

Ethics of Reference

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- ALA Ethics from the Bill of Rights and the Code of Ethics -- from the Reference Desk perspective and some real life examples from libraries generally unidentified
- A primary area for our conversation today will be privacy and confidentiality
- I hope that one thing will stick in your memory from today

What will we cover today?

Main Entry: **eth·ic**

1 the discipline dealing with what is **good and bad** and with moral **duty and obligation**

2 a : a set of moral principles : a theory or system of moral values **b**: the principles of conduct governing an individual or a group **c** : a guiding philosophy **d** : a consciousness of **moral importance**

3 a set of moral issues

In a 1946 talk on the ethics of librarianship, library educator and author Helen Haines described three attributes of a profession:

1. It must have a discipline (a system of training)
2. **An ethic (a formulation of rules of conduct, or moral obligation)**
3. And a vision (the outcome or essence of philosophy).

Three attributes of a profession:

Dr. Bruce Weinstein, The Ethics Guy, who writes the ethics column for Business Week Online provides 5 Basic Principles for every social context and business situation:

1. Do No Harm
2. Make Things Better
3. Respect Others
4. Be Fair
5. Be Compassionate

What about other professions?

- New Living Translation

"If you are faithful in little things, you will be faithful in large ones. But if you are dishonest in little things, you won't be honest with greater responsibilities."

Luke 16:10

Dalai Lama: "Every religion emphasizes human improvement, love, **respect for others**, sharing other people's suffering. On these lines every religion had more or less the same viewpoint and the same goal."

The Ethic of Reciprocity -- often called the Golden Rule in Christianity -- simply states that we are to **treat other people as we would wish to be treated ourselves.**

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948. Amended February 2, 1961, June 27, 1967, and January 23, 1980 by the ALA Council, inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillofrights.pdf>

The Library Bill of Rights

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

How about locked reference cases?

How about reference sections kept behind the reference desk?

2. Libraries should provide materials and information presenting **all points of view** on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Materials that become FAQs are generated through patron questions regardless of how we feel about the content. Subject areas are sometimes controversial.

3. Libraries should **challenge censorship** in the fulfillment of their responsibility to provide information and enlightenment.

Does your library have a policy for challenged materials?

Do you know what to do if someone challenges a book in your library? Who to contact for help?

Have you ever not purchased something – or linked to something -- because you were afraid it would be challenged?

Are you prepared to handle book challenges at the reference desk?

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and **free access to ideas**.

You might find your library working alongside the ACLU in some cases – <http://www.aclu.org/>. Have you connected with your local or state chapter?

5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

Free Access to Libraries for Minors (abridged) An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Library use by minors

- My public library system offers filtered internet for patrons 16 and younger unless a parent signs a form indicating their child can use unfiltered. This indication shows up in their automated system
- Lincoln Public Schools filters all their computers for staff and students. They filter for: child pornography, adult content (not specific about this), gambling sites and social networking.

Public and School libraries and minors

Real life example:

<http://nebraskaccess.ne.gov/>

<http://www.nsp.state.ne.us/sor/find.cfm>

Students located one of our FAQ – the sex offender registry and located an offender in their area. It was the father of a fellow student who was harassed with the info. As a result, the students who did the harassing were not punished. NebraskAccess was blocked from the entire school system.

Blocking NebraskAccess

6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

A local group working to lower property taxes wanted to use a meeting room – and also petitioned outside the library getting signatures.



Isn't it time for a picture of a cat?

1. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
3. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
5. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
6. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
7. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
8. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted June 28, 1997, by the ALA Council; amended January 22, 2008.

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/codeofethics/codeethics.cfm>

Code of Ethics of the ALA

1. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

How can a reference librarian be biased?

*Do you discuss questions at the desk or with others?
Under what circumstances?*

What are the ethics of answering legal, medical and tax questions?

Customer service

IT difficulties where new books were being checked out by librarians who jumped ahead in the reserve queue.

"The furious directors disciplined the perps and drew up a document articulating their ethical expectations for every library employee, including the high school pages and the book shelvers. Most of us are honest – yes, a couple librarians were jumping their relatives ahead of other holds for new DVDs. And everyone thought we had a software bug, and was blaming the IT guys."

Taken from:

[This Book Is Overdue!: How Librarians and Cybrarians Can Save Us All](#) by [Marilyn Johnson](#)

Equitable access?

Real life example:

High ranking staff member who renews books that are on hold for others when this is not a policy for the general public.

Unlawful renewals?

A library that has suffered recent thefts:

- *Should there be more rules for patrons?*
- *Should security measures be more aggressive?*
- *Should there be changes in how incoming patrons are greeted? Watched?*
- *Do you make 95% of your rules for 5% of the people?*

Is your library welcoming?

2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

-- covered in many of your other sessions

3. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
 - The American Library Association encourages all librarians, particularly those in public libraries, to work with their local legal counsel to ensure they understand state confidentiality laws so they may respond quickly to any requests from law enforcement. Forty-eight of 50 states have such laws on the books, but the language varies from state to state. The ALA recommends that each library adopt a policy that specifically recognizes the confidentiality of information sought or received, and materials consulted borrowed or acquired by a library user. These materials may include **database search records, circulation records, interlibrary loan records and other personally identifiable uses of library materials, facilities, programs or services, such as reference interviews**. Libraries are advised to rely on existing laws to control behavior that involves public safety or criminal behavior.
 - Libraries should have in place procedures for working with law enforcement officers when a subpoena or other legal order for records is made. Libraries will cooperate expeditiously with law enforcement within the framework of state law.

CONFIDENTIALITY!

Librarian Who Resisted FBI Says Patriot Act Invades Privacy

Thursday, April 12, 2007

“A librarian who fended off an FBI demand for computer records on patrons said Wednesday that secret anti-terrorism investigations strip away personal freedoms...”

“Under the Patriot Act, the FBI can use the letters to acquire telephone, e-mail, travel and financial records without a judge's approval. Letter recipients are not allowed to disclose their involvement in a request.”

This is wonderfully covered in an entire chapter of the book: [This Book Is Overdue!: How Librarians and Cybrarians Can Save Us All](#) by [Marilyn Johnson](#)

Patriot Act

Real life example:

In a military library, homeland security presented a request for the circulation records of a patron. The librarian requested a court order for this information. In three month's time a court order was produced and tempers ran high. The circulation record had deleted what the patron had checked in and there wasn't any record to give to the investigators.

Automation systems and privacy

Real life example:

A small town public librarian offers a high school aged patron assistance in finding materials on prenatal child care and child birth. Does she share that information with the patron's parents?

When outsiders call for your colleagues – how much information do you divulge to the caller?

- HIPAA Laws – regarding supervisors
Health Information Portability and Accountability Act
- Family Educational Rights and Privacy Act (FERPA)
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Are you aware of your library's rules on this issue?

Internal aspects of Confidentiality

Real life example:

Staff member at a public library used patron database to locate family members to harass them – immediately fired because library had a policy in place for confidentiality employee had signed.

Do you have confidentiality rules in your HR policies?

Real life example:

Staff member at a public library was coming in before hours to print off patron records for their own use – was not easily proven – staff member is still working at the library.

Patron records are private

Real life example:

A librarian with an MLS demanded to know who had something checked from our collection ...

- *How much personal information do you have for each patron in your database? Is their information safe? Safe from outsiders? Safe from staff?*
- *When books are checked in, is the record permanently gone from the patron's record? Are you sure about this?*
- *Does your library have confidentiality policies for staff and for library use? What about your state laws?*

Check your library's policies and automation

(VIDEO)

<http://www.youtube.com/watch?v=0wL9Li0f1Po>

Andy Griffith teaches Opie about privacy.
(1 minute)

What other professions protect conversations with clients?

Do you often think of librarians in this grouping?

Did it ever used to be simpler?

4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.

“**Intellectual property (IP)** is a term referring to a number of distinct types of creations of the mind for which property rights are recognized--and the corresponding fields of law.^[1] Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property include copyrights, trademarks, patents, industrial design rights and trade secrets in some jurisdictions.”

Taken from: http://en.wikipedia.org/wiki/Intellectual_property

Intellectual Property

Purpose of the UCLA Library Copyright Policy (abridged)

“... The UCLA Library **actively monitors** the evolving digital copyright policies and guidelines and will modify its policies, procedures, and guidelines as necessary ...”

Taken from:

<http://www.library.ucla.edu/copyright/index.cfm>

copyright

Be aware of basic copyright principles as you are at the reference desk OR know who to call or direct your patron to for assistance.

Find an expert

5. We treat co-workers and other colleagues with **respect, fairness, and good faith**, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

As a reference librarian, if you answer questions as tenaciously and thoroughly for your staff, they will understand and appreciate that is how you treat external customers as well.

Customers are internal too

Edmond's Community College (WA)

In our Mission statement, Edmonds Community College confirms that it will **provide a friendly and supportive environment characterized by civility, mutual respect, and inclusiveness where students, faculty and staff are helped to achieve their goals.**

...requesting that all Edmonds Community College employees be informed of the Workplace Civility and Respect Policy now in place. **Like FERPA you will be asked to submit a completion form indicating that you have read and understand this policy.**

Taken from : <http://odet.edcc.edu/Workplace.php>

Workplace Civility

6. We **do not advance private interests** at the expense of library users, colleagues, or our employing institutions.

POLITICAL ACTIVITY

While, in general, no state employee may be prohibited from participating in political activities, there are some limitations placed on state employees, including the federal Hatch Act which covers state employees whose jobs are wholly or partially funded with federal money. These laws and limitations are based on the fact that, as public servants, state employees ultimately work for the citizenry. While at work or engaging in Library Commission business, employees are to adhere to the following guidelines when involving themselves in political activity. See also [DAS Memo to Management, June 1994](#)

Also using internal email to announced certain private/personal things – garage sales, baby showers, etc. Check policies.

Professional neutrality

7. We distinguish between our **personal convictions** and **professional duties** and **do not allow our personal beliefs to interfere** with fair representation of the aims of our institutions or the provision of access to their information resources.

WORK AREA DECOR

Each employee is assigned a work station or area appropriate to his/her job. In a facility such as the Commission where many employees are located in open areas, employees should recognize other employees' rights. Wall decorations and other workspace or office decoration should be appropriate to an office. Tasteful holiday decorations are welcomed in personal workspace. If in doubt, consult co-workers for their opinions. If personal workspace is in a public area, holiday decorations should be confined to non-public surfaces. No holiday decorations should appear prominent in a public area.

What does your reference desk communicate?

- In a community where many faiths are represented, what does it say about your library if you decorate with a Christmas tree in your lobby?

If your collection is balanced – is your décor?

8. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

- *Do you attend workshops, meetings, conferences for CE credits?*
- *Do you allow/encourage co-workers to attend events that are learning opportunities?*
- *If you are made uncomfortable in a situation or perhaps a technology how do you resolve it?*

How do you remain relevant as a reference librarian?

What one thing will you remember from today's discussion?

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