

**Lincoln City Libraries
Lincoln, Nebraska**

**POLICY TITLE: BEHAVIOR POLICY:
INAPPROPRIATE AND/OR ILLEGAL CONDUCT**

PURPOSE

Lincoln City Libraries has established this Behavior Policy to ensure that library buildings are safe, welcoming and provide equitable access to materials and services for all library users and staff. In addition to compliance with library rules appropriate library conduct includes activities such as reading, studying, quiet reflection, properly using library materials/equipment and other similar conduct normally associated with a public library. Responses to inappropriate behavior and/or illegal activity are outlined here.

OVERVIEW

No individual may engage in inappropriate conduct on the premises of Lincoln City Libraries. Inappropriate conduct includes any individual or group activity which is disruptive to other individuals lawfully using library buildings, materials/equipment and/or premises or is otherwise inconsistent with activities such as reading, studying, quiet reflection, properly using library materials and other similar conduct normally associated with a public library. Examples of various offenses are representative and not comprehensive. See Also: Library Rules

DEFINITIONS

"Premises" shall include inside and outside areas of Lincoln City Libraries' property, including parking lots.

"Banning" shall prohibit an individual from being present in and/or on the premises of Lincoln City Libraries, and shall prohibit a patron from checking out physical items.

"Public area" shall include Lincoln City Libraries' premises that are open for public use.

"Non-public area" shall mean area where the public is not allowed.

"Minor" shall mean an unmarried person under the age of 19.

"Adult" shall mean a person age 19 or over, or a married person.

"Director" shall mean the Director of the Lincoln City Libraries, or designated representative.

"Library" shall include the premises, material, and services of the Lincoln City Libraries.

"Staff" shall mean employees of the City of Lincoln, Lincoln City Libraries

LEVEL 1 OFFENSE

The following are examples of conduct that shall be deemed "inappropriate." This conduct is not consistent with appropriate use of the library. Including but not limited to:

- Eating or drinking in non-designated areas.
- Sleeping
- Engaging in disruptive conversations/discussions above normal conversation noise levels.
- Bringing any animal into library buildings, except trained service animals and animals for Lincoln City Libraries' sponsored programs.
- Interfering with staff in the performance of their duties.

- Leaving personal packages, such as bags, backpacks, and sleeping bags, unattended.
- Moving tables, chairs, or other furniture without staff permission or putting feet on furniture.
- Persons 4 years of age and older must wear shoes and shirts in the library.
- Other activities that are inconsistent with the normal use of public library materials and buildings.

RESPONSE TO LEVEL 1 OFFENSE

- Customer warned for first violation of any offense.
- Second violation of any offense, customer will be warned that continued behavior will result in being required to leave the premises for the remainder of the day.
- Third violation of any offense will result in being suspended and required to leave the premises for the remainder of the day. If customer returns during the suspension, a Notification of Suspension form is to be completed by staff and served to the customer, suspending the customer for an additional three days. If customer returns during this additional three-day suspension, police are called and the written documentation is shared with LPD with instructions to cite the individual for trespassing. In the case of a minor, they are to be referred to the County Attorney.
- Staff response may be documented and used in conjunction with the Lincoln City Libraries' response to customer's behavior in the future.
- Staff Supervisor may notify parents/guardians of a minor's violation(s) of Level 1 Offenses.

LEVEL 2 OFFENSE

The following are examples of conduct that shall be deemed "disorderly" and not consistent with appropriate use of the library. Including but not limited to:

- Extensive staring at customers or staff, which annoys and/or disturbs.
- Skateboarding, scooter riding, bicycle riding or rollerblading in or on premises.
- Bathing, shaving or changing clothes, except for changing of a diaper.
- Canvassing, selling, bartering, soliciting or engaging in any other commercial activity.
- Leaving minors under the age of 6 unattended. Note: Minors under the age of 6 must be closely accompanied at all times by a responsible person age 13 or older.
- Using another person's library card to reserve a computer.
- Inappropriate use of youth service areas by an adult. Example: An adult observed in the Youth Services department or in the children's area of a library that is spending an unusual amount of time in that department or area and is not involved in the appropriate use of children's materials and/or is not accompanied by a child.
- Customers not following staff instructions and posted guidelines relating to addressing public health emergencies.

RESPONSE TO LEVEL 2 OFFENSE

- Customer warned that continued behavior will result in being immediately required to leave the premises for the remainder of the day.
- Second violation of any offense in a one-week period will result in the customer being required to leave the premises for the remainder of the day.
- Staff Supervisor may notify parents/guardians of a minor's violation(s) of Level 2 Offenses.

LEVEL 3 OFFENSE

The following are examples of conduct that shall be deemed “unacceptable” and not consistent with acceptable library behavior. Including but not limited to:

- Being in a state of intoxication.
- Loud, abusive, indecent, profane or drunken conversation and/or behavior in person, by phone or by electronic means.
- Harassment of library staff, contracted vendors, or customers.
- Individuals with body hygiene that is so offensive it is intolerable to other individuals.
- Minors not authorized to use unfiltered Internet using another person’s library card to reserve a computer with unfiltered Internet access.
- Repeated violation of Level 2 Offenses (more than 3 times in a 30-day period).
- Usage of a device to intentionally expose staff to sexually graphic images.
- Usage of the computer and/or Internet so as to jeopardize the security of the computer network or other networks on the Internet or elsewhere, compromise the safety and security of others, or provide access by a minor to material that is inappropriate for a minor.
- Knowingly entering non-public areas of premises.
- Falsifying identity to obtain a library card.

RESPONSE TO LEVEL 3 OFFENSE

- Customer will be required to leave the premises immediately for the remainder of the day. No warning will be given.
- Staff Supervisor may notify parents/guardians of a minor’s violation(s) of Level 3 Offenses.
- Staff will end phone conversation or electronic communication.

LEVEL 4 OFFENSE

The following are examples of conduct that shall be deemed "disruptive, harassing, or threatening in nature to customers or staff." Including but not limited to:

- Smoking, use of tobacco products or electronic smoking devices inside premises.
- Drinking and/or possessing alcoholic beverages.
- Bringing a weapon into or on premises.
- Candles, incense, pyrotechnics, or any type of flame.
- Usage of the computer and/or Internet
 - to violate the law.
 - for viewing, transmitting or downloading obscenity, including child pornography, or materials that encourage others to violate the law.
 - to cause harm to others or damage the property of others.
- Hateful conduct meant to incite violence directed at staff, contracted vendors, or customers as members of a protected class.
- Any illegal activity.
- Repeated return of borrowed materials infested with insects, including but not limited to bed bugs or cockroaches; or live insects observed on body or belongings.
- Repeated violation of Level 3 Offenses, (more than twice in a 30-day period).
- Repeat of behavior that resulted in the individual being banned for one month or more within the previous year.

RESPONSE TO LEVEL 4 OFFENSES

- Customer engaging in conduct listed as Level 4 Offense will be told to immediately leave the premises for 3 days.
- Customer will be suspended for 3 days. See Suspension and Banning Procedure.
- Customer may be banned for a period of up to 36 months at the discretion of the Director. See Suspension and Banning Procedure.
- Customers banned for insect infestations are banned until proof of treatment is provided.
- Police will be called for illegal activities. Witnesses are asked to stay to talk to police.

SUSPENSION AND BANNING PROCEDURE

- Staff will issue, or cause to be issued a written notification of suspension, herein after referred to as "Notification of Suspension", to the customer which shall give notice to the customer the reason(s) for the suspension.
- The suspension shall be for a maximum period of three (3) days and shall be a suspension from all premises of the Lincoln City Libraries.
- Staff will immediately forward a copy of the Notification of Suspension to the Director. Upon a finding by the Director that there are reasonable grounds to believe a customer should be banned from any or all of the premises, the Director, or their designee, shall issue a written banning order, hereinafter referred to as "Banning Order". The Banning Order shall notify the customer of the ban, length of the ban, the reason(s) for the banning, and to what premises
- The Banning Order shall be served upon the banned customer by certified registered mail when such customer's address is known, or by hand delivery by any staff upon the customer's entry into any premises or by any contact with the banned customer. A copy of the banning order shall also be provided to law enforcement, and City Attorney's Office. Notification of the banning order will be provided to all staff.
- The banned customer shall have the ability to appeal the Banning Order. See section named *Appeal Procedure of Banning Order* for further appeals information.

APPEAL PROCEDURE OF BANNING ORDER

- A banned customer may appeal the Banning Order to the Director by filing with the Secretary to the Library Board a notice of appeal within thirty (30) days of the receipt of the Banning Order, hereinafter referred to as "Notice of Appeal from Banning Order." The banned customer will hereinafter be referred to as "Appellant". The Notice of Appeal of Banning Order shall contain the Appellant's name and address, and telephone number if a number is available.
- Upon receipt of a Notice of Appeal of Banning Order, the Director shall set a date certain for a hearing on the appeal within thirty (30) days from receipt of the Notice of Appeal of Banning Order. This time period may be extended with the written consent of the Appellant. The Appellant shall be notified of this date by regular mail to the address indicated on the Notice of Appeal of Banning Order.
- In order to be assured a review of the merits at the hearing, the Appellant must be present at the hearing at which the appeal is heard. Failure of the Appellant to attend the hearing may result in a dismissal of the appeal by the Director, which by operation, will leave the Banning Order in effect.
- The hearing shall occur in the presence of the Director; the Library Board President, or

- designated representative; and the Lincoln City Attorney, or designated representative.
- At the hearing, evidence may be presented. The Appellant shall not be required to offer evidence at the hearing.
 - After the hearing, the Director, within fifteen (15) days of the hearing on appeal, shall make a final binding written order, hereinafter referred to as "Final Order". The Final Order shall be mailed to the Appellant at the address provided in the Notice of Appeal of Banning Order. The Final Order should contain the final decision of the Director and be approved to form and legality by the Lincoln City Attorney or designated representative.
 - The Final Order is appealable to the proper court of law.

NON-COMPLIANCE: TRESPASSING

If a banned customer enters or refuses to leave any designated premises before the return date listed in the Banning Order or the Notification of Suspension, pursuant to staff's request to leave, the banned customer will be considered as trespassing and law enforcement will be called.

Adopted by Library Board: August 23, 2005

Revised: June 9, 2023

Last Revised: February 21, 2023

Reviewed by Law Department: June 9, 2023

ATTACHMENT #1: Notification of Suspension TO:

On (insert date) at approximately (insert time) you were observed at (Insert name of library) Library.

At that time, you were in violation of the following Level 4 Offense:

_____ Intoxicated (more than twice in a 30-day period)

_____ Loud, disturbing and/or threatening behavior

_____ Other (Description _____.)

Because of the behavior listed above, and/or other documented incidents of inappropriate conduct at Lincoln City Libraries, you are temporarily suspended from the premises of all Lincoln City Libraries for three days.

You are suspended from (insert date) through (insert date).

If you are on Lincoln City Libraries premises during the suspension period, you will be considered trespassing and law enforcement shall be called.

The Director of the Lincoln City Libraries will review your suspension to determine if banning is appropriate. You will be notified if further action will be taken.

Staff initials: _____ Date Issued: _____

This form is a recommendation only. It may be adjusted according to need.

Attachment #2 BANNING ORDER

(Date)
MAIL

CERTIFIED

Name of Customer Mailing Address
City, State, ZIP

Dear Mr./Mrs./Miss (insert last name):

Please be advised that as of (insert beginning ban date), you are banned from all libraries and library premises of Lincoln City Libraries for a period of (insert number of days/months) through (insert date). You are banned for the following reason(s):

Date Location Description (insert incident/s here)

The Lincoln Police Department has been notified of your being banned from the libraries. Failure to adhere to this notice will be considered trespassing.

If you wish to appeal this banning, you shall have 30 days from receipt of this notice to appeal. You may appeal this decision by filing with the Secretary of the Library Board, Lincoln City Libraries, 136 S. 14 Street, Lincoln, NE 68508, or via email at via email to LibraryBoard@lincoln.ne.gov, a Notice of Appeal. The Notice of Appeal shall consist of a letter stating your desire to have the Library Director or designated representative's decision reviewed. The Notice of Appeal shall contain the address to which you wish to have future mailings made.

Sincerely,

Library Director

cc: Lincoln Police Department

*This form is a recommendation only. It may be adjusted according to need.