



**BERKELEY PUBLIC LIBRARY  
BOARD OF LIBRARY TRUSTEES**

REGULAR MEETING  
NOVEMBER 14, 2012

AGENDA  
6:30 PM

NORTH BRANCH  
1170 THE ALAMEDA

**The Board of Library Trustees may act on any item on this agenda.**

**I. PRELIMINARY MATTERS**

- A. Call to Order**
- B. Public Comments (6:30 – 7:00 PM)**  
*(Proposed 30-minute time limit, with speakers allowed 3 minutes each)*
- C. Report from library employees and unions, discussion of staff issues**  
Comments / responses to reports and issues addressed in packet.
- D. Report from Board of Library Trustees**

**II. CONSENT CALENDAR**

*The Board will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion.*

- A. [Approve minutes of October 10, 2012 Regular Meeting](#)**  
Recommendation: Approve the minutes of the October 10, 2012 regular meeting of the Board of Library Trustees.
- B. [2013 Meeting Schedule for the Board of Library Trustees](#)**  
Recommendation: Adopt the resolution setting dates, times and locations for the 2013 regular meeting schedule for the Board of Library Trustees.
- C. [2013 Holiday Schedule for the Berkeley Public Library](#)**  
Recommendation: Adopt the resolution approving the 2013 calendar of holidays for the Berkeley Public Library.
- D. [Authorization To Open The Central Library and All Branches One Hour Late To Allow Adequate Time For All-Staff Meetings](#)**  
Recommendation: Adopt the resolution to open the Central Library and all branch libraries one hour later on January 31, May 31 and August 30, 2013 to allow adequate time for the all-staff meetings.
- E. [Acceptance of Gift Funds from the Berkeley Public Library Foundation in the Amount of \\$250,000](#)**  
Recommendation: Adopt a resolution authorizing the acceptance and allocation of gift funds received from the Berkeley Public Library Foundation given in support of the Foundation's branch library capital campaign pledge.
- F. [Revised Library Rules of Conduct and Patron Suspension Policy](#)**  
Recommendation: Adopt the resolution approving the revised Library Rules of Conduct and Patron Suspension Policy.
- G. [Contract: Mediatrope Interactive Studio](#)**  
Recommendation: Adopt a resolution authorizing the Director of Library Services to enter into an agreement with Mediatrope Interactive Studio for the provision of services for the redesign, development, and implementation of the Library's website including an integrated



## BERKELEY PUBLIC LIBRARY

### CONSENT CALENDAR

November 14, 2012

**TO:** Board of Library Trustees  
**FROM:** Douglas Smith, Deputy Director of Library Services  
**SUBJECT:** REVISED LIBRARY RULES OF CONDUCT AND PATRON SUSPENSION POLICY

#### RECOMMENDATION

Adopt the resolution approving the revised *Library Rules of Conduct and Patron Suspension Policy*

#### FISCAL IMPACT

This report will have no fiscal impacts.

#### BACKGROUND

The Library Board of Library Trustees adopted Library Rules of Conduct in 1988, with periodic revisions adopted in subsequent years. Library staff has developed procedures for employees to follow when encountering violations of behavioral rules and regularly discusses instances of problematic visitor behavior in the context of the Library's mission to provide all Library patrons with a safe and rewarding experience. The Board adopted the Patron Suspension Policy which is linked to the Rules of Conduct in September 2002. Additionally, the City of Berkeley adopted its Administrative Regulation 1.15, governing rules of behavior for visitors to City buildings, on March 10, 2003 and last revised it in August 2010. In 2007 Library staff, in striving to bring Library policies into conformance with City policies, brought before the Board an Administrative Regulation modeled after the City A.R. 1.15 addressing the need to formalize Library policy with regard to establishing limits on unacceptable behavior in its facilities. The most recent revision was in December 2009.

#### CURRENT SITUATION AND ITS EFFECTS

The Library Rules of Conduct has served as an effective tool for Library staff since it was initially adopted by the Board of Library Trustees and the most current version is posted in all Library facilities. In the years since 1988 as the community and the Library's services evolved and responded to new patron needs, the Board of Trustees has amended the Rules. In the process of reviewing the City of Berkeley policy on conduct in City buildings (A.R. 1.15), Library staff reviewed its conduct rules again, as well as the rules used by other, similar public libraries nationwide. In addition, discussions with front-line staff regarding security concerns resulted in the identification of recommendations for specific new rules that would help staff provide library services in an environment that is safe for all users. A copy of the Rules of Library Conduct is attached to the resolution for Board approval. Staff will be developing specific



procedures following Board approval. The Patron Suspension Policy contains direct references to the Rules of Conduct and therefore, although no changes are proposed to the suspension and appeal procedures contained in it, must also be revised to reflect the proposed changes to the Rules of Conduct.

FUTURE ACTION

No future action is required.

Attachments:

1. Resolution
2. Administrative Regulation: Posting and Enforcing Rules of Conduct for Visitors to all Library Buildings
3. Berkeley Public Library Rules of Conduct – Revised
4. Berkeley Public Library Patron Suspension Policy -- Revised



**BERKELEY PUBLIC LIBRARY  
BOARD OF LIBRARY TRUSTEES**

**Attachment 1**

**RESOLUTION NO.: 12-XXX**

**ADOPTION OF REVISED RULES OF CONDUCT FOR VISITORS TO ALL  
BERKELEY PUBLIC LIBRARY BUILDINGS**

WHEREAS, Library staff have developed procedures for employees to follow when encountering violations of behavioral rules in the context of the Library's mission to provide all Library patrons with a safe and rewarding experience; and

WHEREAS, the Berkeley Public Library Board of Library Trustees adopted Library Rules of Conduct in 1988, with periodic revisions adopted in subsequent years; and

WHEREAS, the City of Berkeley adopted its Administrative Regulation 1.15, Governing rules of behavior for visitors to City buildings, on March 10, 2003 and last revised it in 2010; and

WHEREAS, the Library Rules of Conduct has served as an effective tool for Library staff since it was initially adopted by the Board of Library Trustees and the most current version is posted in all Library facilities; and

WHEREAS, in the process of reviewing the City of Berkeley policy on conduct in City buildings (A.R. 1.15), Library staff reviewed its conduct rules again, as well as the rules used by other, similar public libraries nationwide; and

WHEREAS, discussions with front-line staff regarding security concerns resulted in the Identification of recommendations for specific new rules that would help staff provide library services in an environment that is safe for all users; and

WHEREAS, the Patron Suspension Policy contains direct references to the Rules of Conduct and therefore must also be updated to reflect the proposed changes to the Rules of Conduct.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to adopt the *Berkeley Public Library Rules of Conduct* as revised, effective December 1, 2012.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on November 14, 2012:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Winston Burton, Chairperson

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Donna Corbeil, Director of Library Services  
Serving as Secretary to the Board of Library Trustees

**BERKELEY PUBLIC LIBRARY  
ADMINISTRATIVE REGULATIONS**

<b>A.R. Number:</b>	<b>1.15</b>
ORIGINAL DATE:	12/12/07
BOLT Resolution #:	R07-126
REVISED DATE:	n/a
PAGE:	1 of 2

**SUBJECT: POSTING AND ENFORCING RULES OF CONDUCT FOR VISITORS TO ALL LIBRARY BUILDINGS**

**I. PURPOSE**

As a public entity, the Berkeley Public Library as a matter of course constantly interacts with its patrons. Dealing with disruptive and potentially dangerous persons can be a difficult and intimidating experience. Employees may feel concerned for their own safety as well as that of their co-workers and other patrons. This A.R. is designed to protect Library staff and patrons by clarifying what constitutes unacceptable behavior in Library facilities.

**II. POLICY**

It is the policy of the Board of Library Trustees and the Director of Library Services to protect the safety of Library staff and all persons visiting Library facilities, to facilitate the Library's ability to conduct business and provide services, and to prevent injury to personnel or damage to City facilities. The Board of Library Trustees adopts for all Library facilities the *Berkeley Public Library Rules of Conduct* for implementation by Library staff. In September 2002, the Board approved the Patron Suspension Policy, which details the specific procedures Library staff will follow when certain instances of violations, or repetitive violations, of the *Berkeley Public Library Rules of Conduct* warrant a suspension of Library privileges.

The approved *Library Rules of Conduct* will be posted in all Library facilities.

<b>Reviewed by:</b>	_____	_____
	Director of Library Services	Date
<b>Approved by:</b>	_____	_____
	Chair, Board of Library Trustees	Date

# BERKELEY PUBLIC LIBRARY RULES OF CONDUCT

**Dangerous, destructive or criminal conduct, including but not limited to the following, will not be tolerated:**

- Physical abuse or assault;
- Fighting or challenging to fight;
- Making violent and threatening statements;
- Engaging in or soliciting any sexual act; and
- Damaging or destroying library property.

**The following behaviors are also prohibited:**

- Using harassing or insulting language.
- Leaving children under the age of eight (8) unattended by a parent or authorized adult.
- Blocking library entrances, ramps or exits, with animals, bicycles, strollers, etc.
- Participating in any activity in the library or at public entrances/exits which interferes with any person's safety, or egress.
- Entering library with animals other than service animals authorized by law.
- Entering library with bicycles, or riding skates, scooters, skateboards, etc.
- Smoking, eating, or drinking.
- Being under the influence of alcohol or drugs to the extent that one is unable to exercise care for one's own safety or the safety of others.
- Lying on the floor or sleeping.
- Unreasonable use of rest rooms, including laundering and bathing.
- Exuding offensive, pervasive odors, including pervasive fragrances caused by perfume or other scented products.
- Disturbing or annoying anyone with loud and/or unreasonable noise, including using electronic equipment at a volume that disturbs others.
- Petitioning, soliciting or selling merchandise or services without written permission from the Director of Library Services.
- Personally monopolizing Library space, seating, tables, or equipment to the exclusion of other patrons or staff.
- Fraudulent use of another's Library card and/or number for any purpose, including to reserve or use computers.
- Refusing to leave the Library and/or otherwise follow staff or law enforcement directions during emergency evacuation.
- Failing to wear shirt/top, pants/skirt, and shoes.

Adopted by the Board of Library Trustees, 4/88.

Revised 8/91, 9/95, 1/97, 9/02, 12/06. 12/07

## NOTICE TO BERKELEY PUBLIC LIBRARY PATRONS LIBRARY RULES OF CONDUCT

These rules of conduct are for the comfort, safety and protection of all library patrons and library staff. Library staff and library security guards will firmly and courteously enforce these rules. We ask your cooperation in maintaining an environment conducive to enjoyable use of the Library for all.

### **Dangerous, destructive or illegal conduct, including but not limited to the following, will not be tolerated:**

- Physical abuse or assault;
- Fighting or challenging to fight;
- Making violent or threatening statements;
- Engaging in or soliciting any sexual act; and
- Damaging, destroying, or theft of library property.

Any patron displaying any of these behaviors will be instructed to leave the library immediately. Police will be called and appropriate legal action will follow. **In addition, based on the severity of the situation, a suspension of library privileges for up to one year will be applied without advanced warning or prior suspension.**

### **The following behaviors are also prohibited:**

- Using harassing or insulting language.
- Leaving children under the age of eight (8) unattended by a parent or authorized adult.
- Blocking library entrances, exits, or walkways with bicycles, strollers, power cords, etc., or leaving animals or personal belongings unattended on Library property.
- Participating in any activity in the library or at public entrances/exits which interferes with any person's comfort or safety.
- Entering library with animals other than service animals authorized by law.
- Entering library with items inappropriate to library use, including but not limited to bicycles, shopping carts, large trash bags, bedrolls, and strollers without children..
- Entering library with containers or packages which singly or collectively exceed 16"x18"x24".
- Riding skates, roller shoes, scooters, skateboards, or other similar devices.
- Smoking, eating, or drinking except for a nonalcoholic beverage in a bottle with a secure top.
- Possessing, consuming, or being under the influence of alcohol or illegal drugs.
- Lying on the floor or sleeping.
- Unreasonable use of rest rooms, including laundering, bathing, and shaving.
- Inappropriate use of electrical outlets, including charging vehicles, wheelchairs or appliances.
- Leaving personal belongings unattended.
- Exuding offensive, pervasive odors, including pervasive fragrances caused by perfume or other scented products, which constitute a nuisance to other patrons or staff.
- Failing to wear shirt/top, pants/skirt, and shoes.
- Disturbing or annoying anyone with loud and/or unreasonable noise, including but not limited to using electronic equipment or mobile telephones at a volume that disturbs others.
- Carrying weapons of any type.
- Petitioning, soliciting or selling merchandise or services without written permission from the Director of Library Services.
- Personally monopolizing Library space, seating, tables, or equipment to the exclusion of other patrons or staff.
- Fraudulent use of another's Library card and/or number for any purpose, including using another's Library card to reserve or use Library computers.
- Refusal to follow reasonable direction from Library staff, including but not limited to leaving the Library during normal closing procedures or during an emergency evacuation.

### **Any patrons displaying these behaviors will be addressed in the following manner:**

**FIRST VIOLATION:** Initial warning, given copy of Library Rules of Conduct.

**SECOND VIOLATION:** Library privileges suspended for one day.

**THIRD VIOLATION:** Library privileges suspended for seven days.

NOTICE TO BERKELEY PUBLIC LIBRARY PATRONS  
LIBRARY RULES OF CONDUCT

**FOURTH VIOLATION:** Library privileges suspended for up to one year.

**If you observe anyone violating any of these rules of conduct, please inform either a security guard or a library staff member. Circumstances including the seriousness or continuing nature of the conduct may warrant immediate suspension of Library privileges. See the Patron Suspension Policy for further information.**

## BERKELEY PUBLIC LIBRARY

### PATRON SUSPENSION POLICY

In order to provide and maintain a comfortable and safe environment for all patrons and library staff, the Board of Library Trustees has approved the Berkeley Public Library Rules of Conduct. Violation or repetitive violation of any of the rules of conduct may warrant a suspension of library privileges. Suspension of library privileges will result in removal from, and denial of access to, all Berkeley Public Library services and facilities for a designated period of time.

#### SUSPENSION PROCEDURES

In order to be fair and equitable in the application of the Berkeley Public Library Rules of Conduct and to provide documentation of the enforcement of these rules, authorized library staff members [Authorized staff members are: Supervising Librarian, or library staff member designated as "in charge" of a library facility, Library Services Manager, Deputy Director or Library Director] shall apply the following procedures:

#### A. IMMEDIATE SUSPENSION WITH FURTHER ACTION TO FOLLOW:

##### The following behaviors will not be tolerated:

- physical abuse or assault
- fighting or challenging to fight
- making violent or threatening statements
- Engaging in or soliciting any sexual act; and
- Damaging, destroying, or theft of library property.

Authorized library staff will instruct anyone displaying these behaviors to leave the library facility immediately. 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 will be applied without advance warning or prior suspension.** Library staff will notify Library Administration immediately, where a determination of the appropriate suspension period and procedures will be assigned by the Director or Deputy Director of Library Services.

All other prohibited behaviors will be addressed in the following manner:

**FIRST VIOLATION:** Initial warning and given copy of Library Rules of Conduct

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

**THIRD VIOLATION:** Library privileges suspended for seven days

**FOURTH VIOLATION:** Library privileges suspended for up to one year

**Circumstances, including the seriousness or continuing nature of the conduct may warrant immediate suspension of library privileges.**

**B. INITIAL WARNINGS:**

When a patron has violated the Berkeley Public Library Rules of Conduct by displaying behavior that is more disruptive than violent or physically threatening, authorized library staff will handle these situations in the following manner:

1. Provide the patron with a copy of the Library Rules of Conduct. Explain to the patron that they are engaging in disruptive behavior, what that behavior is and the importance of abiding by the rules of conduct. The patron will be advised that further violations of the rules will not be tolerated and may result in their being asked to leave for the day.
2. The library staff member will fill out a Library Incident Report to document the incident and conversation with the patron. The Incident Report will be submitted to Library Administration.

**C. SUSPENSION -1 DAY**

1. If the patron continues *disruptive behavior* either the same day or another day, authorized library staff will reaffirm all previous conversations with the patron regarding the behavior and instruct the patron to leave the facility for the day: Library patrons who feel the treatment is unfair will be offered the name and telephone number of the next ranking library staff member so that they may communicate their concerns.
2. Library staff will again document the incident with a Library Incident Report submitted to Library Administration.

**D. SUSPENSION - 7-DAY:**

Longer than 1-day suspensions will be issued if a patron continues *to display disruptive behavior* after receiving a one-day suspension. If *disruptive behavior continues* a patron may be suspended for a minimum of 7 days (one week) and a maximum of one year. Any suspension longer than 7 days will be issued in a minimum of one-month increments.

1. If a patron has been issued a one-day suspension for disruptive behavior and if *disruptive behavior continues either during the suspension period or afterwards*, a patron will then be suspended for seven (7) days.

2. When a decision is made to suspend a patron for 7 days or more, authorized staff must complete the "Notice of 7-Day Library Suspension" document.
3. A copy of the completed document must be provided to the patron. In the case of a minor (under the age of 18), the Library will also attempt to notify the parent or guardian and also provide them with a copy of the completed document.
4. Authorized library staff will also complete a Library Incident Report and submit the report to Library Administration.
5. A patron will receive only one 7-day suspension *for disruptive behavior*. Any further suspensions for *disruptive behavior* will be for 1 or more months.
6. The patron will not be offered a formal hearing process for 7-day suspensions; however, they will be given the name and phone number of the appropriate Library Services Manager, Deputy Director and/or Director so that they may communicate their concerns by telephone or by submitting an appeal in writing.
7. To submit a written appeal the patron must complete the "Appeal of 7-Day Suspension" document. The patron must return the completed form to the suspending library within one working day from the date the suspension is issued.
8. The appeal will be reviewed by the Library Director, Deputy Director or Library Services Manager within one working day of submittal. If by a preponderance of the evidence it is determined that the suspension is unwarranted, the suspension will be withdrawn. The patron may call the designated staff member one day after submitting a written appeal to determine the status of the suspension.

**E. SUSPENSION - 1-6 MONTHS:**

1. If a patron has been issued a 7 day Suspension for *displaying disruptive behavior and disruptive behavior continues either during the suspension period or afterwards*, a decision will be made to suspend the patron for one to six months. Authorized staff must complete the "Notice of 1 - 6 Month Library Suspension" document.
2. A copy of the completed document and all accompanying forms must be provided to the patron.
3. In the case of a minor (under the age of 18), the Library will also attempt to notify the parent or guardian and also provide them with the completed document and all accompanying forms.
4. Authorized library staff will also complete a Library Incident Report and submit it to Library Administration
5. Any patron suspended for one to six months has the right to a hearing with the Suspension Hearing Panel. The Suspension Hearing Panel will be comprised of the Library Director and/or Deputy Director, and/or appropriate Library Services

Managers and a library security guard. Appropriate library staff or patrons that were witnesses to the event may also be asked to appear.

6. To receive a hearing the patron must follow the directions on the "Notice of 1 – 6 Month Suspension" and "Request for Suspension Hearing" documents.
7. The patron must return the completed forms to the suspending library within seven working days from the date the suspension is issued.
8. All hearings are held at the Central Library. A parent or guardian must accompany a minor (under the age of 18) to the hearing.
9. The decision of the Suspension Hearing Panel for all one to six month suspensions is final.

**F. F. SUSPENSION - 7 MONTHS OR LONGER:**

1. If a decision is made to suspend a patron for longer than 6 months, the Deputy Director or Library Director will complete a "Notice of Extensive Library Suspension" document.
2. A copy of the document and accompanying forms must be provided to the patron.
3. In the case of a minor (under the age of 18) the Library will attempt to provide the parent or guardian with a copy of the completed forms.
4. Any patron suspended for more than six months has the right to a hearing with the Extensive Suspension (ES) Hearing Panel. The ES Hearing Panel will be comprised of two (2) members of the Board of Library Trustees, and at least one other authorized Library staff member such as the Library Director, Deputy Director or Library Services Manager. A library security guard will also be present. Appropriate library staff or patrons who were witnesses to the event may also be asked to appear.
5. To receive a hearing the patron must follow the directions on the "Notice of Extensive Suspension for 7-12 Months" and "Request for Extensive Suspension Hearing" documents. In addition, the patron must return the Request for Hearing form to the suspending library within seven days of receiving the suspension. All hearings are held at the Central Library.
6. The decision of the ES Hearing Panel will be final.

Approved by the Board of Library Trustees  
September 11, 2002