome or benefit that the library is intended to have in the lives of its consumers. Ends also describe the people who are intended to benefit from the outcomes, along with the acceptable cost or desired priority of the benefits. Ends prescribed by the board, then, answer the questions "what consumer results?" will be achieved for "which consumers?" and "at what cost?" It is hard to imagine a more important task to be carried out in the public interest than this designation of purpose; it is as if the library board is acting as purchasing agent of the community. Hence the board clearly informs the CEO of its requirements in terms of the library's accomplishment of purpose. But unlike most goal-setting, the approach here is in terms of actual consumer results, not mere staff activities no matter how important.

Of course, any library board recognizes that public relations strategies, software acquisition, catalogues, good budgeting, and personnel decisions are important; well managed, all these play an important role in accomplishing the real purpose of the library (as expressed in our "ends" concept). Yet no library exists for budgeting, personnel, data processing, or paying bills on time. These are important matters, to be sure, but the quality of governance is imperiled if they are confused with Ends. Library practices, activities, programs, plans, and renovations are not Ends issues because they do not directly designate the consumer result, the recipient of the result or the worth of the result. In Policy Governance, organizational issues which are not

Ends issues are called "means" issues. But whatever they are called, a library board must acknowledge its accountability for means as much as for Ends. Accordingly, the board must establish some control over means as well as Ends.

Unlike board control over Ends, control by Policy Governance boards over the operational means of the library takes an unusual form. Since most means are, in fact, justified by the ends—the most rigorous test of means is that they work—there is no need for the board to control most of them. But every board knows that there are means that may be effective, but are nonetheless unacceptable. The unacceptability generally lies in their being imprudent or unethical. In Policy Governance, the board identifies the unacceptable means, empowering the CEO to use whatever means work except those the board has put off limits (recorded in brief documents we will call Executive Limitations). Thus, the board refuses to intrude upon management's deciding how to get the job done, yet does not lose control where control is necessary. This unusual method, taken together with rigorous clarity about the Ends, yields not only mercifully brief board documents, but maximizes both managerial flexibility and managerial accountability.

Perhaps the central question for any governing board concerns the manner of delegating authority so that the organization can be effectively, responsibly and creatively managed, while at the same time preserving the board's legitimate right and obligation to control the organization.

The governing board of a library that uses the Policy Governance model, therefore, has two sets of instructions to its CEO: instructions that describe the Ends to be accomplished, and those that describe the means to be avoided. Additionally, the board creates two sets of instructions for itself. The first establishes how the board will conceive of and carry out its own job, codifies board discipline, sets expectations for its members, empowers the chair, clarifies committees, and controls agendas (we will call this category Governance Process). The second describes the board's relationship to its CEO, its manner of delegation, and the way in which it will monitor CEO performance (we will call this category Board-Staff Linkage).

Most Policy Governance boards choose to use the word *policies* to refer to statements made in these four categories of board decision-making. But because the topics of Ends, Executive Limitations, Governance Process, and Board-Staff Linkage are exhaustive (beyond bylaws, there is nothing else a board must decide), contained within them are an uncountable number of decisions. It would be impossible for any board to address itself to all issues, large and small, in these categories. Policy Governance deals with this dilemma by guiding a board to identify the broadest issue in each category and

to decide upon this issue before moving into finer detail. Smaller issues, inasmuch as they are always "contained within" larger issues, are thereby controlled, even though decisions about them can be delegated. A physical demonstration of this type of control is seen anytime someone picks up a nested set of anything—direct control over the more inclusive element enables indirect control over subsidiary elements. Thus, after it has made the broader decisions, the board can confidently delegate to the CEO all further decisions within Ends and within operational means constrained by Executive Limitations. It can similarly delegate to the board chair all further decisions within Governance Process and Board-Staff Linkage.

This system of setting expectations allows the board to clearly distinguish the CEO's job from that of the board, a crucial distinction if the library board is to hold its CEO accountable for the library's success. It establishes the board as a body whose role is not to help or advise the staff but rather to carefully define the job which the staff exists to perform. In short, the board's job is not to help manage, but to govern.

No board can fairly hold its staff accountable for meeting expectations if it has failed to state them. Setting out board expectations in writing, as required under Policy Governance, provides far more clarity than most CEOs and boards are used to. If this clarity is to be achieved and maintained, however, board discipline is crucial. Let us consider some aspects of that discipline, codified in policies established in the Governance Process and Board-Staff Linkage categories.

The authority of a board is held as a group, not as individuals. Traditionally accepted board operation honors this more in the breach than in real observance. The Policy Governance model, which takes the group wholeness of the board very seriously, protects the integrity of the board as a body by assuring the CEO that the only binding instructions are those passed by the board—never those issued by individual board members or even groups of board members. This requirement for the board to "speak with one voice," a necessity to prevent individuals on the board from overruling the authority of the board, necessitates some structural arrangements that differ markedly from the arrangements traditional boards take for granted.

For example, no officers or committees are ever given assignments that would involve them in the work of staff, for if they were, they would be in a position to instruct or influence staff decisions either in a contrary direction or simply in more detail than the board chose to

(thereby unilaterally limiting staff prerogatives). Traditional boards will involve themselves or parts of themselves deeply in staff work, losing the ability to fairly hold the staff accountable for the work. Boards using Policy Governance create committees only to help the board do board work, never to help staff with its work. Board members who worry that the staff may need help or advice should remember that staff are perfectly capable of identifying their own need for help, especially when the job requirements are clear. Nothing stops staff members seeking the advice of any person (or committee of persons) that the staff member chooses to ask for help.

It is worth noting that advice is useful and works well when the mechanism for advice is in the hands of the individual who wants it. That person can seek advice, hear advice, accept or reject advice, and still be accountable for his or her decision. If the mechanism of advice is in the hands of a more powerful party who wishes to be an advisor, it is hard to know if it works or not. Staff will invariably pretend that the committee foisted onto them by the board is indispensable. Advice and instruction are indistinguishable when coming from a source with more authority than the recipient. Policy Governance boards know that their staffs will likely put together their own committees and even possibly invite board members to serve on them. But they measure staff success not by the use they make of political mechanisms, but by the extent to which Ends are accomplished and unacceptable means avoided.

Modern libraries have changed beyond recognition in very few decades. If their boards are truly to lead them in the fast-moving world of information, they must abandon their traditional, reactive, and undeveloped governance methods. They must adopt a governance system that requires them to represent the public in deciding the purpose of the library, allows them to delegate powerfully and safely to an accountable professional staff, and to focus rigorously on responsibly obtained results.

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John Carver, creator of the Policy Governance model and widely considered the most provocative authority in governance, is the most published author on the topic in the world. He is author of the Jossey-Bass best seller, *Boards That Make a Difference* (2nd edition, 1997) and over 150 other articles and electronic materials.

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THE LIBRARY'S ROLE

IN A MARKET-BASED SOCIETY

by Sidney Marks

*"Government is not the solution to our problem.
Government is the problem."*[1]

—Ronald Reagan

Politically speaking, the formerly agreed upon need to support libraries is becoming problematic. We library trustees will increasing be unsuccessful in finding support for traditional library roles. Businesses or new types of centralized governmental agencies will more efficiently and more effectively deliver many traditional library services. The economic theory that supports and predicts the re-allocation of the library's resources to the private sector is known as "free-market" or "market-based". Politically smart libraries are now redefining their roles in response to market forces to ensure continuing public support.

A logical market-based and politically pragmatic response is to turn away from the role of "popular materials library"and provide library services that are deemed more essential for the survival of patrons, i.e., formal educational support or public work spaces. This response to "free-market" theory and actual market pressure is probably largely correct. However, prudence and caution is the duty of the library trustee. Prior to committing the library to a "free-market" future, it would be appropriate to examine the neoclassical economic theory that forms the philosophical basis of current "market-based" economic and political thought. Undoubtedly, Reagan's second inaugural address captures the zeitgeist: "Government is the problem." However, Reagan's statement and popular interpretation of neoclassical economics oversimplifies the theory. A more accurate understanding of neoclassical economic theory will allow library trustees to support some traditional library roles and also satisfy the demands of the so-called "free-market".

In his book *Trust; The Social Virtues & the Creation of Prosperity*, Francis Fukuyama argues that there is a fundamental error in the popular and simplified understanding of free-market theory.[2] Fukuyama's elaboration of neoclassical economic theory allows for a proper understanding of the public library's formidable economic contribution to a market economy. The value of traditional library services such as "popular materials center" are presently undervalued by planners. Traditional library roles have a greater economic value in our society than might otherwise be recognized. Current planning that directs library resources towards utilitarian, "survival" roles without a proper understanding of neoclassical economic theory will be fundamentally flawed.

CLASSICAL ECONOMIC THEORY

Classical economic theory, like its sister theory, evolution, is unassailable. Adam Smith, the father of classical economic theory, sits triumphant at the side of Charles Darwin. In 1776 Smith wrote *An Inquiry into the Nature and Causes of the Wealth of Nations*. That people respond to rational self interest is the central insight of classical economic theory. The behavior of markets can be predicted using a model of rational self interest. Smith assumed that the goods that people desired would most efficiently be delivered by businesses seeking a profit, "it is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest."[3] The political and economic events of the late 20th century have swept aside all doubts about the relevance of classical economics. Governments that attempted to replace businesses with bureaucracies, substituting collective egalitarian principals for "capitalistic greed" have failed miserably. Marxists are relegated to the dustbin of history.

NEOCLASSICAL ECONOMIC THEORY

Adam Smith's twentieth-century disciples, neoclassical economists like Nobel laureate Milton Friedman, build upon Adam Smith's model of rational self-interested human behavior as the driving force in market conditions. Neoclassical economists are very interested in how governments affect the marketplace. Friedman proposed Gammon's Law which states that the more money a bureaucracy spends, th fewer goods or services are proportionately delivered.[4] The theory is that bureaucracies don't have market competitior to keep them effective or honest. Gammon's Law provides the theoretical ground for Reagan's declaration, "Government is not the solution to our problem. Government is the problem."

People love a good theory and like to spread it around. For example: Evolution is a strictly biological theory about natural selection, a story of generations of se> competition, life and death, "nature red in tooth and claw.' Astronomers love it so much that they fancy that the stars evolve. Lovers love it, so they fancy that their relationship: evolve. Astronomers and lovers are nice people but they ar abusing the theory. They need to get their own theory.

Neoclassical economics is also a good theory; consequently people like to spread it around a bit thinly. For

example, *The Wall Street Journal* likes the idea of vouchers for school choice.[5] They say that market forces will make the schools better. Maybe. However, it is evident that there are other forces at work to create something besides "better." Racial, cultural, religious, language, and political forces will be working right alongside the market forces. One likely outcome of vouchers would be highly homogenous school populations, perhaps detrimental to the cherished "melting pot" society. *The Journal* improperly extends a theory about economic behavior and applies the theory to behavior not necessarily mediated by economic calculation. Neoclassical economics is not a universal law of all human affairs (assertions of some radio talk show hosts not withstanding).

FRANCIS FUKAYAMA'S NEOCLASSICAL THEORY

Francis Fukuyama adds a needed ingredient to neoclassical economic theory. According to Fukuyama just about 80% of human behavior can be explained as market driven: "Not only is the neoclassical economic perspective insufficient to explain political life with its dominant emotions of indignation, pride, and shame, but it is not sufficient to explain many aspects of economic life either."[6] It does not explain altruistic, nationalistic, spiritual, or a host of other behaviors like running into burning houses to save others or dying in battle for your country.

Fukuyama identifies various economic contributions and costs attributable to cultural phenomena outside the marketplace as ordinarily recognized by neoclassical market theorists.[7] These contributions, "social capital," reduce the cost of market transactions. There are numerous examples of these costs and contributions. Excessive litigation caused by unethical lawyers increases the cost of medical care. However, ethical medical doctors, without this excessive litigation, would not order unnecessary tests and would thereby lower the cost of medical care. In this manner, trustworthy behavior would cause goods and services to be cheaper. However, neoclassical market-economics does not explain trustworthy behavior, nor does it value it properly.

Nations and regions can and do have varying degrees of social capital, virtues like trustworthiness. For example, Sicilians are very distrustful of anyone outside their family (including in some cases THE family!) Fukuyama demonstrates that this lack of trust hampers the growth of meaningful economic enterprise and retards the economic development of Sicily.[8] In contrast, American's extraordinary economic growth and vitality is partially attributed to the trust given to non-family managers by owners in the corporate environment. Obviously the "social trust" factor has a great economic value. It is a missing or undervalued ingredient in most conversations about neoclassical economic theory.

Seemingly, the creation and sustenance of "social trust" is important for future prosperity. It is a common and certainly correct perception that the United States has suffered a serious erosion of trust in the last few decades. Social and economic stratification is a major contributor to a decline in "social trust" that threatens the general prosperity. There is evidence that the current prosperity masks a growing divide and class stratification. Barron's, the premier financial weekly, recognizes the disturbing trend of economic stratification and the danger this may present to our overall prosperity:

> "[there is a] ...growing difference between the wages of male college graduates compared to those on the next lower educational rung. In 1978 the college-educated earned 136% as much as those who completed high school, but by 1996 this figure had vaulted to 176%." Furthermore those male high school graduates were dropping out of the work force at an alarming rate, 86.4% work force participation in 1997 compared to 96.3% participation in 1978."[9]

The nurturing hotbed of "social trust" is "intermediate social structures" like neighborhoods, churches, unions, clubs and charities." "Intermediate" is here taken in the sense that these organizations stand between the individual or family and the state. Individuals voluntarily work together for a common cause. By working together voluntarily they learn to trust a wider range of individuals and learn the effectiveness of cooperative collective action. Today's decline of "voluntary intermediate social structures" seems evident, especially in the neighborhood and workplace.

SOCIAL CAPITAL

Traditionally, if perhaps unwittingly, the library has served as an incubator of a special sort of social capital. The enormous accumulated goodwill enjoyed by the library in spite of its tax-collecting status is proof of great accumulation of social capital. Indiana law recognizes the unique place of the library as a goodwill-dependent institution. The Indiana library district is a voluntarily formed tax-collecting entity and the trustees are not paid. So, in theory, library districts can be disbanded when and if they lose that goodwill.

The nature of the social capital incubated at the library may seem elusive. The library certainly cannot claim to have taught honesty or the work ethic. Families, religions, schools, and voluntary organizations (Girl Scouts, Little League, etc.) get first claim (and responsibility) for honesty and work ethic formation. The library has historically offered a safe haven for intellectualism, particularly for adolescents. That's where the ideas were. Often that was the only source of uncensored ideas. Romance, sex, science fiction, fantasy and science fact. That's where great minds and great imaginations had freedom to grow and run wild, often hidden from the guiding hand of the families, religions, schools, and clubs. A childhood romance with their library is a common thread in the lives of many a great American.

According to Elizabeth Martinez:

> *"Almost everyone I've met as executive director of ALA has a library story - from celebrities, such as actress-choreographer Debbie Allen, Microsoft's Bill Gates, writer Sandra Cisneros, father of the Internet Vinton Cerf, and President Clinton, to children whose best refuge from their home situation is the library... most of their library stories are full of personal drama, warmth, and emotion - testimonies to this vital community institution.*
>
> *"Most of these stories centered on the place—an old Carnegie building or a modern locale that offered personal escape into the world of books, knowledge, and ideas."[10]*

In announcing the establishment of the Bill Gates Foundation and the investment of $400 million to libraries, the premier American capitalistic genius, Bill Gates said, "Since I was a kid, libraries have played an important role in my life."[11] His and many other great Americans' love of the library gives a hint of the social capital incubated and its monetary worth to our economy. If even only the tiniest percentage of Microsoft's and other corporations' financial contribution to America is attributed to their founders' early library experience, then American libraries have paid their own way. The library's role as a safe haven for American intellectualism has been very valuable. Gates recognized that value. The Gates Library Foundation's mission states that "Every resident of the United States and Canada will think of the public library as the champion of books and patrons of knowledge, as well as a major access point to the benefits of the digital age." The role, "champion of books and patrons of knowledge," has become more important in the contemporary American anti-intellectual environment.

THE MARKET BASED LIBRARY: UTILITARIAN/ESSENTIAL

The ordinary responsive market-based model of the library's role in our society ignores what may be one of the library's unique roles in our society: an adolescent intellectual haven. A narrowly defined market-based library will focus on more "salable" concepts and "profitable" market niches. According to Holt, marketing surveys reveal:

> *"The roles that citizens most want the public library to play are those of formal education support center, independent learning center, preschoolers' door to learning, community information center, business and personal reference library, and public work place. All these roles were selected ahead of the role of popular materials library, some by huge margins."[12]*

The role of popular materials library is the clear loser in the above market survey. Unfortunately, the popular materials role is the most crucial to the intellectual browser, most particularly the adolescent intellectual browser. Perhaps nurturing that role is to be the most important future economic contribution of library service.

After all, the greatest economic accelerations are made at the margins of the market. Thirty years ago the adolescent computer pioneers were at the margin. Brilliance, imagination, dashing, and recklessness, made great new products and new industries. In those areas Americans have been undisputed leaders. It would be reckless indeed to base a library service plan primarily on the needs of the adolescent intellectual. Yet it would be prudent to nurture young intellectual Americans' continuing romance with the library.

Other possible losers in the utilitarian/essential library mode are the "Friends of the Library." These groups are particularly fragile "intermediate social structures." It is dubious that these groups would respond favorably to a utilitarian changeover. Their loss to the library might seem inconsequential. However, it would be expected that a drying up of their support would be mirrored in a decline in endowments and gifts.

A likely future scenario for a utilitarian or essential library would be a withering of public interest and marginalization of libraries to serving the lower economic class. Neoclassical economists would assume that outcome using a simple "free-market" test. Can the market-place more efficiently provide library services than the present government based system? The neoclassical economic equation is weighted heavily against the future growth and support of library service, because most of the essential services are readily available to the middle class outside the library. Library literature speaks gloomily:

> *"Just as the automobile created the privatized journey-to-work for everyday commuters, person-to-person networked computing is creating a growing privatized information-and-entertainment market. The automobile destroyed the streetcar as an intermediary transportation vehicle. Computerized networks also threaten market intermediaries-the movie theater, the video-rental store, the bookstore, the branch bank, and even the scholarly academic journal."[13]*
>
> *"The challenge to intermediary public libraries is explicit. 'Infotainment' corporations want public library users to replace walking or driving to a nearby library branch for inexpensive at-home and in-office access to information and entertainment... Sirbu is typical of these electronic marketers. 'We want to be able to sell a page for a dime,' he noted recently, 'so that it costs as little to get it off the Net as it does to walk to the library and make a copy of a journal.'"[14]*

Holt is right on the money. His article off the WWW at my home from the Northern Light search engine was $ .04 per page from *Library Trends*, a professional library journal. The great attraction of the utilitarian-essential library is the evident taxpayer support. It is easy to justify taxes for a "formal-education-support-center." A much harder sell is the "rich-culture-and-accumulated-wisdom-of-3,000-years-of-ideas-support-center."

FUKUYAMA'S 20% SOLUTION

      Planners (trustees) must justify the long-term support for library services in the light of "free-market" neoclassical economic theory. The common mistake is oversimplification. When properly understood, "free-market" theory will allow for more than a stark utilitarian library role. The current economic thought of Fukuyama gives proper weight to the library's cultural contributions. Those contributions are often undervalued in library planning. Fukuyama estimates that about 80% of human behavior can be explained as market driven. It would seem reasonable for library planners to budget 20% towards the production of "social capital." The Indiana public library has contributed mightily and derives its great accumulated goodwill from its cultural contribution, its social capital. When planning your library's future, think 80% and economic 20% cultural. And if it is a bit greater than 20%, who is harmed?

ABOUT THE AUTHOR

      Sidney Marks resides in Knox, Indiana, with Joan, his beautiful and patient wife of 26 years who is a skilled kindergarten teacher at Knox Elementary, and Elliot his wunderkind of 20 years who is a successful student (Harvard, major in economics). He apologizes to him for any loose interpretation and imperfect understanding of economic theory. Marks is a businessman with various business interests, including retail bargain dry goods (manager, New Toto Stores), radio broadcasting (board of directors, WKVI), and the stock market (may it rise forever). He has been a Trustee of the Starke County Public Library System for three years, appointed by the Knox School Board. He writes: "Trusteeship has been something I have long desired and now relish. David Pauli, our excellent library's director, has been invaluable in helping me make sense of library issues. I apologize to him for my loose interpretation and imperfect understanding of library theory. I would like thank Joan, Elliot, and David for their assistance in writing this piece. All errors in fact and logic are my own."

REFERENCES

1. Ronald Reagan. First Inaugural Address, 1981, quoted in "Board of contributors: government isn't the root of all evil," by Arthur Schlesinger Jr. *Wall Street Journal*, (January 30, 1998): A14.

2. Francis Fukuyama. *Trust: the Social Virtues & the Creation of Prosperity.* (New York: Free Press, 1995).

3. Adam Smith. *An Inquiry into the Nature and Causes of the Wealth of Nations,* quoted in Miller, Roger Leroy, *Economics Today,* 8th ed. (New York: Harper Collins, 1996): 6.

4. Miller, 730.

5. "Choice chance." *Wall Street Journal,* each edition.

6. Fukuyama, 18.

7. Fukuyama, 11.

8. Fukuyama, 107.

9. "Growing difference between the wages of college and high school graduates." *Barrons,* vol. LXXVII (February 9, 1998): 70.

10. Elizabeth Martinez. "Community stories for the 21st century." *American Libraries* (May 1997): 40.

11. Leonard Kniffel. "Gates Foundation to invest $400 million in libraries." *American Libraries* (August 1997):15.

12. Glen E. Holt. "On becoming essential: an agenda for quality in twenty-first century libraries," *Library Trends,* vol. 44, no. 3 (Winter 1996): 545+.

13. "Academia Goes Online." (1995): 28.

14. S. A. Wildstrom. "A Transaction Revolution?" Business Week, 3427 (June 5, 1995): 17-18, 21.

LIBRARIES ATTRACT MORE THAN READERS: INVESTING IN LIBRARY SAFETY

by Bruce A. Canal, CPP

*I*t's 9 p.m. and Susan, an experienced librarian, escorts the last patron, Mrs. Wilson, to the exit. Susan locks the door behind her and is left inside alone. Before gathering her personal things to leave, Susan decides to make one last trip through the facility to pick-up the forgotten few books and periodicals left behind by hasty readers, when she is startled to find a man—asleep—between two bookshelves in the farthest corner of the building.

Due to her astonishment, Susan gasps for air and the sound awakens the man. Equally surprised and disoriented, the disheveled man slowly rises from the floor with his face hidden by the rolled bill of a baseball cap. His hands are deep inside the dirty trench coat. He raises his head and his face is emotionless and eerie.

Susan panics from fear. She orders the man while pointing her finger, "Out, get out, immediately. Get out!" He slowly grins and stares at Susan, but he does not move. His inaction only proves to heighten Susan's fear. She toughens her posture, clinches her fists and shouts, "I'm calling the police!"

As she turns and stomps away with her back to the man, she repeats, "I'm calling the police and you're going to jail!" The man's grin fades to a frown, he pulls his hands from his coat, begins to run, and . . .

Confrontations like this real-life scenario occur more often than library staff members across the country want to admit. Many times, the patron leaves peacefully and, except for a short experienced adrenaline rush and a few more gray hairs, the staff member just has another story to tell about life in a library. Unfortunately, there are countless stories about violent or aggressive acts occurring in libraries across the country which result in injury and trauma.

To avoid these types of situations and other security related anomalies, librarians across the country are starting to take a hard look at the latest technology in electronic security and training available to protect staff, patrons and assets.

More libraries are installing closed circuit television and alarm systems, as well as positioning shelves and furniture for better visibility. Many libraries have instituted security policies and have chosen the proactive approach of training staff on how to diffuse volatile situations in an effort to reduce liability and protect their most valuable asset—human life.

Security consultants have recognized that libraries are no longer the safe havens they once were. Libraries, small college campuses and rural towns have always been thought of as safe and immune from crime or violence. Recent FBI reports on crime have indicated that all three locations have experienced alarming increases in crime, especially crimes committed by youthful offenders. Subsequently, consultants have been requested to assist libraries across the country with mounting security breaches and how to prevent aggression.

What has proved to exacerbate the growing aggression in the library workplaces of the 90s is the wide range of new learning tools available that attract a greater number and diversity of people. What was once perceived to be a repository for books and periodicals, has emerged as an electronic information resource, an audio-visual distribution center, a traveling bookmobile and generally, a place where everyone can find something to do. The "catch 22" of broadening the services libraries provide is that the potential that more problems may occur from greater numbers of people.

PHYSICAL SECURITY

Two of the most cost effective tools and the fastest growing security measures to hit society are electronic surveillance and alarm systems. It was once believed that closed circuit television and motion sensors were too expensive for the smaller organizations; these devices were believed to be better suited for large corporations with big budgets. However, with emerging technology comes competition, and with competition come more affordable prices. Both of these measures are capital investments that can be depreciated over several years and have now become financially feasible for many organizations.

While some people feel closed circuit television is too invasive and violates a person's right to privacy, it has become an accepted fixture in many public buildings and parking areas. Once the emotional hurdle of privacy is overcome, CCTV proves invaluable by protecting staff and patrons from physical harm and the library board from civil liability. Fact in point, a quality videotape is accepted in every court across the land as bona fide evidence. It is objective, unprejudiced and the camera never blinks, missing nothing in its lens.

Many security consultants are suggesting CCTV

cameras be installed at least at the circulation desk, reference desk, audio/visual center, and the surface parking lot. Additional cameras located at the entrances/exits, the periodical section, and throughout the aisles would provide greater coverage and reduce potential liability.

Couple closed circuit television with a monitored alarm system, and security at any library increases immeasurably. A few words of caution to the decision makers choosing an alarm company: 1) Choose a local (statewide) monitoring company. Smaller firms have typically been more familiar with local public safety officials, which has a positive impact on response times when emergency needs arise. Do not contract a company several states away from your building. 2) Do not over-purchase an alarm system. Install motion sensors throughout the walking paths of the facility and electronic contacts at each door. Sound sensors, window contacts and extra motion sensors are not necessary and are an added burden to the financial budget. Be frugal, and be just as secure.

Construct as much outside lighting as financially possible. While flood lights, walkway lights and wall lights are a proactive deterrent for criminal and aggressive behavior, they also are seemingly non-intrusive. However, many libraries overlook other security measures that may cost considerably less money and may prove to be an excellent deterrent to criminal and/or aggressive activity.

Trim trees and landscaping to eliminate blind spots and hiding places for persons acting with inappropriate behavior. Shrubs and plants should not exceed two feet in height while trees should be trimmed "up" to keep branches from hanging low. Utilize only one entrance/exit, if possible, to reduce the possibility of foul play or inappropriate behavior.

A physical security assessment by a qualified professional can delineate a facility's weaknesses and vulnerabilities while outlining its strengths.

TRAINING

Although improving the physical security of any facility dramatically reduces the chance of criminal activity, it does not preclude the face-to-face confrontations that occur between employees and patrons, or between patrons.

For this reason, many library boards and directors are choosing to train their staffs with the skills necessary to diffuse volatile situations. They are teaching staff members how to read the behavior of patrons and how to use verbal tactics when confronting an aggressive situation. Do not be mistaken to think staff members are trained to be security guards; staff are trained to read and manipulate stressful situations that may protect their life or the lives of their patrons.

> *Library boards across the country must make an effort to protect their staff and their patrons.*

The obvious benefits from training are that employees feel more confident and they feel empowered to take control. This confidence is not mistaken for omnipotence, but enables staff to quash volatile situations before they escalate into injury and a law suit. Staff can learn to read a patron's non-verbal cues and put into practice the theory of "responding" and not "reacting." Many times a staff member's reaction to a volatile situation can precipitate further aggression, whereas, qualified training would teach staff members to diffuse potentially explosive encounters.

An added benefit to training is that staff members learn to control their panic and fear. Studies have concluded that even the most prepared person may experience an adrenaline rush during stressful situations, but training enables the individual to channel the rush experience into something positive and productive.

A lesson taught during violence-in-the-workplace training includes learning to deflect the anger of an aggressive or violent individual. Library staff must be taught that in most situations, the angry patron is verbally (or physically) attacking a library employee and not the individual person. Staff members involved in a confrontation learn how to reject and not psychologically bury the patron's anger. This technique is a must for a complete emotional and unified recovery after an incident.

NON-THREATENING INTERVENTION

How often do we find police cars parked in front of our favorite restaurant? More importantly, how often does that restaurant experience a robbery with a police car sitting in the parking lot? Simply stated, the restaurant has utilized non-threatening intervention to prevent criminal activity or aberrant behavior by customers in the dining room.
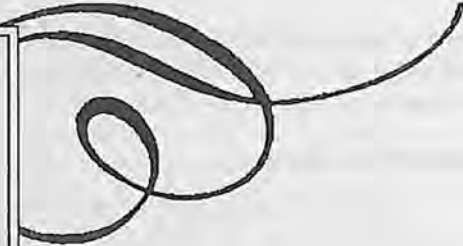
Library boards and staffs should invite local, county, or state law enforcement officers to utilize community meeting rooms for "squad" meetings, parties or training sessions. The law officers can be trusted not to abuse this privilege and library staff will receive free security guards while officers are attending their meeting. Offer the local FOP or Law Enforcement Explorer Scouts the same perk; law enforcement officers may not be "on duty" but a parked police car is a deterrent in itself.

Regardless of the depth of preventive measures taken, preparation and planning are key to reducing criminal activity in the library workplace. Library boards across the country must make an effort to protect their staff and their patrons. In a litigious society, courts typically examine an organization's response to its due diligence requirement. Every organization has an ethical and legal responsi-

bility to provide the safest facility within reason. Doing nothing to reduce aggression and potential violence is no longer accepted in the judicial system.

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INSPIRE; THE FIRST STEP IN THE VIRTUAL NETWORKED LIBRARY

by Millard Johnson

In January 1998 the citizens of Indiana became the first Americans to have universal, free public access to a large suite of commercial databases. They are able to peruse this million dollar resource from any computer connected to the Internet—that is, computers in homes, classrooms, businesses and libraries. Users of this system can search databases in general periodicals, health information, newspapers and other information resources and print out the full text. Clearly, this project—titled Inspire—is a valuable resource for the citizens of Indiana, particularly the users of our libraries. Inspire is the fruit of years of library networking and, more recently, cooperative activities by librarians from all types of libraries. Indiana's librarians have every right to be proud of this remarkable achievement. The purpose of this article is to give a brief background of this project, its scope and progress, and its effect on libraries in the future.

We tend to think of technological achievements like this one as being "sudden."

As though there is nothing one day and the next day—there it is! But that is a misconception of technological advancement. The Mazarin Bible produced by Johannes Gutenberg in 1455 is an example. We tend to think that Gutenberg, a metalsmith, had a flash of insight while sitting at a bench in his shop one day: that printing could be done from movable type. It was that flash of light that marked the beginning of the age of printing. Presumably, if Gutenberg had not had that inspiration, we might all be reading hand lettered scrolls. In fact printing was an amalgam of developing technologies in metalsmithing, paper making, secular literacy, and printing playing cards from woodcuts that made printing not only possible but inevitable. The best research indicates that the concept of printing from movable type was also developed simultaneously and independently at a site hundreds of miles away from Gutenberg.

The same kinds of inevitable evolutionary result of the convergence of technologies is true for Inspire. For years, streams of technology have been converging to allow more and more people to participate in the Information Age. In our field, computer literacy among librarians and media personnel, ubiquitous high speed digital telecommunications, interactive computing, and related information technologies (not to mention the relentless advances in commercial publication of index information in electronic media) have contributed to the advent of Inspire.

What was not inevitable was that Inspire would be created as a free, public extension of libraries. In particular, it is unlikely that Inspire would have been possible now except for the cooperative networking among school media specialists, public librarians, college and university librarians, and their colleagues in special libraries.

Having begun this report (as befits a librarian) with the invention of printing, we will skip over a few centuries to the advent of the age of electronic computing. It has been said, perhaps too frequently, that we are entering into the Information Age. For many people, even information professionals, it is not clear what this means. At a minimum, however, it implies that more and more people will be employed in the management and manipulation of information. The Industrial Age began when powered machines made it possible for a single person to do far more work in a given period of time that was previously possible. This capability led (among other things) to a shift in economic power and prosperity from those places that had the agricultural base to support massive subsistence farming to places where raw materials, transportation infrastructure, and other resources necessary to support manufacturing were available in abundance. Cities grew up in areas with raw materials, entrepreneurial strength, and transportation infrastructure. The cities grew at the expense of farming communities as farmers left farms for employment in manufacturing centers.

If the Information Age replicates the paradigm, we would expect wealth and influence to migrate once again – this time to places with highly developed information infrastructure (computing base and telecommunications network) and highly skilled knowledge workers. We anticipate that the new jobs that sustain families and build strong communities will go to people who have the skills, technology, and infrastructure to manipulate information better and more quickly than their competitors. As librarians and educators, it is our responsibility to see that our communities and the children of the citizens of our communities are competitive in the Information Age. This is the fundamental idea behind Inspire. Our children will have access to essential information systems earlier and more conveniently than children in states without equivalent systems. Our universities, our citizen entrepreneurs, and our researchers will be able to freely access strategic information that is available

in other places only with considerable difficulty and expense. Finally, the residents of our communities will have access to information that can help them create better quality of life in their communities. Quality of like in our communities will not be a luxury in the Information Age. Knowledge workers are not tied to real estate or to cities where factories are located. They are extraordinarily mobile. They will take their business and the economy they generate to places that supply them with life affirming, family friendly environments that feature clean water and air, freedom from crime, social security, cultural attractions and good schools and libraries.

Frankly, the Inspire idea is not original. The first widely available unlimited access to commercial databases was done in Georgia with project Galileo. Galileo started as a system for public academic libraries and is growing to include public and school libraries. Inspire, however, is unique in that it is the first statewide system designed to serve all of the citizens of the state, not only from terminals in libraries but from computers in homes and offices.

The seed for Inspire was planted at five regional Windows On the World (WOW) workshop sponsored by the Indiana Library Federation in cooperation with INCOLSA and the Indiana State Library. At these meetings in public libraries around the state we presented legislators, community leaders, and librarians with a "Virtual Library Card" that allowed them to get on the Internet on any computer and search a suite of databases that were provided by commercial vendors. We followed this with mailings to attendees explaining the Inspire concept. We also demonstrated the Virtual Library prototype at INCOLSA regional and board meetings. In fact, we presented Inspire at every place we had a group of librarians willing to take time to consider the concept.

The Virtual Library prototype created enormous excitement among librarians who had a chance to view it. Even librarians who had minimal experience with online database searching could clearly see the advantage of providing this new, immediate resource not only from terminals within their libraries but to patrons in their homes and businesses as well. As soon as it was clear that there was almost unanimous support for this initiative from the library community, the Indiana Library Federation began to lobby the Indiana legislature for funds to support such a system. Simultaneously INCOLSA invited two representatives each from the Association of Indiana Media Educators, school libraries, public academic libraries, private academic libraries, (public libraries?), the Indiana Library Federation, and the Indiana State Library. These librarians and media specialists came together as the Inspire Steering Committee and formed a Database Selection Committee and a Technology

> *...it is unlikely that Inspire would have been possible now except for the cooperative networking among school media specialists, public libraries, college and university librarians, and their colleagues in special libraries.*

Advisory Committee to help with the planning.

The lobbying effort with the state legislature was somewhat less successful than we might have hoped. The project had no vocal adversaries and relatively strong support, but no new money was appropriated. The legislature retained the appropriation for library technology that was allocated in the previous biennium and suggested that a part be used for Inspire. Our plan was to use the $ million for licensing databases. To purchase the necessary computer and telecommunications capacity we turned to the Indiana State Library. The State Library appropriated funding for the purchase of a computer and the first year's salary for a staff of two technicians. The final piece of the implementation was made possible by a grant from a private endowment, which was used to purchase software that is particularly relevant to schools.

There is no shortage of bibliographic or full-text databases. (bibliographic databases usually contain author, title, and subject information for articles published in magazines and other periodicals. Full text databases, in addition to the data in bibliographic databases, also include the text of the article itself.) Unfortunately commercial offerings all have different search software. While each of the "native" interfaces has its own advantages, a user must learn to use the different software for each vendor's database. To further complicate the situation, the "native" interfaces are all different and appropriate for different user groups. For example, the interface useful for a professional reference librarian at a university helping a client with zoological research may be inappropriate for a fifth grade student writing a paper on butterflies. From a network standpoint, the difference in databases often obscures the quality of the database and makes selection more difficult than it must be. We used our Lilly grant to purchase software (SiteSearch WebZ from OCLC) to help resolve this problem. Web Z is a toolbox that can be used to program interfaces to databases. We plan to develop several different interfaces for our different constituents. In particular, we plan to have an expert interface and an interface more appropriate for school-aged children. Plans are to begin designing these interfaces with input from librarians in spring 1998.

By March 1998 Inspire was being used more than 80,000 times a week by people in libraries, homes, businesses, and schools all across Indiana. While orientation and training programs are being planned, these programs will focus on the use of the statistical and management features and the specific needs of reference librarians. Most users agree that the system is highly effective without training.

THE VIRTUAL NETWORKED LIBRARY

The concept we are exploring is the Virtual Networked Library. The Virtual Library implies that any service of a physical library, as well as some information services that cannot be provided by a physical library, should be considered as possible candidates for services that are provided over an electronic network. The Virtual Networked Library adds to the Virtual Library concept the idea of networking—that libraries working cooperatively together can accomplish more than any of them can accomplish alone. This concept has proven itself in Inspire and we expect it to prove itself again as we begin to offer other kinds of library services over the electronic network.

Among the things we can do to extend Inspire functionality are:

1. Add additional databases.

Inspire has freed considerable money previously being paid by local libraries for database access. INCOLSA is inviting libraries by library type to discuss their needs and see if they can gain the economy of consortia purchase by pooling their resources. INCOLSA will include these databases behind the Site Search software so library users will be able to see both Inspire and locally licenses databases in the same menu and search all of them with the same search interface.

2. Add Internet resources other than commercial databases.

Many libraries currently identify high quality URLs from the Internet and include these on their library pages. It is possible for libraries to pool their efforts to create a "library quality" set of Internet resources. It is also possible to license this database from OCLC (NetFirst) or some equivalent resource.

3. Union list of serials with end user initiated interlibrary loan.

The specification for vendors of Inspire databases was to include as much full text as possible. Still, nearly half of the approximately 4,000 titles in Inspire databases are available in citation only. The SiteSearch/WebZ software has the capability for users to request interlibrary loan. All that is needed to implement this feature is to load the union list of serials and to obtain commitment by participating libraries to support rapid interlibrary loan.

4. End user initiated interlibrary loan from a union catalog of books.

The same feature that supports interlibrary loan of periodical articles will also support interlibrary loan of books. While conceptually equivalent to interlibrary loan of periodicals, the magnitude of interlibrary loaning of books is much greater. First, the number of records in the union files in much greater. Second, books cannot currently be delivered by fax or other electronic means. This makes the system inherently ground-based, slower, and more expensive. Finally, the demand is likely to be greater and therefore the expense and personnel effort substantially greater.

5. Virtual reference service.

Many libraries currently respond to electronically mailed reference questions. The Virtual Networked Library can carry this concept a step further. The local library can handle more reference questions, but questions that are beyond the scope of the local library, questions requiring particular expertise or unique reference materials can be referred to a center of excellence reference library. The system could also handle off-hour or overflow reference questions. There is also potential that libraries could reduce the cost of reference service by pooling their talents in a virtual reference center.

CONCLUSION

It is almost certain that the most exciting features of the Virtual Networked Library are those that we, because of the limits of our experience, cannot now imagine. For that problem there is no solution but to move forward. Fortunately the future we can envision is more exciting than anything we could have imagined only 20 years ago. Inspire has given us an impressive database resource that is available to every citizen of the state. But the most precious thing it has given us is the certainly that anything we can imagine we can create in a breathtakingly short time if only we can share a common vision and work together to achieve it.

ABOUT THE AUTHOR

Millard Johnson is Executive Director of the Indiana Cooperative Library Services Authority (INCOLSA), Indiana's library network consisting of more than 740 institutional members from school, public, academic, and special libraries. Johnson is a native of Seattle. He spent his boyhood years on a remote oyster farm on Hood Canal at the edge of Washington's Olympic National Park. After high school he joined the U.S. Air Force where he played saxophone in military bands in the U.S. and Europe. He holds a B.S. in experimental psychology and an M.L.S. from the University of Washington. Most of his professional career has been in computing and systems design in medical libraries. Before coming to Indiana in 1995, Johnson was Director of Network Development at PORTALS, a consortia of 14 academic and research libraries in Portland, Oregon.

WALKING THE ADMINISTRATIVE TIGHTROPE OR, "IT'S NOT A JOB; IT'S AN ADVENTURE"

by Steve Saucerman and Lynn Jurewicz

Library directors do not make policy and library boards do not direct daily library operations. The key issue in the relationship is that responsibilities of boards and directors should be divided through careful consideration and discussion. The board/director relationship can be compared to an Alexander Calder mobile: on one side with the board rests the ultimate responsibility for the library. On the other side, responsibility for the actual operation rests with the director. For the library to function effectively the board must maintain a balance with the director in a team effort. The board relinquishes authority in exchange for the knowledge and resources the professional director can bring to the team. Together in an atmosphere of trust the many functions of the library can be accomplished. The backbone of this relationship is clear, well-written library policy, including job descriptions for both parties.

POLICIES: REQUIREMENTS VS. EXPECTATIONS

It is a matter of procedure to comply with written guidelines; it is much more difficult to comply with unwritten guidelines. In the case of poorly-developed policy the director's conundrum becomes one of balancing written requirements vs. individual expectations. It is impossible to avoid differing interpretations of policies but without some identifiable parameters, there is no framework for the director-trustee relationship.

As an example, in the absence of clearly written guidelines, a director may believe that he or she can make all of the purchasing decisions for the library. The director who has no policy on purchasing out of pocket materials also has no idea if in an emergency she can purchase $50 or $1000 worth of materials or services. In such a case, a director's decision to purchase may come into question. Some amount of specificity is also valuable: Is discretionary purchasing power applicable to only materials, or does it extend to furniture and equipment? In any granting of discretionary privilege, there is a lot of trust involved. No director wants to be monitored every step of the way; if that is the case, then there is no need for any policy. Well-developed policy keeps clear matters clear and it provides a written basis for discussion for those which are unclear. But when policy has to be referred to every step of the

> *In the case of poorly-developed policy the director's conundrum becomes one of balancing written requirements vs. individual expectations.*

way, something is seriously wrong because policy doesn't run the library; the director does.

Board members have a legal responsibility to the community to see that the library operation makes the best possible use of public funds. They should come to the job trying to strike a balance of support from loyal patrons who take advantage of library services and non-users who might see library funding as a drain on their resources. Property taxes always seem to be a focus of criticism from taxpayers and legislators. The library director must balance the funds provided by the board through a good budget taking into consideration salaries, material maintenance, utilities and other expenses. In framing the guidelines that give the director flexibility to do the job, consider this: Too-rigid policies are useless. If the director's every move is going to be dictated there is simply no need for a professional in the position. Since interpretation changes from person to person the key is to have guidelines which are clear but flexible. Guidelines which are too broad are also open to broad interpretation. This doesn't say that an understanding library board working with an experienced professional can't work without specific procedures; what it does say, is that with the right guidelines, there is an opening for change and flexibility in addition to a limit to responsibilities.

A SHARED ROLE: COMMUNITY ADVOCACY TEAMING

Directors share the essential responsibility of community relations with their trustees. The library board is a window on the community; it's make-up says of the community: "This is who we are." Director/board teamwork on the community level starts right here: Board members serve as essential conduits to community figures who are in a position to advance library causes. In their positions as appointed liaisons to the library, "working" board members likewise serve as the library liaison in other arenas of community life: as Boy Scout leaders, park board members, church or community foundation officials, as soccer coaches, and school or business leaders. In these roles board members are an "ear" for the director on how it's playing in the community. They open the door for the director to be able to get other people involved. Board members should achieve the essential contacts which form strong

community/library relationships and which are a valuable meter for monitoring our progress toward our goals. They come to the table as volunteers and as a cross-section of the community. As such they bring awareness of community needs and serve as conduits of information from the various contacts they have made. The director needs this input to balance the design of library services: adult programs vs. children's programs, books vs. nonprint materials. The director can also draw on the specific expertise that individual board members may have in areas of education, automation, buildings, maintenance and finance. A longtime school administrator, for example, brings essential skills to the budget process. A trustee who is also a computer consultant is a valuable resource in a library's automation process.

OPPORTUNITIES FOR COMMUNICATION: THE RELATIONSHIP MODEL

Good policy is not a replacement for effective professional working relationships. Written guidelines are the relationship's foundation. However while the policies represent guidelines by which we run the library, communication represents how we implement those guidelines. There is a critical difference between the policy that sets the guidelines for the business and the communication which realizes the spirit of the policy.

Balance on the "mobile" is maintained with timely communication between board and director. A board should be expected to give more cooperation if they feel confident their decisions are based on a true picture of library operations. The trust that will develop when the board is fully informed of each success encountered, will reinforce the teamwork needed for the library to accomplish its goals of service to the public. Appropriate forums for communication include committee meetings, monthly trustee meetings and performance reviews. A good director also welcomes informal contacts: everything doesn't have to be dictated by formal policy. Good board members are library users; a director welcomes their coming by the library to check on the operation. Informal phone calls and attendance at library-sponsored programs are valued contacts to directors. It's a fortunate director who is the recipient of a morning-after-the-board-meeting call from her board president where the subject is, "Okay, what'd we leave out last night?" It says, we're human, we both make mistakes and it's a hard job we're doing, check me on this. It says, we're in this together! When discussion and conclusions can take place in a committee setting or though informal communications, monthly meetings can serve as a forum for action on committee and director recommendations. Here then is the demonstration of trustee-director teamwork: that the orderly progression of isolating issues for review, and the discussion and conclusions which evolve, can reasonably lead to mutual recommendations. These can then go to the full board for a vote, and make their happy way into the minutes and policy of the library;

making way for the next and newest issues, which we know are never in short supply.

ABOUT THE AUTHORS

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LIBRARY BOARD CONDUCT AND THE CHALLENGE OF TEAM BUILDING

by Jeanne T. Farah and Sally Otte

he gavel falls...

The roll call taken...

And the minutes approved...

Where are you? You are attending your first library board meeting.

How did you become a member of the library board and what do you do next? You have a million questions about how the library is run, how the board functions, what special interests the other board members have and what techniques you need to develop to get done what you want done. But, wait a minute. Step outside the immediate situation and take time to think.

Why were you appointed to the library board?

Was it because of your political party?

Was it because of your interests in children or literacy or history?

Was it your professional expertise as a lawyer, accountant, teacher, etc...?

Maybe it was just because you are a parent and an active member of the community?

Whatever the reason, you have now officially entered a public arena, perhaps for the first time. The public library is a keystone institution of your community. Its operations are funded primarily by property taxes and that means that everyone in your community has a stake in what happens with the library. As a library board member, you are therefore responsible to all of these people and not just the group that appointed you. Nor will it be possible for you to represent just a special area or interest group of your community. In your deliberations you will have to take a broader perspective and look for the benefit for the entire community. In other words, you are now no longer a private citizen but a public official working to make your community better and you are also open to all the scrutiny and criticism that comes with that position of public trust.

Let's get back to the moment. You are at your board meeting. There are other board members sitting at the table with you. Also present are the library director, the board attorney, library staff, some media representatives, and the public. Remember, all of your decisions must be made in the full view of the public eye. That's what the Open Door Law demands. The library's board meetings are not public forums but rather public meetings where members of your community can monitor your discussions and deliberations. The intent is to keep public boards accountable, but for the new board member, the concept of public discourse takes some getting used to.

Another important thing to remember is that decisions are now being made in a group and proclaimed by the group. Perhaps you have heard the expression, "the board speaks with one voice." Everyone at the table brings something special to the discussions. By listening and contributing at each meeting, individual board members learn about the issues and decisions that have to be made. The final decision is made by the vote of the individual members with the majority ruling and, regardless of individual views, this final decision is conveyed as being made by one entity—the library board. The board is a strong voice in the community when all of the members support the decisions and demonstrate that they are working together as a team to achieve the goals of the library.

It takes strong teamwork if library boards are to discuss options productively, reach agreement on decisions, and speak with one voice to their public.

How hard can this be? If this were a basketball game, you have just been sent in as a substitute without any instructions!

You are sitting at the table with people you do not know and yet you are supposed to act as a team player. Not only are they strangers to you, they may also differ one from another in experience, personality, education, values, interests and especially in their opinion of the public library's role in the community. For such a diverse group of people to function effectively as a team, there must be strong agreement in what they are expected to bring to the table and how they are expected to play their part on the team.

Clarifying the expectations for board conduct clearly improves each member's ability to contribute to sound governance of the library. Before immediate issues on the library can be addressed, a board with new members must address its desired methods of deliberation, decision-making and communication. In today's world, the process by which boards and management teams reach agreement on their methods is called team building. Practiced in the business sector for some time, team building techniques have resulted in high levels of customer satisfaction was well

as profitability. For a public board, team effectiveness is often more difficult to achieve, but it is no less important. While the difficulties of achieving team effectiveness will vary from one community board to another, all public boards struggle with the three common barriers to teamwork.

Barrier 1. It is difficult to achieve candid working relationships that allow for free exploration of issues when the public is watching and listening to every word. For example, board members may not be comfortable asking questions or experimenting with innovative ideas on issues in front of reporters or a television camera.

Barrier 2. Library board members are volunteering their time and have additional family and career responsibilities. As a result they do not have full days to devote to the task of developing a working knowledge of library issues, let alone to establishing team relationships with other board members. It's hard enough to keep them longer than two hours for a board meeting.

Barrier 3. Unlike corporate boards and staff who are often selected for their like-minded and single-minded commitment to an agenda, public board members are selected to mirror the diversity of interests in the community. It is not often easy to find the common ground on which an inclusive organization like a public library can build for the future.

Because of the increasing strength of these barriers, library boards have found it beneficial to use professional facilitators to conduct team building sessions and regular retreats. The purpose of these events is not to conduct the ongoing business of the board. They are (1) held off site and advertised as a non-business meeting, (2) scheduled for a full day or more, and (3) professionally facilitated so that the views of individual members will be considered while the focus on the broadest public good is maintained.

Team-building sessions should be designed by a professional facilitator with experience working with public sector organizations. Using input from the board members and the library's staff, the facilitator develops topical content and participatory activities that will enhance team skills in ways that are needed.

The time and effort board members invest in the team building session produce significant results for the long term. First, there is the intangible psychological benefit of the individuals coming to a consensus on value statements. Secondly, there should be three written products that form a solid basis for future decisions. These are as follows:

1. Board Member Norms

These are clear rules of conduct describing behaviors that board members all agree that they can expect from one another and that the public can expect of them. Norms go beyond, but do not replace, the rules of parliamentary procedure or bylaws. Norms may address interpersonal skills such as the practice of active listening. Behaviors such as when and how board members are expected to interact with the media or state legislatures regarding library issues may be addressed.

Many boards review and update their norms every year because the situations they are currently facing may call for the clarification of additional role expectations. It is essential to review the norms whenever a new board member joins the team. A rule of thumb is that a board team should always begin its review of current norms with a discussion of those norms that are most difficult to practice. This will get the real concerns about working together on the table and resolved.

2. Board and Organizational Values

These are statements of ethical and cultural underpinnings of the organization that do not change as often as the situation changes. They are intended to withstand the tests of time. When a board team invests the time up front to reach agreement on the core values that define the library's role in the life of the community, then it is easier and quicker to evaluate options, make decisions and publicly explain decisions during the normal course of conducting board business. When this foundational agreement does not exist, then even the smallest decisions can become the cause of counter-productive dissention.

While values statements often last for decades, many libraries are rethinking their values today as the 21st century approaches. The information age is indeed causing taxpayers and their elected representatives to challenge all libraries to provide services that produce benefits equal to or greater than the investment required to maintain competitive technology.

3. Principles of Governance

This product should be developed as an addition to general governance policies already established by the board. Governance statements (a) define the current organizational structure within the board regarding appropriate and timely committees and task forces, (b) specify the relationship of the board to the library's director and staff, and (c) clarify any links to other entities supporting the library such as Friends groups, elected governing bodies, foundations, and joint venture partners. The purpose of gaining agreement on the principles of governance is to clarify the boundaries of decision making. Clear boundaries enable all board members to take full responsibility for the decisions that are rightfully theirs and to recognize which decisions belong to non-board groups. Clear boundaries also prevent the board from using its limited time to micromanage issues that should be handled by the library director and staff. These principles will also enable the library to work well with other organizations within the community. As the resources needed for success continue to increase, more partnering, and hence better governance, will be required of

all boards. Those boards which micromanage internal issues will not be ready to look outside their own systems for opportunities to work together in the larger community network.

To be asked to sit on a library board is to be asked to become part of a team that acts as a guardian to one of your community's most valuable assets. The library is more that a system of buildings and a collection of materials. It is a living and breathing organization that is going through a rapid period of growth as it works to keep pace with the changes in the community. Your success as a guardian will be determined, not as an individual, but as a team. It will not be based on your ability to preserve the library, but on your ability to guide it as it matures to the next level of service. Will our library be stronger and better able to meet the expectations of the public at the end of your term that it was on the day you first took your seat? The answer can most certainly be "Yes" if you and your fellow board members have the opportunity to build the skills that enable highly effective teams to work together for the public good.

CASE STUDY: RETREAT OF THE INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY BOARD

In 1995-6, three new members were appointed to the Library Board of IMCPL, replacing members who had each served 16 years. As the board was faced with sensitive decisions, the necessity of new team dynamics was clearly evident. Using a professional facilitator, the library board met on a Saturday to discuss board governance and strategic direction. The agenda included discussions of assumptions of board activity, mandates of law and ownership questions as well as roles of the board and staff in the decision-making process. The document below developed in the course of the retreat was a result of team building activity and has proved valuable in establishing the common ground for decision-making. The retreat served as a first step in re-inventing a board for effective governance.

LIBRARY BOARD EXPECTATIONS OF BOARD CONDUCT

The following is a list of norms that the IMCPL Board determined were necessary levels of commitment required of each member in order for the Board to function as a team in the governance of the library:

1. Knowledge of the Library's Plans, Programs and Policies.

Board members personally, and with the help of staff and fellow board members, shall continually strive to become knowledgeable about the library's governance as well as its current long range plan, programs and policies. This continued education process includes but is not limited to meet-and-greet sessions, board orientation, annual board retreats and expertise shared in special meetings.

2. Use of Financial Indicators.

Board members shall understand the fiscal structure, including funding and revenue sources, taxing author-

ity, evaluation of financial need, the budget process, and the valuation of the return on investment of the services provided with dollars from the taxpayers and other funders. (accountability)

3. Support of Board Decisions.

For the good of the Library, board members shall be willing to compromise with other board members to reach optimal decisions and then support the decisions of the board after they are made.

4. Productive Board Interaction.

Board members shall maintain mutual respect and courteous interaction without personal attacks and take responsibility for creating the environment for the interchange of various opinions in a civil climate.

5. Knowledge of Goals and Objectives (Success Indicators)

Board Members evaluate the Library and its systems based on established criteria (success indicators) for achieving goals and objectives. These criteria are established annually in relation to a long range strategic plan, a component of the master plan for services, facilities and technology.

6. Relationship with Director.

Board Members recognize the different level of responsibility borne by the Director and, through interactive communication, develop and convey both confidence and trust in the Director. Board members respect the confidentiality of the relationship, discussing any board members concerns about the Library's performance with the Director prior to discussions with other individuals or the public.

ABOUT THE AUTHORS

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Sally Otte has a sustaining interest in trustee education which she has shared with hundreds of Indiana library trustees. She recently completed 16 years on the Indianapolis-Marion County Public Library Board. She also has served as President of the Indiana Library Trustee Association (1994-95) and President of the Indiana Library Federation (1996-97). In early 1998 she was appointed to the Indiana Library and Historical Board.

The headlines in our newspaper read "Library Breaks Ground for New Building." Our local library was beginning the construction of a new $5 million dollar library facility. As president of our board of trustees, I reflected on that headline and my first thoughts were of great satisfaction and accomplishment and connection. As I thought about this headline a little more, I realized that the headline was really old news that the newspaper was only now revealing in a different form.

In a real sense we as a library board of trustees had begun breaking ground for the new library facility more than five years before. At that time most observers, including me, considered the building project an impossibility in our community. Out of compliance with the Americans for Disabilities Act (ADA), we also faced additional barriers, both physical and mental. Our library did not have adequate resources for a sound budget, let alone a building project. Responses to the board showed little understanding by most of the public in our community about what a modern library really is or why we even need a library. We heard: "Since we now have the home computer, the modern bookstores, and the video stores, we don't need the library anymore."

Beyond these challenges significant geographical areas served by the school district in which we were located were unserved by our library. To survive we had just reorganized from a Class II library to a Class I library to meet the economic pressures consuming us, so were a brand new library district addressing the differences that brought to our service. The changes to the new district created taxpayer backlash and diluted support. Some threatened us with a possible law suit to dissolve the district. During this time I felt like Forest Gump eating a box of chocolates.

The appropriate question at the beginning of each Board of Trustees meeting should have been, "Are we having fun yet?" During those five years of challenges, indecisions, and decisions the board of trustees broke much ground. We had to break ground both inside the library and outside if we were to survive. Reflection on our recent past helped me gain insights about the future. It occurred to me that we dealt with many of the same issues that all libraries and all boards of trustees will face in the next ten years. Foremost among those issues was the continuing question: What do trustees and libraries in the twenty-first century need to do to connect with and stay connected to their communities? Addressing that question is the focus of this article.

Library leaders must face many leadership questions at each of your monthly trustees' meetings. In addition, trustees encounter major decisions periodically throughout each year. Those decisions usually relate to the relationships the library has with the community. I think the biggest challenge that libraries will face during the first years of the twenty-first century will be how to connect with and stay connected to the community. To answer the connected issue each board of trustees must address the following two questions:

1) Who is the library in your community?

2) How do we increase the trust the community has for the library?

WHO IS THE LIBRARY IN YOUR COMMUNITY?

As library leaders trustees must ask what is important for your library to be? What is important for your library to do? What services matter at your library? Those "what" questions are essential to ask if you want to connect to your community. Nevertheless, trustees must also ask: "Who is the library?"

My research and experience confirm that each trustee brings to leadership his or her ideas and beliefs of what the library was, is and should be in the community. The "what" questions are important because they really force the leadership to identify "who the library is." In the twenty-first century our society will have much more information than any individual or group can ever deal with. People in your community must see the library as much more than a place, a depository, a warehouse, and another information outlet. The library must have a discernable vibrant identity.

People in communities relate to their experiences at their local library as "who the library is." Although the library is an institution with hundreds of years of history, most people in the community see it only in the "past personal." Individuals who use the library relate to the staff, to the products, and to their experiences in the library. They do it only from their own experiences. To them the library in a large sense is a "who" that provides something. Until we as leaders understand how people connect to the library

and why it is important to them, making connections will be difficult.

Stop just a second. SO WHAT? It all deals with relevancy. If trustees want their library seen as a relevant, viable, worthwhile public institution, leaders must have a clear vibrant identity. Seeing is believing and the opposite also applies. Is your library going to be seen as a place to get books and information? A place for Internet access and technology solutions? A reference center for problem solving? A cultural center for the community? An education center for young and old? A babysitting service with built in stories? A recreation experience? A quiet place for contemplation? Or an active place where activities are causing a buzz and the sound of laughter is allowed? As trustees intentionally think about a relevant identity, the leaders must also ask: "Does the library want the community to see it as more than just a place?" What will your library persona be?

> *"The library must have a discernable vibrant identity."*

Until trustees discuss and resolve the issues of identity with each of the other trustees there will be a vagueness that will permeate everything your library does. The library board needs to have some shared sense of what the unique purpose of the library is now and will be in the twenty-first century. Trustees must first establish an identity they understand. Then the library can develop an identity the public understands.

As I have worked with libraries across the country, experience has taught me that there is a recurring pattern of behavior that seems to exist in public institutions throughout our society. This is a notion that I call the "identity circle." It goes something like this: The more muddled the identity of your library, the more difficult it will be for your library to meet the expectations of the public. The more difficult it is to meet the public expectations, the more difficult it will be to get funding to support your library programs. The more difficult it is to get funding, the more muddled things become for the library.

On the other hand, the more clear the identity is to the library leadership, the easier it is to inform the public what they can expect from their library. The clearer the public perception is the more realistic the expectations are. The more realistic the expectations the better the support becomes for the library. The better the public support is, the better the financial support is as the library changes. The challenge is to make sure the trustees and your library are using the right circle.

It is the responsibility of the board to work through the difficult task of creating a worthwhile relevant identity. To do this the Board of Trustees and other essential people such as staff and community leaders need to develop a safe forum where dialogue can occur and they can reach a consensus.

WHAT CAN TRUSTEES DO TO CREATE A TWENTY-FIRST CENTURY IDENTITY?

1. I think the best way to discover your library identity is to begin by holding a retreat. If a retreat is not possible, find an extended time in which the board members and staff can thoroughly and openly discuss these issues:

-Who the library is;

-What is important to maintain who the library is;

-What must be the character of the library in the future if it is to thrive at being who it is.

Although this takes some initial time investment and participation energy from the board and staff, it will save enormous frustration, conflict and resources in the end. Failure to resolve the identity issue is very risky if your library wants to connect with the community.

2. The library then needs to develop a shared values statement that expresses the identity of "Our Library" to the community. This task is not a once event. Building a values statement is a process of continual change. The product is not a document but a tool for ongoing clarification and understanding. It is not a mission statement. It is a discernment of character, behavior, and beliefs of what counts for the library to be "who" it is in a rapidly changing environment.

3. The library leadership must strategically find ways to communicate your identity to your community often. Connection is not static. It is elastic. In order for the library to stay connected it must continuously relate its uniqueness in a cluttered world. It is only when trustees think the community is beginning to see who the library is that the job of being a trustee really becomes exciting.

HOW DO TRUSTEES INCREASE THE TRUST LEVEL THE COMMUNITY HAS FOR YOUR LIBRARY?

So, the community knows who the library is, so what? This does not alone guarantee positive connectivity. The next issue that we need to address as we enter the twenty-first century is trust. As change accelerates it seems that trust for the viability of all public institutions, including libraries, decreases. The headlines in many publications are reflecting the failures of the government or the public sector organizations in meeting current needs. Or, the cry is that the institution is no longer relevant. Or the accusations fly about that the organization is not ethical in the way it is approaching its mission. It seems that as a society in supersonic change we are becoming more suspicious and cynical and that reduces the connection we feel for all organizations who hope to serve.

Loyalty to institutions, organizations and businesses is on the wane. Individual choices are now so great individuals have trouble trusting even their own judgment in the choosing. People seem to have this ever pervasive feeling that they can't get what they want, need and must have to live successfully in their future, whatever that is for them. This elusive feeling is in part explained by the idea of trust. The amounts of trust individuals have toward a person or institution often determines how much support or non-support they will give.

The library is not immune to feelings and perceptions of trust and distrust. If the community does not trust that the library is relevant, needed, or doing a good (no, great) job then the support for the library will evaporate. The arrival of technological change can lead to the public perception that we don't need a library to provide the information for the people in your community. The bookstores, computer outlets, the multimedia events are providing choices that affect the public perception of your library's relevance. Libraries must continuously nurture trust if community support is to increase.

It is the task of the Board of Trustees to lead the way in bridging the gap between "who the library is" and what the community thinks it is. Even the name "trustee" infers that trust building is your fundamental task.

> *"Even the name 'trustee' infers that trust building is your fundamental task."*

WHAT CAN YOUR LIBRARY DO TO INCREASE THE TRUST THE COMMUNITY HAS FOR YOUR LIBRARY?

1. Provide opportunities for patrons to share their ideas and needs concerning the library with the library leadership. This can be done through using focus groups, brain storming sessions, information sharing evenings, and coffee hours. These times are great opportunities to have meaningful conversations that will help connect the library to the community. Not only will library leaders have the opportunity to capture the ideas from what community members say, the leaders will have the opportunity to reflect on what the community does not say which is just as important.

2. Provide similar sharing opportunities for those who are not patrons of the library. Here trustees have the opportunity to introduce these constituents to library services and enlist the reasons why they don't use the facility. Also, these people are not frozen into a particular paradigm of what a library needs to be doing. This insightful perspective allows some creative innovations that may be simple and inexpensive.

3. Hold some brief planning sessions with the community leaders by inviting them to attend your meetings. Using the philosophy that many are called but few are chosen, the library leadership can ask selected community leaders to help plan ways to address the multitude of challenges that your library will face. By asking for specific advice and by not overburdening community leaders, cooperation and trust develop as a natural consequence. If trustees ask for the community's help in small ways, the community leaders help the library in big ways when the library needs them later.

4. Develop surveys directed to verify certain beliefs and suspicions that the library leaders have with respect to your services, your access, your circulation policies, your programs, your education offerings, your space use, your customer service, and those other subjects that are critical to staying connected to your community. Surveys can be either useful or a hindrance to your decision making. Before taking the survey determine what the library really wants from the survey. Think through the specific purposes for the survey before spending the time and energy of the library people and the public. Some possible questions you might ask yourself in developing your survey are: Do you want information? If so, what kind? From exactly whom? What does the library plan to do with the information once it has it? Do you want merely to get new ideas and connect with the patrons? Do you want to enlist a source of volunteers? Do you want to use it for public relations purposes?

5. Do public relations programs. Spend some time, talent and money and create a public relations program that a library trustee can use in promoting the library. Prepare a visual presentation that library trustees can give to service clubs, social clubs, literary groups, governmental agencies and funding groups and any other groups that the library leaders think might need educating. Then develop a list of where the library leaders will give these presentations and then go do it. The enthusiasm and response from those presentations is what connecting is all about. As the public hears what the library people are trying to do at the library they will decide in new ways how they can connect to the library.

6. Create a media campaign. It does not matter if your library is a small library or if it is a large library in a large metropolitan community. Get exposure. Get noticed. Get the attention of the public. Write articles for the newspaper, trade journals, organization newsletters, or the neighborhood weekly. Take photographs and supply them to the print media. Do interviews on radio and television. Produce public service announcements. Buy advertisements for exposure. Do a strategic campaign that will help the community see that the library is alive, well and able to serve their needs in this rapidly changing environment. As a Board of Trustees this campaign is not just something your library should do if it has extra money. It is absolutely essential to your existence during

this information industry revolution. It is no longer just a staff project. If the library is to develop ongoing trust with the public, trustees must be part of the team that helps get the exposure to develop that trust.

Reflecting on the headline and the role that our library's board played in this building project I realize we did more than five years of ground breaking. One way or another we did all of the activities that have been suggested in this article. Which of those activities worked so that we could realize our dream? I am not really certain which single activity did it. As I continued to reflect on the library ground breaking, I realized that—if there are to be continued connections—the twenty-first century library is going to demand from all library boards of trustees an increased level of participation within their communities.

ABOUT THE AUTHOR

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DIRECTOR EVALUATION – A COMMUNICATION TOOL

by Dan Cain

t's every library board's nightmare. Too much money spent on a controversial collection. Operational changes have been made and the board hasn't been kept informed. Constituents are complaining. Trust between board and director is at an all-time low.

So now what? Take a deep breath, keep your mouth shut and put up with a bad situation? Attack the situation with guns blazing? Fire the director and hope for better luck with the next one?

Of course, there are cases where a sticky situation is simply the result of hiring the wrong person for the job. But the much more likely scenario is simply poor communication between board and director. The board has failed to communicate its expectations to the director and the director has failed to tell how he or she is doing the job.

The solution is not complex. Just get to work and rebuild some of the communications systems. One of the best means of opening communication lines and rebuilding the board team is a formal board evaluation of the director.

Unfortunately, board members often view evaluation of director performance as a negative process, and it just simply is not if done right. Performance evaluation can and should be a positive, constructive activity if approached with the right attitude and a carefully designed process.

Director evaluation is a normal part of the board's job description. The board hires a director, gives him/her a plan of action for the library and delegates day-to-day management. Then the board must monitor/evaluate how well the delegation is being carried out.

But evaluation is more than just monitoring employee performance; it's an opportunity to build the board/director team. The result of a good director evaluation should be:

■ board and director get on the same track.

■ the director understands board expectations.

■ board members learn how to help the director.

■ the team gets definitive performance improvement goals.

Here are a few good rules that will help you get those results...

* Evaluate formally, annually, in writing. The performance evaluation is the documentation that every employer needs to protect the business. Informal evaluation doesn't provide documentation that may be needed down the road and is not complete enough to cover all the bases.

* The board speaks with one voice. When the final evaluation results are presented to the director, the results are the consensus of the board on all items. A board cannot give seven different evaluations to the director and expect it to be clear to anyone, including the director.

* Staff are not part of the director evaluation. The director is the board's employee. Staff are employees of the director. Staff cannot evaluate their "boss" objectively. They don't know what the board expects of the director, and thus cannot evaluate that performance.

* It is important that the full board team discuss the evaluation results with the director. This is an opportunity to really communicate and smooth out the rough edges of the board/director team.

* Evaluation is no good without follow-through. Good performance should be rewarded and poor performance corrected.

CRITERIA FOR AN EFFECTIVE EVALUATION

The majority of library board members realize that director evaluation is an assessment of director performance only. Evaluation can't be based on what the director wears or what he or she does after library hours, unless, of course, these have some bearing on the way the director carries out the job.

Board members often ask "Exactly what areas of performance do we evaluate?" There are five important categories of performance that should be included in the evaluation:

1. Organizational leadership—How well does the director work toward the mission of the library? Does he/she understand the needs of those you serve and work to serve those needs?

2. Business and financial management—Does the director understand the library's financial needs and accounting systems? Does he/she make appropriate financial decisions and recommendations and help the board understand the library's financial situation?

3. Relationship with the board—Does the director offer the board direction, information and support? Does he/she understand the employer/employee relationship with the board?

4. Personal characteristics that impact job performance—Does the director maintain high standards of ethics, honesty and integrity? Does he/she devote time and energy to the job and exercise good judgment in carrying out responsibilities?

5. Innovation/improvement—Does the director propose and promote change that is for the good of the library and its constituents?

LAY THE GROUNDWORK

A good evaluation of the director shouldn't happen on a moment's notice. The groundwork for evaluation must be laid out long before the evaluation actually takes place.

The director needs two important documents before he or she can truly understand what his or her job entails. The director's job description and the library's long-range plan outline exactly what the board expects and what goals need to be pursued. Without these two documents, the library director is left to set his or her own direction and priorities, which can be different from those of the board.

Once these documents are in place, the board can set a timetable for the formal evaluation process. Ideally, the evaluation cycle should begin a year before board members sit down to actually complete the instrument.

THE EVALUATION CYCLE

The Form

The evaluation cycle begins with the development of the instrument. The right evaluation instrument will promote communication and enhance the relationship between the board and director. An inadequate form can leave you with useless information.

A board committee is valuable in researching and developing the evaluation form. The committee should review instruments used by other libraries and organizations in developing its evaluation form. The proposed instrument should then be presented to the full board for approval.

Completing the Form

All members of the board should complete the evaluation form individually, not as part of a board meeting. Board members need time to seriously consider each evaluation item and should not be influenced by others as they complete the instrument. Since the instruments are com-

> *"One of the best means of opening communication lines and rebuilding the board team is a formal board evaluation of the director."*

pleted anonymously, this is an opportunity for board team members to be very open and candid in their responses.

The director should also be asked to complete the evaluation instrument. Although his or her completed instrument will not be a part of the compiled results, this gives the director the opportunity to tune into what the board is doing. This preparation will be valuable later when the board and director sit down together to discuss the results.

Filling out the evaluation instrument is probably the easiest part of the evaluation process. The hard work comes as the board determines what single message it will deliver to the director. The board cannot hand the director multiple evaluations. It must speak to the director with one voice.

Compiling the Results

Once the evaluation instruments have been completed and the results compiled, the board should meet alone in an executive session to discuss the results. Board members need to be very candid in this discussion. The director will be invited to talk with the board later, but this time is for the board only.

Board members should come to consensus on the results to be delivered to the director. Do not simply take the greatest number of responses to each item on the instrument as the board's response. That ignores the needs of the minority to speak to the issue. Discuss any item that has a clear divergence of opinions and attempt to bring the board to consensus.

Remember that consensus is an agreement from all board members that we can "live with" the decision. To reach consensus will require compromise and much more concern for the needs of the team than for personal needs.

Keep in mind that the purpose of the evaluation is ultimately for improvement of the organization. If a criticism or commendation will result in better performance of the director for the organization, give it. If not, leave it alone.

Do not let one evaluator influence the evaluation results too dramatically. If one evaluator has been consistently high or low in the evaluation in glaring contrast to responses of other board members, that issue needs to be discussed openly, and, if possible, resolved.

Communicating with the Director

When the board has agreed to the results that will be delivered, invite the director to discuss the results with you. This can be done immediately following the board's closed session. This session should still be closed to all but board members and the director, since candor will be the rule at this meeting.

To begin this session, the board chairperson or a designated board member gives a copy of the board's evaluation results to the director. This is not just a tally of the individual responses, but the board's consensus on each item in the evaluation. Walk through the results and offer any explanation of the ratings.

Invite the director to ask questions or comment on the evaluation results. If the board's intention is not clear, the director cannot benefit from the evaluation. This is an opportunity for board and director to get the issues on the table and have a good open discussion.

The director should respond to the board at a later date on the evaluation results to clarify issues, deliver a plan for improving performance or seek the board's help in making changes.

The evaluation cycle is now complete. Begin the next cycle immediately by asking a committee to do a debriefing of the process just completed and the instrument itself. Make any necessary changes now so they will be in place for the next evaluation session.

A thorough, formal evaluation process doesn't guarantee problems won't arise in the director/board relationship. However, keeping communication lines open through a good evaluation process can help keep small problems from becoming large ones and will help all members of the library board team do their jobs better.

ABOUT THE AUTHOR

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PRIVATE CONTRIBUTIONS ENHANCE PUBLIC LIBRARIES

by Timothy L. Seiler

"*On this little fund we began. The books were imported; the library was opened one day in the week for lending to the subscribers on their promissory notes to pay double the value if not returned. The institution soon manifested its utility, was imitated by other towns and in other provinces. The libraries were augmented by donations; reading became fashionable; and our people, having no public amusements to divert their attention from study, became better acquainted with books, and in a few years were observed by strangers to be better instructed and more intelligent than people of the same rank generally are in other countries.*"—*Benjamin Franklin* (Haight, 1941) [Emphasis added]

When Benjamin Franklin wrote about launching a subscription library two hundred seventy years ago, he effectively described the basis of how to begin the process of expanding a funding base. Today, and into the twenty-first century, this passage holds true for library fund raising. Many issues important to lending libraries echo in Franklin's words – the concept of fines for materials returned late, or not returned; the practicality of a book-lending institution for its users; the heightened image of a community with a library; the entertainment value; and the "bragging rights" of a literate, informed citizenry. All are important still today. Yet what is even more startling about this passage is the keen intuition of Franklin the philanthropic fund raiser in quietly making the case for private support for libraries.

In citing some of the benefits of this first library in colonial America, Franklin helps even the late 20th century library director or development director understand the mutually beneficial relationship between public funding and private support. While Franklin's "fund" was in truth a subscription fee and annual dues, the premise formed the base of support for public libraries. In fact, Franklin's experience in developing the subscription library laid the groundwork for the future development of public libraries in America. It was the shortage of booksellers in the colonies which prompted Franklin to gather a number of bibliophiles to pool their own books into a lending collection. This start-up enterprise, however, was not without its financial challenges. Franklin laments that even with "great industry" he was strained to find even fifty persons with the capacity and the willingness to pay down a modest amount for a public subscription library.

Franklin's experience was the forerunner for the development of public libraries in the United States, and in reality, "*public libraries were born of private philanthropic initiative, not public governmental action.*" (Jeavons, p. 18)

Just as Franklin initiated the need for collections of books publicly supported and freely available, so too he ran up against the economic weakness of a fledgling community. "*It was impossible to sustain public institutions, like libraries, until our society, or at least particular communities within it, had developed sufficient wealth to have a tax base from which support for them could be drawn.*" (Jeavons, pp 18-19)

The real history, then, of American public libraries, is more one of private support than of public support, at least in the origins of libraries. Prior to Franklin's founding of the subscription library, private support for public libraries is usually traced to the bequeathing of a private, personal library to a colonial college in 1636. This was, of course, John Harvard leaving his private collections to a college, which today is known as Harvard University. Other examples of private philanthropists contributing to the development of public libraries include Jacob Astor (New York City), Joshua Bates (Boston), Enoch Pratt (Baltimore), and of course Andrew Carnegie in more than 1,500 communities throughout the U.S. (Burlingame, 1994)

It is important to recall this historical pattern of the development and support of public libraries as a series of partnerships between private philanthropy and public (governmental) support of a public institution. This pattern spells out several essential ideas about public libraries today, and especially tomorrow, and the role of private funding in public libraries. First, it is critical to recognize the role of private individuals in initiating the development of public libraries. Second, public library funding, from the beginning, has been a mix of private and public funds. Third, historically, private funds supported construction or new programs, public funds basic operating costs. These historical patterns are instructive as public libraries today, looking towards funding challenges into the 21st century, grapple with the appropriate mix of private and public monies in their funding base.

Public libraries face the same critical challenges as most public institutions face today: budget cuts, growth in demands for services, opportunities for new services, and other factors which call for expanded or new resources.

Public libraries have responded in predictable fashion: they have increased their fund raising activities and efforts. And they have done so with good justification, the same way good nonprofits address the challenge of meeting community needs. All fund raising for philanthropic purposes derives from mission fulfillment. Philanthropy, in its best form, serves the public good. Libraries, arguably more than many philanthropic organizations, serve the public good. *"Insofar as they fulfill any or all of the three roles that have been part of their historical missions—education, support of a democratic polity, or economic and community development—they are fulfilling a very important function in their communities. Where libraries can evaluate and demonstrate the value of their public service to the community in one or more of these three realms, they should be able to make a strong claim on public financial support as well as on private philanthropic support."* (Jeavons, p.25) Library fund raising is critical to meet the increasing needs of users in a competitive funding environment. Private support coupled with public funding will secure the financial base of public libraries into the twenty-first century.

FOUNDATION SUPPORT

Philanthropic support of libraries and information services continues to grow, proving that there is a readiness to provide private support for libraries. People tend to think first of foundations (private, corporate, and community) as likely sources of private dollars for libraries. There is good evidence that the foundation market is strong for library fund raising. One key source is the *National Guide to Funding for Libraries and Information Services.* The fourth edition of this guide, published in 1997, shows an increase of 17% in number of pages over the third edition, published only four years earlier. The 1997 edition lists 644 grantmaking foundations, direct corporate giving programs, and community foundations which have shown interest in libraries or information services, either as stated areas of funding interests or through grants of $10,000 or more. The *Guide* lists 1,065 grants for $152 million in support of a variety of organizations concerned with libraries and information services. Of the 579 grantmaking foundations listed 277 (48%) made grants to libraries or information services in 1995.

The Big Book of Library Grant Money, a publication of the Taft Group, lists in its 1994 publication profiles of 1,471 funders who give grants to libraries or express a willingness to consider grant proposals from libraries. This total is three times the number of funders identified and profiled in one guide before. *The Big Book* lists grants as small as $1,500 to the Blackwell Public Library (Blackwell, OK) from the Cordelia Lunceford Beatty Trust, to one as large as $1.4 million from the Vincent Astor Foundation to the New York Public Library in its capital campaign. Both of these publications contain introductory material about how to conduct research to find a match between library needs and interested funders, how to make initial contact with a

potential funder, how to prepare an effective grant proposal, and how to maintain contact and deepen a relationship with a funder (even when the proposal is not funded at first).

The Big Book offers this summary advice of how to make a compelling case for grant support: *"Grantmakers are not passive dispensers of cash. They want to work with you to solve a problem or meet a need. Your challenge is to convince them that your library is an expertly run organization, indispensable to the people you serve, and worthy of their investment."* [p. ix] Just as in Franklin's day, libraries which demonstrate their community value can attract private dollars to further their missions.

There is little question that foundations provide generous support to libraries. Developing a fund raising plan which includes foundation fund raising merits attention from the library's fund raising team. It must be noted, however, that foundation grants to libraries tend to come from local foundations, especially small family foundations. These grants are typically small grants and are designated for capital fund drives and special collections. This limits the potential for many libraries to raise substantive dollars from foundations.

It should be recognized generally that total philanthropic giving annually from foundations hovers between six and eight percent of total philanthropic activity recorded in *Giving USA,* a regular publication of the American Association of Fund-Raising Counsel. In 1996, of the $150 billion contributed to philanthropy, 7.8% ($11.83 billion) came from foundations. This represents an increase over the 7.3% given in 1995, and a continuing strong stock market will enable foundations to continue to make larger and larger grants. Nevertheless, the total given by foundations remains only a modest percentage of total philanthropic support.

So while foundation giving has grown as a source of library support, it is imprudent for a library to rely too much on foundation grants as a way to increase philanthropic income. Vartan Gregorian, former director of the New York Public Library and recognized by many as an effective fund raiser, especially for his success in renewing the New York Public Library, cautions that foundations *"can only study and serve as catalysts."* [Dreifus, 1997]

Foundation dollars can get things started, or rejuvenate languishing projects, and they can inspire confidence in other givers. But sustained private support over time must come from other sources in addition to foundations.

CORPORATE SUPPORT

The astute library fund raising team scans the horizon for other funding sources to add to whatever funds it can secure from foundations. One of the most visible sources of funds is the partnership, especially the corporate partnership. Corporate giving has undergone significant

changes in the past decade. What was once viewed as a social responsibility to support societal needs, based on the premise that the corporation comes from the community which allows its incorporation, corporate philanthropy has taken on several different faces in the 1990's. Strategic fund raising for libraries recognizes these different faces and puts on its own appropriate face to secure corporate support. One of the new models of corporate giving is the corporate productivity model [Burlingame and Young, 1996]. This model is built on the premise that corporate giving is intended to help the corporation increase profits. Corporate gifts or grants are made with an eye towards helping the corporation market its products, increase employee motivation, lower corporate costs, or improve corporate public image. Where does the public library seeking corporate support fit this model?

The enterprising fund raising team understands that the corporate productivity model demands that grant requests are built on projects that can improve corporate productivity. The grant proposal should make it clear that support of the library contributes to the bottom line efficiency of the corporation. How does a library make this case?

One criterion that all successful corporations share is adequate, accurate up to date information. Perhaps the quintessential characteristic of libraries is that they gather, hold, and make accessible information. Whether the information is the traditional hard copy directory, book, or periodical, or the very latest technological database, the public library is often the prime source of information for corporate employees in human resources, business, and even law. One of the strongest cases for the library is that it is an accessible source of freely available information. This is a partnership opportunity for the library and potential corporate funders. Such a collaboration between a library and a corporate funder allows the library to fulfill its mission by serving the information needs of its community and provides corporate contributions decision makers with evidence that access to information helps the corporate bottom line.

One of the keys to success in building partnerships with corporate funders is to make it easy for the corporate giver to justify how a grant to a library supports the work of the corporation. This requires effort on the part of the library fund raising team and necessitates a thorough understanding of what the funder wants to accomplish. The effective grant proposal is developed in close discussion with the interested funder in order to develop a *"common understanding of the goals of the partnership, and ensure that all partners are on the same wave length as to objectives, deliverables, roles, and timelines."* [Nevins, 1997]

Libraries can successfully solicit corporate support. Resource guides such as *The Big Book of Library Grant Money* and *The National Guide to Funding for Libraries and Information Services* are evidence of that. It's part of a good fund raising strategy, then, to have a plan for systematically seeking corporate grants and partnerships. The same caveat, however, as applies to seeking foundation support applies to seeking corporate support. The production of gift dollars is relatively low. All corporate giving in 1996 amounted to $8.5 billion, only 5.6% of total philanthropic giving. Corporate and foundation giving combined amounted to 13.4% in 1996. Even when religious giving is factored out of the equation of philanthropic giving, because nearly 50% of all philanthropic giving goes to religion, corporate and foundation giving still totals less than half of all giving.

INDIVIDUAL GIVERS

These numbers argue for fund raising strategies which develop relationships with individuals as givers. In 1996, individuals contributed $130.38 billion to charitable organizations. This represents 87% of the total philanthropic contributions. Eighty percent of this total was given outright, and another 7% was given through bequests. It is true that nearly half of these gifts went to religion. Factoring the religious giving out, the bulk of charitable gifts still came from individuals. The lesson is that successful library fund raising will recognize the individual as donor. Good fund raising sustained over time will build a diverse funding base, including governmental grants, foundation support, corporate gifts, and especially individual gifts, both current and deferred (or planned), such as bequests, trusts, life insurance, and other estate gifts.

How does the library fund raising team build this individual donor base? First, by making a strong case for support built on the mission of the library. Why did Franklin start the subscription library in the colonies? What was the need? Historically, libraries have maintained their mission of supporting democratic societies, contributing to the education of the public, and providing economic and community development. These missions are still important today. Libraries meet real needs. They provide a public benefit. Fund raising for libraries builds on this mission fulfillment.

As libraries develop a case for philanthropic support, they need to provide answers to three key questions: Why do we (libraries) exist? Why are we worthy of gift support? What benefits accrue to donors who give us gifts?

These are not rhetorical questions but real questions demanding answers. Building a compelling case for gift support stems from persuasive answers to these questions. Library fund raising which demonstrates to potential donors that the library is a community benefit providing value to donors and to others in the wider community will be successful fund raising.

Where does this work begin? At home, with the staff and the board working together interdependently to build and sustain a fund raising program. Fund raising can be distilled into three steps: finding (prospective donors), communicating (articulating the reasons the library deserves

gift support), and asking (for charitable contributions). Library staff and board members need to accept their roles in this process and systematically fulfill the tasks of inviting others to participate in the fulfillment of the mission by making charitable gifts to the library. Part of soliciting gifts is articulating clearly the benefit to the donor for supporting the library.

The most effective fund raising is that which understands the relationship between a donor's need and the institution's need. It is critical to recognize that people have many needs – for affiliation, recognition, repaying, altruism, for example – and that gift-giving is often a way to meet these needs. Fund raising based on matching donor needs to institutional needs (financial support for carrying out programs and services) depends on understanding that fund raising and gift giving represent an exchange of mutually beneficial values. Understanding this dynamic places fund raising in a context of asking for financial support from a position of pride in the philanthropic tradition, a glorious tradition of generous voluntary support for important institutions.

Board members and staff working together can identify people they know to be interested in libraries and their usefulness, their importance in their own lives and in building and maintaining vibrant communities of informed, literate citizens. The fund raising team should build lists of interested persons, including people they know to be frequent users of the library, parents and grandparents of children who frequent the library, and community leaders and decision shapers who advocate the role of public libraries. All persons who can be seen as stakeholders in the library should be considered as potential donors to the library. Exploring the interests of such persons in maintaining public libraries will help broaden the base of private support to the library.

While there may have taken place a shift in the ways libraries are funded, the role that libraries continue to play in today's communities has not diminished. Whether people take pride in being "better instructed and more intelligent than people of the same rank generally are in other countries" as in Franklin's day, or whether the library is appreciated for its utility (whether that means books are available or videos are available), libraries today are still more generally appreciated and respected than many public institutions. Their case for support continues to be strong and readily accepted. Fund raising, then, in a time of shifting resources plays a critical role in assuring that libraries can continue to fulfill their mission. Matching the value of the public library to the interests and needs of donors to support worthwhile causes enables the fund raising team to offer many people every day the opportunity to participate in something much bigger than they are by themselves. In the words of Hank Rosso, the founder of The Fund Raising School, *"Fund raising is the gentle art of persuading people to experience the joy of giving."* Fund raising is an opportunity

for staff and board together to invite others who share the values of libraries to fulfill personal and community needs by making philanthropic gifts. The joy of giving to the library is in seeing this well-respected institution flourish throughout the ages.

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REFERENCES

Big Book of Library Grant Money. (1994). Rockville, MD: The Taft Group.

Burlingame, Dwight F. (1994). *"Fund-Raising as a Key to The Library's Future."* *Library*Trends, 42 (3), 467-77.

Burlingame, Dwight F. and Dennis R. Young. [Editors] (1996). *Corporate Philanthropy at the Crossroads*. Bloomington and Indianapolis: Indiana University Press.

Dreifus, Claudia. *"It Is Better to Give than to Receive."* *The New York Times Magazine*, December 14, 1997, 52-55.

Haight, Gordon S. (Editor). (1941). *The Autobiography of Benjamin Franklin*. Roslyn, New York: Walter J. Block, Inc.

Jeavons, Thomas H. (1994). *Public Libraries and Private Fund Raising: Opportunities and Issues*. Evanston, Illinois: Urban Libraries Council.

National Guide to Funding for Libraries and Information Services, 4th edition (1997). Edited by Elizabeth H. Rich, New York, NY: The Foundation Center.

Nevins, Kate *"Partnerships and Competition."* (1997). American Library Association: www.ala.org/acol.html

THE JEWEL OF OUR COMMUNITY

by Virginia Rose

At the Monroe County Public Library we were out of space to conduct library business. Lengthy lines at check out, boxes under desks, double-decked book stacks, and installation of extra shelves meant fewer chairs than ever. Browsing was almost impossible at certain times of the day and week. In the midst of diminishing space, our Friends of the Library held a very popular book sale every week. Parking the bookmobile, and loading and unloading it, was difficult at best. Quiet space for anyone, including staff, was non-existent. Public use of meeting space was so constant that scheduling a room for trustee meetings was tough. Handicap accessability, a priority issue, *had* to be addressed far more fully that it had been. We had a leaking flat roof problem, and parking was at a premium.

Trustees were very aware of the problems, and they knew that the community would be the most important component to any contemplated move, expansion, or renovation. Our concerns were several. The current building in downtown Bloomington was less than twenty years old, dedicated in 1970; it had been too small almost from the day it opened. Those readers who have been in the library business for a while know of, or have heard of, a Randtriever—an enormous piece of metal, rails, tracks, and book-size boxes that was installed in the 1970 building and was supposed to be the answer to compact storage, to save space, and promote easy retrieval. It wasn't. It didn't. Soon, it worked only in jerks and spurts, with coaxing and constant tinkering. It looked like the inside of Space Mountain! For years our librarians had been known to climb in amongst its gears and rails to retrieve books. Thankfully, this machinery was in the lower level of the building and not in public view. I don't think there are many Randtrievers, if any, left in the country. As it became totally useless, it was unloaded, and added bookshelves became necessary. Finally it was removed in an attempt to capture much needed space, but it really meant just reshuffling work spaces, and allowing some programming to continue inside the building. One of these, the Volunteers in Tutoring Adult Learners (VITAL) program, is a state and national award winning library program with more than 350 pairs of tutors and learners.

The store-front room serving as a library in Ellettsville, opened in 1968, was also completely inadequate; it too needed to be replaced.

How should we begin to solve these space needs? As board members of most Indiana entities know, negotiations and discussion about land purchase is an item allowed in executive session. We discussed these issues both in executive session and in public meetings. First, in 1985 it was suggested we could alleviate space problems by building a one-floor addition out over the 37 space parking lot. That was eventually rejected as a short-sighted and expensive quick fix for a much larger problem. Then we directed our board attorney to approach adjacent property owners on the block to see if they would be willing to sell so we could plan an adequate addition. Negotiations in this effort went on for about a year. An overlapping suggestion by several board members and the director was made to trade properties, a few blocks away, with the City for the Municipal Building. That idea evolved to the possibility of an outright purchase of the park property behind the Municipal Building. Unfortunately, news of these discussions became newspaper headlines before the idea was thoroughly researched. The park property had been given to the City for use as a park only. Any other use would cause the property to revert to the original owners. That was an embarrassment for the library trustees, and an unnecessary situation for the land donors to address. Discussions with owners of property adjacent to the library were put on hold.

The need to address space problems was urgent and had become a several year process. We had a building fund and with a small bond issue of $1.5 million, we could turn to what became our first priority. We agreed the Ellettsville Library could be built immediately. Our county community recognized that need, and planning and building a new facility progressed smoothly. The building was placed where the people most wanted it, near schools, and as an anchor for the town. It was dedicated in 1989.

We then turned back to the main library. More than two years had passed. Space problems were at least 15 years old, and talk of resolution had been going on for at least that long. As these problems compounded; a wonderfully competent and patient staff worked even harder because there seemed to be a light at the end of the tunnel. We were not giving up. As membership on the board of trustees changed, new members came up to speed quickly. They did not always agree, and discussion was closely monitored as history was reviewed and revisited. All library board meetings are on cable access television, com-

munity meetings are rebroadcast three times, and then as often as viewers call in for rebroadcast and time permits.

Our building was land locked only four blocks from Indiana University's main entrance, Sample Gates. If we expanded, many board members thought we would have to move from this location. This was a major controversy for our patrons. I had letters from so many patrons and I remember clearly their faces as they spoke to us. They talked of the necessity of the library remaining a downtown library, *and* they spoke to us about moving the library to another place because of the need for parking space. Some told us there was no need to change a thing. Great concern was expressed about *any* bond issue.

We appointed three local realtors in 1992 to find suitable, available property for us to consider in the event moving the library location became the choice. They formed a list of more than 25 parcels to look at, in and around our community. Many of us, both trustees and community persons, were very interested in finding property that would allow adequate parking, with green space for outside programming. Others wanted to stay in the immediate downtown area for the walk-in traffic and the familiarity of a well-loved library. This information was exchanged during lively discussions heavily attended and extensively followed via television. The parking problems and the total expected cost were foremost in the minds of the majority of the board members. After the trustees had visited at least ten of the proposed properties, they narrowed the sites to three. At a public meeting we voted 5-2 to move from the current location, sell the building, and begin planning a new library. Our realtors brought us a bona fide offer to purchase the current building at a very favorable price.

There was a great cry from those who did not want to see the library moved from downtown. At a public hearing scheduled to listen to these concerns, the Mayor spoke, the Chamber of Commerce President spoke, handicapped persons were represented, local business owners spoke again, young mothers with children in strollers were represented, a local attorney told us not to forget we could exercise eminent domain to take property and encouraged us to do so (no trustee wanted to do this), and one of our trustees was still very much in favor of not moving from the current location and said so. Even though the parking problem was a major issue yet to be solved, to stay where we were was the resounding request! You *can* change your mind. Know your Robert's Rules of Order. One of the trustees from the previous prevailing vote moved to reconsider the earlier motion to move the library location. We voted again, this time to stay where we were. It was not a unanimous decision, but once made the trustees moved on. We would renovate the existing building *and* build an addition. Our community truly participated in this process.

It was about this time that our library director retired. We intervi   ·d and hired a new director in October 1992 and immediately afterward began interviewing architectural firms. Our board was fairly well fused, the meetings were frequent, and the necessity to understand one another was paramount. We did quite well.

You know about surveys, department needs lists, interviews of staff, charts, graphs, numbers. We had those. Our Friends of the Library asked how they could help. They formed a Focus Groups Project and invited many diverse numbers of people to come together in small discussion groups and talk about their library and how it served or didn't serve them. These were open free discussions facilitated by Friends members. Notes were taken and compiled for trustee use. It was a good tool for us and a good process for those who participated. Not all the information was complimentary as you may expect.

In 1993 an architectural firm was chosen and the footprint of the building took shape. It necessitated buying the rest of the property on the block. It was more expensive this time, and other property owners were added to the list of those first approached to complete the purchase of the total city block. The parking problem was not going to be solved by buying property for parking. The community was not interested in that prospect; those who attended the meetings and hearings made that very clear. In 1994 the library trustees contracted with a parking garage consultant who had worked for the city earlier, and they completed the first phase of a parking study for the library. It confirmed trustees' concern that parking was going to be an issue that would not go away, but as it turned out, one they could not resolve while solving the space needs problem. We worked with the City and some relief was found. For blocks around the library, on-street all-day parking had been allowed. That was changed to two-hour parking to promote turnover. Parking was rented for some staff in a near-by church lot and in other areas further away. The parking issue was acknowledged by everyone at the time of the reversed vote. Downtown parking continues to be a concern, and a new Mayor's task force, including some library board members, continues to work on that issue.

Advertisements for the job brought a good number of solid bids. We found ourselves in the pleasant place of being able to award the job to a local contractor. We could keep the work at home, the workers were close to their homes, and we could add to the local economy.

We employed a just-retired Indiana University architect from our community to be our "man on the job." He interviewed at the same time other firms were interviewed. You might have hired a construction manager, or in the old days a clerk of the works. He was on the job every day, working closely with all aspects of the project. He attended all the meetings and helped resolve issues between sub-contractors as needed. He was aware of most current codes, of course, and we avoided many potential problems before they became realities. He was with us until the last day. He worked closely with library staff and reported to

the trustees at each meeting. We had trust in him and we were kept abreast of the project.

We set aside a small amount of construction money for art. The Friends of the Library took our challenge and organized a Midwest art competition. The winning piece has been wall-mounted above the elevators and can be seen from three levels. I often see patrons, young and old, pausing to look, and look again, as the changing outside light changes the design and character of the work.

The main library was a $18.6 million bond issue, and the bonds were sold on a very favorable market. It turned out that buying the rest of the block was considerably more expensive than selling the existing building and starting anew. But compromise is healthy, and the strength of the total community was taken into account. Not everyone is pleased to this day. The Ellettsville Library bonds are nearly paid off and the current trustees have investigated the possibility of refinancing the bonds for the Main Library. The addition was twice the size of the existing building, and because the grading was lower for the addition, joining the two structures was a challenge. It has been met well; a newcomer would not know where the old and new joined.

A former trustee president has called our library the "jewel of our community." Circulation has increased more than 10%. We have space for new books and materials, growth well in the next century, programming, much needed public meeting rooms, and public access television studios. The latter has been in the library for more than 24 years, existing in two closets and a file drawer, it seemed. It is the oldest library-based public access television in the country. The television staff transport their equipment to as many public meetings as there are staff and students to manage the hours. There is a computer room available for public use with workstations available to all ages. It is so heavily used that there is often a waiting list for times to log on. For many newcomers it becomes their first anchor in the community. There is a drive- up window to drop off things or pick up reserved material. *And* there is a real old-fashioned quiet room overlooking the front entrance with lots of glass and comfortable seating.

The total project was dedicated May 13, 1997, after a twelve-year process. Glass and stone wrap around this busy home of information gathering, processing, and disseminating. But I know, as we all know, that it is not the building that makes the library, it is the people inside who make it work. At the hearings we heard from patrons over and over again—we love our library! What patrons were really saying was that they love the people who work in the library, who serve them willingly. The stone and glass are only the structure, prepared for the next millennium.

ABOUT THE AUTHOR

Virginia L. Rose was a Monroe County Public Library Trustee from 1981 to 1997. She served six years as President, including the last several during construction. She is also the Immediate Past President of the Indiana Library Trustee Association.

MONROE COUNTY PUBLIC LIBRARY

Architects: K.R. Montgomery & Associates, Anderson
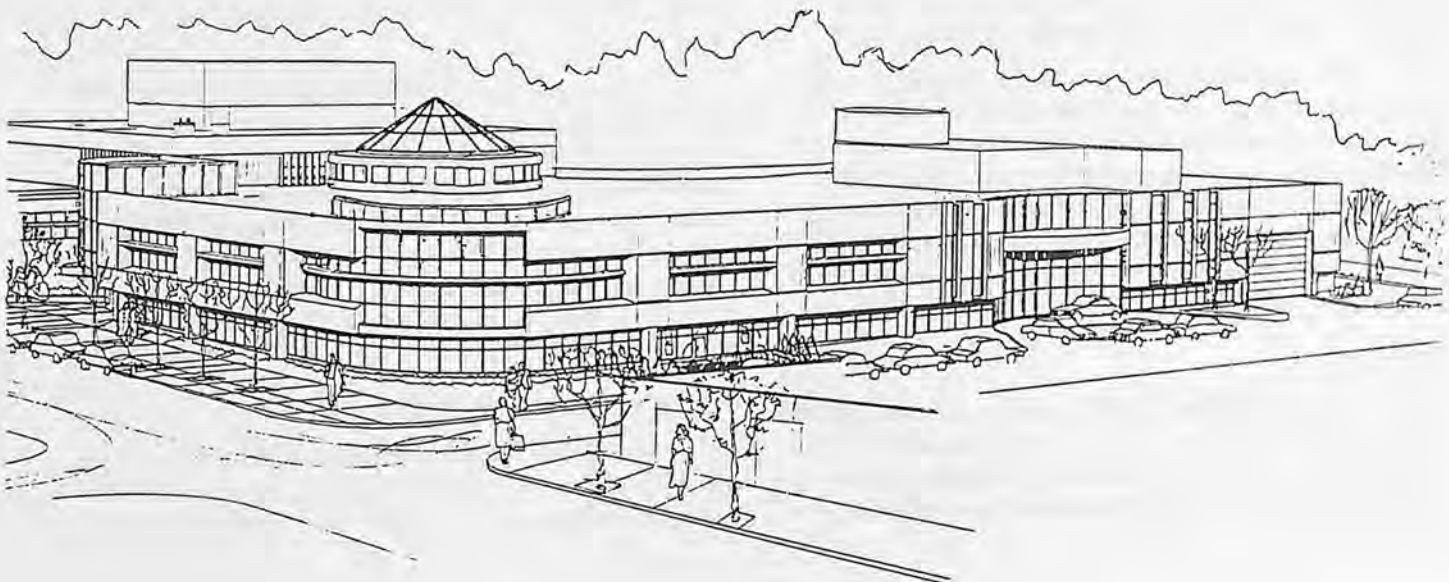
PUBLIC BOARDS, PUBLIC MEETINGS

by David L. Ferguson

aking difficult decisions about public funds and public services is not an easy assignment, and doing it in the fishbowl of a public meeting makes it all that much tougher for many public library trustees. The Indiana Open Door Law covers many of the situations that board members often worry about, from which meetings must be open to the public and which may be closed to how to handle committees and public comment.

INDIANA'S OPEN DOOR LAW

I suspect the typical Indiana public library trustee is unprepared for one important aspect of the job; an understanding of the Indiana Open Door Law.[1] The law requires that when the "governing body" of a public entity performs an "official action" it shall comply with the Open Door Law. Requirements of the law include that public notice of the meetings be given 48 hours prior to the meeting, and that the meetings be held in a place accessible to the public. Library directors and attorneys should be respectful of the law and help trustees to be diligent in compliance, but some knowledge of this statute will help trustees to insist on the sometimes convoluted process of a democratic and public government.

When appointed to the public library board of trustees, I expected some orientation to service on the governing board of a public body in Indiana, the importance of that service, and the rules for serving on a public body that differ from private organizations. I received none. I admit I spent much of my time wondering how (and if) the other trustees and the staff knew about the Open Door Law.

I was already familiar with the Open Door Law because I serve as the attorney for a local school board. I found my best and briefest training on the rules of the statute came from a training session by the Indiana School Boards Association which, regrettably, was done in a private "executive" session. The Open Door Law has a specific exception for the training and orientation of school boards in executive session.

COMMITTEES

I was intrigued by the concept of committees to study issues and report back to the full board. Board members are tempted to use the committee system, given their desire to keep meetings of manageable length in the face of issues requiring investigation and discussion. Moreover, committee assignments allow each board member the opportunity to weigh in more heavily than our usual single vote on an issue, given that the board often adopts the committee's recommendation without much discussion.

The Open Door Law defines a "governing body" to include committees appointed by the board or its presiding officer to which authority to take official action has been delegated. This doesn't sound like a tough restriction, and a board often justifies committees by arguing that the board itself has the "final" decision or that the committee does not violate the Open Door Law because "the committee has less than a quorum." However, when we realize that a committee takes "official action" by (among other things) the seemingly innocuous acts of receiving information, deliberating and making recommendations, we see that all committees are subject to the restrictions of the Open Door Law.

We appoint committees because we expect them to spend time investigating possible solutions, receiving information from third parties, discussing alternatives, dismissing alternatives as unworkable, and finally returning to the board with a recommendation. After all that work, it can seem that board discussion of the delegated issue is considered meddling. Why ask a committee to look into the issue, if the board is just going to quibble with its recommendations? The recommendation of a committee is the practical equivalent to a decision by the board, and thus the Open Door Law tells us its committee meetings must also be open.

The Open Door Law states that anytime a committee "receives information," it is "taking action" and the meeting at which that occurs is to be public, with the requisite public notice and accessibility. Without public notice of the times and places of meetings, the committee system violates the intent and the spirit of the Open Door Law and the concept of openness in government. While this adds to the burden of governing the library, the benefits of an open government are well worth the expense of time and effort.

PUBLIC COMMENT AT PUBLIC MEETINGS

One issue that arises at public committee meetings, given the lessened formality of those meetings, is that the public in attendance may want to have input on the matters

being discussed. While the Open Door Law grants the public the right to attend and observe all public proceedings, there is no right to address the board or a committee or to join in the board's or committee's discussions. It is helpful to designate in the public notice that no comment will be allowed, or that a certain limited right of comment will be allowed at a designated time.

BACKGROUND ON THE OPEN DOOR LAW

An excellent resource on the Open Door Law is the pamphlet recently published by the Indiana Attorney General and the Hoosier State Press Association.[2]

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REFERENCES

1. The Indiana Open Door Law is found in IC 5-14-1.5-1 et seq.

2. Indiana Attorney General Jeff Modisett and Hoosier State Press Association. "The Open Door Law and the Access to Public Records Act."

THE FIRST AMENDMENT, CHILDREN, THE INTERNET, AND AMERICA'S PUBLIC LIBRARIES

by Fred Cate

In 1996, the American Library Association reported 664 formal challenges to material in schools, school libraries, and public libraries. Although that figure reflects a decline for the second year in a row, it is significant and cause for concern, in part because it reflects a net 25 percent increase in challenges during the past five years. Moreover, each of those challenges involved a formal request or demand that something be removed from a curriculum or library, thereby seeking to restrict access by *other* students or patrons. Judith Krug, Director of the American Library Association's Office for Intellectual Freedom, estimates that for each challenge reported, four or five may go unreported.[1] And, for every formal challenge, there are likely to be many informal complaints.

Most importantly, however, the target of these challenges remained on works that describe lifestyles and experiences that differ from the Ward and June Cleaver mythical stereotype. Targeted books included those by Judy Blume, such as *Forever* and *Blubber, I Know Why the Caged Bird Sings* by Maya Angelou, and a variety of works by Toni Morrison, Roald Dahl, J.D. Salinger, and John Steinbeck, not to mention *Huckleberry Finn*. Even *The Complete Fairy Tales of Brothers Grimm, The Little Mermaid,* and the *American Heritage Dictionary* were all challenged in recent years.

The desire to control the availability of expression, not only for ourselves and our families, but for others, is nothing new. New methods of disseminating information have always brought with them new efforts to control the content of the information disseminated. The invention of a commercially viable printing press in the late 15th century brought with it the professional censor. It took Pope Alexander VI only until 1501 before he issued a bill forbidding printing without a license, and in 1559 the first *Index Expurgatorious*—list of forbidden books—was issued. By the time the mob overran the Bastille in 1789, over 800 authors, printers, and book dealers had been imprisoned there.

In the United States, the First Amendment has proved an extraordinary shield against censorship. Despite the breadth of protection it affords, however, the First Amendment is not absolute. For example, the Supreme Court has found that the protection afforded by the First Amendment depends upon the medium of communication involved. As a result, restrictions that the Court has found to be impermissible when applied to books or public protests, have been permitted when applied to sound trucks, telephones, or broadcast television. The Court has assumed that "differences in the characteristics of new media justify differences in the First Amendment standards applied to them."[2]

Libraries and librarians are discovering that just as the invention of the printing press inspired censorship of books, the rapid proliferation of new technologies today is sparking new and vocal efforts to control access to information. Consider the videotape. Videos now account for between 20 and 30 percent of library circulation nationwide, according to the American Library Association. State legislatures, city councils, and community groups around the country have focused their attention recently on public libraries' video lending policies.

The fight over policies concerning videos will pale by comparison to the fight emerging over libraries providing Internet access for children. First deployed in 1969, the Internet today connects more than 60 million computers in the United States and millions more in 189 other countries. The most recent phenomenal growth has been largely due to the World Wide Web, the easy-to-use graphic interface that connects users to each other and to a dazzling array of on-line services and products with staggering speed and frequency. The Web is the fastest-growing medium in human history. Last year, only five years after its creation, the Web reached more than one-quarter of the U.S. population. By comparison, it took 38 years for radio to reach that many Americans, 13 for television, and 10 for cable.

The American Library Association reports that in 1997, 72 percent of public libraries were connected to the Internet, up from only 44 percent one year earlier. Ninety-eight percent of libraries serving populations of 100,000 or more—the libraries that serve the majority of the U.S. population—offer Internet access for their staffs; 65 percent offer such access to the patrons with a staff intermediary; and 75 percent offer Internet access directly to patrons.[3]

Those figures are certain to rise, especially with Washington's help. In the Telecommunications Act of 1996, Congress specified that "[e]lementary and secondary schools and classrooms . . . and libraries should have access to advanced telecommunication services," and directed the Federal Communications Commission to tax telecommunications service providers to subsidize the cost of that access.[4] In May 1997 the Commission adopted a plan requir-

ing telecommunications service providers to provide 20 to 90 percent discounts to schools and libraries for accessing information technology services, thereby subsidizing that access by $2.25 *billion* every year.[5]

In their bid for a second term, President Clinton and Vice President Gore pledged to wire every American classroom and library by the year 2000. In the first State of the Union address of his second term, the President reiterated his plan "to connect every classroom and library to the Internet by the year 2000."[6] Just days after the inauguration, the president sent to Congress a 1998 budget proposing $500 million annually for "technology literacy" grants for four years—a $2 *billion* grant program.

The expansion of library Internet access is an extraordinary opportunity for America's public libraries. But it also presents significant challenges, many of which center on libraries' legal and political responsibility for the material their patrons access via the Internet. That responsibility, and the role played by the First Amendment in shaping it, is of vital significance to librarians and library trustees today and for the 21st century.

THE INTERNET

The Internet began in 1969 as an experimental project of the U.S. Defense Department's Advanced Research Project Agency. Originally called ARPANET, the network linked computers and computer networks owned by the military, defense contractors, and universities conducting defense-related research. The Internet evolved from ARPANET as more universities and, later, organizations with no ties to defense research were connected.

The Internet today is constituted of literally millions of computers and computer networks. Content, therefore, comes not from identified content providers, as is the case with television and newspapers, but from all of the computers that also are receivers and processors of information. As a result, the Internet is truly interactive: every person who is connected is both a supplier and receiver of information. And, unlike telephones, which are also interactive, most Internet data can be accessed by anyone who is online, even multiple users at the same time. Creation and control of Internet content, therefore, are in the hands of millions of disparate businesses, educational institutions, government agencies, and individuals.

Internet services may be divided generally into three broad categories. Electronic mail (e-mail) allows one user to communicate with another or with a service provider. E-mail also permits users to subscribe to "lists," where they automatically receive all e-mail messages posted by other subscribers. Like its postal counterpart—"snail mail" as Internet aficionados refer to it—e-mail also is used to deliver a growing volume of unsolicited junk mail offering everything from Girl Scout cookies to legal services. Internet users generate approximately 100 million e-mail messages every day and more than half of all U.S. employ-

ers use e-mail to communicate with their employees. In fact, computers deliver more mail each day than the U.S. Postal Service. Other point-to-point Internet services are evolving rapidly, including digital audio telephone conversations, which utilize Internet technologies to carry traditional telephone traffic.

The second general category of Internet services is electronic bulletin boards— "newsgroups" in Internet parlance—where users can post messages for all other bulletin board subscribers to read, and can read and respond to the messages, images, and video and sound clips posted by all other users. Newsgroups are organized into "hierarchies," each of which begins with a short abbreviation providing some general idea of the nature of the groups included with each hierarchy. For example, "rec.sport.skating.ice.figure" is a newsgroup in the "recreation" hierarchy and includes messages dealing with figure skating. Similarly, "rec.sport.skating.inline" is in the same hierarchy, but deals with inline skating. The major newsgroup hierarchies include:

alt	"alternative" and often controversial topics
bionet	biological research
bit	popular e-mail lists from BitNet
clari	a series of newsgroups from commercial news servers
comp	computers and related subjects
k12	newsgroups devoted to K-12 educational curriculum, language exchanges with native speakers, and classroom-to-classroom projects designed by teachers
law	legal issues
misc	material that does not fit elsewhere
rec	"recreation" information, including hobbies, games, sports, and arts
sci	"sciences" other than biology
soc	"social" groups and topics
talk	politics and related topics

Newsgroups are carried in many locations throughout the Internet, typically on the larger "servers" operated by universities and commercial service providers. Not all servers carry all newsgroups. This is particularly true for controversial subjects within the "alt" hierarchy. An Internet user can connect most easily to those newsgroups carried on the server which she uses to access the Internet. For example, a person who accesses the Internet through America Online will have easiest access to the newsgroups that America Online carries on its server. But it is also possible to connect to newsgroups carried on other servers. There are more than 30,000 newsgroups to which

users post approximately 100 million messages every day. New types of these services are developing rapidly, such as "chat rooms," where diverse Internet users communicate with each other in real time, much like textual equivalents of conference calls.

The third group of Internet offerings includes a wide range of online services and products, such as electronic merchandise catalogs, online airline reservations systems, and electronic access to laws and library catalogs and thousands of other searchable databases. While these Internet services are provided by a wide variety of institutions and individuals, this is the area of fastest commercial online growth. These services are provided today primarily through the World Wide Web.

The World Wide Web is a graphic interface that makes all of these services easier to use. The Web allows a user to click with her mouse on a highlighted term and have a computer then automatically take her to the site or text or service linked to that term. Cumbersome text-based commands are replaced with a single "click," and processes previously requiring a series of instructions that had to be learned and memorized are now fully automated. Moreover, powerful new Internet browsers, such as Netscape Communicator and Microsoft Internet Explorer, recognize and correctly act upon the variety of data and services available through the Internet: text is displayed as text; images are configured and displayed as images; recorded sounds are played as music or speech; e-mail is sent as e-mail; and files requested for downloading and storage are directed to the user's hard drive. Finally, the growth of the Internet and easy-to-use interfaces has led to the proliferation of effective search engines that allow users to identify and access information or sites on a given subject or associated with a specified institution or individual.

THE FIRST AMENDMENT

The First Amendment to the U.S. Constitution extends extraordinary protection to expression. The Supreme Court has interpreted "Congress shall make no law . . . abridging the freedom of speech, or of the press. . . ."[7] to prevent the government from restricting expression prior to its utterance or publication or merely because the government disagrees with the sentiment expressed. It also forbids the government from making impermissible distinctions based on content, compelling speech, or granting access to the expressive capacity of another without demonstrating that the government's action is narrowly tailored to serve a compelling governmental interest. These First Amendment principles restrict not merely Congress, but all federal and state governmental agencies. This is especially important since most legal restraints on sexually explicit expression occur at the state level. These First Amendment principles may also apply to expression that the Court has determined does not independently warrant protection (such as false or defamatory expression), conduct that involves no speech (such as burning a flag or picket-

ing), and activities ancillary to expression (such as funding and distributing expression).

This last point is particularly important for libraries, which distribute expression that they do not originate or control. Under the Supreme Court's interpretation of the First Amendment, a distributor of publications is not liable for their content unless it either knows or had reason to know that the content was harmful. "[T]he constitutional guarantees of the freedom of speech and of the press stand in the way of imposing" strict liability on distributors for the contents of the reading materials they carry.[8] In *Smith v. California*, the Court struck down an ordinance that imposed liability on booksellers for possessing obscene books without requiring that the bookseller know of the books' content. The Court reasoned that "[e]very bookseller would be placed under an obligation to make himself aware of the contents of every book in his shop. It would be altogether unreasonable to demand so near an approach to omniscience."[9] Moreover, the Court stressed, imposing liability on booksellers without a knowledge requirement would necessarily restrict the amount and variety of material available to the public:

> For if the bookseller is criminally liable without knowledge of the contents, . . . he will tend to restrict the books he sells to those he has inspected; and thus the State will have imposed a restriction upon the distribution of constitutionally protected as well as obscene literature. . . . And the bookseller's burden would become the public's burden, for by restricting him[,] the public's access to reading matter would be restricted. . . . [H]is timidity in the face of his absolute criminal liability, thus would tend to restrict the public's access to forms of the printed word which the State could not constitutionally suppress directly. The bookseller's self-censorship, compelled by the State, would be a censorship affecting the whole public, hardly less virulent for being privately administered. Through it, the distribution of all books, both obscene and not obscene, would be impeded.[10]

REGULATING SEXUALLY EXPLICIT MATERIAL

▣ *Sexually Explicit Material on the Internet*

Despite the extraordinary breadth of the First Amendment, it does not protect all expression equally. Sexually explicit material—depending upon its content, technological context, and audience—is particularly subject to regulation. Moreover, despite the extraordinary variety of information available on the Internet, lawmakers, regulators, academics, and journalists have tended to focus on the sexually explicit expression found there. Even though sexually explicit material is estimated to make up only one-third of 1 percent of Internet traffic—a substantially lower percentage of sexually explicit expression than is found in many newsstands, video stores, or premium cable television channels—such expression is a lightning rod for debate.

This reflects both the extreme, often violent, nature of some of that expression, and the fact that the technologies required to access this material are often more familiar to children than to adults. As a result of both the lower First Amendment protection applicable to some forms of sexually explicit expression, and the political sensitivity surrounding such expression, this is where virtually all efforts to regulate Internet expression are focused; this is where the limits of free expression are being tested today.

Sexual content is available on the Internet primarily from two types of services: newsgroups and web sites. More than 100 newsgroups provide access to a wide range of sexually explicit stories, images, and messages. Most of these newsgroups are part of the "alt" hierarchy; "alt.sex" and "alt.sex.stories" are the largest sexually explicit newsgroups and two of the five largest of all newsgroups. The other Internet-based source of sexually explicit material includes a wide variety of World Wide Web sites. The majority of sexually explicit sites, however, are either commercial—the online equivalent of "adult" theaters and bookstores—or provided as a public service concerned with safe sex, medical research, literature, or political consciousness-raising.

■ *Obscenity*

The Supreme Court has found that the amendment's protection does not extend at all to the distribution or public exhibition of sexually explicit expression that is "obscene." In 1957 in *Roth v. United States,* the Court held that "obscenity is not within the area of constitutionally protected speech or press,"[11] but the Court declined to provide a specific definition for "obscenity." *Roth* set off more than a decade of judicial confusion and indecision about the definition of obscenity, leading the late Justice Stewart to write in 1964 that an intelligent definition might be impossible, but "I know it when I see it."[12] On 31 occasions, the Court reviewed purportedly obscene material and rendered a judgment as to its permissibility. Justice Brennan complained that the examination of this material was "hardly a source of edification to the members of this Court. . . [and] has cast us in the role of an unreviewable board of censorship for the 50 states."[13]

In 1973 the Court finally adopted a specific, albeit still subjective, definition of obscenity. In *Miller v. California,* a 5-4 majority held that works are obscene, and therefore outside the protection of the First Amendment, only if (1) "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest; (2) the work depicts or describes, in a patently offensive way, sexual or excretory conduct specifically defined by the applicable state law; and (3) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.[14] The "prurient interest" requirement, the Court later ruled, is satisfied only by expression that does more than "provoke only normal, healthy sexual desires."[15] In *Miller* and subsequent cases, the Court stressed that the first two prongs of the test could be judged under subjective local or state community standards.[16] Redeeming literary, artistic, political, or scientific value, on the other hand, is not a subject for local standards and must therefore be judged under a national "reasonable person" standard.[17]

Contemporaneously with the *Roth-Miller* line of cases, which dealt with distributing and displaying publicly obscene material, the Court also decided *Stanley v. Georgia,*[18] which involved the possession of obscenity. In *Stanley* the Court held, without dissent, that the Constitution protected the possession of sexually explicit material, even if it was legally obscene. While the "[s]tates retain broad power to regulate obscenity," Justice Marshall wrote for the Court, "that power simply does not extend to mere possession by the individual in the privacy of his own home."[19] The Court concluded: "If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds."[20]

While the *Miller* test failed to end the controversy over the definition of obscenity, it has emphasized the narrowness of the so-called "obscenity" exception to the First Amendment. When both the audience and the participants, if any, are consenting adults, the First Amendment protects all expression other than that meeting the *Miller* definition of obscenity. And the determination of whether specific expression fits within that definition requires that the state specifically define the conduct or expression to be prohibited; that the expression offend the standards of the local or, at most, state community; and that the literary, artistic, political, or scientific value be judged according to a national, reasonable person standard. Expression not meeting the *Miller* definition, judged according to these procedural and substantive safeguards, is not obscene and is protected by the First Amendment. Words and phrases such as "pornography" or "lewd, lascivious, and filthy" or "XXX," which may be used to describe sexually explicit expression, have no legal significance. Expression which meets the *Miller* definition for obscenity may be prohibited only insofar as the regulation applies to distribution or public display. Under *Stanley,* the mere possession of obscenity is fully protected by the First Amendment.

■ *Material that is Harmful to Minors*

When the audience or participants are not limited to consenting adults, courts have interpreted the First Amendment to permit greater regulation, or even prohibition, of sexually explicit expression. This is particularly true when children are involved. For example, the Supreme Court has found that states may not only criminalize the depiction of children in sexually explicit films and photographs, they may prohibit the distribution, and even the mere possession, of those films and photographs in an ef-

fort to eliminate the market for child pornography.[21]

The government may also constitutionally require suppliers of sexually explicit expression to restrict children's access to that expression. Sometimes referred to as "variable obscenity," this concept permits states to require sellers of non-obscene, "adult" books, magazines, and videos to stock those items in a section of the store inaccessible to children, or to display them with opaque wrappers, or to require proof of age from people entering "adult" book and video stores.[22] Indiana, for example, typical of many states, designates some material or performances as "harmful to minors" if:

(1) It describes or represents, in any form, nudity, sexual conduct, sexual excitement, or sado-masochistic abuse;

(2) Considered as a whole, it appeals to the prurient interest in sex of minors;

(3) It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable matter for or performance before minors; and

(4) Considered as a whole, it lacks serious literary, artistic, political, or scientific value for minors.[23]

State law broadly prohibits making such material or performances available to minors.[24]

Laws such as this recognize that material that is not obscene for adults, may nonetheless be harmful for children. The constitutional limit on those restrictions, according to the Supreme Court, is that they must not limit what adults may read to "only what is fit for children."[25] "Regardless of the strength of the government's interest" in protecting children, the Court has written, "the level of discourse reaching the mailbox simply cannot be limited to that which would be suitable for a sandbox."[26] The Court's most recent cases indicate that no incursion into the First Amendment rights of adults is permissible in order to protect children if it is not necessary and effective as a means of controlling minors' access.[27]

■ *Indecency*

With most media it is possible to restrict access by children to sexually explicit expression without also foreclosing access by adults. The broadcasting medium, however, presents two special problems. First, as the Supreme Court noted in 1978, "broadcasting is uniquely accessible to children, even those too young to read."[28] Second, broadcasting has traditionally involved children and adults in the same audience, and broadcasters—unlike booksellers—are virtually powerless to distinguish between them.

As a result of these technological differences, the FCC, Congress, and the courts have created a definition for a new category of sexually explicit expression— "indecency." According to that definition, broadcast programs are indecent if they contain "language or material that depicts or describes in terms patently offensive as measured by contemporary standards for the broadcast medium, sexual or excretory activities or organs."[29] Because there is no effective way to determine the age of members of the audience watching broadcast television programs—the situation is technologically different for cable television—and because the images and sounds included in television broadcasts are accessible even to children too young to read, Congress and the FCC have "channeled" the airing of indecent material to nighttime when, they have assumed, fewer viewers are unsupervised children.

Outside of the context of over-the-air broadcasting, which the Court has found warrants less First Amendment protection because of other technological features,[30] the Supreme Court evaluates the constitutionality of regulations on indecency under "strict scrutiny"— the Court's highest standard of constitutional review. Under strict scrutiny, "the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end."[31] In *Sable Communications of California, Inc. v. Federal Communications Commission*,[32] the Court struck down the portions of a federal law prohibiting the transmission of indecent expression for commercial purposes—so-called "dial-a-porn."[33] "Sexual expression which is indecent but not obscene is protected by the First Amendment. . . ."[34] The Court found that for the government to regulate indecent expression it must do so not only in furtherance of a "compelling" state interest, but also "'by narrowly drawn regulations designed to serve those interests without unnecessarily interfering with First Amendment freedoms.'"[35] This is the highest form of scrutiny applied by the Court to any regulation of expression. The fact that the expression was sexually explicit and, in the case before the Court, commercial, was irrelevant.

LIBRARIES, LIABILITY, AND CHILDREN'S INTERNET ACCESS

"Obscene" material presents few issues for libraries, because librarians themselves are unlikely to be downloading material meeting the stringent test for obscenity any more than they are likely to bring obscene movies into their libraries. The failure of librarians to prevent patrons— adults or children—from accessing such material would almost certainly not violate obscenity laws, especially if those professionals were unaware of the content that patrons were accessing. Finally, law enforcement officials have traditionally prosecuted the people and organizations who create and distribute obscene material, rather than the users who access it. This seems likely to remain the case with Internet-based obscenity.

"Material that is harmful to minors" and "indecency" present more relevant issues. Given the broad language of variable obscenity statutes in many states, it is possible that resources which a librarian would find educa-

tionally valuable might also fit within the state law's definition of material that is harmful to minors. The legal risk to libraries, however, is quite low, for two reasons.

First, most state variable obscenity laws define material that is harmful to minors to include only that which "considered as a whole" "appeals to the prurient interest in sex of minors" and "lacks serious literary, artistic, political, or scientific value for minors."[36] Moreover, these laws usually require that the harmful material be provided "knowingly or intentionally."[37] The failure to control students' access to sexually explicit expression is unlikely to satisfy that requirement. And most state variable obscenity laws provide a specific exemption for librarians and teachers, particularly at public institutions, who act with a legitimate educational purpose. Indiana, for example, provides two relevant defenses:

(1) That the matter was disseminated or that the performance was performed for legitimate scientific or educational purposes; [or]

(2) That the matter was disseminated or displayed to or that the performance was performed before the recipient by a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or by an employee of such a school, museum, or public library acting within the scope of his employment. . . .[38]

As a result, librarians enjoy virtual immunity from laws protecting minors from harmful expression.

Second, the one federal effort to regulate children's access to indecent expression on the Internet—the Communications Decency Act[39]—was struck down in 1997 by the Supreme Court.[40] The Act would have criminalized the knowing use of an "interactive computer system" to transmit or display to a minor "any comment, request, suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs . . . ."[41] The Act would have applied not only to the originator of the offending communication, but also to anyone who knowingly permits a telecommunications facility under his or her control to be used for such an activity, irrespective of whether "the user of such service placed the call or initiated the communication."[42]

In a 7-2 decision, the Court struck down the Communications Decency Act as overbroad and vague. The Court's analysis is significant because it indicates the breadth of protection the Court interprets the First Amendment to provide to even Internet expression. The Court first distinguished the Internet from broadcast television and radio, which are subject to lower First Amendment scrutiny. The Court then considered whether any other characteristics of the Internet warranted lower First Amendment scrutiny. Having concluded that there was "no

basis for qualifying the level of First Amendment scrutiny" that should be applied to the Internet, the Court then proceeded to apply its traditional First Amendment jurisprudence to find that the Act did not meet the high level of First Amendment scrutiny required of a direct, content-based regulation of constitutionally protected expression. In particular, the Court found that it was either impossible or potentially very costly for Internet content providers to ascertain and comply with the requirements of the CDA. Rather than impose a constitutionally minimal interference with adult access in order to protect children, the Court found that the Act was "vague," "ineffective," and certain to impose "significant burdens," particularly on noncommercial service providers. "The breadth of this content-based restriction of speech imposes an especially heavy burden on the Government to explain why a less restrictive provision would not be as effective as the CDA. It has not done so." Justice Stevens concluded for the Court:

> We agree with the District Court's conclusion that the CDA places an unacceptably heavy burden on protected speech, and that the defenses do not constitute the sort of "narrow tailoring" that will save an otherwise patently invalid unconstitutional provision. In Sable, we remarked that the speech restriction at issue there amounted to "'burning the house to roast the pig.'" The CDA, casting a far darker shadow over free speech, threatens to torch a large segment of the Internet community.[43]

The First Amendment, therefore, offers sweeping protection for libraries and librarians whose patrons, irrespective of their age, use the Internet to access sexually explicit expression. Given the high level of protection afforded non-sexually explicit expression, this conclusion correctly suggests that libraries enjoy near absolute protection against liability resulting from the content of the expression to which they provide access.

CONTROLLING CHILDREN'S ACCESS

Legal liability is not the only—or even the primary—concern of most librarians and library trustees. Instead, they risk public criticism and financial reprisals for providing minors with access to "objectionable" material. It would therefore seem worthwhile to go beyond the question of *liability* for online sexually explicit expression, to consider briefly some of the practical issues concerning the risk that children will encounter harmful content on the Internet.

■ *Filters and Other Technologies*

The Internet facilitates the use of technologies to regulate access to specified content. There are many products—including Cyber Snoop, CyberPatrol, CYBERsitter, Internet Filter, NetNanny, Net-Rated, Net Snitch, SafeSearch, SmartFilter, SurfWatch, WebTrack, and X-Stop, among others—for controlling access by minors.

These software filters are evolving quite rapidly, but they generally offer three types of services: site blocking, content blocking, and session recording. Site blocking is the most basic and widespread feature of software filters. Once installed, the software refers to an online list of sites and blocks access to those sites, unless a password is entered. The lists are developed by panels of reviewers, which often include parents and teachers, and include Web sites and newsgroups which are known to feature sexually explicit information. More recent versions of these site blocking packages permit a very high degree of customization, based on user, time of day, and type of information to be blocked. CyberPatrol, one of the most popular filtering packages, for example, enables parents to selectively block access to any or all of 12 categories of Internet content that go far beyond sexually explicit expression:

- Violence/Profanity
- Partial Nudity
- Nudity
- Sexual Acts (graphic or text)
- Gross Depictions (graphic or text)
- Racism/Ethnic Impropriety
- Satanic/Cult
- Drugs/Drug Culture
- Militant/Extremist
- Gambling
- Questionable/Illegal
- Alcohol, Beer & Wine

The list of sites blocked by each category are updated regularly. SurfWatch, for example, offers a new list to subscribers every day; the user's computer is updated automatically when she activates her Internet browser. That list reportedly included more than 40,000 sites as of August 1997. These site blocking programs work with direct Internet service providers and with commercial online services, such as CompuServe and America Online. In fact, all of the major online services now offer access to some form of site blocking software to their members. The software can also be purchased for approximately $19.95, with subscriptions to list updates costing approximately $60 per year.

The second and emerging type of filter software blocks specific content, rather than sites. These programs are very useful for controlling access to e-mail messages, which are not screened by site blocking software. Content blocking packages can also be used to restrict the information transmitted from the user's computer, thereby allowing a parent to prevent a child from conducting Internet searches for sexually explicit words or phrases or from giving away her name or address. ChatGuard, a companion program to CyberPatrol, for example, allows parents to enter words or character strings on a ChatGuard list. Then, when the child types these words or character strings, the listed words, characters or phrases are replaced by the equivalent number of "xxxxx."

The third type of software designed to control minor's access to specific expression imposes no technological barrier to such information, but rather saves a list of Internet sites visited, and the time of day and duration of each visit. The list is stored in an encrypted, password-protected file on the user's computer, so that a parent or librarian can later "audit" the material minor users have accessed on the Internet. Cyber Snoop and Net Snitch are two widely available examples of this type of program.

In addition to site blocking, content blocking, and session recording software, most commercial online service providers offer additional specialized parental control options to their members. These providers give their subscribers the option of blocking access to the Internet, and allow parents to tailor the services to which their children have access. America Online offers an online area designed specifically for children. The "Kids Only" parental control feature allows parents to establish an America Online account for their children that accesses only the Kids Only channel on America Online.

Despite the existence of software filters and online controls, technologies are not a panacea for controlling children's access to sexually explicit expression. They all require affirmative steps to acquire and activate. Most are available at a cost and require some form of on-going subscription. The site blocking programs all rely on ratings conducted by third parties, who may have dramatically different tastes and values than adult users. While software can effectively screen for suggestive words or for known sexually explicit sites, it cannot now screen for sexually explicit images if they are not accompanied by suggestive text and do not originate from a listed site. Moreover, the sheer volume of data on the Internet means that there will always be some delay before a site is rated or before a site's rating is updated to keep up with rapidly changing material. And it is impossible to verify the speed and quality of rating services, because the lists are necessarily kept secret to prevent them from being used as a guide to "banned" material on the Internet.

Perhaps most importantly, all of these programs have the effect of screening out information that may be appropriate and desirable for children, especially older children, to access. This is inevitably the case because of the difficulty of accounting for the context in which suspect words are used. For example, SurfWatch originally screened for the word "couples," thereby excluding many inoffensive sites, include the White House Web server. SurfWatch also reportedly blocks access to articles and news stories about AIDS, HIV, and homosexuality. NetNanny blocks access to the U.S. Central Intelligence Agency and the National

Organization of Women. CyberPatrol, depending upon the categories chosen by users, will block sites which frequently use the words "gay," "bisexual," "homosexual," "lesbian," "male," "men," "boy," "activities," or "rights." This not only has the effect of denying children access to important segments of the Internet; it also skews the political and intellectual variety of material to which they have access.

Despite these limitations, filtering software has been widely employed not only by online service providers, but also by companies wishing to control their employees' access to non-work-related sites (businesses now account for 30 percent of SurfWatch sales), and by libraries. This last use is particularly controversial, because the American Library Association last year adopted a resolution opposing the use of "filtering software by libraries to block access to constitutionally protected speech" as a violation of the Library Bill of Rights.[44] This resolution is consistent with the ALA's longstanding opposition to any restrictions on the materials than any patron may use. This is clear not only from Article V of the ALA's Bill of Rights— "A person's right to use a library should not be denied or abridged because of origin, age, background, or views"[45]— but also in the ALA's resolutions on Free Access to Libraries for Minors, Access for Children and Young People to Videotapes and Other Nonprint Formats, and Access to Electronic Information, Services, and Networks. All of these documents provide that "the rights of users who are minors shall in no way be abridged"[46] and that "policies which set minimum age limits for access to videotapes and/ or audiovisual materials and equipment, with or without parental permission, abridge library use for minors."[47]

This absolutist position is controversial and, in light of state law concerning material that is harmful to minors and community values, arguably difficult to justify. But it does highlight the vexing issue posed by technological efforts to control access to online content, because those efforts by definition interfere with a minor's quest for knowledge, and inevitably block access to valuable material.

■ Provider Behavior

Most Internet service providers take steps on their own to "channel" indecent material away from children to facilitate parental control—motivated by common sense and professional judgment, rather than legal compulsion. For example, virtually all "adult" Internet sites contain bold warning screens through which users pass before accessing sexually explicit material. Some sites require confirmation that the user is age 18 or 21 or older, and that she understands that sexually explicit expression is available on the site. Most newsgroup titles (e.g., "alt.sex.stories") clearly indicate the subject matter of the messages posted there. And most e-mail and newsgroup messages contain "headers"—the electronic equivalent to the "Re:" line in paper memos—that tell the reader what to expect. Those headers

are displayed before any sexually explicit expression is accessed.

Some providers limit access to sexually explicit expression only to users with a password, which is supplied only upon proof, not just affirmation, of age. An increasing number of "adult" sites subscribe to age-verification services, such as "Adult Check," "Adult Pass," and "Validate." For a modest one-time or annual fee, these services verify a user's age and then issue her with a password which can be used when accessing sexually explicit sites to "prove" that the user is not a minor. This is reminiscent of the techniques used by providers of so-called "dial-a-porn" services. In that context, the Supreme Court has held the use of technologically unsophisticated mechanisms, such as requiring use of a credit card, to be legally sufficient to distinguish between adult and minor customers.[48] As the Internet becomes more commercial, and the primary source of sexually explicit information shifts from non-commercial to commercial providers, the number of Internet sites requiring passwords, subscriptions, and/or payment to access cybersex is growing.

These traits of the Internet medium and the behavior of most information providers led the Supreme Court to conclude that "Though such material is widely available, users seldom encounter such content accidentally."[49]

■ Benefits of Access

Finally, controls on minors' access to the Internet, while undoubtedly appropriate in certain contexts, ignore minors' legitimate interest not only in non-sexually explicit expression that is inadvertently, but inevitably, also affected, but also in material that is sexually explicit itself. For example, restricting minors' access to the "alt.sex" newsgroups would necessarily block access to "alt.sex.safe" and "alt.sex.abstinence." The information in these newsgroups, while sexually explicit, might nonetheless be of value to junior and senior high school students. As one U.S. District Court has noted: "one quarter of all new HIV infections in the United States is estimated to occur in young people between the ages of 13 and 20 . . . [G]raphic material . . . post[ed] on the Internet could help save lives . . ."[50] Denying teenagers meaningful access to information about sexual activities and safe sex practices will not make those statistics go away. The absence of information will only exacerbate the problem.

Minors may have a legitimate interest in sexually explicit expression, even if based solely on curiosity and the role that such information plays in their own development and maturing—what the Supreme Court has characterized as the student's right "to inquire, to study and to evaluate, to gain new maturity and understanding."[51] In 1982, in Board of Education v. Pico,[52] the Court considered the power of a public school board to remove specified material from a school library—the situation perhaps most closely analogous to restricting access to material on the

Internet. The case involved a challenge by students to a school board order removing certain books from junior and senior high school libraries. The board had characterized the targeted books, which included works by Kurt Vonnegut Jr., Richard Wright, Alice Childress, and Eldridge Cleaver, among other authors, as "anti-American, anti-Christian, anti-[Semitic], and just plain filthy."[53] The students alleged that the board's action violated their First Amendment rights. While noting the existence of limits on students' First Amendment rights, the Court nevertheless distinguished restrictions on expression in the classroom, where attendance and curriculum are compulsory, and as part of school-sponsored activities, which might be perceived as being endorsed by the school, from independent exploration by students in the school library. Justice Brennan's language in the plurality opinion seems well suited to the Internet as well:

> *A school library, no less than any other public library, is "a place dedicated to quiet, to knowledge, and to beauty." Keyishian v. Board of Regents observed that "'students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding.'" The school library is the principal locus of such freedom.*[54]

Libraries are certainly not required to provide minors' with access to sexually explicit or other expression. However, the Supreme Court's recognition of students' First Amendment rights is significant because of the logic that undergirds that recognition. Lawmakers and librarians should resist limiting the material which minor patrons are permitted but not required to access because the information accessed may be valuable in itself, because such access is necessary to individual thought and expression, because disparate information is often challenging and thought-provoking, because the process of sorting through such information is excellent training for broader participation in society, and because imposing limits undermines the toleration and respect—for other people, other ideas, and for the Constitution—that we claim to value.

This does not necessarily lead to the conclusion that there should be no limits on the information available to children, even in libraries. Certainly, depending upon age, level of development, setting, and nature of material, some expression may indeed be inappropriate. What the Court's logic argues for however, is hesitation before using technological or other means for restricting children's access to Internet content, and sensitivity if it is ultimately thought necessary to do so.

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REFERENCES

1. American Library Association, *Banned Books Week, Sept. 20-27, Celebrates the Right to Read* (Sep. 1997).

2. Red Lion Broadcasting Company v. Federal Communications Commission, 395 U.S. 367, 386 (1969).

3. American Library Association, *How Many Libraries Are on the Internet?* (Feb. 1998).

4. Telecommunications Act of 1996, Pub. L. No. 104-104, §§ 101(a), 254(b)(6), 254(e), 110 Stat. 56, 72-73 (to be codified at 47 U.S.C. §§ 254(b)(6), 254(e)).

5. First Report and Order (FCC 97-158), CC Docket No. 96-45, 1997 FCC LEXIS 2332 (May 7, 1997) (FCC report and order).

6. *President Clinton's Message to Congress on the State of the Union*, NEW YORK TIMES, Feb. 5, 1997, at A20.

7. U.S. CONST. amend. I.

8. Smith v. California, 361 U.S. 147, 152-53 (1959).

9. *Id.* at 153.

10. *Id.* at 153-154.

11. 354 U.S. 476, 485 (1957).

12. Jacobellis v. Ohio, 378 U.S. 184, 197 (1964) (Stewart, J., concurring).

13. Paris Adult Theater v. Slayton, 413 U.S. 49, 92-93 (1973) (Brennan, J., dissenting).

14. 413 U.S. 15, 24 (1973).

15. Brockett v. Spokane Arcades, Inc., 472 U.S. 491, 498 (1985).

16. 413 U.S. 15, 20; Jenkins v. Georgia, 418 U.S. 153 (1974).

17. Pope v. Illinois, 481 U.S. 497 (1987).

18. 394 U.S. 557 (1969).

19. *Id.* at 568.

20. *Id.* at 565.

21. New York v. Ferber, 458 U.S. 747 (1982).

22. Ginsberg v. New York, 390 U.S. 629 (1968); American Booksellers v. Webb, 919 F.2d 1493 (11th Cir. 1990); Upper Midwest Booksellers Association v. Minneapolis, 780 F.2d 1389 (8th Cir. 1985).

23. Burns Indiana Code Annotated § 35-49-2-2 (1995).

24. A person who knowingly or intentionally:
(1) Disseminates matter to minors that is harmful to minors;
(2) Displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by his parent or guardian;
(3) Sells or displays for sale to any person matter that is harmful to minors within five hundred feet (500') of the nearest property line of a school or church;
(4) Engages in or conducts a performance before minors that is harmful to minors;
(5) Engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by his parent or guardian; . . . commits a Class D felony.

25. Butler v. Michigan, 352 U.S. 380, 383 (1957).

26. Bolger v. Youngs Drug Products Corp., 463 U.S. 60, 74-75 (1983).

27. Denver Area Educational Telecommunications Consortium, Inc. v. Federal Communications Commission, __ U.S. __, 116 S. Ct. 2374 (1996); Sable Communications of California, Inc. v. Federal Communications Commission, 492 U.S. 115 (1989).

28. Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726, 749 (1978).

29. New Indecency Enforcement Standards to be Applied to All Broadcast and Amateur Radio Licensees, FCC No. 87-153, 62 Rad. Reg. 2d (P&F) 1218 (1987) (public notice).

30. The Supreme Court has justified applying a lower standard of First Amendment scrutiny to regulations affecting radio and television broadcasting, based on a variety of rationales, the most prominent of which is the scarcity of the electromagnetic spectrum that broadcasting requires. In *Red Lion Broadcasting Company v. Federal Communications Commission*, the unanimous Court reasoned: "Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish." 395 U.S. 367, 388 (1969).

31. Arkansas Writers' Project, Inc. v. Ragland, 481 U.S. 221, 231 (1987).

32. 492 U.S. 115 (1989).

33. Child Protection and Obscenity Enforcement Act of 1988, Pub. L. No. 100-297, 102 Stat. 424 (amending 47 U.S.C. § 223(b) to prohibit obscene and indecent telephone calls).

34. 492 U.S. at 126.

35. *Id.* at 128 (citations omitted) (quoting Schaumberg v. Citizens for a Better Environment, 444 U.S. 620, 637 (1980)).

36. Burns Indiana Code Annotated § 35-49-2-2 (1996).

37. *Id.* § 35-49-3-3.

38. *Id.* § 35-49-3-4.

39. Telecommunications Act of 1996, Pub. L. No. 104-104, §§ 501 *et seq.*

40. Reno v. American Civil Liberties Union, __ U.S. __, 1997 U.S. LEXIS 4037 (1997).

41. Telecommunications Act of 1996, § 502(e).

42. *Id.* § 502(d).

43. __ U.S. at __, 1997 U.S. LEXIS 4037, *67 (citation omitted).

44. *Resolution on the Use of Filtering Software in Libraries*, adopted by the American Library Association Council, July 2, 1997.

45. *Library Bill of Rights*, adopted by the American Library Association Council, June 18, 1948, amended Feb. 2, 1961 and Jan. 23, 1980.

46. *Free Access to Libraries for Minors*, adopted by the American Library Association Council, June 30, 1972, amended July 1, 1981 and July 3, 1991.

47. *Access for Children and Young People to Videotapes and Other Nonprint Formats*, adopted by the American Library Association Council, June 28, 1989.

48. Carlin Communications, Inc. v. Federal Communications Commission, 837 F.2d 546 (2d Cir.), *cert. denied*, 488 U.S. 928 (1988).

49. __ U.S. at __, 1997 U.S. LEXIS 4037 at *20.

50. American Civil Liberties Union v. Reno, 929 F. Supp. 824, 853 (E.D. Pa. 1996) (Sloviter, C.J., concurring), *aff'd*, __ U.S. __, 1997 U.S. LEXIS 4037 (1997).

51. Keyishian v. Board of Regents, 385 U.S. 589, 603 (1967).

52. 457 U.S. 853 (1982).

53. *Id.* at 857.

54. *Id.* at 868-69 (quoting Brown v. Louisiana, 383 U.S. 131, 142 (1966); *Keyishian*, 385 U.S. at 603) (citations and footnote omitted).

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Return this form with payment to:

Indiana Library Federation, 6408 Carrollton Avenue, Indianapolis, Indiana 46220

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INDIANA LIBRARY FEDERATION
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