

#### **4.1 Behavior Policy**

The Mission of the Traverse Area District Library is to support the District's diverse and changing population in its lifelong search for intellectual, recreational or vocational information and enrichment. The Traverse Area District Library Board has authority to establish and enforce reasonable regulations for the benefit of patrons of the Library, in keeping with its mission. The Library Director and his or her representatives shall be responsible for enforcing this policy.

In observance of its mission and to make Library facilities and services available to everyone on a safe and equitable basis, to ensure the ability of staff members to conduct Library business and to safeguard Library property against misuse or abuse, the following rules for behavior are established by the Traverse Area District Library Board. These rules apply to TADL facilities in Traverse City, the Village of Kingsley and East Bay Township.

##### **A. For Public Safety and Security, the Traverse Area District Library prohibits**

1. Stealing or vandalizing Library property;
2. Using, possessing, giving away or selling alcohol or any illegal substance on Library property;
3. Improper use or abuse of Library materials or equipment;
4. Engaging in sexual acts or behaviors or indecent exposure;
5. Harassment, intimidation or threat of any person by word or act;
6. Fighting or provoking fighting or engaging in any act of violence;
7. Unlawful possession of a weapon.

**Persons who violate the above rules for safety and security are subject to the withholding of Library privileges as follows:**

**First violation:** Library privileges are suspended for six months; police will be called if necessary.

**Second violation:** Library privileges are suspended for one year; police will be called immediately.

**Subsequent violation:** Library privileges suspended for one year; police will be called immediately.

##### **B. To ensure proper use of Library Facilities: the Traverse Area District Library prohibits:**

1. Being under the influence of alcohol or any illegal substance on Library property;
2. Noisy or boisterous conduct inappropriate to the Library location;
3. Cell phone conversations in areas designated as "quiet" areas;
4. Animals unless required to assist a patron or involved in a Library-approved event;
5. Failing to wear shirt, pants, and/or shoes;
6. Personal hygiene or body odor so offensive as to constitute a nuisance to other persons;
7. Sleeping in the Library;
8. Petitioning, canvassing (e.g., seeking signatures on a petition), conducting surveys, distributing written material, or soliciting donations, selling merchandise, or

otherwise raising funds anywhere on Library property, unless approved in advance by TADL;

9. Profane, obscene, injurious or abusive language;
10. Violation of the Library internet policy;
11. Entering Areas designated "private" or "staff only" unless approved by TADL staff;
12. Beverages inside the Public Computing Center;
13. Beverages elsewhere in the Library unless secured in a container with a lid, or in designated areas;
14. Food inside the Library, except in designated areas;
15. Smoking and use of tobacco products in all Library facilities, in outdoor designated no smoking areas and within 15 feet of entrances, open windows and ventilation systems and in accordance with the Michigan Clean Indoor Air Act, P.A. 198 of 1986 and Traverse City Ordinance Amendment No. 744 of 2007;
16. Use of e-cigarettes, personal vaporizers, or electronic delivery systems;
17. Restrooms used for washing clothes, shaving or bathing (simply washing one's hands and face is not considered "bathing");
18. Bedrolls, blankets, large duffle bags, suitcases or large plastic bags;
19. More than two bags of any type (all bags and other items brought into the Library are subject to inspection by Library staff);
20. Unattended personal property unrelated to Library purposes;
21. Use of skateboards, roller blades, or other similar items inside the Library or on Library property where prohibition against use of such items is posted.

**Persons who violate the above rules are subject to the withholding of Library privileges as follows:**

**First violation:** Library privileges suspended for rest of day;

**Second violation:** Library privileges suspended for one month;

**Subsequent violation:** Library privileges suspended for one year.

#### **For all suspected violations**

1. Police will be called if the Library believes a crime has been committed;
2. Police will be called when a violator refuses to comply with Library rules;
3. Police will be called if violator refuses to show identification;
4. Police will be called if a patron suspended under this policy appears on Library property;
5. Violators may be photographed by Library personnel.

#### **Right to Appeal and Appeals Process**

1. The right to appeal is based on the right to due process of law guaranteed in the 14th Amendment of the U.S. Constitution and the right of access to public libraries guaranteed to all citizens in the Michigan Constitution (Art. VIII, Sec. 9).
2. If the Library has an address on record or the suspended patron provides an address, the Library Director shall provide written notice to any individual whose Library privileges have been suspended within five (5) business days of the date of the violation, and shall include a copy of this policy with the notice. If the Library does not have an address on record and the patron refuses or fails to

provide an address, verbal notice on the day of the violation shall be sufficient notice of the suspension, and the patron shall be hand-delivered a copy of this policy.

3. An individual who wishes to appeal a suspension must do so in writing to the Library Board within 10 days of the postmark of the Director’s letter or the date of the verbal notice if no letter is sent. The notification of appeal must provide current contact information (address and phone number) and state the grounds upon which the appeal is based.
4. Upon receiving a request for an appeal, the Board shall hold a hearing to consider the appeal within one month. The Board may consider the appeal at a regularly scheduled Board meeting or at a special Board meeting, at the earliest opportunity, called for the purpose of a hearing.
5. The Board President will ensure the Appellant receives reasonable notice of the hearing.
6. Prior to the hearing the Board will be provided copies of the Appellant’s letter appealing the decision and requesting a hearing. The Board and Appellant will also receive copies of the Library Director’s letter giving notice of the suspension which describes the offense. Supporting information gathered in the administration’s investigation shall be made available, including but not limited to all incident and police reports completed by Library staff, witnesses and the Director. The Board shall have access to Library records necessary to make an informed decision on the appeal. Any Library record (as defined in the Michigan Library Privacy Act) shall remain confidential and shall not be disclosed to the public unless in compliance with the Michigan Library Privacy Act.
7. The Appellant must have the opportunity to attend any hearing so scheduled personally or may make a written statement in support of his or her position. If the Appellant does not attend the hearing, the written statement must be received before the time set for the hearing.
8. The Appellant shall have the opportunity to present his/her claim for rejecting the Library Director’s decision. The Board may ask questions in order to bring to light all the facts and issues involved.
9. The Board may affirm or reject the decision to suspend Library privileges.
10. The Board will make its determination as soon as reasonably possible.
11. The Board will issue a written decision and provide a copy to the Appellant if an address is known.
12. The decision of the Board is final.
13. In no case shall the filing of an appeal pursuant to this Policy act as a stay of the suspension imposed unless the Library Director makes a specific finding that the suspension would result in manifest injustice under the total circumstances.

The Library shall post this entire policy in at least two prominent areas in the Woodmere Library building and in each branch Library building.

This policy supersedes Policy 4.2 Smoking and Policy 4.4 Pets.

Adopted July 15, 2004; Revision Adopted October 14, 2010; Revised January 20, 2011; Revised February 16, 2012; Revised July 18, 2013

Motion by: Marck

Supported by: Beasley

Adopted:  Y  N

Date: April 17, 14

  
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 J. Beasley, Board Secretary