

CLEVELAND PUBLIC LIBRARY

Community Services Committee

October 15, 2013

RESOLUTION ON PATRON CONDUCT

- WHEREAS, On September 19, 2002, the Board of Library Trustees approved the Policy on Patron Guidelines to communicate a clear set of expectations for the conduct of library patrons; and
- WHEREAS, The Policy on Patron Guidelines has been revised periodically since then to conform with recommendations from the Library's Leadership Team, and changes in the law; and
- WHEREAS, "The Rights of Patrons Whose Library Privileges Have Been Suspended in the Enforcement of the Policy on Patron Guidelines" was adopted as a separate policy by this Board on April 16, 2009, to empower patrons to exercise their right to due process; and
- WHEREAS, Having two related but separate policies has proven to be confusing for the public and cumbersome for staff who are charged with enforcing the Patron Guidelines; and
- WHEREAS, Further revisions to the Policy on Patron Guidelines have been recommended by the Library's Safety & Protective Services Manager in consultation with the Library's Chief Legal Officer, including renaming the policy to clarify that it concerns patron conduct, and incorporating the due process policy; now therefore be it
- RESOLVED, That the Cleveland Public Library Board of Trustees adopt the attached Policy on Patron Conduct which combines the Policy on Patron Guidelines with the policy on due process; and be it further
- RESOLVED, That the Policy on Patron Conduct go into effect on January 2, 2014, to provide time for staff training and the printing of informational materials for the public.



CLEVELAND PUBLIC LIBRARY

Policy on Patron Conduct

As the center of learning for a diverse and inclusive community, Cleveland Public Library encourages the use of its facilities by the people we serve. We pledge to conduct our interactions with respect and to provide an atmosphere conducive to learning and the effective delivery of library services to our patrons. In return, our patrons are asked to conduct themselves in a lawful, orderly and considerate manner.

Section 1: Conduct Governed by Cleveland Public Library Policy

Any behavior that disrupts the orderly use of the Library is prohibited. This includes, without limitation, behavior that constitutes a nuisance, or presents a safety and/or security hazard or affects the ability of the library staff to provide service to its patrons. The following actions are examples of conduct not allowed on library property:

- 1.1 Possessing weapons of any kind, either concealed or in plain view
- 1.2 Using threatening, profane, or offensive language or gestures
- 1.3 Trespassing in non-public areas
- 1.4 Blocking aisles, exits or entrances
- 1.5 Creating excessive noise or a disruption
- 1.6 Using computers, phones, and other devices at a volume that disturbs other patrons or library staff
- 1.7 Leaving packages or any other personal items unattended
- 1.8 Bringing large items into library facilities
- 1.9 Leaving a child, age six or under, unsupervised or unattended, anywhere in or on library premises
- 1.10 Monopolizing equipment, materials, or furnishings
- 1.11 Moving furniture or equipment without library authorization
- 1.12 Bringing animals into library facilities, with the exception of service animals and animals brought in for special programs
- 1.13 Furnishing false information to a library staff member or library representative
- 1.14 Being in library facilities with bare feet or without a shirt, or being otherwise attired so as to create a threat to health or safety or disrupt other patrons' use of the library facilities
- 1.15 Eating and drinking, except in designated areas
- 1.16 Using skateboards or skates on library premises
- 1.17 Bringing bicycles, scooters or carts into library facilities without permission
- 1.18 Violating the Library's *Policy on Internet and Computer Use*
- 1.19 Misusing computers
- 1.20 Exceeding the 2-hour per day time limit on use of computers managed by reservation software
- 1.21 Disabling, circumventing, or breaching library software on public computers
- 1.22 Adults using children's computers or equipment without authorization
- 1.23 Soliciting, including, but not limited to, soliciting for money, donations, or signatures
- 1.24 Posting or distributing material without permission
- 1.25 Parking vehicles on library premises for purposes other than library use
- 1.26 Engaging in horseplay or running
- 1.27 Using restrooms for bathing or laundry
- 1.28 Sleeping in or on library premises
- 1.29 Smoking in the Eastman Reading Garden
- 1.30 Littering

Subject to Search

By entering into any library facility, all patrons consent to search by the Library of bundles, packages, backpacks, briefcases, purses, and other containers, upon entering or leaving library buildings, in order to protect and preserve the safety and security of property and people using the Library.

(continued)

Pending approval by the Board of Library Trustees, October 17, 2013

Section 2: Conduct Governed by Federal, State, and Local Law

Patrons must comply with federal, state and local laws, including, without limitation, those that concern the following:

- | | |
|---|--|
| 2.1 Concealed weapon | 2.10 Indecent exposure |
| 2.2 Physical harm or threat of physical harm | 2.11 Trespassing |
| 2.3 Menacing by stalking | 2.12 Gambling |
| 2.4 Fighting | 2.13 Being under the influence of alcohol/illegal drugs |
| 2.5 Selling, using or possessing alcohol or illegal drugs | 2.14 Smoking |
| 2.6 Defacing or intentionally damaging library property | 2.15 Computer usage |
| 2.7 Theft and/or attempted theft of library property or the property of patrons and staff | 2.16 Sending, receiving, printing disseminating, or displaying text or graphics which may be construed as obscene or as "harmful to juveniles" under Chapter 2907 of the Ohio Revised Code |
| 2.8 Abusive language | |
| 2.9 Sexual conduct | |

Infractions of the Law

Infractions of the law may result in a patron's expulsion from the Library, criminal prosecution, or other legal action, as appropriate.

Section 3: Special Guidelines for Children and the Persons Responsible for Them

Children are encouraged to use the Library's resources and services, to enjoy the Library as a place of study and inquiry, and to participate in the Library's programs. The Library encourages parents, guardians, and caregivers to use the Library with their children. Children six and under must be accompanied at all times by a responsible party. Any child not able to travel alone must be picked up prior to closing. Disruptive juveniles may be asked to disperse or leave the Library at the librarian's discretion. Parents are responsible for the behavior of their children, and guardians and caregivers are responsible for the behavior of the children in their care. The Library is not responsible for the safety or security of children left unattended, or the safety or security of children utilizing the Internet or electronic mail in the Library. (See *Policy on Internet and Computer Use*.)

Section 4: Enforcement of Patron Guidelines

The Board of Trustees of the Cleveland Public Library has delegated to the Director and other library staff the authority to enforce the Policy on Patron Conduct. A patron who violates this policy will be notified of the portion of the policy that has been violated. A violation of this policy may result in a patron's expulsion from the Library, criminal prosecution, or other legal action as appropriate, depending upon the severity or frequency of the violation. If possible, a patron who has violated this policy and is expelled for more than 1 day will be given written notice of violation called a Violation and Expulsion Notice at the time the infraction takes place. Otherwise, a Violation and Expulsion Notice shall be mailed to the patron.

Appeal Rights

A patron has the right to an Administrative Appeal of an expulsion exceeding 1 day. Patrons who believe they are being unfairly targeted with multiple one-day suspensions or consecutive suspensions because of managerial abuse of discretion, unevenly applied enforcement, or unreasonable managerial response, also have the right to an Administrative Appeal.

If a patron requests an Administrative Appeal, a supervisor in the Department of Safety & Protective Services will strive to conduct the appeal at the time of the violation, unless the patron's behavior constitutes an immediate threat to health or safety, in which case the patron will be expelled from the Library immediately. If the Administrative Appeal cannot be completed at the time of the violation, an Administrative Appeal can be scheduled by contacting a Safety & Protective Services supervisor at 216-623-2889 between 10am and 6pm Monday through Friday (except holidays) within 5 working days from the date of the Violation and Expulsion Notice.

A patron whose expulsion exceeds thirty (30) days has the right to a review by the Director or his/her designee in addition to an Administrative Appeal. A patron may request an in-person hearing, or submit a written statement or other documentation to the Director in which case the Director will decide based upon the documents. Requests must be made within 2 working days from the conclusion of the Administrative Review. If a patron requests an in-

person hearing, the patron will be notified of the date, time and place of the hearing by mail. To request a review hearing contact Safety & Protective Services supervisor at 216-623-2889.

Expulsions will take effect immediately at the time of the violation, unless the patron requests an Administrative Appeal within 5 working days from the date of the Notice, in which case the expulsion will not take effect until after the patron has had an opportunity for an Administrative Appeal, depending upon the outcome. If a patron does not request an Administrative Appeal, the patron's expulsion will take effect at the time of violation. Expulsions will take effect immediately at the time of the violation when a patron is expelled for behavior which constitutes an immediate threat to health or safety.

Decisions of the Director or his/her designee may be appealed to the Board of Trustees. A patron may request an appeal by submitting a written statement explaining why the Director's decision should be overturned, with any supporting documentation or evidence the patron wishes the Board to consider. Statements may be mailed to The Board of Trustees of the Cleveland Public Library, 325 Superior Avenue, Cleveland, Ohio 44114, or by email to boardappeal@cpl.org.