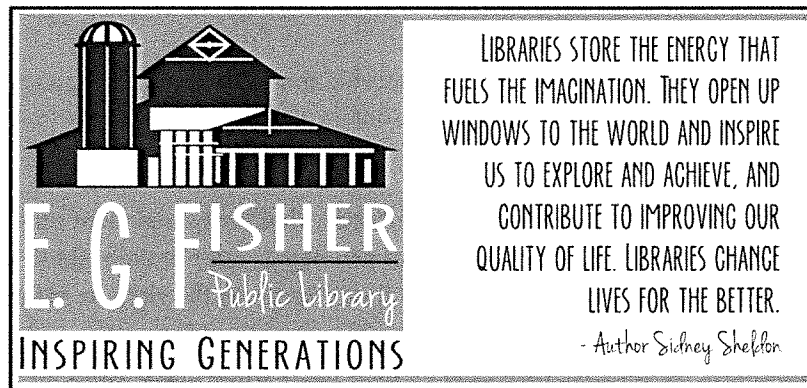


E.G. Fisher Public Library

Patron Behavior Policy



Rules of Conduct

Introduction

The McMinn County Library Board welcomes visitors and encourages them to use its resources. The Board also acknowledges the necessity to maintain an environment in which patrons and staff can be free from harassment, intimidation, threats to their safety and well-being, and protects library resources and facilities from damage. To provide safeguards against such behavior and damage to property, the Library Board has adopted the following *Patron Behavior Policy*, which specify the type of activities or behavior that is not permitted on library premises.

The Library remains vigilant in ensuring patrons act appropriately and are reasonably safe within the library. The Library has code in conduct to regulate behavior, conditions to enter library, unconstitutional speech, and illegal activity. These regulations are reasonable and relate to the library's mission of providing a welcoming and safe environment for all patrons. Behavior relates to what a person is doing, for example running in the library. Conditions relate to how a patron enters the library, for example wearing shirt and shoes. Unconditional speech relates not to content, but the manner and intention of speech, for example talking to loudly, making a verbal threat, and sexual harassment. Illegal activity refers to all activity outlawed by local, state, and federal law such as smoking and public indecency.

These rules of conduct shall apply to all buildings, interior and exterior, and all grounds controlled and operated by the E.G. Fisher Public Library (such buildings and grounds are hereafter referred to as the "premises") and to all persons entering in or on the premises.

Whenever possible the Library shall work with the offender that the punishment may fit the crime. For example, a patron who misuses the internet, may lose his internet privileges, but not the right to enjoy the rest of the library. In addition to the enforcement of its own policies, the Library reserves the right to enforce restrictions on access to the Library of any person listed on the sexual offender registry as authorized under, and in the manner contemplated by, Tennessee Code Annotated 40-39-216, on a case by case basis when made aware of a problem situation. For example, a sexual offender may be barred from the library during children programs or from the children's section, but he will be allowed to use the rest of the library during the rest of the time.

These rules of conduct will not trample on a patron's legal rights. For example, a mother may breastfeed in public (TCA 68-58-101, 102, 103). Another example is that a patron may be led or accompanied by a guide dog. (TCA 62-7-112). The Library warmly welcomes mothers and patrons with guide dogs.

Library staff will respectfully address issues of patron conduct should be respectfully addressed. Some issues—odor, cleanliness—may require a refined approach, seeking to provide help to the individual (ready print-outs of shelters, clothes banks, etc.) as much as maintaining a comfortable environment for other patrons. In all situations, staff should also be prepared to conduct themselves responsibly and safely, understanding when situations escalate beyond their control and when to request medical or security support.

Listed below are the library's rules of conduct. Persons who violate these rules may be ejected from the premises and excluded from all library premises for the time prescribed below.

Rules of Conduct - (Class I) Offenses

1st Offense - Any person engaging in the following prohibited behavior will be given a verbal warning and explanation of the rules and will be asked to comply.

2nd Offense - The person will be given a written warning.

3rd Offense – The person will be asked to leave the premises for the remainder of that day.

4th Offense – The person will be suspended for one day.

5th Offense – The person will be suspended for five days.

6th Offense – The person will be suspended up to 30 days.

Should any person refuse to comply or leave the premises for the remainder of the day they will be considered in criminal trespass and in violation of Class II Offense #19. This will result in an expulsion from thirty (30) days up to one (1) year.

1. Distributing or posting printed materials and literature that have not been approved by the library, soliciting, petitioning, canvassing on library premises except as approved by the library.
2. Participating in a gang or gang-related activity. Gang-related activity includes, but is not limited to: the display or possession of gang symbols or paraphernalia, gang recruitment, gang initiation, and gang intimidation.
3. Food and drinks are not allowed. Debris, mess and strong odors are not. Alcohol is not permitted on library property.
4. Smoking in the library or in areas immediately adjacent to any entrance or use of smokeless tobacco in the library. This also applies to e-vapors.
5. Sleeping, placing head on table for prolonged periods of time; congregating on library premises in a manner which obstructs access or interferes with use of library facilities or services or where such activity may result in an unsafe or intimidating environment; not using the library for intended purposes, lying or sitting on floors, tables or planters; lying on benches; school age students being on library premises during school hours excluding home school students or school sponsored visits.
6. Using library materials, equipment, furniture, fixtures or buildings in a manner inconsistent with the customary use thereof; or in a destructive, abusive, or potentially damaging manner; or in a manner likely to cause personal injury. Bringing bicycles, shopping carts or similar devices into library buildings including vestibules and covered doorways. (Patrons with disabilities may ask staff for reasonable accommodations.) The use of skates, skate boards and/or roller blades or similar devices on library premises.
7. Bringing animals or pets, other than those assisting persons with disabilities, into the library facility. Leaving animals tethered and unattended on library premises.
8. Creating loud noises and/or disturbances which interfere with staff and or other patrons' use and enjoyment of the library including, but not limited to, by verbal utterances or with electronic devices.
9. Leaving children unattended or unsupervised where the child may be in danger or when the child's behavior is disruptive to other patrons. Leaving children or young adults in library facilities after closing time

10. Misuse of rest rooms. Misuse includes shaving, washing clothing and bathing (other than face and hands).
11. Bringing large items that take up excessive space (packages, duffel bags, suitcases, etc.), onto library premises without the prior approval of library personnel. Excessive space shall be defined as an item or group of items exceeding 2.5 ft. in length, or 2.5 ft. in width, or 2.5 ft. in height. Leaving personal items unattended for longer than thirty (30) minutes, including but not limited to: bags, suitcases, electronic devices and other personal belongings. Items left longer than thirty (30) minutes may be taken to lost and found and inventoried for security reasons.
12. Being behind the library premises where the staff parks.
13. Entering the library with no shoes or shirt.
14. Disturbing others because of offensive odor of the body, clothes or belongings.
15. Violations of posted Library policies, procedures or guidelines including the Internet policy.

Rules of Conduct - Class II Offenses

Any persons engaging in the following prohibited behavior will be suspended from all E.G. Fisher Public Library premises for a period of thirty (30) to ninety (90) days. Subsequent violations by that person will result in a suspension of up to one (1) year depending upon the number of repeat offenses.

1. Directing a specific threat of physical harm against an individual, group of individuals or property.
2. Intentionally damaging, defacing, destroying, or stealing property belonging to the library, a patron or employee. Library patrons are subject to search.
3. Intentionally engaging in harassing or threatening behavior towards other patrons or library employees for the purpose of annoying, intimidating or causing fear to the recipient. Using obscene or abusive language or gestures in a manner which reasonably can be expected to annoy or disturb other patrons or library staff (including following persons around the premises or prolonged staring).
4. Bringing any firearm and/or weapon onto library premises. This prohibition does not apply to law enforcement personnel on official duty.
5. Entering library premises while on suspension for patron conduct rules.
6. Any violation of Federal, State, or local laws.

Rules of Conduct - Class III Offenses

Any person engaging in the following prohibited behavior will be suspended from all E.G. Fisher Public Library premises for a period of one (1) year and the library will pursue criminal charges. If the person is convicted or pleads guilty to criminal charges, the patron will be suspended for five (5) years or for the length of the sentence imposed by the court, whichever is longer, pending review and approval by the Library Director.

1. Physical assault of a customer or employee.
2. Engaging in sexual conduct including but not limited to indecent exposure or the physical manipulation or touching of a person's sex organs through a person's clothing in an act of apparent sexual stimulation or gratification.
3. Intentionally damaging, defacing, destroying or stealing property belonging to the library, a patron or employee resulting in felony charges.

Suspension of Library Privileges

The McMinn County Library Board recognizes a responsibility to make all reasonable efforts to facilitate the enjoyment of library facilities by all library patrons. The Board also recognizes that a library patron's disorderly conduct or other serious violations may require library personnel to take immediate action for the protection of other personnel and patrons.

For these reasons, the Board hereby delegates to the Library Director the authority to suspend from all Library Facilities as noted in the rules.

If a patron fails to adhere to any portion of the Patron Behavior Policy and/or is disruptive and/or abusive to staff or other patrons, the Library Director may exercise the right to formally bar that patron from the Library for a period of time as outlined in the policies above.

An incident report shall be filed by Library Staff at the time any infraction of the Patron Behavior Policy or Suspension of Library Privileges Policy occurs. Violators shall be shown a copy of the standards at the time a warning is issued and will be advised of the next course of action to be taken by the Library if the unacceptable behavior continues. It is extremely important the Library Staff document every incident and their response.

Any suspension imposed under this policy shall be issued in writing using the Loss of Library Privileges Notification. It will be either given directly to the patron at the time of the incident or sent to the patron via registered mail depending on the nature of the incident and consideration of staff and public safety. The Loss of Library Privileges Notification shall state the length and reason for the suspension and the effective date of the suspension. The notice shall also include a statement informing the patron that he/she may appeal the suspension. A copy of this letter will be filed with the Incident Reports documenting the disruptive behavior.

2.1. Process: 1.1. Patron's Right to Appeal Certain Actions Taken by Library Staff or Administration

The Board recognizes that every patron has a constitutional right to due process.

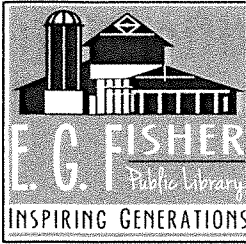
The patron may appeal a suspension greater than three days by writing a request for reconsideration within ten (10) days from the date the patron receives notice of the suspension to the Library Board Chairperson at the library mailing address provided to the patron in the notice of suspension.

The request for reconsideration should include reasons why the suspension should be lifted or modified. If the patron timely appeals the suspension, the Library Board shall hold a hearing within sixty (60) days after the notice has been filed. The patron will be notified at least thirty (30) days before the hearing.

The McMinn County Library Board will review appeals from patrons seeking to challenge a suspension imposed by a library Director issued under this policy. The appeal hearing will be informal and conducted for the purpose of explaining the suspension and allowing the patron's response.

At the appeal hearing, the Chairperson of the Board shall conduct the hearing. The Board Secretary shall record all the proceedings. Each side will be given 15 minutes to explain their case. The suspended patron may bring a legal representative of his/her choosing and present statements or documents, or call witnesses with information relevant to the appeal decision. The patron and library staff/security will each be given 15 minutes to present information related to the incident/appeal to the Board. Follow-up questions by the Board will not count toward each side's 15 minutes

Should the patron fail to attend the scheduled appeal hearing, and after a 15-minute grace period, the Board may proceed with the hearing as scheduled and a recommendation rendered based on the evidence and information presented at the hearing. Upon conclusion of the meeting, the Board will determine whether the suspension is warranted. The Board decision will be final. A letter will be mailed to the patron to confirm this vote, and a copy of the letter will be filed with the Incident Report, Lost of Library Privileges Notification, and Request of Appeal.



Incident/Accident Report

Date/Time Occurred: _____ Date/Time Reported: _____

Type of incident: _____ Reported by: _____

Describe the incident/accident in the chronological order the event(s) occurred. Attach additional pages if necessary.

Name, address, and phone number of the patron(s) involved. If this was an incident, please provide a description of the perpetrator:

Names, addresses, and phone numbers (if possible) of any witnesses:

Was an outside agency called? If so: Which agency? _____

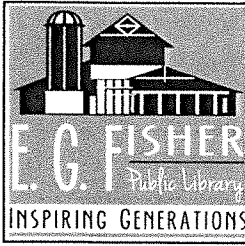
Responding officer? _____ Was an arrest made? _____

Was any library property damaged? If so, please describe

Staff member filing this report: _____

Provide any additional information on the back or on additional pages.

<http://www.auburnpubliclibrary.org/wp-content/uploads/2015/05/FORMLibraryIncidents.pdf>



Loss of Library Priviledges Notification

TO:

On _____ at approximately _____ you were observed at the E.G. Fisher Public Library.

At that time, you were:

____ INTOXICATED

____ LOUD AND DISTURBING

____ IN THE LIBRARY DESPITE HAVING LIBRARY PRIVILEGES SUSPENDED

____ DEMONSTRATING OTHER CONDUCT THAT VIOLATES THE E.G. FISHER PUBLIC LIBRARY PATRON BEHAVIOR POLICY (SEE BELOW)

COMMENTS:

Because of the inappropriate conduct listed above, and/or other history of inappropriate conduct at any E.G. Fisher Public Library, your library privileges are suspended until the date listed below. If you enter any E.G. Fisher Public Library before the return date listed below, police will be called and you will subject to being arrested for trespassing.

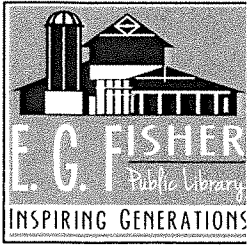
You may file a written request to appeal the loss of your library privileges to E.G. Fisher Public Library, Attn the Library Board Chairperson, 1289 Ingleside Ave, Athens, TN 37303 to reconsider this decision. Your written request shall state your reasons for appeal. You have ten (10) calendar days to make this appeal. The Board shall hold a hearing within sixty (60) days after the notice has been filed. You will be notified at least thirty (30) days before the hearing. Please see the enclosed Appeal Procedure for more details.

THE LENGTH OF YOUR SUSPENSION SHALL REMAIN AS STATED IN THIS LETTER UNLESS THE DIRECTOR ISSUES A WRITTEN DETERMINATION ALTERING THE TERMS OF YOUR SUSPENSION.

DATE LIBRARY PRIVILEGES SUSPENDED _____

PRIVILEGES RESTORED DATE _____

Staff initials: _____



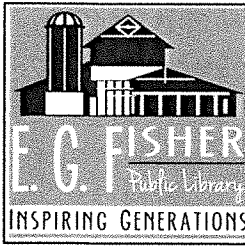
Appeal Procedure

1. Notice of Appeal. The loss of privileges decision may be appealed to the Library Board, if the aggrieved individual files a written notice of appeal within ten (10) days of being notified of the loss of privileges. Your written request shall state your reasons for appeal. The appeal notice shall be mailed to E.G. Fisher Public Library, Attn the Library Board Chairperson, 1289 Ingleside Ave, Athens, TN 37303. The Board shall hold a hearing within sixty (60) days after the notice has been filed. The appellant shall be notified at least thirty (30) days before the hearing

2. Hearing: The Chairperson of the Board shall conduct the hearing. The Board Secretary shall record all the proceedings. At the appeal hearing, each side will be given 15 minutes to explain their case. The suspended patron may bring a legal representative of his/her choosing and present statements or documents, or call witnesses with information relevant to the appeal decision. The patron and library staff/security will each be given 15 minutes to present information related to the incident/appeal to the Board. Follow-up questions by the Board will not count toward each side's 15 minutes

Should the patron fail to attend the scheduled appeal hearing, and after a 15-minute grace period, the Board may proceed with the hearing as scheduled and a recommendation rendered based on the evidence and information presented at the hearing. Upon conclusion of the meeting, the Board will make a recommendation to the Library Director to uphold, modify or remove the suspension or the Board may take the appeal under advisement for further review of information such as previous conduct violations and suspensions. The Board decision will be final.

3. Decision. Within thirty (30) days of the hearing, the Board shall issue a written decision about the appeal. The Board shall have the power to affirm or reverse the loss of privileges decision or to remand it to the Director or designee with instructions for reconsideration



Request of Appeal

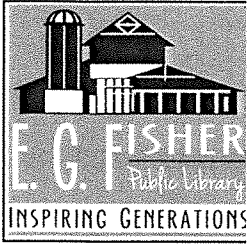
Name: _____

Date: _____

Reason for suspension: _____

Reason for Appeal: _____

Please mail this to E.G. Fisher Public Library, Attn the Library Board Chairperson, 1289 Ingleside Ave, Athens, TN 37303. The Board shall hold a hearing within sixty (60) days after the notice has been filed. You shall be notified at least thirty (30) days before the hearing



Suspension Appeal Notification

Name: _____

Reason for suspension: _____

After reviewing the above suspension at the _____ Board meeting, it has been determined that your suspension

IS warranted

IS NOT warranted.

If it was determined that it was warranted, your suspension will remain in effect until _____.

If it was determined that it was not warranted, your suspension is withdrawn effective immediately and your library privileges are restored.

Library Board President's Signature _____

Comments:

References

- ALA. (n.d.) Extending Our Reach: Reducing Homelessness Through Library Engagement. <http://www.ala.org/offices/extending-our-reach-reducing-homelessness-through-library-engagement-5>
- Auburn Public Library. (2015). Library Incident/Accident Report. <http://www.auburnpubliclibrary.org/wp-content/uploads/2015/05/FORMLibraryincidents.pdf>
- Chattanooga Public Library. (2016). Appeal Procedure. <http://chattlibrary.org/sites/default/files/documents/Loss%20of%20Library%20Privileges%20Notifcation.pdf>
- Chattanooga Public Library. (2016). Loss of Library Privileges Notification. <http://chattlibrary.org/sites/default/files/documents/Loss%20of%20Library%20Privileges%20Notifcation.pdf>
- Fairbury Public Library. (2015). Suspension of Library Services Policy. <http://fairburylibrary.org/wp-content/uploads/2015/12/Suspension-Policy-and-Letter.pdf>
- Moore, Angela. (2013). Legally Enforceable Patron Behavior Policies. www.in.gov/library/files/Patron_Behavior_Policies.pptx
- Nashville Public Library. (2016). Rules of Conduct. <https://library.nashville.org/about/policies/rules-conduct>
- Pankhurst Memorial Library. (2009). Suspension of Library Privileges Policy. www.amboy.lib.il.us/sites/amboy.lib.il.us/files/patron%20suspension.doc
- Tennessee Department of Health. (n.d) Breastfeeding laws. <https://www.tn.gov/health/article/breastfeeding-laws>
- Tennessee State Code. (2017). TCA 62-7-112. Dog guide to be admitted -- Penalties. <https://www.lexisnexis.com/hottopics/tncode/>