

## YAKIMA VALLEY LIBRARIES

In the Matter of:

*Yakima Valley Libraries Customer Conduct Policy*

**RESOLUTION**

**# 19-008**

WHEREAS, the Trustees of Yakima Valley Libraries review and updates its policies as appropriate;

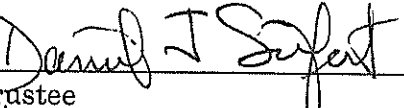
WHEREAS, there is a need to update the Customer Conduct Policy and actions related to violation of the policy;

WHEREAS, the Board of Trustees have completed a first reading and review of the policy;

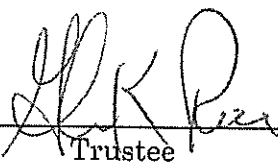
BE IT THEREFORE RESOLVED, that the Customer Conduct Policy with its revisions and modifications be approved by the Board of Trustees.

ADOPTED BY THE BOARD OF TRUSTEES this 18<sup>th</sup> day of November, 2019.

  
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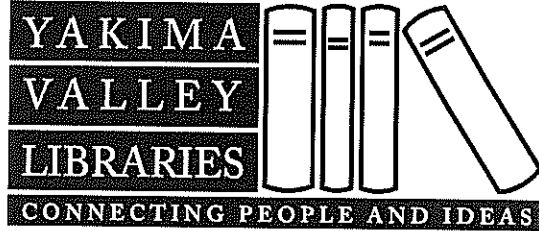
  
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# Customer Conduct Policy



## PURPOSE

Each library customer of the Yakima Valley Libraries is entitled to fair, courteous, and equal treatment. Customers are expected to assure the safe, proper, and pleasant use of the libraries' facilities by following these rules of conduct. The purpose of these rules is to ensure that the customers of Yakima Valley Libraries have access to and use of the library in an orderly and peaceful environment unhindered and undisturbed by the disruptive behavior of others.

## AUTHORITY

The Yakima Valley Libraries' Board of Trustees has the authority under statute to establish reasonable rules and regulations to assure the greatest benefit to the greatest number, and to exclude any person who willfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities or any person whose behavior is deemed dangerous or offensive to other library users RCW 27.12.270 and RCW 27.12.290. The Board of Trustees hereby delegates to the Library Director the authority to establish such reasonable rules, regulations, policies, and/or procedures as necessary to implement this policy. Subject to any rules, regulations, policies, and/or procedures established by the Library Director, the Board of Trustees hereby delegates to the Person in Charge authority to implement an exclusion or request a legal trespass order as provided herein.

## DEFINITIONS

Activities normally associated with the use of a public library include, but are not limited to, use of library resources and materials, selecting and checking out library books or materials, or equipment, use of computers and/or other technologies, or attending programs, meetings, classes or events.

*Customer* - a person using Library Premises and is synonymous with the term Library User or Patron.

*Exclusion notice* - a notice which advises the Customer (Patron or Library User) of exclusion from Library Premises for a violation of any policy, rule, or regulation prescribed for the use of the library or for behavior deemed dangerous or offensive to library staff or users.

*Harassment* - offensive and unwelcome conduct that would cause emotional distress to a reasonable person.

*Library District* - includes all community branch libraries that legally comprise Yakima Valley Libraries.

*Library Policies or Policy* - includes any policy, rule, or regulation prescribed for the use of the library.

*Library Premises or Library* - all buildings and land utilized by Yakima Valley Libraries for library purposes and any venue where scheduled meetings, programs or events are held.

*Library Staff* - includes full-time and part-time employees and volunteers.

*Library User* - a person using Library Premises and is synonymous with the term Customer or Patron.

*Patron* - a person using Library Premises and is synonymous with the term Library User or Customer.

*Person in Charge* - Library staff person or persons who have been assigned responsibility for Library facility and/or Library activities for a designated period of time.

*Prohibited Activities* - activities or behaviors that are not allowed on Library Premises.

*Trespass* – a legal process issued and delivered by local law enforcement agency on behalf of Yakima Valley Libraries, which advises the Customer of an exclusion from Library Premises for a violation of Library Policies or local laws.

## **POLICIES: RULES OF CONDUCT**

**Overview** All persons using the library are responsible for their own safety, the safety of children in their care, and the security of their own personal belongings. Yakima Valley Libraries is not responsible for the safety of the Customers against their own acts or the acts of other Library Customers or Patrons. Yakima Valley Libraries is not responsible for damaged, lost, or stolen personal belongings.

It is the intent of the Yakima Valley Libraries that enforcement of this policy will be conducted in a fair and reasonable manner. Library staff and/or local law enforcement officers have the right to intervene to stop prohibited or disruptive activities and behaviors. Failure to comply with the Library's policies may result in removal from Library premises and exclusion from the library for a period of one day to two or more years, or in arrest or prosecution. Violations may also result in the restriction or termination of library privileges and services, including the use of library computers and other equipment.

- A notice of exclusion from one library shall include all libraries in the Library District.
- Any Library Customer or Patron that is legally trespassed shall be excluded from all libraries in the Library District.
- Any Library Customer or Patron that is excluded from a library may be given a verbal notice which may be followed by written documentation of the exclusion. The notice of exclusion shall not be invalidated if written notification to Library Customer is not achieved.

## **VIOLATION OF LIBRARY POLICY**

**Enforcement** - The Person in Charge of the library during the violation is authorized to implement an exclusion or request a legal trespass order as determined by the circumstances at the time of the violation.

**Category A** – Conduct that may result in a verbal warning or an exclusion from all libraries for one day or up to maximum of 30 days.

*Examples include but are not limited to:*

- Behavior or language that is offensive to others.
- Bringing pets inside a library facility, with the exception of service animals trained for assistive purposes; or as allowed by Library Director at library-approved events or activities.
- Cell phones, other communication devices, or audible devices with or without headphones that are used in such a manner as to disturb or disrupt other Library Patrons.
- Clothing that is not appropriate in a public venue: bare feet, shirtless, wet bathing suit or clothing, offensive body odor or personal hygiene including insects, or being otherwise attired so as to be disruptive to the library environment.
- Consuming food or beverages in a library facility, except as authorized by Library personnel.
- Disruptive behavior such as creating loud noises, loud talking, screaming, or banging on library equipment.
- Engaging in any behavior that may interfere with the rights of other library customers to use a library facility

or on library grounds, such as lying down, sleeping or appearing to be sleeping, exhibiting offensive personal hygiene, or bringing large bundles of personal possessions into a library facility.

- Failing to comply with reasonable requests of Library staff to cease behavior that interferes with the functioning of the Library.
- Leaving young children unattended contrary to Library Child Safety Policy.
- Littering.
- Lying down or appearing to be sleeping in the library. Inappropriate use of library furniture. Blocking aisles, exits or entrances.
- Soliciting, canvassing, selling, begging, or posting or distributing unauthorized materials.
- Running inside a library facility, unless during an emergency.
- Skateboards, roller blades, bikes, luggage or like equipment stored in a library facility in an unsafe manner.
- Other behaviors that interfere with the functioning of the Library.

**Category B**—Conduct that may result in exclusion from all libraries for a minimum of 30 days or up to one year.

*Examples include but are not limited to:*

- Consuming or using tobacco products or in library buildings or within 25 feet of any entrance or open window. RCW 70.160.
- Consuming or using e-cigarettes in library buildings.
- Continued disruption of library services after requests to stop.
- Continued verbal intimidation of library staff, volunteers, or other patrons after requests to stop.
- Entering a library facility or Library grounds during a period of exclusion.
- Harassment of staff, volunteers, or Library Patrons.
- Loud or abusive language, either with other library customers or library staff.
- Other continued inappropriate behavior as determined by Library Person in Charge.
- Trespassing in nonpublic areas without permission of an authorized Library employee.
- Using restrooms for bathing or shampooing or doing laundry.

**Category C**—Conduct that may result in Trespass and/or Exclusion up to 2 years, or longer as determined by Executive Director and include legal action as warranted.

*Examples include but are not limited to:*

- Activities that are in violation of federal, state, local or other applicable law or library policy within library facilities or on library grounds.
- Assault, fighting, or challenging to fight.

- Carrying, exhibiting, displaying, or drawing any firearm in a manner that demonstrates an intent to intimidate another or that warrants alarm for the safety of other people.
- Possession of any other dangerous weapon (other than a firearm). 'Dangerous weapon' means any weapon (other than a firearm) that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.
- Consumption and/or possession of alcohol or drugs on library premises.
- Customer exhibits behavior that may indicate that they are under the influence of alcohol or a controlled substance on Library premises or during Library activities.
- Damaging or stealing library property or personal property (library books, DVDs, equipment, other's personal property) will include legal action and prosecution as warranted.
- Defacement of any library property including graffiti or damage to library property
- Destroying or defacing library materials, furniture, equipment, facilities, restrooms, or grounds of Library, or of another library customer.
- Refusing to leave Library property after being issued a Notice of Exclusion.
- Sexual or other harassment of other Library customers or Library Staff. This includes uninvited and unwelcome verbal or physical behavior of a sexual nature.
- Threatening other patrons, volunteers, or staff - verbally, physically or in writing, including all forms of electronic media.
- Using computer equipment for purposes other than the intended use or performing any act that damages or disables computer equipment and software.
- Willfully and repeatedly following or harassing another Library Customer or Library Staff member.

#### **ADMINISTRATIVE REVIEW OF NOTICES OF EXCLUSION**

An individual who has received a notice of exclusion may timely request in writing an administrative review by the Library Director of an exclusion notice that is for a period greater than seven days. An individual who has received a notice of exclusion may timely request in writing an administrative review by the Library Board of Trustees of an exclusion notice that is greater than thirty days. Any request for review by the Board of Trustees shall be delivered to the Library Director within five business days of receipt of the notice of exclusion or be considered untimely. An individual who has been trespassed by legal authorities may not appeal to the Library District as this is an action taken outside of the authority of the Library District.

Resolution #19-008

Adopted: November 18, 2019