

Welcome to Tuesday Topics, a monthly series covering topics with intellectual freedom implications for libraries of all types. Each message is prepared by a member of OLA's Intellectual Freedom Committee or a guest writer. Questions can be directed to the author of the topic or to the [IFC committee](#).



Intellectual Freedom Committee

Oregon Library Association

Meeting Rooms and Who Uses Them

The public library is a space that our community uses and our meeting rooms are often an example of one of the services our libraries provide for the community. As such, there can often be pressure from the community or from leadership about how that meeting space is utilized and by who.

ALA Policy

In 2018, ALA adopted a stance on [meeting room policy](#), which has since been updated twice. ALA firmly states that if your policy has decided that your meeting rooms are designated public forums, meaning open to the public, then no group can be discriminated against based on “origin, age, background or views” per Article V of the [ALA Library Bill of Rights](#). That said, ALA also states that meeting rooms do not have to be open to the public, which in that case would make your meeting rooms a limited public forum, meaning closed to the public.

Legal Precedence

There are several court cases that have shown that when meeting rooms are designated public forums and a group is excluded, it is a First Amendment violation of that group.

[Lehman v. City of Shaker Heights](#) (1974)

[Cornelius v. NAACP Legal Def. & Educ. Fund, 473 U.S. 788](#) (1985)

[Concerned Women for America Inc. v Lafayette](#) (1989)

[Kreimer v. Bureau of Police for Morristown](#) (1992)

[Pfeifer v. City of West Allis, 91 F. Supp. 2d 1253](#) (E.D. Wis. 2000)

[Hopper v. City of Pasco](#) (2001)

[Case Study: Faith Center Church v. Glover](#) (2005)

[Citizens for Community Values, Inc. v. Upper Arlington Public Library](#) (2008)

[Faith Center Church Evangelistic Ministries v. Glover](#) (2009)
[Liberty Council v. City of Seaside](#) (2012)

While librarians would most likely not exclude purposefully, it is important to know another key legal fact that prevents excluding a specific group from using a meeting space in the library and that is hate speech. The term “hate speech” is not a legal term and does not have a legal definition. Thus you cannot deny one group from using your meeting room just because they have been accused of hate speech.

Per [Theresa Chamara](#), a first amendment attorney, she states the following:

The term “hate speech” is not a legal term. Generally considered to be speech that is offensive, demeaning, or disparaging. Banning a group from a meeting room on the basis that it is engaged in hate speech is a ban based on content and would place the library at a high risk of litigation. Courts have upheld convictions under “hate crime” statutes because the underlying violation is for conduct, not speech. Penalty enhancements [are] permitted for bias-motivated crimes. (Chamara 23)

Therefore, when our patrons and community members request to use our meeting rooms, we must let them, even if the group and the group’s messaging is offensive to us and other members of society.

Display Cases

This also extends to display cases. If your policy allows for community members to use your display cases, this creates a designated public forum in the display cases and the same policy thus applies. In both cases, whether it is a meeting room or a display case, you can post signage indicating that the messaging and content of what is being presented or discussed is not endorsed by the library.

Library Policy

When reviewing and updating your policies in regards to establishing designated public forums vs. limited public forums, know that you can have both. Limited public forum spaces can limit access to the community, like staff offices and storage rooms. When you write your policy on areas that the public can use, remember those areas fall under the designated public forum definition where you cannot restrict usage based on content and viewpoint. That said, you can have time, place, and manner restrictions. Some of these guidelines may take the form of food restrictions, time limits, etc.

Another thing to consider when reviewing and updating your library policy is educating your Board of Trustees, your County Commissioner, and/or other city officials. This is an excellent time to talk about the purpose of designated public forums in public libraries as well as the copious laws that protect the First Amendment rights of the community when using space in the

library. Ideally, you would also partner with any legal counsel that represents the community you serve if you have one for your system.

School and Academic Libraries

Does the idea of designated public forums and limited public forums extend to school and academic libraries? This is something to discuss with your legal counsel. If your school district or academic system does open up spaces to the public, you may want to consider a policy that addresses how the public may or may not use your library. For school districts, this could already exist in board policy or district/campus procedure. Academic libraries may also have their own policies on how its public spaces are utilized if open to the public. Please seek out the guidance of administration and legal counsel to determine what a policy may look like if you do not already have one.

Conclusion

The IFC Committee is here to support you as you and your library staff and administration takes on these discussions in your system. For your convenience, we also offer three articles that cover this Tuesday Topic more in depth.

[Categories of Free Speech](#)

[Limits on Regulating Free Speech](#)

[The Law Regarding Access to Meeting Rooms, Exhibit Spaces, and Social Media](#)

Chmara, T. (n.d.). ALA Law 4 Librarians. In *First Amendment and Libraries* (pp. 1–52).

Rosemont, IL.

Slide 23 from First Amendment Lawyer, Theresa Chmara, was used from her First Amendment presentation.