

The Nyack Library Behavior Policy

A. Purpose:

The Nyack Library has established this Behavior Policy to ensure that library facilities are safe, welcoming and provide equitable access to materials and services for all library users. Appropriate library conduct includes activities such as reading, studying, properly using library materials or computers and other similar conduct typically associated with a public library.

B. Overview and Definitions:

No individual may engage in inappropriate conduct on the premises of The Nyack Library, or when using library facilities, or when participating in programs at the Library. Visitors shall be engaged in appropriate activities associated with the use of a public library while in or about the building.

Inappropriate conduct includes any individual or group activity which is unreasonably disturbing to other individuals using library facilities. The use of materials and/or premises that is otherwise inconsistent with activities such as reading, studying, properly using library materials or computers and other similar conduct typically associated with a public library is prohibited.

When possible, staff will first educate individuals about the applicable policies before taking stronger measures to enforce those policies.

C. Inappropriate Behavior shall include, but is not limited to, the following conduct or behaviors:

1. Committing or attempting to commit any act that would constitute a crime or a violation of public ordinances.
2. Possessing, selling, distributing, displaying or using any weapon on library premises or using or threatening the use of any object in such a manner that it may be considered a weapon.
3. Engaging in any physically intimidating or assaultive behavior. Making any threats of violence. The Library has a policy of zero tolerance for threats and acts of violence. Any person engaging in such behaviors will be immediately ejected by the Library.
4. Selling, distributing, consuming or being under the influence of any alcoholic beverage or controlled substance is expressly prohibited.
5. Trespassing by entering or remaining on library premises after having been notified by an authorized individual not to do so, and entering or remaining on the library premises during the period in which an individual has been barred from the premises.
6. Refusing to follow the reasonable directions of library staff in an emergency situation.

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7. Engaging in any behavior that a reasonable person would find to be disruptive, harassing, or threatening in nature to library users or staff including stalking, prolonged staring at or following another with the intent to annoy or intentionally behaving in a manner that could reasonably be expected to annoy or disturb other people.
8. Leaving children under the age of 8 unattended on library premises. (See D: The Behavior and Supervision of Minors and Children's Areas of the Library).
9. Engaging in any sexual conduct.
10. Soliciting, selling, petition signing, surveying, distributing or posting materials within the library building without prior authorization of the Library Director or designee, which authorization shall not be unreasonably withheld.
11. Use of tobacco products within the Library or in other non-designated areas.
12. Eating, except in the library's Café or other designated areas, or drinking, except beverages in closed-top containers. Glass bottles are not allowed.
13. Sleeping in or on library premises.
14. 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.
15. Not wearing footwear or shirt within the library.
16. Entering or remaining upon library premises with bodily odor so offensive that it constitutes a nuisance to others.
17. Moving furniture without the express consent of the library staff or using furniture in any manner that may damage the furniture.
18. Using library materials, furniture, equipment or facilities in any manner inconsistent with the customary use thereof or the theft or intentional damaging of library materials, furniture, equipment or facilities.
19. Blocking of aisles with personal items or leaving such items unattended on library premises at any time. Items may be removed if they reasonably appear to be abandoned.
20. Interfering with the safe and free passage of anyone 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.
21. Bringing any animal into the Library except service animals.

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22. Entering non-public areas of the Library without permission.
23. Taking library materials into restrooms.
24. Violating the library's rules for acceptable use of the Internet and library public computers. A user accepts these rules before accessing the Internet through a library computer. Copies of these rules will be made available by staff upon request.

**D . The Behavior and Supervision of Minors and Children's Areas of the Library
- Library Safe-Child Policies:**

1. The mission of the Children's Library is to guide young people toward a love of reading and learning in a welcoming and safe environment. We provide access to children's materials and programs and make information and cultural opportunities available to children and adults involved in children's lives.
2. The materials, services and equipment in The Nyack Library's Children's Library are intended for the use of children from birth to age 11, their parents, caregivers, and others needing children's materials and services for some specific purpose. All other library users are asked to use the adult or teen areas of the Library as appropriate.
3. 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.
4. The library's Teen Room serves young people primarily in middle school and high school and others needing teen materials and services for some specific purpose. All other library users are asked to use the adult or children's areas of the Library as appropriate.
5. Anyone over 12 years of age is permitted in the Children's Library when accompanied by a child. Older children and adults who are actively reading, studying or using library materials from the children's area collections for some specific purpose are also permitted. At the discretion of the Children's Library staff, any adult not in compliance with this provision may be asked to use the materials in other areas of the Library. If the individual does not comply with staff direction or repeatedly violates this policy, the individual may be barred from the Library.
6. For the safety and comfort of children, a responsible adult or responsible individual 14 years of age or older, must accompany children under age 8 when they are using the Library. This responsible individual must supervise, guide and control the behavior of their children at all times.

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Unattended Children:

1. Children under the age of 8 must be accompanied by a parent or responsible caregiver while in the Library.
2. No Library staff member is responsible for the supervision or care of any child left unattended at the Library at any time, with the exception of during specified library programs.
3. Parents/Caregivers are responsible for their children's behavior while in the Library and for ensuring that their children obey Library rules, and demonstrate respect for library customers, staff and property.
4. Children ages 4 through 8 attending a Library program must be brought into the building by a parent or responsible childcare provider who must remain in the building until the conclusion of the program when they resume supervision of their charge. Children under the age of 4 must be accompanied by a parent/caregiver at all Library programs.
5. When a child is unattended or under-attended/ignored and
 - a. the behavior of the child is disruptive or inappropriate (or)
 - b. the child appears to be a danger to herself or himself or others (or)
 - c. the child appears to be threatened by others (or)
 - d. the child appears to be ill or upset (or)
 - e. the child has not been met by a parent or caregiver at closing -

then in such case 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 Orangetown Police Department. In the event of an emergency, staff will call 911. At least two staff members will remain after hours with an unattended child until the parent or guardian or police arrive. One staff member will always be the same gender as the child.

6. Parents/Caregivers who violate the rules stated above risk having their Library privileges restricted or revoked.

Children's Computer Access:

1. The Children's Library currently has computers available for use by children for research and entertainment purposes. All of these computers provide Internet access with filtering software that blocks graphics and text that are explicitly sexual and/or violent. Filtering software, however, cannot guarantee protection from all inappropriate sites, and Library staff cannot monitor individual Internet use. For this reason, supervision of a child's access to the Internet is the responsibility of the parent/caregiver.
2. Children under the age of 5, who are using any Library computer, must have a parent/caregiver seated with them.

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3. While priority for computer use will always be given to children, parents accompanying young children in the Children's Library may use a computer for personal use for short periods of time. The parent will still be responsible for monitoring their children while they are using the computer.
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E. Staff Response to Infractions:

The 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 require them to leave for the day. 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 and/or police intervention. Library staff is required to contact the Orangetown Police Department to respond to such situations. Repeat misconduct or severe offenses; even if a single isolated event, may result in individuals being barred from the Library for a period of time to be determined at the library staff's discretion. 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 requested by staff to do so.

F. Suspension of Library Access and Privileges:

One-Day Dismissal: Incidents that are of a minor nature shall be dealt with by staff, which may involve the staff member asking an individual to leave the Library for the day. Such dismissals, particularly with youth, are dealt with under the discretion of the attending staff and should be documented with a brief incident report to the Library's Person-in-Charge (PIC) and Safety Officer.

Suspension of library access for specific periods of time: When staff determines that a person has engaged in severe or repeated misconduct, staff will consider whether the individual should be barred from the Library for a specified period of time. The primary staff member involved with the behavioral problem will initiate an incident report before the end of shift and deliver it to the PIC for review and signing, who will then forward it to the Safety Officer before the end of the day. Electronic notice is preferred. The Safety Officer will consult with the PIC signing the incident report and any other staff as necessary to fully understand the incident. When the Safety Officer and staff have determined that the individual involved should be barred:

1. The Safety Officer shall mail a letter indicating the reasons for the barring of the individual and the time period of the suspension to the individual. The letter shall also notify the barred individual of the process for appealing the suspension. The Safety Officer will email the incident report and the access suspension letter to Department Heads and the Director. The Director will report the measures to the Board in the monthly Director's Report, and in a more timely manner when incidents are of a serious nature (refer to Incident Reporting Policy).

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2. Until such time as the suspension 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.

G. Alternative Juvenile Suspension Procedure:

Discretionary Restricted Library Use for Juveniles: The juvenile whose library use is restricted may use the library during the suspension period only when a responsible parent or guardian accompanies the juvenile. The juvenile's parent or guardian must be notified of the restriction via certified mail. Failure to abide by the restriction may lead to barring of the juvenile from all access to library premises.

H. Reconsideration Process:

You may file a written request to Library Director, The Nyack Library, 59 South Broadway, Nyack, NY 10960, to reconsider this suspension. The Director or Administrator-in-Charge will respond within five days, in the absence of extraordinary circumstances. Your written request shall set forth your reasons for reconsideration of the suspension. The length of this suspension from The Nyack Library shall remain as stated in this document unless the Director issues a written determination altering the terms of this document. Appeal from the Director's decision may be made to the Board of Trustees under the provisions found in Section (I) of the Library's Behavior Policy (available on-line at the library's website or upon request at the library)

I. Appeal Process:

Notice of Appeal for suspensions that are in excess of 10 days:

The Director's written determination may be appealed to the Library Board, if the individual aggrieved files written notice of appeal. Such notice shall be filed with: both the Library Director and the Library Board President, c/o The Nyack Library, 59 South Broadway, Nyack, NY 10960. The Board shall hold a hearing at its next Regular Meeting, Special Board Meeting or Executive Committee meeting within 10 days after the notice has been filed. The appellant shall be notified at least 3 days before the hearing. In any specific case, these maximum/minimum days' requirements may be modified by mutual consent of the applicant and the Board President.

1. *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 preside over the hearing according to Board procedures. The staff shall record all of the proceedings on tape.

2. *Decision:* Within 5 working 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 the Appeal Procedures.

J. Non-compliance with Access Suspension - Trespassing:

If a barred individual enters The Nyack Library before the return date listed in the suspension letter, police will be called and the individual may be arrested for trespassing.

Submitted by the Library Policy Planning Committee

Approved by The Nyack Library Board

November 14, 2011

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