



Public Behavior in the Library Policy

Policy Statement

Sachem Public Library has adopted this Public Behavior in the Library Policy for the safety and comfort of all who use the Library. For the purpose of this policy, the Library is defined as the building, the parking lot, Discovery Grove and Inside/Out. Accordingly, the Library Board of Trustees has established procedures and rules, in accordance with Section 262 of the Education Law of the State of New York, by which patrons and visitors may enjoy the Library's facilities and services.

The Board of Trustees of Sachem Public Library views the use of the Library and its facilities as essential to the fulfillment of the Library's mission. As such, the Board subscribes to Article IV of the American Library Association's *Library Bill of Rights* which states that facilities should be made available to the public served by the Library on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use. Accordingly, the Public Behavior in the Library Policy and the Rules of Conduct herein should be observed by all Library users and shall be applied without discrimination and in the best interests of all.

Library users who violate the Rules of Conduct may be subject to suspension of their Library privileges, exclusion from the Library, and/or legal action. A copy of the Rules of Conduct is posted on the public bulletin board of the Library.

Rules of Conduct

For the most effective use of the Library, patrons are expected to observe rules of common courtesy. Patrons who are not courteous to others will be asked to stop the discourteous behavior or leave the Library. Discourteous behavior which will not be tolerated in the Library includes but is not limited to:

Harmful, Disruptive, or Destructive Behavior:

- ◆ Engaging in conduct that interferes with other Library users' ability to reasonably use the Library
- ◆ Using abusive or threatening language or actions
- ◆ Interfering with other Library users' reasonable expectations of privacy
- ◆ Creating unreasonable noise such as loud, boisterous talking or using personal electronic equipment without headphones or at a volume that is audible to others. Cell phones should be on vibrate mode or turned off when entering the building. Talking on cell phones should be limited to lobbies, empty conference rooms, or outside the main entrance. Cell phone usage should be kept to a minimum in Inside/Out.
- ◆ Throwing, running, climbing or playing sports

- ◆ Using Library materials, equipment, furniture, fixtures or the facilities in a destructive, abusive or potentially damaging manner, in a manner likely to cause personal injury to any person or in any other manner inconsistent with the customary use thereof
- ◆ Carrying weapons or weapon-like items on the Library premises
- ◆ Using skateboards, bicycles, hoverboards or rollerblades in the building, on the sidewalks or in the parking lot or Inside/Out/Discovery Grove
- ◆ Soliciting, petitioning, or distributing materials or canvassing on Library premises
- ◆ Disobeying the reasonable direction of the Library Director or the Director's designee

Illegal Activities:

- ◆ Committing or attempting to commit any activity that constitutes a violation of any federal, state, or local statute or ordinance
- ◆ Engaging in sexual conduct or indecent behavior on Library premises, as defined under New York Penal Law
- ◆ Using controlled substances on Library premises
- ◆ Smoking, including the use of electronic cigarettes
- ◆ Consuming alcoholic beverages on Library premises

Other inappropriate behavior:

- ◆ Bringing animals, other than service animals, inside Library buildings or into the library's outdoor spaces without the prior permission of Library staff
- ◆ Prolonged or chronic sleeping
- ◆ Using Library restrooms for bathing, shaving, washing hair, or other matters of personal hygiene
- ◆ Entering the building or Inside/Out/Discovery Grove without shirts and/or shoes
- ◆ Exhibiting personal hygiene which disrupts others from using the Library
- ◆ Loitering on Library grounds
- ◆ Parking vehicles on Library premises when not using the Library
- ◆ Exhibiting any other condition or action which in the judgment of the Director disrupts the operation of the Library or its use by others or which endangers the health, safety, or welfare of Library users or employees

Response to Infractions

The Library Director or the Director's designee shall be responsible for the enforcement of these Rules of Conduct. Unacceptable behavior on the part of the Library user can result in loss of Library privileges. Depending on the severity of the violation, the Library will institute discipline ranging from a verbal warning, through denial of specific privileges, such as use of Library computers, to denial of the right to use the Library for a specified time period.

The Director or the Director's designee may either direct the trespasser to cease and desist the violation or vacate the premises. Upon the refusal of such person to obey the directive, the Director or the Director's designee is hereby authorized and directed to make a complaint to the appropriate law enforcement agency and to sign any information as necessary charging said trespasser with the appropriate violation of the Penal Law. In situations where the Director or the Director's designee feels that the health, safety, or security of Library users is threatened, any and all appropriate action may be taken including, but not limited to, calling the police for assistance. In the event of inappropriate behavior by a minor, the child's parent

or guardian may be notified by the Library at the discretion of the Director. At the first opportunity, the Director or the Director's designee shall follow the established procedures for recording the facts and circumstances surrounding the enforcement of this policy by completing an Incident Information Form.

The Library shall indemnify and save harmless the Library Director or the Director's designee, and any Library personnel, from any action, claim or proceeding instituted against such person arising out of the enforcement of these rules and regulations by such Library personnel.

In addition to all of the foregoing summary remedies against the trespasser and /or person in violation of law and these rules and regulations, the Library Director may thereafter, in his/her, sole discretion, take the following action with respect to the following categories of persons:

District residents may have their privileges to use the Library's facilities and/or services suspended for a period not to exceed three years. All other Library users may be subject to the same restrictions. The Library Director may, at his/her discretion, notify other agencies of actions taken.

Employees are subject to the provisions of this policy, applicable portions of the Civil Service Law, New York State "employment law"; the Education Law; and pertinent personnel policies adopted by the Library's Board of Trustees and may be disciplined, censured, suspended without pay or discharged accordingly.

Appeals Procedure

Appeals relating to suspension of Library service privileges and/or revocation of their privileges to enter upon Library premises shall be made to the Board of Trustees. Appeals by Library staff subject to the provisions of the Civil Service Law, Education Law and personnel policies, to the extent relevant, may be made to the Board of Trustees.

Each person, not an employee of the Library, shall have the right to submit a Request for Suspension Appeal form to the Board of Trustees within thirty (30) days of any action taken by the Library Director which suspends borrowing privileges or revokes the right to enter the Library premises. The Board of Trustees, or their designee, shall convene a hearing within thirty (30) days of submission of such a notice of appeal, at which time and place the aggrieved shall be afforded the opportunity to present evidence, testify and cross-examine witnesses if applicable. Within fourteen (14) days of such a hearing, the Board of Trustees shall render a decision in writing.

Request for Suspension Appeal/Hearing Panel Procedure and Form

Any patron suspended for one to 30 days has a right to appeal their suspension from the Sachem Public Library. To appeal a suspension:

1. Complete the Request for *Suspension Appeal/Hearing Panel Form*.
2. Return the completed form to the Library via US mail. Staff will sign the form to acknowledge its receipt and will provide you with a copy for your records.
3. The completed form must be received by staff at the Library within seven days from the date of the suspension. Postmarks will not apply.

Suspension Appeal Procedure (One to Thirty Day Suspension)

Upon receipt of your *Request for Suspension Appeal/Hearing Panel Form*:

1. A Suspension Appeal decision meeting comprising of authorized Library staff will take place. Library staff or patrons who witnessed the incident(s) may also be asked to attend.
2. The Suspension Appeal meeting will convene privately to discuss the evidence and make final suspension determination.
3. The suspension will be withdrawn if the authorized Suspension Appeal meeting members determine, by a preponderance of evidence, that the behavior(s) cited on the *Notice of Suspension Library Letter* did not occur and that the suspension is unwarranted.
4. Within seven days from the date the Library receives your *Request for Suspension/Appeal Hearing Panel Form*, a *Suspension Appeal/Hearing Panel Determination Notice* will be mailed to address provided by you on the *Request for Suspension Appeal/Hearing Panel Form*.
5. If you do not have a mailing address, you must return the Library within seven days from the date to the Library receives your *Request for Suspension Appeal/Hearing Panel Form* to pick up your *Suspension Appeal/Hearing Panel Determination Notice*.
6. The Suspension Appeal Determination decision is final.

Suspension Hearing Panel Procedure (31 days to 3 Year Suspension)

Any patron suspended for 31 days to 3 years has the right to a hearing with the Suspension Hearing Panel. To request a hearing:

1. Complete the *Request for Suspension Appeal/Hearing Panel Form*.
2. Return the completed form to the Library via US mail. Staff will sign the form to acknowledge its receipt and will provide you with a copy for your records.
3. The completed form must be received by staff at the Library within seven days from the date of the suspension. Postmarks will not apply.

Upon receipt of your *Request for Suspension Appeal/Hearing Panel Form*.

1. Within seven days from the date the Library received your *Request for Suspension Appeal/Hearing Panel Form*, the Library will mail you a notice providing you with the date, time and location of the Suspension Hearing Panel.

2. If you do not have a mailing address, you must return to the Library within seven days from the date the Library receives your *Request for Suspension Appeal/Hearing Panel Form* to pick up your notice of the date, time and location of the Suspension Hearing Panel.
3. The Suspension Hearing Panel will comprise authorized Library staff, Library Director and Library Trustees. Library Staff, a Library Security Guard, or patrons who were witnesses to the event(s) may also be asked to appear.
4. When you arrive for your hearing you will be provided the opportunity to present evidence or reasons why the suspension should be withdrawn.
5. A parent or guardian must accompany a minor (under the age of 18 unless emancipated) to the hearing.
6. After all the evidence has been presented, the Suspension Hearing Panel may convene privately to discuss the determination.
7. The suspension will be withdrawn if the Suspension Hearing Panel determines, by a preponderance of evidence, that the behavior(s) cited on the *Notice of Suspension Library Letter* did not occur and the suspension is unwarranted.
8. Within seven days of the date of your hearing, a *Suspension Appeal/Hearing Panel Determination Notice* will be mailed to you that will include the findings in support of the decision.
9. If you do not have a mailing address, you may return to the Library after seven days to pick up a copy of the *Suspension Appeal/Hearing Panel Determination Notice* from a Library security guard at the Circulation Desk.
10. The Suspension Hearing Determination decision is final.

Request for Suspension Appeal/ Hearing Panel Form

I want to appeal the library suspension that was issued to me. I am requesting Library Administration review this suspension.

Date: _____

Name: _____

Address: _____

Telephone: _____

Reason for the Request (optional): _____

This form must be returned to Sachem Public Library with seven days of the suspension issue date via US mail.

Within five days after you submit this form, you may contact Sachem Public Library to determine the status of the Suspension Appeal/ Hearing Panel (see *Public Behavior in the Library Policy and Request for Suspension Appeal Panel Procedure*). (631) 588-5024 ask for the Administration office.

If, by a preponderance of the evidence, it is determined that your suspension is unwarranted, your suspension will be withdrawn. The Library's Suspension Appeal/Hearing Panel is final.

Signature of the Appellant: _____

Date: _____

Staff Signature: _____

Staff Job Title: _____

Date: _____

For Library Use Only:

Suspension is _____ is not _____ withdrawn.

Related Documents: *Public Behavior in the Library Policy / Notice of Suspension Library letter / Request for Suspension Appeal _Hearing Panel Procedure / Suspension Appeal hearing Panel Determination Notice*

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