

Acceptable Patron Behavior Policy

Patron Rights and Responsibilities

Purpose

The Bethlehem Area Public Library has established this **Behavior Policy patron conduct guidelines** to ensure that library facilities are safe, welcoming and provide equitable access to materials and services for all library users. ~~Appropriate personal library conduct includes activities such as reading, studying, properly using library materials and computers in a manner which does not interfere with others who are using the public library in this fashion.~~

Overview and Definitions

Appropriate **behavior conduct** is expected of all **patrons users** of the Bethlehem Area Public Library's facilities, as is associated with the normal use of a public library while in the building or on the grounds. Violations of the **Patron Rights and Responsibilities Behavior Policy (should we change this to the Patron Responsibilities Policy?)** will result in increasing levels of **action (consequences?) for non-safety violations**, ranging from a staff issued warning, to asking the patron to leave the library for the remainder of the day, **to the patron's temporary or permanent loss of all library privileges. Other forms of action may be taken if necessary. to legal action, including criminal prosecution.** The level of action shall be determined on a case-by-case basis by the library staff. **The library has a policy of zero tolerance for threats or acts of violence. Any person engaging in such behaviors will be immediately ejected from the library.**

Patron Responsibilities Behavior Rules

Use of the library materials, **and** services, **and spaces** should not disturb other patrons. Library materials, **and** services, **and spaces** are available for educational as well as entertainment uses, and **patrons should keep in mind that these resources are in the library to be shared by all. Inappropriate behavior is considered to be behavior which creates excessive noise levels or disturbances, interferes with other patrons' use of the library, and/or damages library property.***see my comment on side.**

Inappropriate behavior would include, but not be limited to, the following conduct or behaviors:

- Loud, disruptive conversations, including shouting. **Patrons should be aware of their surroundings and make every effort not to disturb fellow patrons. Disruptive outbursts as a result of illnesses and disabilities are protected under the ADA.**

- Use of personal electronic equipment at a volume that can be heard by others
- Use of profane and/or abusive language. Profane outbursts as a result of illnesses and disabilities are protected under the ADA.
- Snoring or sleeping in areas that prevent the safe and free passage of the library staff and patrons. Change to no snoring? I changed it to snoring, how does this sound to everyone?
- Engaging in any behavior that would be disruptive to other library patrons or intentionally behaving in a manner that could reasonably be expected to annoy or disturb other patrons.
(Reworded the below policy and added the harassing behaviors to the public safety section)
- ~~Engaging in any behavior that the reasonable library user 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~~ (I see how the ADA could be involved here with people who have diagnosed issues, but also some of the behaviors listed above are criminal offenses that should not be okay in a library as a safe space. What I'm saying is that I'm not sure how to handle this - ideas?) I think the key word here is "intentional." With ADA issues there is not an intent to threaten, annoy or disturb. (I also agree that adding "intent" and "intentionally to this statement differentiates it from a disabilities issue- I think we can maybe split this one into disruptive behaviors and harassing/threatening behaviors and put the harassing statement in the public safety section). The policy mentions that the level of actions are determined on a case by case basis (above), so staff have the ability to make a judgment call on whether an action is intentional or not.
- Possessing, selling, distributing, consuming or being under the influence of any alcoholic beverage or controlled substance (I think this affects public safety in a heightened manner.) It appears that medical marijuana is legal in PA. Does the use of medical marijuana fall under controlled substance? Is it reasonable to expect a patron to know this? Marijuana (medical or otherwise) is a Schedule 1 controlled substance under federal law, and no exceptions there have been made for medical marijuana. The PA Medical Marijuana Act of 2016 governs state law here, but I don't have time to read the whole act. Basically, there are sections prohibiting medical marijuana users from doing dangerous things, but it appears they are allowed to go about their daily life unless they do one of the prohibited activities (Section 510). Thank you for checking that out. I wasn't sure if that specific language regarding medical marijuana should be spelled out.

- Smoking **of any kind (including vaping/ecigarretts)**, ~~or other~~ or use of tobacco anywhere, except in designated areas outside of the premises
- Leaving children under the age of **12** unattended on library premises. **Children under the age of 12 must be accompanied by someone 16 or older.**
- Engaging in any sexual contact, activities, or conduct **(Do you think sexual contact should be held to the same standard as physical violence? Or should there be a middle-ground response for these kinds of acts, knowing that often they occur violently?)** **I think sexual violence should be considered the same as any type of violence and put in the public safety section but just engaging in sexual activities should be kept here** **I kind of feel like this falls into a “common sense” type of regulation. Similar to putting a specific policy saying you shouldn’t burn down the building. I’m not sure how specific we need to get with this type of policy. I understand it may have happened in this location in the past, but those really should be rare instances that are dealt with as one-offs.** **I agree since it would be breaking laws to expose yourself in a public space or to engage in public sex, i’m not sure we need to explicitly state it** **I wonder how often they had to deal with this, resulting in the policy. If they have a large teen population, it may have been an issue? But you’re right, does this need to be specifically spelled out or is it just a given that this is unacceptable.** **Is this something specifically mentioned in library policies? I’m inclined to let this fall within a catchall of patrons not being allowed to violate laws and not explicitly stated, but if it’s basic language in policies then maybe we should keep it.** **I’d be ok with removing it. We don’t have a policy like this in my library! I’ll get rid of it if we’re all on the same page (which I think we tend to be)**
- 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 by the library director
- **Panhandling inside the library building, doorway or vestibule**
- Eating, or drinking from containers without lids in non-designated areas
- Taking or making cell phone calls in the library other than in **designated locations** ~~the library foyers or outside of the building~~
- Not wearing shoes or shirt within the library premises
- Entering or remaining upon library premises with a bodily hygiene **odor** so offensive that it constitutes a nuisance to others **(Equitable enforcement and access)** **Add to rule: This includes extreme body odor, perfume/cologne, smoke, etc.**

- Bringing in more than two carryall bags. No bag may be brought into the library that exceeds the size of a standard backpack, briefcase or canvas tote bag. Belongings such as bedding, sleeping bags and changes of clothing may not be brought into the library or stored inside the library (Equitable enforcement and access) Remove 2 bag limit. Add : Bags and other personal items may not block aisles and combine with passage wording below. I think I might replace this entire bullet point with something along those lines- personal items may not block aisles or inhibit safe moving throughout the facility, and must not interfere with established fire codes (or something like that), combined with some of the points in the passage wording below. ← I like this idea! Same; great idea! I also like this idea. Agreed!

Belongings such as bedding, sleeping bags and changes of clothing may not be brought into the library or stored inside the library (how do we feel about this part of the rule?) I think it's micromanaging and is a specific reason to keep homeless people out of the library. I would be okay with losing the bedding language. I'm also good with getting rid of the bedding language. I don't think it's our place to police what people bring into the library. Agreed~

- Interfering with the safe and free passage of the 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. Items will be moved to a lost and found area if they appear to library staff to be unattended. Library staff is not responsible for theft or damage of unattended personal items. The lost and found will be cleaned out every 30 days and items left will be donated. ~~Unattended 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.~~

- Bringing any animal into the library except for service animals, animals for a scheduled library program or with special permission from a library director

- Improperly using library restrooms or facilities for purposes such as bathing, shaving, or laundering clothing ~~or changing clothes~~ (Equitable enforcement and access). Patrons may need to change clothes for various reasons, such as library event (e.g., cosplay for cons held at libraries). Using a stall to change isn't the same as bathing or laundering. I agree. I also want to think about this one in the context of the discussion we were having about homeless patrons. I'm trying to think of a way to be sensitive to everyone, and so far I don't have any ideas. I can also think of situations where someone would need to shave or clean up in a restroom. Not as

a regular habit, but in emergency cases. Does anyone have any thoughts on this? I think we can say something about community resources available to people who need to shower/shave/laundry their clothes. How about "If staff discovers patrons improperly using restrooms, staff will provide information about local organizations which provide those types of services at no cost". That way it's not punitive or restrictive of their library use unless it becomes a recurring issue. I like offering suggestions about local groups that can help the patrons if they are discovered doing these things in the bathroom. A group of people other than the homeless this could apply to is children; I know that I have used the bathrooms at my library to clean up my child (beyond his hands on his clothes and face) with soap and water when he has gotten dirty with arts and crafts supplies. I came across this phrase: "Patrons should refrain from misusing the restroom facilities in any way that prohibits others from accessing them." I like the idea also of offering alternatives.

- Adults not accompanied by a child shall not use the children's restrooms
- Adults not accompanied by a child shall not loiter in the children's room if the adult is not actively reading, studying, and/or using library materials from the children's room
- Adults not accompanied by a teenager shall not sit or loiter in the teen area if the adult is not actively reading, studying, and/or using library materials from the teen area
- Violating the library's rules for acceptable use of the internet and public computers
- Committing or attempting to commit any activity that would constitute a violation of any federal, state or local ordinance (moved from above)

Any person who violates the behavior **Patron Responsibilities** policy will be handled in a professional and courteous manner by staff, but the degree of the violation will determine the response.

- ~~• Possessing, selling, distributing, displaying, or using any dangerous weapon. A weapon shall include, but not be limited to, a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool-instrument or implement capable of inflicting serious bodily injury~~
- ~~• Engaging in any physically intimidating or assault-like behavior, including making any threats of violence or unlawful activities.~~ (I moved these sections below)

- ~~The library has a policy of zero tolerance for threats or acts of violence. Any person engaging in such behaviors will be immediately ejected from the library~~ (This should be moved to the Overview and Definitions; I copied and pasted it to that section.)

Public Safety Issues and the Library Response to Violations of Behavior Policy-Patron Responsibilities? Conduct?

(This addition to the Policy is where I think we should move any behaviors that concern public safety and the Library's heightened response to those behaviors)

- Engaging in any behavior which is considered harassing, or threatening in nature to library users or staff, including stalking, prolonged staring at, or following another with the intent to annoy
- Possessing, selling, distributing, ~~displaying~~, or using any dangerous weapon. Any patron carrying a firearm must follow Pennsylvania state laws regarding open and concealed carry. Open carry weapons by law must be harnessed at all times. Brandishing a weapon constitutes a threat. ~~A weapon shall include, but not be limited to, a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool instrument or implement capable of inflicting serious bodily injury.~~ (Do you all think possession, etc. of a weapon constitutes a harsher immediate penalty? I think it does because it goes being individual protection to potentially harming others so it should be moved to the public safety section. Is Bethlehem, PA an open-carry state?) I looked it up and PA is an open carry state so I'm not sure how that will interfere with their ability to police the display of weapons... Agreed. I found this article (<http://publiclibrariesonline.org/2015/07/can-i-bring-my-gun-to-the-library/>) in which the Michigan court of appeals ruled that state law preempts any library policies about carrying firearms, and the article mentions PA as being a state in the same circumstance. We should probably reword this to say something like "any patron carrying a firearm must adhere to the PA state laws regarding such," or something like that. In addition to the "any patron carrying . . ." phrase, I think it would be a good idea to emphasize that "open carry weapons permitted by law must be secured/harnessed at all times. Brandishing weapon constitutes a threat." or something along those lines. Do you guys want to leave in the list of weapons? I don't think it's necessary. It really isn't necessary. It's oddly specific, and there are plenty of other items that could be used as weapons that aren't listed. Agreed, again it's then up to the staff to determine whether

something constitutes a weapon. It did seem like an odd list. Let's remove the list of weapons.

- Engaging in any physically intimidating or assault-like behavior, including making any threats of violence or unlawful activities.

~~Any person who violates the behavior policy will be handled in a professional and courteous manner by staff, but the degree of the violation will determine the response.~~ I moved this to the bottom of the patron responsibilities section. I agree that's the right place for it.

Library Response

- Staff is instructed to call 9-1-1 immediately in response to any behavior that is deemed dangerous.
- Staff will call the police for any behavior that is in violation of federal, state or local ordinances.
- Staff will call the police if a person or group of persons is asked to leave the library and they refuse to leave and/or become difficult with the staff member. (This section (beginning with "Staff is instructed..." should be moved to the Public Safety section since it is the response to an elevated threat.)

For most other inappropriate behavior:

- One warning will be given.
- Continued violations will result in the patron being asked to leave the library for the day.
- A serious violation or repeated violations, or a violation where the police are called, may result in longer exclusions from the library up to permanent banning from the library.

An individual who is banned from the library may be criminally charged with trespassing if they return to library property during the term of the ban.

Appealing Revoked Library Privileges

Any individual who is banned and whose library privileges have been revoked, may request to have the decision reviewed by the Board of Directors of the Library. The request must be made in writing and submitted to the Library Director and the President of the Board of Directors of the Bethlehem Area Public Library, 11 W. Church St., Bethlehem, Pennsylvania, 18018, within 30 days of the alleged offense. (I'm thinking we should separate out the appeals process under a separate category to allow for easier understanding.) I agree! Added!