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## STAFF REPORT

DATE:            May 5, 2017  
TO:               Library Joint Powers Authority Board  
FROM:            Susan Nemitz, Library Director  
RE:               Library Code of Conduct Policy

### RECOMMENDATION

Approve Code of Conduct Policy, Suspension APO, and related procedural documents.

### DISCUSSION

The Joint Powers Authority Board was presented a draft *Code of Conduct Policy* and related procedural documents in April, 2017. Board members have reviewed the documents and suggested changes which have been incorporated.

## Code of Conduct Policy

JPAB Policy # \_\_\_\_\_

Adopted: xx/xx/xxxx

Revised: xx/xx/xxxx

Five-year Review Schedule: 20xx

Santa Cruz Public Libraries supports the rights of all individuals to free and equal access to information and use of the library without discrimination, intimidation, threat of harm, or invasion of privacy. We are dedicated to providing friendly, courteous, and respectful service. The role of Santa Cruz Public Libraries is to provide an accessible, welcoming, clean, comfortable, and safe environment for all library users.

### **To Provide a Comfortable and Welcoming Environment**

Santa Cruz Public Libraries provides a comfortable and welcoming environment. Mutual respect makes it possible for everyone to enjoy library materials and services. We require library users to be respectful of each other. Library users must behave in a manner that does not disrupt other library users or interfere with standard operation of the library.

### **To Make Information Resources and Materials Accessible for All**

Santa Cruz Public Libraries makes collections, equipment, and resources accessible for current and future library users. Damaging, stealing, or blocking access to any materials, equipment, or property belonging to the library, another patron, or staff member is prohibited.

### **To Ensure a Safe and Secure Environment**

Santa Cruz Public Libraries ensures a safe and secure environment. Committing or attempting to commit any act that is a violation of any federal, state, or local law is prohibited on Santa Cruz Public Libraries property.

### **To Maintain a Healthy and Clean Environment**

Santa Cruz Public Libraries maintains a healthy and clean environment for all library users. Personal hygiene, attire, restroom use, and/or food consumption cannot interfere with other patrons' use of the library.

### **Enforcement of the Library Code of Conduct**

Enforcement of the Library Code of Conduct will be administered in a fair and reasonable manner. Library staff, security, and/or law enforcement will intervene to prevent and/or stop prohibited activities and behaviors. Individuals who fail to observe the Library Code of Conduct may be asked to leave the library property, have their library privileges suspended for a designated period of time, be subject to arrest, or be subject to other lawful action.

## Prohibited Behaviors

Examples of prohibited activities and/or conduct on Santa Cruz Public Libraries property include but are not limited to:

1. Conduct that interferes with a **Comfortable and Welcoming Environment**
  - a. Behavior, including unreasonable noise, which disrupts other library users or interferes with standard operation of the library.
  - b. Soliciting, panhandling, or gambling on library property.
  - c. Using audible devices without headphones, using headphones set at a volume that disturbs others, or having an audible cell phone ringtone.
  - d. Using any communication devices in a manner that disturbs others.
  - e. Distributing literature, gathering signatures, soliciting contributions, or conducting surveys inside a library facility.
  
2. Conduct that interferes with making **Information Resources and Materials Accessible for All**
  - a. Damaging or stealing any materials, equipment, or property belonging to the library, another patron, or staff member.
  - b. Blocking aisles or walkways with personal property or leaving personal property unattended.  
*Note: Unattended items are subject to immediate removal.*
  - c. Lying down or appearing to be sleeping; having feet on furniture; or blocking aisles, exits, or entrances.
  - d. Bringing into the library personal items with total dimensions exceeding 65 inches (ex.: 20"x20"x25"), with the exception of items necessary for medical or child care reasons.
  - e. Setting up blankets or bedding with the intention to camp anywhere on library property.
  
3. Conduct that does not **Ensure a Safe and Secure Environment**
  - a. Using roller skates, bicycles, skateboards, scooters or similar wheeled devices inside the library, with the exception of items necessary for medical or mobility purposes, or child care.
  - b. Disciplining a child in a manner that disrupts other patrons.
  - c. Leaving young children/adults with special needs unsupervised. Children under nine years must be accompanied by a person 14 years of age or older.
  - d. Parents and caregivers are responsible for the behavior of the individuals under their charge. Children/adults with special needs are expected to conduct themselves in a manner that does not violate the Code of Conduct or disrupt other patrons.
  - e. Adults loitering in the Children's areas for no legitimate purpose is prohibited (see [State of California PENAL CODE Section 653b](#)). Adults are welcome to access the materials and collections in the Children's areas without a child present.



- f. Inappropriate use of library property including computer hardware, software, network, systems, printers, copiers, phones, and other equipment (see [Library Policies - Internet Access Policy](#)).
- g. Engaging in activities not reasonably associated with use of a public library.
- h. Failing to comply with a staff request to cease behavior that interferes with the effective functioning of the library, or failure to leave the library during emergencies or at closing time.
- i. Intimidating, harassing, or threatening staff, volunteers, or other patrons; including stalking, staring, or lurking using profane, obscene, or abusive language including racial, ethnic, or other epithets; verbally, physically, or in writing including all forms of electronic media.
- j. Using or being under the influence of alcohol or illegal drugs.
- k. Trespassing in nonpublic areas, being in the library without permission of an authorized library employee before or after library operating hours, remaining on library property once suspended.
- l. Engaging in any other behavior that would constitute a criminal act under applicable law.

#### 4. Conduct that does not **Maintain a Healthy and Clean Environment**

- a. Entering into the library barefoot or without a shirt, or removing one's footwear or shirt while in the library, or being otherwise attired so as to be disruptive to the library environment (with the exception of infants or toddlers).
- b. Body odor, personal hygiene, or excessive fragrance that interferes with other patrons' ability to use the library and its facilities, or that poses a health risk.
- c. Consumption of snack food and/or a covered beverage at computers. Patrons are asked to keep areas in which food consumption is allowed clean and free of residue, spills, crumbs, or wrappings. Consumption of food that causes a disruption to other patrons, harms library resources, leaves a mess, and/or failure to clean up any residue, wrappings, or spills after consuming these items will be a violation of the Library Code of Conduct.
- d. Bringing pets or animals, other than service animals necessary for disabilities, into the library, except as allowed during special library programs.
- e. Littering.
- f. Using cigarettes, e-cigarettes, cannabis, chewing tobacco, or other tobacco products.
- g. Using restrooms for bathing or shampooing, or doing laundry.

**Violators of the Santa Cruz Public Libraries Code of Conduct may be asked to leave and/or be photographed to assist in identification.**

Related Documents: *Library Suspension APO / Notice of Suspension from Library Form / Request for Suspension Appeal\_Hearing Panel Procedure / Request for Suspension Appeal\_Hearing Panel Form / Suspension Appeal\_Hearing Panel Determination Notice*

## Library Suspension Administrative Procedure Order

Adopted: xx/xx/xxxx

Updated: xx/xx/xxxx

### PURPOSE

Violation or repeated violation of the Santa Cruz Public Libraries *Code of Conduct Policy* may warrant a suspension of library privileges. Suspension of library privileges will result in removal from and denial of access to Santa Cruz Public Libraries services, facilities, and property for a designated period of time.

In order to be fair and equitable in the application of the *Library Code of Conduct Policy*, and to provide documentation of the enforcement of this code, authorized library staff shall apply the following suspension procedures.

In addition to the *Code of Conduct Prohibited Behaviors*, the following violent behaviors will not be tolerated:

- physical abuse or assault
- fighting or challenging to fight
- making violent or threatening statements

### PROCEDURES

Authorized library staff will instruct anyone displaying these behaviors to leave the library facility immediately for a period up to and including thirty days. Police will be called and additional legal action may occur, as appropriate. In addition, based on the severity of the situation, a suspension of library privileges for up to one year may be applied. Library staff will notify Library Administration immediately, where the appropriate suspension period and procedures will be determined by authorized staff.

#### FIRST VIOLATION: Initial warning and given copy of *Code of Conduct Policy*

When a patron has violated the Santa Cruz Public Libraries *Code of Conduct Policy* by displaying behavior that is prohibited but not violent or physically threatening, authorized library staff will:

1. Explain to the patron that they are engaging in prohibited behavior, what that behavior is, and the importance of abiding by the *Code of Conduct Policy*.
2. Provide the patron with a copy of the *Code of Conduct Policy*.
3. Advise the patron that further violations of the *Code of Conduct Policy* will not be tolerated and may result in their being asked to leave the library.

#### SECOND VIOLATION: Library privileges suspended for the day

If the patron continues prohibited behavior either the same day or another day, authorized library staff will:



1. Reaffirm all previous conversations with the patron regarding the behavior.
2. Instruct the patron to leave the facility for the day.
3. Document the incident with a Library Incident Report submitted to Library Administration.
4. Offer the patron the name and telephone number of the appropriate library staff person so they may communicate their concerns, if they feel the treatment was unfair.

### THIRD VIOLATION: Library privileges suspended for up to and including thirty days

Longer than one-day suspensions will be issued if a patron continues to display prohibited behavior after receiving a prior suspension.

If a patron has been issued a one-day suspension for prohibited behavior and if prohibited behavior continues either during the suspension period or afterwards, a patron will then be suspended for up to and including thirty days.

When a decision is made to suspend a patron for more than one day, authorized library staff will:

1. Complete the *Notice of Suspension from Library Form*.
3. Provide the patron with a copy of the completed document. In the case of a minor patron (under the age of 18), library staff will also attempt to notify the parent or guardian and provide them with a copy of the completed document.
4. Complete a Library Incident Report and submit the report to Library Administration.
5. Provide the patron with the name and phone number of the appropriate library staff person so they may communicate their concerns by telephone or by submitting an appeal in writing.

The patron may submit a written appeal. To do so, the patron must complete the *Request for Suspension Appeal/Hearing Panel Form* and submit it to Library Headquarters within one working day from the date the suspension is issued.

The appeal will be reviewed by an authorized library staff person(s) within one working day of submittal.

If, by a preponderance of the evidence, the suspension is determined to be unwarranted, the suspension will be withdrawn. The patron may contact Library Administration one day after submitting a written appeal to determine the status of the suspension.

### FOURTH OR SIGNIFICANT VIOLATION: Library privileges suspended for 31 days to up to one year

#### **I. 31 DAYS TO ONE YEAR SUSPENSION:**

If a patron has been issued a one-to-thirty day suspension for displaying prohibited behavior and prohibited behavior continues either during the suspension period or afterwards, a decision will be made to suspend the patron for 31 days to up to one year.

Authorized library staff will:

1. Complete the *Notice of Suspension from Library Form*. When a decision is made to suspend a patron for longer than thirty days, the suspension notice will be signed by authorized library staff.
2. A copy of the completed document (even if not yet signed) and all accompanying forms shall be provided to the patron.
3. In the case of a minor (under the age of 18), authorized library staff will also attempt to notify the parent or guardian to provide them with the completed document and all accompanying forms.
4. Authorized library staff will complete a Library Incident Report and submit it to Library Administration.

Any patron suspended for 31 days to one year has the right to a hearing with the Suspension Hearing Panel. The Suspension Hearing Panel will comprise authorized library staff, the Library Joint Powers Authority Board jurisdictional designee, and a library security guard if one is available. Library staff or patrons who were witnesses to the event may also be asked to appear.

To receive a hearing, the patron must:

1. Follow the directions on the *Request for Suspension Appeal/Hearing Panel Procedure* document and fill out the *Request for Suspension Appeal/Hearing Panel Form*.
2. Return the completed form to Library Headquarters within seven working days from the date the suspension is issued.

A parent or guardian must accompany a minor (under the age of 18 unless emancipated) to the hearing.

The decision of the Suspension Hearing Panel for all 31 Days to One Year Suspensions is final.

Related Documents: *Library Code of Conduct Policy / Notice of Suspension from Library Form / Request for Suspension Appeal\_Hearing Panel Procedure / Request for Suspension Appeal\_Hearing Panel Form / Suspension Appeal\_Hearing Panel Determination Notice*



**NOTICE of SUSPENSION from LIBRARY Form**

You, \_\_\_\_\_, are suspended  
Name of Patron

from using all Branch Libraries of the Santa Cruz Public Libraries System for the next

days/months, because you have enacted prohibited activities and/or conduct

and ignored warnings about this behavior, as described in the *Library Code of Conduct Policy*.

Prohibited activities and/or conduct enacted:

You may return to all Branch Libraries on \_\_\_\_\_. If you again violate the  
Date

*Library Code of Conduct Policy*, you may be suspended from library use for a longer period of time.

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Name of Staff Person

\_\_\_\_\_  
Date

Related Documents: *Library Code of Conduct Policy / Notice of Suspension from Library Form / Request for Suspension Appeal\_Hearing Panel Procedure / Request for Suspension Appeal\_Hearing Panel Form / Suspension Appeal\_Hearing Panel Determination Notice*

Library Headquarters 117 Union Street, Santa Cruz, California 95060 (831) 427-7706



## **Request for Suspension Appeal/Hearing Panel Procedure**

Any patron suspended for one to 31 days has a right to appeal their suspension from the Santa Cruz Public Libraries. To appeal a suspension:

1. Complete the *Request for Suspension Appeal/Hearing Panel Form*.
2. Return the completed form to Library Headquarters. Staff will sign the form to acknowledge its receipt and will provide you with a copy for your records.
3. The completed form must be received by staff at Library Headquarters within seven days from the date of the suspension. Postmarks will not apply.

### **Suspension Appeal Procedure (One to Thirty Day Suspension)**

Upon receipt of your *Request for Suspension Appeal/Hearing Panel Form*:

1. A Suspension Appeal decision meeting comprising authorized library staff will take place. Library staff or patrons who witnessed the incidents(s) may also be asked to attend.
2. The Suspension Appeal meeting will convene privately to discuss the evidence and make a final suspension determination.
3. The suspension will be withdrawn if the authorized Suspension Appeal meeting members determine, by a preponderance of evidence, that the behavior(s) cited on the *Notice of Suspension from Library Form* did not occur and that the suspension is unwarranted.
4. Within seven days from the date the library receives your *Request for Suspension Appeal/Hearing Panel Form*, a *Suspension Appeal/Hearing Panel Determination Notice* will be mailed to the address provided by you on the *Request for Suspension Appeal/Hearing Panel Form*.
5. If you do not have a mailing address, you must return to Library Headquarters seven days from the date the library receives your *Request for Suspension Appeal/Hearing Panel Form* to pick up your *Suspension Appeal/Hearing Panel Determination Notice*.
6. The Suspension Appeal Determination decision is final.

### **Suspension Hearing Panel Procedure (31 Days to One Year Suspension)**

Any patron suspended for 31 days to one year has the right to a hearing with the Suspension Hearing Panel. To request a hearing:

1. Complete the *Request for Suspension Appeal/Hearing Panel Form*.
2. Return the completed form to Library Headquarters. Staff will sign the form to acknowledge its receipt and will provide you with a copy for your records.
3. The completed form must be received by staff at Library Headquarters within seven days from the date of the suspension. Postmarks will not apply.

Upon receipt of your *Request for Suspension Appeal/Hearing Panel Form*:

1. Within seven days from the date the library receives your *Request for Suspension Appeal/Hearing Panel Form*, the library will mail you a notice providing you with the date, time, and location of the Suspension Hearing Panel.
2. If you do not have a mailing address, you must return to Library Headquarters seven days from the date the library receives your *Request for Suspension Appeal/Hearing Panel Form* to pick up your notice of date, time, and location of the Suspension Hearing Panel.
3. The Suspension Hearing Panel will comprise authorized library staff and a Library Joint Powers Authority Board jurisdictional designee. Library staff, a library security guard, or patrons who were witnesses to the event(s) may also be asked to appear.
4. When you arrive for your hearing you will be provided the opportunity to present evidence or reasons why the suspension should be withdrawn.
5. A parent or guardian must accompany a minor (under the age of 18 unless emancipated) to the hearing.
6. After all the evidence has been presented, the Suspension Hearing Panel may convene privately to discuss the determination.
7. The suspension will be withdrawn if the Suspension Hearing Panel determines, by a preponderance of evidence, that the behavior(s) cited on the *Notice of Suspension from Library Form* did not occur and that the suspension is unwarranted.
8. Within seven days of the date of your hearing, a *Suspension Appeal/Hearing Panel Determination Notice* will be mailed to you that will include the findings in support of the decision.
9. If you do not have a mailing address, you may return to Library Headquarters after seven days to pick up a copy of the *Suspension Appeal/Hearing Panel Determination Notice*.
10. The Suspension Hearing Panel Determination decision is final.

Related Documents: *Library Code of Conduct Policy / Notice of Suspension from Library Form / Request for Suspension Appeal\_Hearing Panel Procedure / Request for Suspension Appeal\_Hearing Panel Form / Suspension Appeal\_Hearing Panel Determination Notice*



### Request for Suspension Appeal/Hearing Panel Form

I want to appeal the library suspension that was issued to me. I am requesting that Library Administration review this suspension.

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Reason for the request (optional):** \_\_\_\_\_

This form must be returned to Library Headquarters within seven days of the suspension issue date.

Staff will acknowledge receipt of your request and will issue a copy of this form as a receipt.

Within five days after you submit this form, you may contact Library Headquarters to determine the status of the Suspension Appeal/Hearing Panel (see *Suspension Policy* and *Request for Suspension Appeal/Hearing Panel Procedure*).

If, by a preponderance of the evidence, it is determined that your suspension is unwarranted, your suspension will be withdrawn. The Library's Suspension Appeal/Hearing Panel decision is final.

**Signature of Appellant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Staff Signature:** \_\_\_\_\_

**Staff Job title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FOR LIBRARY USE ONLY:** Suspension is \_\_\_\_\_ is not \_\_\_\_\_ withdrawn.

Related Documents: *Library Code of Conduct Policy / Notice of Suspension from Library Form / Request for Suspension Appeal\_Hearing Panel Procedure / Request for Suspension Appeal\_Hearing Panel Form / Suspension Appeal\_Hearing Panel Determination Notice*



## Suspension Appeal/Hearing Panel Determination Notice

A determination has been made regarding the library suspension that was issued to you.

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

A preponderance of the evidence shows that your suspension is warranted/unwarranted and your suspension will be retained/withdrawn. This Suspension Appeal/Hearing Panel determination is final.

**Suspension Appeal/Hearing Panel Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Authorized Library Staff:** \_\_\_\_\_

**Authorized Library Staff Job Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FOR LIBRARY USE ONLY:** Suspension is \_\_\_\_\_ is not \_\_\_\_\_ withdrawn.

Related Documents: *Library Code of Conduct Policy / Notice of Suspension from Library Form / Request for Suspension Appeal\_Hearing Panel Procedure / Request for Suspension Appeal\_Hearing Panel Form / Suspension Appeal\_Hearing Panel Determination Notice*