

3-20-2009

West Bend Library Commits "Gross Error"; Refuses to Honor Materials Reconsideration Policy in Possibly Illegal Manner

Dan Kleinman

Follow this and additional works at: https://dc.uwm.edu/west_bend_library_challenge



Part of the [Library and Information Science Commons](#)

Recommended Citation

Kleinman, Dan, "West Bend Library Commits "Gross Error"; Refuses to Honor Materials Reconsideration Policy in Possibly Illegal Manner" (2009). *West Bend Community Memorial Library (Wisconsin)*, 2009. 346.
https://dc.uwm.edu/west_bend_library_challenge/346

This Blog Post is brought to you for free and open access by UWM Digital Commons. It has been accepted for inclusion in West Bend Community Memorial Library (Wisconsin), 2009 by an authorized administrator of UWM Digital Commons. For more information, please contact open-access@uwm.edu.

Friday, March 20, 2009

West Bend Library Commits "Gross Error"; Refuses to Honor Materials Reconsideration Policy in Possibly Illegal Manner

The [West Bend Community Memorial Library, West Bend, WI](#), has refused to honor its materials reconsideration policy in a possibly illegal manner. It agreed to review a citizen's complaint under that policy, the review was underway, then it stopped the review based on the recommendation of someone from the city government. The city attorney is [not on the library board](#), yet the attorney claimed that certain statements made by the citizen outside the library were tantamount to a withdrawal of the request for reconsideration, and the library relied on that to stop the review midstream. The citizen asserts (see [Citizen RESPONSE to WB Library](#)) she has not withdrawn her request: "*We insist on our appeal rights as we feel your withdrawal of our complaint is in gross error.*" Source: "[Meeting on Gay-Themed Books Postponed; Library Board Asks That Complaint Be Further Clarified](#)," by **Dave Rank**, *West Bend Daily News*, 21 March 2009, pA1.

The West Bend library may have effectively violated its community's trust. It holds out a policy to allow citizens redress, allows the process to get underway, then snatches it away in a possibly illegal manner. Remember, libraries are intentionally autonomous from political control, yet here the library allowed political control when it was convenient.

Offering the citizen the option of filing dozens of requests to replace the one stopped midstream does not cure the possibly illegal activity. Had the library wanted individual requests, it had the opportunity to say so before allowing the citizen to go through [months of now useless activity](#).

Read how the library defers to the city attorney for yourselves, followed by today's newspaper story:

From: Michael Tyree <mtyree@west-bendlibrary.org>

To: ginny4him2@aol.com

Sent: Thu, 19 Mar 2009 6:02 pm

Subject: Library Board

Dear Mr. & Mrs. Maziarka,

I spoke with our City Attorney this afternoon about the Request for Reconsideration of Library Materials form which you submitted on February 12, 2009. The original complaint [sic] objected to [all books in the "Out of the Closet" category listed in the Young Adult section of the Library website](#). It did not object to specific books, only to the genre of books. Since the cancellation of the March 3, 2009 meeting, you have stated to the media, in blogs and to the City Attorney via email that you do not want to ban all of the books in the "Out of the Closet" category. The City Attorney interprets this to mean that your original complaint has been withdrawn. Ms. Schanning's analysis of what has been in the media, in blogs and what you have emailed to her is that you are now objecting to specific books within the genre.

For the Library Board to fully understand your Reconsideration Request to be addressed at the Board meeting, you will need to file individual requests about specific books that you object to and state reasons for your objection. These complaints will go through the normal reconsideration process which involves two meetings with Library staff before your requests can go before the Board. Thus, in order to provide time for the new Reconsideration Requests to proceed through the process, the Library Board meeting will not be rescheduled at this time. Instead, the Lib rary [sic] will wait for the complaints to move forward before the meeting is scheduled.

Regarding the other issues that you raised in your initial complaint (such as relocating books within the Library, adding books to the collection from the perspective of ex-gays and removing or password protecting the website link), the City Attorney stated these are issues that do not necessarily require action on the part of the Library Board. Under normal Library procedures, requests such as these are handled by the library staff and library director. We can meet again to discuss your concerns on these issues and I can report the outcome of these discussions to the Library Board. Should the Library Board wish to comment upon any of these subjects they can request that I have these issues added to a Board meeting agenda. Essentially, what is being requested is that you clarify your complaint and work through the existing process regarding any specific books which you object to.

Personally, it's important that I contact you with this information before you heard it from any other person or source.

Sincerely,

Michael Tyree

Michael Tyree, Library Director
[West Bend Community Memorial Library](#)
630 Poplar Street
West Bend, WI 53095
Voice: 262-335-5151, ext. 125
FAX: 262-335-5150

Publication: APD - West Bend Daily News;
Date: Mar 21, 2009;
Section: Front Page
Page Number: A1

Meeting on Gay-Themed Books Postponed; Library Board Asks That Complaint Be Further Clarified

By DAVE RANK Daily News Staff

A meeting to discuss a citizen complaint on the inclusion of gay-themed books at the West Bend Community Memorial Library is being postponed, the library director said Thursday, until the

complainants clarify which books they object to.

On Feb. 12, **Ginny and Jim Maziarka** of West Bend filed a formal request for reconsideration of library materials complaint, objecting to all books in the [Out of the Closet category listed in the Young Adult section of the library's Web site.](#)

A March 3 meeting of the Library Board at which the complaint was to be discussed was postponed at the request of the West Bend Fire Department because more people were in the City Hall's Common Council Chamber than its 265-person capacity.

That meeting had been rescheduled from the library to City Hall in an effort to accommodate an anticipated larger crowd.

The library was looking for a larger facility to hold the meeting.

In an exchange of e-mails Thursday and Friday also sent to the Daily News, **Library Director Michael Tyree**, following consultation with **City Attorney Mary Schanning**, informed the Maziarkas that public statements they made since filing their original complaint indicated they wanted certain books banned, not the entire category.

Because of that, Tyree wrote, the Maziarkas "will need to file individual requests about specific books that they object to and state reasons for their objection. These complaints will go through the normal reconsideration process which involves two meetings with library staff before their requests can go before the (Library) Board."

"Essentially, what is being requested is that the Maziarkas clarify their complaint and work through the existing process regarding any specific books which they object to," Tyree told the Daily News.

In their responding e-mail Friday morning, the Maziarkas called Tyree's decision "the library board's attempts to unilaterally withdraw our appeal without our permission and duck the issue that has now garnered much public attention so as to maneuver the issue out of the public eye and scrutiny with delay and the use of more private meetings with staff."

"They know what is in these books and they know they will be shamed by any public airing of it," Ginny Maziarka wrote to the Daily News.

"We would like to clarify that our original request stands," the Maziarkas wrote to Tyree.

The Maziarkas said they initially sent a letter protesting the inclusion of "homosexual materials in the library as well as on the (library's) web site." They complied when Tyree told them they needed to fill out the formal request for reconsideration of library materials and discuss it with **Young Adult librarian Kristin Pekoll** before the Library Board could act on it. They then followed library procedures and talked to Tyree, after which the complaint was added to the Library Board agenda.

The letter and the formal complaint should be sufficient to trigger a hearing, the Maziarkas wrote in their e-mail. “We have been through this process once now and we have not withdrawn anything. All we have done is respond to your requests for clarification and more specifics, which we have done carefully and thoroughly.

“We insist on our appeal rights as we feel your withdrawal of our complaint is in gross error. We wish to proceed with the staff decisions that have already been fully discussed.”

The Maziarkas wrote that they feel “there is no point in breaking up the request into sub requests” and starting the process all over.

Tyree said the Maziarkas’ original complaint objected to all books in the Out of the Closet category and not to specific books.

“Since the cancellation of the March 3, 2009 meeting, Mr. and Mrs. Maziarka have stated to the media, in blogs and to the City Attorney via email that they do not want to ban all of the books in the ‘Out of the Closet’ category. The City Attorney interprets this to mean that their original complaint has been withdrawn. The Attorney’s analysis of what has been in the media, in their blogs and what the Maziarkas e-mailed to her is that they are now objecting to specific books within the genre.”

Library Board meeting is normally are held on the first Tuesday of the month but that will not happen next month. Tuesday, April 7 is the spring general election.

Tyree said he is still working on putting together a meeting in front of the Library Board.