

PATRON CONDUCT POLICIES

Best Practices for Illinois Libraries

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STANDARDS FOR LIBRARY POLICIES

- Publicly funded libraries must uphold the First Amendment's right to free expression. They provide free, equal, and equitable access to information. As government entities, libraries' policies and procedures allow them to act as limited public forums. This includes any public use of meeting rooms, exhibit spaces, or bulletin boards.
- Library policies and procedures can sometimes restrict, deny, or create barriers to accessing the library as a public forum. Any rules that impact First Amendment rights must meet a higher standard of review than those of other public services and facilities.
- Article V of the Library Bill of Rights states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." Any policies that restrict access must be based on a compelling government interest. Libraries can set reasonable restrictions on when, where, or how people access resources, services, or facilities. These restrictions must be content-neutral and not based on personal characteristics.

- avoid limiting access to library resources, services, or facilities unless it's needed to fulfill the library's mission and objectives;
- make any restrictions as specific and limited as possible, applying them only when absolutely necessary to serve library objectives;
- balance competing interests and make sure individual rights are protected—not favoring the majority;
- avoid limiting access based upon arbitrary distinctions such as origin, age, background, or views;
- not target specific users or groups based on an assumption that they might act in ways that will disrupt the library's objectives;
- be clearly stated so that people of all reading abilities can understand them;
- provide a way to appeal;
- be reviewed regularly by the library's governing authority and legal counsel;
- be communicated clearly and made available to all library users; and
- be applied fairly and not in a way that benefits or disfavors any specific person or group.

STANDARDS FOR LIBRARY POLICIES


UNDERSTANDING STANDARDS FOR LIBRARY POLICIES

- The ALA recommends that: Library workers should get training to understand the legal principles behind policies. This training should help staff respond to difficult situations in a timely, direct, and open way. Staff should learn trauma-informed practices to better understand and support library users facing barriers.

LEGAL FRAMEWORKS



- The Local Library Act and the Public Library District Act empower Library Boards to create rules and exclude violators (*See* 75 ILCS 5/1-3; 75 ILCS 5/4-7 (11)); 75 ILCS 16/1-10; 75 ILCS 16/30-55.55).
- The Illinois Human Rights Act regulates access to public accommodations.
- Criminal statutes control some patron conduct concerns
- IL Library Confidentiality Act prevents disclosure of information related to patron services
- The Constitution guarantees free speech, equal protection, and due process!



POLICY PROCEDURES

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- All policies under which exclusion may be a remedy must be board-approved and adopted

- Each policy MUST contain a right to appeal
- Appeal should ultimately be considered by the Library Board
 - Can progress from Staff- Director -Board or Director - Board
- Permanent exclusion has a very high bar
 - TIP: Exclude for a limited time period with a right to reapply

POLICY PROCEDURES, CONTINUED

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CONSISTENT, EQUAL
APPLICATION OF
POLICIES AND
PROCEDURES

POLICY PROCEDURES

- Ensure that the policy is accessible and that all employees are familiar with the policy contents
- Ensure that incident procedures are developed and that all employees are trained on incident procedures
- Prepare for the unexpected
- Know how to escalate to your lawyer or law enforcement





POLICY
CONTENT

WHAT CAN PATRON CONDUCT POLICIES REGULATE?

- Illinois public libraries can regulate behaviors that disrupt the safe, orderly, and intended use of the library, including harassment, loud noise, illegal activities, conditions that create a health or safety risk or interfere with others' use of the library, and improper use of property. Policies are enforced to maintain a safe environment and protect library materials, with violations potentially resulting in suspension of privileges.

- Disruption, interruption of the use or enjoyment of the Library
- Harassment of staff or patrons, threats, illegal activity
- Damage to property
- Personal items
- Personal attire/ hygiene behaviors creating health/safety concerns
- Food / drink
- Use of electronics
- Smoking / vaping
- Child supervision

CONTENT SHOULD BE REASONABLY RELATED TO LIBRARY CONCERNS

POLICY CONTENT-- CATEGORIES

POLICY CONTENT: IL STATE LIBRARY

Library Patrons' Responsibilities

Patrons are expected to observe the rights of other patrons and staff members and to use the library for its intended purposes. The following will not be allowed in the library:

- any behavior that endangers the safety or health of others
- harassment of library patrons or staff
- violation while in the library of any local, state, or federal law
- vandalism, theft, or deliberate destruction of library materials or property
- deliberate disruption of library procedures or violation of Secretary of State policies
- use of abusive language
- behavior or decorum that disturbs or could disturb other patrons
- smoking, eating, or drinking except in designated areas
- any action, activity, or condition that obviously causes a public health threat

Any patron (including any minor) who is behaving in an inappropriate manner will be asked to leave the library.

A patron who repeatedly violates these rules may be permanently prohibited from entering the State Library and will be subject to the suspension of library privileges by authority of library security and/or library management.

The police will be summoned in cases in which a patron poses a danger to himself or others, deliberately violates the law, or refuses to leave the library after being asked to do so.



SUMMARY/
CONCLUSION

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- Training, knowledge, consistent application is as important as the content of the policy
- Policies should be tailored to each library's needs. You may have to defend the policy or its contents—you will need to explain why the policy exists
- Policies should be reviewed and refreshed regularly to ensure legal compliance and effectiveness





THANK YOU!
QUESTIONS?

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