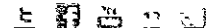

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## Behavior Policy

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### Purpose:

Madison Public 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 normally associated with a public library

### Overview and Definitions:

No individual may engage in inappropriate conduct on the premises of Madison Public Library, or when using library facilities, or when participating in library programs. Patrons shall be engaged in normal activities associated with the use of a public library while in the building. Patrons not engaged in reading, studying, or using library materials or computers may be asked to leave the building

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

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

### **Inappropriate Behavior, shall include, without limitation by enumeration, the following conduct or behaviors**

- Committing or attempting to commit any activity that would constitute a crime or a violation of City or County ordinances
- Possessing, selling, distributing, displaying or using any dangerous weapon as that term is defined in Wis. Stats. sec 939 22(10) upon library premises or using or threatening the use of any other object in such a manner that it may be considered a weapon
- Engaging in any physically intimidating or assaultive behavior. Making any threats of violence or unlawful activities The Library has a policy of zero tolerance for threats and acts of violence. Any person engaging in such behaviors will be immediately ejected from the Library.
- Possessing, selling, distributing, consuming or being under the influence of any alcoholic beverage or controlled substance.
- 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 banned from the premises.
- Refusing to follow the reasonable directions of library staff to include, failing to take shelter in an emergency as directed by staff.
- 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 patrons
- Leaving children under the age of 7 unattended on Library premises. (See Addendum Concerning the Behavior and Supervision of Minors and Children's Areas of the Library)
- Engaging in any sexual contact, activities or conduct.
- Selling, soliciting, surveying, distributing written materials, panhandling or canvassing for any political, charitable or religious purposes inside a library building, doorway or vestibule without prior authorization of the Library Director or designee.
- Smoking or other use of tobacco products.
- Eating.
- Drinking from open containers without lids or tops.
- Sleeping, napping or dozing in or on library premises.
- 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
- Not wearing shoes or shirt within the library.

- Entering or remaining upon library premises with a bodily hygiene so offensive that it constitutes a nuisance to others.
- Moving furniture without the express consent of the library staff or use of furniture in any manner that may damage the furniture, to include placing feet on the furniture
- 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.
- Bringing in more than 2 bags. No bag may be brought into the Library facilities that exceeds the following dimensions: 26"x14"x14".
- Blocking of aisles with personal items or leaving such items unattended on library premises at any time. Items may be removed from the library premises if they reasonably appear to be abandoned or have been left unattended for 30 minutes or more
- Interfering with the safe and free passage of library staff or patrons 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
- Bringing any animal into the library except service animals.
- Entering non-public areas of the library without permission.
- Improperly using library restrooms or facilities for purposes such as bathing, shaving or changing clothes.
- Taking library materials into rest rooms.
- Engaging in any other activities that are inconsistent with those activities normally associated with the use of public library facilities that include reading, studying, and using library materials
- 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

#### **Addendum Concerning the Behavior and Supervision of Minors and Children's Areas of the Library**

Madison Public Library welcomes children. 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.

For the safety and comfort of children, a responsible adult or an older responsible individual must accompany children under age seven when they are using the Library. This responsible individual must supervise, guide and control the behavior of their charge or charges at all times.

When a child is unattended or under-attended/ignored and

- the behavior of the child is disruptive or inappropriate (or)
- the child appears to be a danger to herself or himself or others (or)
- the child appears to be threatened by others (or)
- the child appears to be ill or upset (or)
- the child has not been met by a parent or caregiver at closing

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 Madison Police Department. In the event of an emergency, staff will call 911.

**Inappropriate Use of Children's Spaces/Youth Services:** Adults are permitted in children's areas of branch libraries or in the Youth Services Department at the Central Library when accompanied by a child or if the adult is actively reading, studying and using library materials from the children's area collections. Any adult not in compliance with this provision will be asked to use other areas of the library. If the individual does not comply with staff direction or repeatedly violates this policy, the individual may be banned from the library.

#### **Staff Response to Infractions:**

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 order them to leave for the day. However, 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. Library staff are authorized to contact the Madison Police Department to respond to such situations. Repeat misconduct or severe offenses (even if a single isolated event) may result in individuals being banned from the library from a week to a year. 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 told by staff to do so.

**Banning Procedure:**

After staff determine that a person has engaged in severe or repeat misconduct and staff has determined that the individual involved should be banned:

1. Staff will issue, or cause to be issued, a written ban letter to the individual involved notifying the individual that they are banned from all Madison Public Libraries. The letter shall indicate the reasons for the ban and the time period of the ban.
2. Staff will email mpl-all with a description of the underlying behavior, the name and description of the banned individual when a banning is executed; so that all staff are informed as soon as possible. Staff will also forward a copy of the ban letter and incident report to the Director who will officially inform all staff involved about the reasons for the ban and the length of the ban. After consultation, if the Director agrees with the reasons for the ban and the length of the ban, then the Director shall take no further action. If, after consultation with staff, the Director deems it appropriate to rescind or modify the terms of the ban, the Director shall notify the banned individual in writing, all staff, and the Library Board President, in writing, about the decision to rescind or modify the ban and specify the reasons for the rescission or modification. The Director shall also notify the banned individual of the process for appealing the ban.
3. The Director will review and may reconsider the decision to ban an individual upon written request of the individual and may shorten or terminate the banning period if information submitted by the individual warrants such modification. Director may consult with the City Attorney's Office before issuing the response to the banned individual. Until such time as staff banning 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.

**Alternative Juvenile Banning Procedure**

Discretionary Restricted Library Use for Juveniles: As an alternative to banning a juvenile, a supervisor and a staff member may restrict a juvenile from independent use of a specified library site for a period of 30 (first restriction) days or 90 (second restriction) days. The juvenile whose library use is restricted may use the library during the specified period only when the juvenile is accompanied by a responsible parent or guardian. The juvenile's parent or guardian must be notified of the restriction via certified mail. Failure to abide by the restriction may lead to banning of the juvenile from all library premises

**Banning Letter:**

TO:

On \_\_\_\_\_ at approximately \_\_\_\_\_ you were observed at the \_\_\_\_\_ Library. At that time you were:

- \_\_\_\_\_ INTOXICATED
- \_\_\_\_\_ LOUD AND DISTURBING
- \_\_\_\_\_ IN THE LIBRARY DESPITE BEING

PREVIOUSLY BANNED UNTIL

\_\_\_\_\_  
 \_\_\_\_\_ OTHER CONDUCT (As set forth below)

**COMMENTS:**

Because of the behavior listed above, and/or other history of inappropriate behavioral conduct at any Madison Public Library, you are banned from all Madison Public Libraries until the date listed below. If you enter any Madison Public library before the return date listed below, police will be called and you will subject to being arrested for trespassing under Madison City Ordinance 23.07(2)

You may file a written request to Director, Madison Public Library, 201 W. Mifflin St, Madison, WI 53703, to reconsider this ban from all Madison Public Libraries. Your written request shall set forth your reasons for reconsideration of the ban. THE LENGTH OF THIS BAN FROM ALL MADISON PUBLIC LIBRARIES SHALL REMAIN AS STATED IN THIS DOCUMENT UNLESS THE DIRECTOR ISSUES A WRITTEN DETERMINATION ALTERING THE TERMS OF THIS DOCUMENT

BANNED FROM LIBRARY \_\_\_\_\_  
 RETURN DATE \_\_\_\_\_  
 Staff initials: \_\_\_\_\_

**Appeal Procedure:**

1. Notice of Appeal. The Director's written determination may be appealed to the Library Board, if the individual aggrieved files a written notice of appeal within 10 days after he/she receives the determination. Such notice shall be filed with both the Library Director and the Library Board President, c/o Madison Public Library; 201 W. Mifflin St., Madison, WI 53703). The Board shall hold a hearing within 30 days after the notice has been filed. The appellant shall be notified at least 10 days before the hearing.
2. 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 conduct the hearing and shall follow the Rules of Evidence provided in the Wisconsin Statutes, 227.08, for administrative proceedings. The staff shall record all of the proceedings on tape.
3. Decision. Within 30 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 judicial review.

**Non-compliance with Ban - Trespassing:**

If a banned individual enters any Madison Public Library before the return date listed in the ban letter, police will be called and individual may be arrested for trespassing under Madison City Ordinance 23 07(2)

(Approved by the Library Board 2/1/07)

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