

Behavior Policy

Purpose:

Tomahawk Public Library has established this Behavior Policy to ensure that library facilities are safe, welcoming and provide equitable access to materials and services for all library users. Appropriate library conduct includes activities such as reading, studying, working, properly using library materials, programs, meetings, or computers and other similar conduct normally associated with a public library.

Overview and Definitions:

No individual may engage in inappropriate conduct on the premises of Tomahawk Public Library, or when using library facilities, or when participating in library programs. Patrons shall be engaged in normal activities associated with the use of a public library while in the building. Patrons not engaged in reading, studying, or using library materials or computers may be asked to leave the building.

Inappropriate conduct includes any individual or group activity which is unreasonably disturbing to other individuals lawfully using library facilities, materials and/or premises referred to in the purpose of the behavior policy.

When possible, staff will first educate individuals about the applicable policies before taking stronger measures to enforce those policies.

Inappropriate Behavior, shall include, but is not limited to, the following conduct or behaviors

- Committing or attempting to commit any activity that would constitute a crime or a violation of City or County ordinances.
- Possessing, selling, distributing, displaying, or using any dangerous weapon as that term is defined in Wis. Stats. sec. 939.22(10) upon library premises or using or threatening the use of any other object in such a manner that it may be considered a weapon.

- Engaging in any physically intimidating or assaultive behavior. Making any threats of violence or unlawful activities. The Library has a policy of zero tolerance for threats and acts of violence. Any person engaging in such behaviors will be immediately ejected from the Library.
- Distributing, consuming, possessing, selling, or being under the influence of any alcoholic beverage. Unless the Tomahawk Public Library is sponsoring an event or program providing alcoholic beverages.
- Trespassing by entering or remaining on library premises after having been notified by an authorized individual not to do so and entering or remaining on the library premises during the period in which an individual has been banned from the premises.
- Refusing to follow the reasonable directions of library staff to include, failing to take shelter in an emergency as directed by staff.
- Engaging in any behavior that a reasonable person 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.
- Engaging in any sexual contact, activities, or conduct.
- Selling, soliciting, surveying, distributing written materials, panhandling, or canvassing for any political, charitable, personal, or religious purposes inside a library building, doorway, or vestibule without prior authorization of the Library Director or designee.
- Smoking or other use of tobacco products.
- Controlled substance or materials used with controlled substance products.
- Eating or drinking while using library computers or in spaces not designated as allowing food and drink. All drinking containers will need to have covers or be spill proof. List of the spaces will be made available by staff upon request.
- Sleeping, napping, or dozing in or on library premises.

- Engaging in excessive or disruptive conversations, talking loudly, using personal electronic equipment at such a volume, or making ongoing noise that is unreasonably disturbing to other library users. Headsets available at front desk for check out.
- Not wearing shoes or shirt within the library.
- Entering or remaining upon library premises with a bodily hygiene so offensive that it constitutes a nuisance to others.
- Moving furniture without the express consent of the library staff or use of furniture in any manner that may damage the furniture, including placing feet on the furniture.
- Using library materials, furniture, equipment, or facilities in any manner inconsistent with the customary use thereof or the theft or intentional damaging of library materials, furniture, equipment, or facilities.
- Leaving personal items or leaving such items unattended on library premises at any time. Items may be removed if they reasonably appear to be abandoned or have been left unattended for 30 minutes or more.
- Interfering with the safe and free passage of 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.
- Bringing any animal into the library except service animals or library sponsored event or program.
- Entering non-public areas of the library without permission.
- Improperly using library restrooms or facilities for purposes such as bathing, shaving, or changing clothes.
- Taking library materials into restrooms.
- Violating the library's rules for acceptable use of the internet and library public computers. A user accepts these rules before accessing the Internet through a library computer. Copies of these rules will be made available by staff upon request.
- Inappropriate Use of Teen or Children's Areas: Adults are permitted in teen or children's areas of the Tomahawk Public Library when

accompanied by a child or if the adult is actively finding and using library materials from the teen and children's area collections. Any adult not in compliance with this provision will be asked to use other areas of the library. If the individual does not comply with staff direction or repeatedly violates this policy, the individual may be banned from the Library.

Minors and Children's Areas of the Library

Tomahawk Public Library welcomes children and parents/caregivers to enjoy our areas and events/ programs. Parents/caregivers are responsible for their child's safety and behavior while in the Library whether the parent/caregiver is present or not. Library employees cannot function as caregivers or babysitters. The Library is not equipped—and it is not the Library's role—to provide long-or short-term childcare. The Library assumes neither responsibility nor liability for the actions, care, supervision or safety of minors.

- Leaving children under the age of 8 unattended on Library premises.

For the safety and comfort of children, a responsible individual at least 13 years or older must accompany children under age 8 when they are using the Library or attending an event or program. This responsible individual must supervise, guide, and always control the behavior of their charge or charges.

When a child is unattended or under-attended/ignored and

- the behavior of the child is disruptive or inappropriate (or)
- the child appears to be a danger to herself or himself or others (or)
- the child appears to be threatened by others (or)
- the child appears to be ill or upset (or)
- the child has not been met by a parent or caregiver after an event/ program or at closing.

Library staff will attempt to contact the parent or guardian of the child. In the event that the parent or guardian cannot be located, staff will contact the

Tomahawk Police Department. In the event of an emergency staff will call 911.

Staff Response to Infractions:

Violation of these rules can result in expulsion from the library and forfeiture of library privileges. Minor violations of these rules will first result in library staff attempting to educate or warn individuals about the policies before enforcing such policies. If an individual continues to violate these policies, staff may order them to leave for the day. However, any conduct that threatens the life or safety of any person or that is damaging to library property, equipment or facilities may result in immediate expulsion from the library premises. Library staff are authorized to contact the Tomahawk Police Department to respond to such situations. Repeat misconduct or severe offenses (even if a single isolated event) may result in individuals being banned from the library until the next Library Board meeting or from a week, to a year or life. Staff will follow the established procedures below. Staff will call the police for severe or illegal behavior or when an individual refuses to leave when told by staff to do so.

Banning Procedure:

After staff determine that a person has engaged in severe or repeat misconduct and staff has determined that the individual involved should be banned:

1. Staff will issue a verbal notification, and/or a written ban letter to the individual involved notifying the individual that they are banned from The Tomahawk Public Library including all events and programs. The letter shall indicate the reasons for the ban and the period of the ban unless address is not available.
2. Staff will fill out an incident report and turn into the Director with a description of the inappropriate conduct or behavior, the name and description of the banned individual when a banning is executed; so that all staff are informed as soon as possible.

3. After consultation, if the Director agrees with the reasons for the ban and the length of the ban, then the Director shall take no further action. If, after consultation with staff or Library Board, the Director deems it appropriate to rescind or modify the terms of the ban, the Director shall notify the banned individual in writing, all staff, and the Library Board President, in writing, about the decision to rescind or modify the ban and specify the reasons for the rescission or modification. The Director shall also notify the banned individual of the process for appealing the ban.
4. The Director will review and may reconsider the decision to ban an individual upon written request of the individual and may shorten or terminate the banning period if information submitted by the individual warrants such modification. Director may consult with the Library Board President, Library Board, or City Attorney's Office before issuing the response to the banned individual. Until such time as staff banning letter has been reviewed and/or modified by the Director or reversed on appeal by the Library Board, the individual may not use the library.

Alternative Juvenile Banning Procedure

Discretionary Restricted Library Use for Juveniles: As an alternative to banning a juvenile, a staff member may restrict a juvenile from independent use of the Tomahawk Public Library for a period of 31 days (first restriction) or 90 days (second restriction). The juvenile whose library use is restricted may use the library during the specified period only when the juvenile is accompanied by a responsible parent or guardian. The juvenile's parent or guardian must be notified of the restriction via certified mail, unless contact information not available. Failure to abide by the restriction may lead to banning of the juvenile from all library premises.

Banning Letter:

TO:

On _____ at approximately _____ you were observed at the Tomahawk Public Library. At that time you were: _

COMMENTS:

Because of the behavior listed above, and/or other history of inappropriate behavioral conduct at the Tomahawk Public Library, you are banned until the date listed below. If you enter the Tomahawk Public Library before the return date listed below, police will be called, and you will subject to being arrested for trespassing.

You may file a written request to Director, Tomahawk Public Library, 300 West Lincoln Ave., Tomahawk, WI 54487, to reconsider this ban from Tomahawk Public Libraries. Your written request shall set forth your reasons for reconsideration of the ban.

THE LENGTH OF THIS BAN FROM THE TOMAHAWK PUBLIC LIBRARY SHALL REMAIN AS STATED IN THS DOCUMENT UNLESS THE DIRECTOR ISSUES A WRITTEN DETERMINATION ALTERING THE TERMS OF THIS DOCUMENT.

BANNED FROM TOMAHAWK PUBLIC LIBRARY

RETURN DATE _____

Staff signature: _____

Appeal Procedure:

1. Notice of Appeal. The Director's written determination may be appealed to the Library Board if the aggrieved individual files a written notice of appeal within 10 days after he/she/they receives the determination. Such notice shall be filed with both the Library Director and the Library Board President, c/o Tomahawk Public Library; 300 West Lincoln Ave, Tomahawk, WI 54487. The Board shall hold a consideration during the next Library Board meeting.
2. Consideration: At the consideration, the appellant may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The President of the Board shall conduct the consideration and shall follow the Rules of Evidence provided in the Wisconsin Statutes, 227.08, for administrative proceedings. The staff shall record all of the proceedings on tape.
3. Decision. Within 31 to 62 days of the completion of the consideration, the Board shall issue a written decision stating the reasons, therefore. The Board shall have the power to affirm or reverse the written determination or to remand it to the Director or designee with instructions for reconsideration. The decision, except for remand, shall be a final determination for the purposes of judicial review.

Non-compliance with Ban - Trespassing:

If a banned individual enters the Tomahawk Public Library before the return date listed in the ban letter, police will be called, and individual may be arrested for Loitering or Prowling or Trespassing.

Approved 10-17-22