

LEGAL ISSUES FOR LIBRARIES:

Jared R. Mack Esq.
Levene, Gouldin & Thompson LLP

Code of Conduct/Banning of Patrons

Davies County Public Library, KY

Public Code of Conduct and Safety Policy

It is the policy of the Daviess County Public Library to provide a comfortable environment that is conducive to the use of library materials, programs, and services either by individuals or small groups. The library is designed for the use of all members of the public. Patrons are expected to observe the rights of other patrons and staff members and to use the library for its intended purpose.

The Board of Directors of the Daviess County Public Library has adopted the following policy regarding conduct. Any behavior or activity that interferes with legitimate library business will be prohibited. Persons who fail to observe the following guidelines may be asked to leave the library and library grounds or be subject to arrest.

Enforcement of this policy is the responsibility of all Library staff.

The following behavior will not be allowed in the library or on library grounds:

- Violation of any local, state or federal law
- Vandalism or deliberate destruction of library property or materials
- Theft of library materials or the personal property of other patrons or staff members
- Deliberate disruption of library services
- Use of abusive language, loud talking or laughing that disrupts or could disrupt other patrons
- Smoking, use of tobacco products, and use of e-cigarettes
- Eating, drinking in areas not designated for these activities
- Inappropriate dress – for instance, library users must wear shoes and shirts
- Panhandling, soliciting and loitering
- Failure to supervise a child, of whom you are a parent or legal guardian, so that he or she does not disturb other persons in the library or damage library property
- Being under the influence, possessing alcohol or drugs, selling drugs or alcoholic beverages.
- Exhibiting bodily hygiene that is so offensive as to constitute a nuisance to other persons in the library.
- Use of Library computers which violates the Library Computer and Internet policies and procedures.
- Sleeping
- Using the public restrooms for any activity not usually associated with public restroom use; including bathing, washing clothes, sexual activity, preparing or storing food and drink, etc.
- Harassment of, including staring, following, or photographing Library users or staff.
- Abuse or improper use of furniture, equipment or materials.
- Leaving personal belongings unattended. Large bags are not allowed. The library reserves the right to inspect all bags, purses, briefcases, packs and the like.
- Any behavior that endangers safety or health

These rules are not all inclusive of every behavior that will be regulated on library property. The Daviess County Public Library reserves the right to prohibit any behavior or actions, which we feel may be inappropriate or disruptive. We appreciate your cooperation in maintaining a pleasant atmosphere in the library.

Roles of Employees and Contracted Labor:

- All staff members and contracted labor (including security guards) are expected to address the problems they encounter by either resolving the problem directly, or contacting supervisory staff in a timely manner.
- Any staff member has the right to ask other staff members for assistance, and should provide assistance when requested.
- Any staff member may contact the Owensboro Police Department at any time to preserve his or her own safety, the safety of Library patrons, or for assistance in enforcing the Library's Rules of Conduct.
- Supervisors and librarians are expected to have a greater awareness of policy, and to step in and serve as a resource in helping staff members deal with problems.
- Library staff acting in their best judgment in confronting a person on violations of policies and rules will be supported by their supervisor, the librarian or staff member in charge at the time of the incident, and by the Library Director.

Response Guidelines

- Any staff member observing serious criminal behavior, such as assault, robbery, child pornography, child endangerment, etc., should contact the Owensboro Police Department immediately, followed by contacting the Library Director.
- Library staff may ban individuals in response to inappropriate behavior. Individuals may be banned for a limited time, indefinitely pending some specified legal condition, or permanently. The length of the ban will depend on the following factors, as applicable, though other factors may be relevant in specific cases:
 - Severity of offense
 - Repeated offenses
 - Likelihood of possible continued offenses
 - Safety of staff and patrons
- When an individual is banned, that person will be notified via certified letter where possible. In the case of a juvenile offender the letter will be sent to the parent/guardian where possible. The information relating to the ban will be made available to all Library staff. Should a banned individual return to the Library in violation of the ban, staff should contact the Owensboro Police Department.
- Any staff member may stop someone from using equipment if the use violates rules or policy, or may contact a supervisor as the situation warrants. Supervisors or the Library Director may bar patrons from using the equipment for a period of time or permanently.
- Any staff member may issue a verbal warning, or may refer a problem to a supervisor.
- Any staff member may evict a patron for violations of Library rules or policies. Eviction will generally be from the Library as a whole, not just an area, and is generally for the balance of

the day. In the case of juvenile patrons, staff may contact their parents or guardians if possible.

- Any staff member is authorized to request identification from Library users as necessary and appropriate for safety and security, or when Library rules have been violated.
- Library staff will communicate disciplinary actions with one another, including reports to the supervisor on duty and Library Director. Disciplinary actions should be followed by completing an Incident Report form. Incident Report forms should be sent to the Library Director within 24 hours of the incident.

Classes of Behavior

Class 1:

Definition: Serious danger or overt criminal behavior including:

- Fighting or combative behavior
- Alcohol or drug intoxication
- Exhibitionism
- Inappropriate, overt, unwelcome sexual behavior
- Threats
- Physical abuse
- Possession of illegal drugs
- Child pornography
- Theft
- Vandalism

Response: Staff response will include calling the police and eviction. A ban of an indefinite time period will follow from the Library Director.

Class 2:

Definition: Potentially serious behavior including:

- Verbal abuse of staff or other patrons
- Refusal to leave when asked
- Stalking
- Excessively emotional, hostile, threatening or uncontrolled behavior
- Intentional entry into restricted areas of the building
- Possession of alcohol
- Not obeying the Library Public Computer Use policy, which includes viewing pornographic material.
- Intrusive behavior including staring at or following staff or patrons with the intent to annoy, harass, violate privacy, or interfere with staff performance of duties or patron use of the Library
- Repeat infractions

Response: Staff response will vary according to the severity of the disruption or threat, ranging from a warning through calling the police and/or immediate eviction. A ban of up to

one year will follow from the Library Director depending on the severity of the disruption or threat. Continuance of the behavior will result in an indefinite ban.

Class 3:

Definition: Annoying or disruptive behavior including:

- Loud talking or yelling
- Inappropriate public displays of affection
- Blocking entryways or sidewalks
- Loitering, sleeping, panhandling, smoking, or intrusive personal hygiene
- Using someone else's library card
- Any violation of the Rules of Conduct

Response: Staff response will vary according to the severity of the disruptions, ranging from a warning through calling the police to immediate eviction. A ban of one week may follow from the Library Director depending on the severity or continuance of the behavior.

Admaston/Bromley Public Library

Your public library is a community space. Respectful sharing of the library makes it a great experience for everyone. We ask patrons to be considerate of one another and behave in a way that does not disrupt others. The code of conduct policy helps to make sure that the library is a safe, welcoming, and comfortable environment. Library staff make every effort to apply these rules in a fair, dignified, and positive manner for the benefit of all. Programs are defined as any group activity offered to the public that staff coordinate, plan and/or present.

The following are NOT allowed:

- Harassment, assaults or use of insulting, discriminatory, or threatening language to any library patron or staff member. This rule applies to behavior both in person, via email or internet, or over the telephone.
- Vandalism, theft or weapons. This includes: changing passwords or homepages on the library's computers; ripping articles out of magazines and/or books; copying audiovisual material; defacing library property.
- Disruptive behavior, obscene language or any other unacceptable behavior.
- Intoxicated individuals or anyone who can be seen as a threat to public health and safety or who does not maintain an acceptable standard of personal hygiene.
- Solicitation.
- Eating and drinking are not permitted except in designated areas and upon designated occasions.
- Animals are not allowed in the Library unless they are service animals or part of an approved program.
- Unaccompanied children ages 10 and under.

- Cell phones must be placed on silent ring while in the Library and conversations shall be respectful of others.
- There is no sleeping or loitering in the Library nor is placing feet/shoes/boots on tables and/or chairs acceptable.
- Patrons are not allowed in areas designated as "Staff" unless accompanied by an authorized staff member.
 - Receiving or displaying online text, images, graphics or materials which are illegal, obscene, or offensive. Patrons using their own computers in the Library are to comply with the Library's Internet Service Policy.
 - Members of the public must open all bags, books and papers for inspection if requested by staff. • Members of the public are to wear appropriate public attire in the Library. Use of roller blades, skate boards, etc. are not permitted in the Library.
- Photographing, filming or videotaping the Library interior, Staff and patrons in attendance at the Library and/or displays must be authorized by the Chief Librarian or, in her absence, one of the full-time staff.

Consequences of Non-Compliance:

1. Individuals who engage in any unacceptable behavior, as defined in this policy may, depending on the severity, receive one warning or be banned immediately from the premises and if necessary, be placed under suspension for a period of time. The suspension may apply to all programs, facilities, properties and services if warranted. Length of suspension will be determined by the CEO or her/his designate and will depend on the severity of the situation.
2. Most incidents that result in a suspension or banning from programs, facilities, properties and services will be followed up by a written Trespass to Property notice.
3. Library staff will be notified of individuals who are banned or who have received a letter of trespass.
4. Incidents may be reported to the Ontario Provincial Police and charges may follow.

Appeal Process:

1. Individual(s) wishing to appeal any disciplinary measure may present their case to the CEO in writing within 14 days of the decision. The written appeal must be mailed to:
Admaston/Bromley Public Library, Attention: CEO, P.O. Box 130, Douglas ON K0J 1S0
2. The CEO, in consultation with the Library Board, will review the appeal and any decision made is final.
3. These rules are enforceable under the Ontario Public Libraries Act, the Ontario Trespass to Property Act, the Criminal Code and other legislation.

UC Berkeley Library Code of Conduct

Revised and affirmed by Library Administration, March 2016

The Library strives to provide access to well-maintained collections, information resources, equipment, and associated research services. The Library also seeks to provide a safe and secure environment and facilities suitable for reading, learning, and other activities associated with scholarly teaching and research.

The following Code of Conduct is intended to ensure a respectful and productive environment for study and research for all users. These policies are applicable to all Library users and are enforceable by all Library staff.

General Behavior

All Library users are expected to respect Library facilities, other users, and Library staff.

Individuals will:

- Comply with all Library policies.
- Use computers and online resources within the guidelines of the UCB Library and Campus computer use policies.
- Adhere to policies governing appropriate use of University identification.
- Present identification upon request.
- Leave buildings at closing and limit use of the Library to authorized areas only.
- Respond to security gate alarms, emergency alarms, and other situations as instructed by Library staff.

Individuals will not engage in prohibited activities, including but not limited to:

- Exhibit any threatening or intimidating behaviors, e.g., abusive language, staring, threats of violence or any type of harassment.
- Engage in behavior that is potentially unsafe or harmful to self or others.
- Create any disturbances, e.g., disruptive noises, loud talking, audible electronic devices.
- Engage in any sexual activities including, but not limited to, unwanted or inappropriate touching, unwanted or inappropriate advances, harassment or indecent exposure.
- Allow others to use their UC ID or CalNet network authentication.
- Violate copyright laws, including systematically downloading, printing, or disseminating content from UCB-licensed electronic resources in violation of copyright laws.
- Deface or damage library materials including, but not limited to, underlining, highlighting, writing, removing pages or security devices.
- Misuse, misappropriate, damage or deface library furniture, buildings or equipment, including computer systems.
- Use Library areas for prolonged sleeping or as living quarters.
- Obstruct use of Library equipment or facilities, or deny access to Library materials through theft or deliberate misplacement.
- Vend, peddle, solicit or petition in the Libraries; post or distribute materials without permission.
- Leave young children unsupervised.
- Bring food or drink in areas where they are prohibited.
- Use alcohol, tobacco or related nicotine products, or controlled substances.
- Fail to wear clothing, including footwear, while in the Libraries.
- Bring firearms, weapons, fireworks, or other dangerous substances into Libraries.
- Bring animals, other than identified service animals, into Libraries.
- Ride mopeds, bicycles, skateboards, roller blades, hover boards or skates in Library buildings or on walkways where hazards, property damage, or personal injury could be created by their use.

These vehicles also may not be stored in any public spaces, hallways, corridors, offices, balconies or stairwells, or attached to railings. Exceptions are made for strollers and vehicles used by persons with disabilities.

- Photograph library patrons or staff without permission.
- Leave personal belongings unattended.

Enforcement

Library use is a privilege. If an individual or group is not adhering to Library policies, individual users may point it out. Concerns, problems, or policy violations may also be reported at a Library service desk to any Library staff member.

Anyone violating these policies can be asked to leave the Library and refused future access. Library users found in violation of this Code of Conduct may be: asked to present identification to Library staff; subject to a search of backpacks or bags; directed to leave the premises; suspended from access to all Library facilities for a period of time; and reported to UCPD. Disciplinary or legal action may be taken in accordance with applicable federal, state, city, and campus laws and policies. Depending on the severity of the offense and the pattern of behavior, persons may be banned for extended periods such as one week, one year, or permanently; bans cover all campus Library locations and services.