

LIBRARY CONDUCT POLICY

PURPOSE

Newark Public Library has established this Library Conduct Policy to ensure that library facilities are safe, welcoming and provide equitable access to materials and services for all library users.

BROAD RULES ON CONDUCT

- Respect yourself and others.
- Respect the property of the library and the property of others.
- Accept responsibility for your actions as individuals.
- Respect the quiet atmosphere of the library.
- Abide by all applicable local, state, and federal policies and/or laws.

SPECIFIC RULES OF CONDUCT

The above Broad Rules of Conduct provide the overarching philosophy of the library board's expectation of conduct by patrons in the library. However, to help clarify the library's stance on certain conduct, the library includes the following specific rules of conduct along with procedures for handling patrons who do not abide by this policy.

We expect patrons to refrain from:

- Selling, soliciting, surveying, panhandling or canvassing for any political, charitable or religious purposes inside a library building, doorway or vestibule without prior authorization of the Library Director or designee.
- Smoking or other use of tobacco products, including e-cigarettes.
- Engaging in excessive or disruptive conversations, talking loudly, using personal electronic equipment at such a volume or making ongoing noise that is unreasonably disturbing to other library users.
- Not wearing shoes or shirt within the library.
- Using library materials, furniture, equipment or facilities in any manner inconsistent with the customary use thereof.
- Blocking of aisles with personal items or leaving such items unattended on library premises at any time. Items may be removed from the library premises if they reasonably appear to be abandoned or have been left unattended for 30 minutes or more.
- Interfering with the safe and free passage of library staff or patrons on the premises, including but not limited to the placement of objects in hallways, aisles, flooring or elsewhere in a manner that impedes the free passage of such persons about the library.

- Entering non-public areas of the library without permission.
- Improperly using library restrooms or facilities for purposes such as bathing.
- Taking library materials into rest rooms.

Addendum Concerning the Behavior and Supervision of Minors and Children's Areas of the Library

Newark Public Library welcomes children. Parents/caregivers are responsible for their child's safety and behavior while in the Library whether the parent/caregiver is present or not. Library employees cannot function as caregivers or babysitters. The Library is not equipped—and it is not the Library's role—to provide long-or short-term childcare. The Library assumes neither responsibility nor liability for the actions, care, supervision or safety of minors.

When a child is unattended or under-attended/ignored Library staff will attempt to contact the parent or guardian of the child. In the event that the parent or guardian cannot be located, staff will contact the Newark Police Department. In the event of an emergency, staff will call 911.

Inappropriate Use of Children's Spaces/Youth Services: Adults are permitted in children's areas of the library when accompanied by a child or if the adult is actively reading, studying and using library materials from the children's or teen's area collections. Any adult not in compliance with this provision will be asked to use other areas of the library. If the individual does not comply with staff direction or repeatedly violates this policy, the individual may be banned from the Library.

Staff Response to Infractions:

Violation of these rules is misconduct that can result in expulsion from the library and forfeiture of library privileges. Minor violations of these rules will first result in library staff attempting to educate or warn individuals about the policies before enforcing such policies. If an individual continues to violate these policies, staff may order them to leave for the day. However, any conduct that threatens the life or safety of any person or that is damaging to library property, equipment or facilities may result in immediate expulsion from the library premises. Library staff is authorized to contact the Newark Police Department to respond to such situations. Repeat misconduct or severe offenses (even if a single isolated event) may result in individuals being banned from the library from a week to a year. Staff will follow the established procedures below. Staff will call the police for severe or illegal behavior or when an individual refuses to leave when told by staff to do so.

Banning Procedure:

Most minor infractions, the staff should follow the 3 strikes and you're out rule. Give the patron 2 warnings and if they continue their behavior, ban them for the day. Some offenses are more severe (see above) and may require an immediate ban. Add the name and incident information to the "Patron Notes" spreadsheet on our shared folder.

Repeat Offenders: after a patron's second infraction that resulted in their banishment from the library, staff should ban patrons one week for the third offense and one month for their fourth offense. Add the name and incident information to the "Patron Notes" spreadsheet on our shared folder. Notify the director and e-mail staff with the name of the patron and the length of the ban. If the patron continues to violate the library conduct policy, ban them indefinitely. Consult with the Executive Director who will make a determination for any further steps.

After staff consults with the Executive Director and they determine that a person has engaged in severe or repeat misconduct and senior staff has determined that the individual involved should be banned:

1. The Director will issue, or cause to be issued, a written ban letter to the individual involved notifying the individual that they are banned from the Newark Public Library. The letter shall indicate the reasons for the ban and the time period of the ban.
2. The Director or Senior staff will email newstaff@pls-net.org with a description of the underlying behavior, the name and description of the banned individual when a banning is executed; so that all staff are informed as soon as possible
3. The Director will review and may reconsider the decision to ban an individual upon written request of the individual and may shorten or terminate the banning period if information submitted by the individual warrants such modification. Until such time as the banning letter has been reviewed and/or modified by the Director or reversed on appeal by the Library Board, the individual may not use the library.

Alternative Juvenile Banning Procedure

Discretionary Restricted Library Use for Juveniles: As an alternative to banning a juvenile, a supervisor and a staff member may restrict a juvenile from independent use of the library. The juvenile whose library use is restricted may use the library during the specified period only when the juvenile is accompanied by a responsible parent or guardian. The juvenile's parent or guardian must be notified of the restriction via certified mail. Failure to abide by the restriction may lead to banning of the juvenile from all library premises.

Banning Letter:

TO:

On _____ at approximately _____ you were observed at the _____ Library. At that time you were:

_____ INTOXICATED

_____ LOUD AND DISTURBING

_____ IN THE LIBRARY DESPITE BEING

PREVIOUSLY BANNED UNTIL

_____ OTHER CONDUCT (As set forth below)

COMMENTS:

Because of the behavior listed above, and/or other history of inappropriate behavioral conduct at the Newark Public Library, you are banned from the library until the date listed below. If you enter the Newark Public Library property before the return date listed below, police will be called and you will subject to being arrested for trespassing.

You may file a written request to the Executive Director, Newark Public Library, 121 High St., Newark, NY 14513, to reconsider this ban. Your written request shall set forth your reasons for reconsideration of the ban. **THE LENGTH OF THIS BAN FROM THE NEWARK PUBLIC LIBRARY SHALL REMAIN AS STATED IN THS DOCUMENT UNLESS THE DIRECTOR ISSUES A WRITTEN DETERMINATION ALTERING THE TERMS OF THIS DOCUMENT.**
BANNED FROM LIBRARY _____
RETURN DATE _____
Staff initials: _____

Appeal Procedure:

1. Notice of Appeal. The Director's written determination may be appealed to the Library Board, if the individual aggrieved files a written notice of appeal within 10 days after he/she receives the determination. Such notice shall be filed with both the Library Director and the Library Board President, c/o Newark Public Library; 121 High St., Newark, NY 14513. The Board shall hold a hearing within 30 days after the notice has been filed. The appellant shall be notified at least 10 days before the hearing.
2. Hearing: At the hearing, the appellant may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The President of the Board shall conduct the hearing. The staff shall record all of the proceedings on tape.
3. Decision. Within 30 days of the completion of the hearing, the Board shall issue a written decision stating the reasons therefore. The Board shall have the power to affirm or reverse the written determination or to remand it to the Director or designee with instructions for reconsideration. The decision, except for remand, shall be a final determination for the purposes of judicial review.

Adopted by the Newark Public Library Board of Trustees, June 9, 2016