POLICY 005
MAINTENANCE OF PUBLIC ORDER AT LIBRARY FACILITIES

Purpose

The following rules, regulations and procedures are enacted by the Board of Trustees for the purpose of maintaining public order in the library facilities and surrounding sites by all library patrons, visitors and employees in accordance with Section 262 of the Education Law of the State of New York.

Conditional Permission for Use of Library Facilities

As a condition for the use of Library premises, Library patrons, employees, visitors and licensees who enter upon or remain at the Library facilities, agree that they shall be subject to these rules and regulations. Failure to comply with the same shall constitute grounds for immediate removal as trespassers, suspension of library borrowing privileges and revocation of rights to enter upon library premises.

Purpose of Use of Library Facilities

The use of Library facilities and entry onto Library premises shall be limited to employees of the Library in the performance of their duties, and to patrons, visitors, licensees and invitees to the Library facilities and offices for purposes of using library materials or services, conducting business with the Library, and attending meetings and cultural programs authorized or conducted by the Board of Trustees or Library personnel.

Any person who, while lawfully using Library facilities, harasses or threatens another, causes or attempts to cause physical injury to the person or property of another, or willfully causes or attempts to cause physical damage to the building or its contents, or enters into unauthorized areas, shall be deemed to be a trespasser and in violation of these rules and regulations.

In addition, any person who (1) willfully disrupts library operations, functions or programs; (2) transports illegal drugs, alcoholic beverages, fireworks, firearms, knives or weapons of any nature onto library premises; (3) engages in any unlawful conduct in violation of the Penal Law of the State of New York, including the displaying of obscene or pornographic images on library computer video monitors or on personal electronic devices and computer displays, or otherwise displays such obscene or pornographic images in printed/graphic form, or causes the retention of such obscene or pornographic images and material on Library computer hard-drives or other storage media; (4) violates any Library Policy or Regulation governing conduct upon Library premises; or (5) refuses to comply with the directives of the Library Director or designee or other authorized Library personnel, shall be deemed to be a trespasser and in violation of this Policy.

Procedures

1. While the HWPL facilities are open, the Library Director or authorized designee shall be responsible for the enforcement of these rules and regulations. Any violation shall be immediately reported to the Library Director or designee, who will immediately make inquiry of the facts and circumstances surrounding the complaint, and who may thereupon either direct the trespasser to cease and desist the violation or to vacate the premises. Upon the refusal of such person to obey the directive of the Library Director or designee, such Library Director or designee is hereby authorized and directed to make a complaint to the Nassau County Police authorities and to sign a complaint as necessary, charging said trespasser with the relevant violation of the Penal Law. The Library Director or authorized designees may use their discretion to impose against any Library patron, visitor, licensee or invitee a suspension of privileges to borrow library materials with a Hewlett-Woodmere Public Library card or to enter upon Library premises for a prescribed period of time as set forth in paragraph 4 herein. The Library Director shall subsequently make a report to the Board of Trustees.

2. When the Library is not open to the public, or when the Library Director or designee is not present, any Library employee is authorized and directed, upon observing and being informed of
any violation of these rules and regulations, to make inquiry of the facts and circumstances surrounding the violation and any such employee may either direct the trespasser to cease and desist the violation or to vacate the premises. Upon the refusal of such person to obey the directive of the employee, such employee is hereby authorized and directed to summon Nassau County Police authorities and to sign any necessary complaint charging such relevant violation of the Penal Law. Such Library employee shall to the extent practicable communicate such circumstances to the Library Director or Assistant Director prior to signing a formal complaint with police authorities. Such Library employee shall make a written report of the facts and circumstances surrounding the enforcement of these rules and regulations to the Library Director within twenty-four hours of the incident. The Library Director may impose against any Library patron, visitor, licensee and invitee a suspension of privileges to borrow library materials or to enter upon Library premises for a prescribed period of time as set forth in paragraph 4 herein, and shall report such action to the Board of Trustees.

3. The Library shall indemnify and save harmless the Library Director, authorized designee, or any Library personnel acting within the scope of their duties, from any action, claim or proceeding instituted against such person arising out of the enforcement of these rules and regulations by such Library personnel.

4. In addition to all of the foregoing summary remedies against the trespasser and/or person in violation of law and this Policy, the Library Board may take action with respect to the following categories:

Library patrons: Those persons registered or qualified for registration as borrowers of library books and materials may have borrowing privileges and permission to enter upon Library premises suspended for a period not to exceed four years.

Visitors, licensees and invitees: Such persons may be subject to the revocation of their privileges to enter upon Library premises for a period not to exceed four years.

Library Personnel: Employees are subject to the applicable provisions of the Civil Service Law and Education Law and may be counseled, disciplined, or discharged in accordance with such law and the due process that it affords to the extent that such Library personnel are specifically provided due process rights to charges and a hearing pursuant to Section “75” of the Civil Service Law.

Appeals Procedure

Appeals by Library Patrons relating to suspension of borrowing privileges and revocation of their privileges to enter upon Library premises, and appeals by visitors, licensees and invitees, may be made to the Board of Trustees. Each person shall have the right to submit a written notice of appeal to the Board of Trustees within thirty [30] days of notice suspending borrowing privileges or revoking the license to enter upon Library premises. The Board of Trustees, or its appointed designee, shall convene a hearing within twenty [20] days of submission of such notice of appeal, at which time and place the aggrieved shall be afforded the opportunity to present evidence, testify and cross-examine witnesses. Within twenty (20) days of such hearing, the Board of Trustees shall review the appeal and render a decision in writing, either restoring the aggrieved person’s library privileges, modifying the Library Director’s suspension period, or confirming the continuance of the Director’s action, and its reasons therefore. Appeals by Library personnel are subject to the provisions of the Civil Service Law and Education Law.

Adopted, Board of Library Trustees, September 8, 2003
Revised and Approved, BOT, July 17, 2013
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