

A. Purpose:

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, attending programs, training classes, community meetings or using computers and other similar conduct typically associated with a public library.

B. Overview and Definitions:

No individual should 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 disturbs other individuals in the library. 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.

Library staff are responsible for providing services to the public that are consistent with the policies and rules established by the Board of Trustees. Staff will remind, inform, and educate individuals who may be violating library policy about the applicable rules of behavior before taking action to enforce those policies. Actions may include contacting law enforcement.

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.
4. Selling, distributing, consuming or being under the influence of any alcoholic beverage or controlled substance.
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. 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.
7. Leaving children under the age of 10 unattended on library premises
8. Engaging in any sexual conduct.
9. 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.
10. Use of tobacco or vaping products in library facilities, or within 100' of the Library premises.

11. Eating, except in designated areas, or drinking beverages in closed-top containers over 16 oz. in size. Glass bottles and containers are not allowed.
12. Sleeping in or on library premises.
13. 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.
14. Not wearing footwear or shirt on the library premises.
15. Entering the library premises with bodily hygiene that offends and constitutes a nuisance to others.
16. Rearranging library furniture or equipment without the express consent of the library staff or using furniture in manner inconsistent with its intent and purpose. For example, lounging on tables or bookshelves with your feet in a manner that may damage the furniture.
17. 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.
18. Entering the library with containers of personal items beyond what is required to conduct library business, such as a book bag, briefcase or individual bag of personal items. Such items may not be left unattended on the library premises at any time. Items will be removed if they appear to be abandoned.
19. 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.
20. Bringing an unauthorized service animal into the Library. [New York State](#) only recognizes dogs as service animals, therefore, all other types of animals will not be permitted into the library.
21. Accessing staff only areas of the Library without permission.
22. Taking library materials into restrooms.
23. 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 posted and available on the Library website (www.nyacklibrary.org).

E. Staff Response to Infractions:

The violation of these rules is misconduct that can result in the suspension of library privileges. First time violations of these rules will result in library staff informing individuals about library behavior policies. If an individual continues to violate these policies, staff will require them to leave for the remainder of the day. Any conduct that threatens the life or safety of any person or that is damaging to library property, equipment or facilities will result in immediate expulsion from the library premises and/or police intervention. When individuals refuse to comply with directions to leave the premises, Library staff will 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 discretion of the Library Director or designee.

F. Suspension of Library Access and Privileges:

One-Day Dismissal: When individuals refuse to comply with directions to follow library policies, they will be asked to leave the Library for the remainder of the day. Such dismissals, when involving youth, are dealt with under the direction of Youth Services staff and/or Person-In-Charge (PIC) or Safety Officer. The episode will be documented with an Incident Report to the Library Director and other authorized staff. The primary staff member involved with the behavioral problem will document the incident before the end of his/her shift and deliver it to the PIC for review and signing, who will then forward it to the Library Director or designee before the end of the day. The Safety Officer will consult with the PIC and any other staff as necessary to fully understand the incident and to present all relevant information, including images from the Library's video security system, to the Library Director.

Suspension of library access for specific periods of time: When an individual person has engaged in severe or repeated misconduct, the Library Director may suspend the individual's library privileges for a specified period of time. The Library Director will send a letter notifying the individual, or in the case of a patron under the age of 18, the individual's parent or guardian, informing them of the suspension of privileges, its duration and the process for appealing the suspension. The Director will report the measures to the Board in the monthly Director's Report when incidents are of a serious nature (refer to Incident Reporting Policy), the Library Director will notify the Board of Trustees in a reasonable period of time.

The Library Director or designee will mail a letter to the individual indicating the reasons for the barring of the individual and the time period of the suspension. The letter will notify the barred individual of the process for appealing the suspension. Documentation of the incident and suspension will be maintained in the office of the Library Director, and the associated information will be shared with library staff as appropriate.

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:

An individual whose library privileges are suspended may file a written request to the Library Director for reconsideration. The request should be sent to Library Director, Nyack Library, 59 South Broadway, Nyack, NY 10960, to reconsider this suspension. The Director or Administrator-in-Charge will respond to the suspension reconsideration request within five days, in the absence of extraordinary circumstances. The written request will include reasons for reconsideration of the suspension. The length of this suspension from the Nyack Library will remain as stated in this document unless the Library Director issues a written determination altering the terms of this document. Appeal from the Library Director's decision may be made to the Board of Trustees under the provisions found in Section (I).

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, when the barred individual files written notice of appeal. Such notice shall be filed with: both the Library Director and the Library Board President, c/o Nyack Library,

59 South Broadway, Nyack, NY 10960. The Board will 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 individual appellant will 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 will preside over the hearing according to Board procedures. The staff will audio record all of the proceedings.
2. Decision: Within 5 working days of the completion of the hearing, the Board will issue a written decision stating the reasons. The Board will have the power to affirm or reverse the written determination, or to remand it to the Library 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, the Orangetown police will be called and the Library will file a trespassing complaint against the individual.

Addendum: Inappropriate behavior include, but are not limited to the following:

- Disruptive behavior that threatens the peace, health, safety, security or privacy of another individual, including close contact or offensive body odor.
- Loitering (sit or stand idly about) or sleeping in the Library.
- Talking in loud voice, using obscene and/or abusive language, or engaging in any kind of harassment.
- Misusing or moving library equipment or furniture, or placing your feet on tables or chairs.
- Running, jumping or engaging in disruptive or unsafe behavior.
- Riding skateboards, in-line skates or wheeled sneakers on library property.
- Blocking the steps, doorways or walkways with bicycles, strollers or persons.
- Eating (except in designated areas) or drinking from containers larger than 16 oz. and/or without tops.
- Playing audio or video equipment that is audible to others.
- Smoking, or vaping, or using tobacco products anywhere on the library property.
- Using cellular telephones for voice or video communications inside the building except in designated areas. Please remember to use a soft voice and not disturb other patrons or staff while using your phone.
- Bringing animals into the Library or tying them to the front steps; service animals are permitted.
- Engaging in gambling or any illegal activity on library premises, or with library technology including wifi and public computing services.
- Selling, distributing, consuming or being under the influence of any alcoholic beverage or controlled substance.
- Soliciting, selling, conducting a petition signing or survey or distributing written literature.
- Entering the Library without shirts or shoes.

The violation of any rule or otherwise inappropriate behavior may lead to suspensions of library privileges or exclusion from the library premises. Library staff may request users to show their library cards or other appropriate identification, and refusal to comply with the request may result in a suspension of library privileges.

A detailed copy of the Library's Behavior Policy is available at the Circulation Desk and the Reference Desk, or on the library's website.

Submitted by the Library Policy Planning Committee

Approved by The Nyack Library Board November 14, 2011

Revised, February 13, 2012

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