Governance Committee  
of the Russell Library Board of Trustees  
Regular Meeting, January 5, 2022, 5:00 PM  
(Online meeting via Webex)  
Minutes

Present: Ramona Burkey (Library Director), Brandie Doyle (Assistant Director), Jennifer Hadley (recorder), Gregory Harris, Thomas Russell IV, Bryan Skowera (chair), Alison Williams

1. Call to Order: Bryan called the meeting to order at 5:05 pm.

2. Review of Community Dialogue Framework

3. Approval of Minutes
   
   MOTION: Jennifer moved and Alison seconded to approve the minutes from the December 8, 2021 Governance Committee Meeting. The motion passed with Alison, Bryan, Jennifer, and Tom voting affirmatively and Greg abstaining.

4. Public Comment - No public present.

5. Unfinished Business
   a. Policy review (Display/Public Posting Policy)

   Brandie submitted the following draft:

   **DISPLAY POLICY**

   Russell Library’s display area provides a central location for residents to access community information. Depending on available space, the Library may offer bulletin boards, tables and/or racks upon which materials may be affixed or disseminated.

   Displays are intended for educational, cultural, or informational purposes. Campaign materials, religious materials, commercial materials, and materials resulting in personal gain are ineligible for display at Russell Library. Materials that discriminate based on race, gender, age, national origin, and/or other classifications protected by federal, state or local government are ineligible for display. Any materials deemed inappropriate or outdated will be removed at the Library’s discretion.

   Russell Library has first priority for all displays, followed by Library-affiliated organizations, City of Middletown and other official government postings, and non-profit organizations. Preference is given to materials that (1) originate from Middletown organizations, (2) are timely and relevant, and (3) are sized to fit the space available.

   All materials for display must be submitted to the Russell Library for approval and display. Placement of displays shall be at the discretion of the Library. Unsolicited items which do not
meet the above criteria will be discarded. Unauthorized items which have been posted will be removed and discarded.

Display of submitted materials does not constitute the Library’s endorsement of the issues, events, beliefs, viewpoints, individuals or groups promoted by those materials.

Display space is limited. Russell Library reserves the right to limit the size and number of materials, the duration of their display, and the frequency with which a group or organization may display their materials. Materials will be displayed for a limited period of time and removed by Library staff in order to make room for newer materials.

Russell Library assumes no responsibility for the preservation or protection of materials displayed, nor liability in the event of their loss, damage, destruction, or theft. Removed materials will be discarded. No materials will be accepted for continuous display.

Greg submitted the following markups:

**DISPLAY POLICY**

Russell Library’s display area provides a central location for residents [patrons? Members of the public?] to access community information. Depending on available space, the Library may offer bulletin boards, tables and/or racks upon which materials may be affixed or disseminated.

Displays are intended for educational, cultural, or informational purposes. Russell Library claims and intends to exercise a right to discriminate among submissions based on their content. Russell Library denies that the display area is, and will not treat it as, a public commons to which any First Amendment or other rights of free expression apply. Russell Library hereby bans from the display area and states its intention to discriminate against any materials that in its sole discretion and without any advance notice or opportunity of any submitter to be heard or notified at any time or to appeal, Russell Library deems to belong to one or more of the following undefined categories:

1. “Campaign materials,”
2. “religious materials,”
3. “commercial materials,”
4. “materials resulting in personal gain,”
5. “materials that discriminate based on one or more of race, gender, age, national origin, other classifications protected by federal, state or local government,”
6. “inappropriate materials,”
7. “outdated materials.” are ineligible for display. Any materials deemed inappropriate or outdated will be removed at the Library’s discretion.

(GMH comment as to “Library’s discretion”: Retaining unbridled “discretion” to allow or ban materials in a category is unwise; where no standards for the exercise of discretion exist, “discretion” smacks of arbitrariness.)

Display space is limited. In general, Russell Library intends to prioritize its use of available space as follows:
Russell Library has first priority for all displays, followed by Library-affiliated organizations, City of Middletown and other official government postings, and non-profit organizations. Preference is given to materials that (1) originate from Middletown organizations, (2) are timely and relevant, and (3) are sized to fit the space available.

All materials meant for display must be submitted to the Russell Library in advance for approval. The Library undertakes no duty to keep, protect, preserve, or return submitted materials, approved or unapproved. Placement (location) of approved materials within the display area will be at the Library’s discretion. Placement of displays shall be at the discretion of the Library. Unsolicited items which do not meet the above criteria will be discarded. Materials posted without approval Unauthorized items which have been posted will be removed and discarded.

Display of submitted materials does not constitute the Library’s endorsement or otherwise of the materials, their content, or their submitters. Issues, events, beliefs, viewpoints, individuals or groups promoted by those materials.

Because display space is limited, Russell Library will in its discretion limit the size and number of materials, the duration of their display, and the frequency with which the Library will display materials from any submitter. Materials will be displayed for a limited period of time and removed by Library staff in order to make room for newer materials.

Russell Library assumes no responsibility for the preservation or protection of materials submitted, displayed, nor liability in the event of their loss, damage, destruction, or theft. Removed materials will be discarded. No materials will be accepted for permanent continuous display.

Brandie explained that her draft was based on wording from policies from other public libraries, such as Hartford, New Haven, Cheshire, etc. The examples are in the Board drive. Greg indicated he was concerned about limiting free speech in a public space with vague definitions as to what is acceptable and also that people were not allowed to appeal. Brandie agreed to add in an appeal procedure, but thought that the criteria listed were sufficient to clarify the policy. Jennifer asked whether church fair posters could be displayed. Brandie said they had been and said the policy was more aimed at religious literature that is sometimes left in the stacks. We discussed the difference between events and proselytizing flyers. Bryan mentioned that some popular events do have a spiritual element, such as yoga.
We decided to think about the policy further, look at the ALA guidelines (https://www.ala.org/advocacy/intfreedom/spaces), contribute our suggestions to the draft, and discuss further at the next meeting.

6. New Business
   a. Responsibilities of Governance Committee
      Jennifer asked what the role of the committee might be on two matters: any recommendations coming out of the staff climate survey and in regards to a possible change in location of the library. Anyone can propose a policy they feel is needed. If the committee forwards it to the Board, the Board would vote on it. The committee could also volunteer to work on action items as needed or the Board may refer topics to us.

      Ramona let us know that the Executive Committee and the Facility Committee are looking at the Certificate of Incorporation. Greg described the difference between a chartered corporation created by an act of the legislature or a regular corporation. Many chartered corporations have switched to become regular corporations, but Russell Library seems to have remained chartered.

7. Discussion of Items to Be Placed on Next Agenda:
   Display policy
   Executive session to discuss pending litigation

8. Announcements - None

9. Open Forum/General Good and Welfare - No comments

10. Additional Public Comment: None

11. Meeting Adjournment: Greg moved and Alison seconded the motion to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 5:45.

Respectfully submitted,

Jennifer Hadley