

**BERKELEY PUBLIC LIBRARY
POLICIES**

SUBJECT: Patron Suspension Policy

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| ORIGINAL DATE: | 09/11/2002 |
| BOLT Resolution #: | R02-067 |
| REVISED DATE: | 11/14/2018 |
| BOLT Resolution #: | R18-053 |
| PAGE: | 1 of 3 |

In order to provide and maintain a welcoming and safe environment for all patrons and library staff and to align the Library's practices with the City of Berkeley's Administrative Regulation 1.15 (*Posting and Enforcing Rules for Visitors to All City Buildings*), the Board of Library Trustees has adopted a *Rules of Use Policy*.

Violation of the Library's *Rules of Use Policy* 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 Use and to provide documentation of the enforcement of these guidelines, authorized Library staff members shall apply the following procedures:

A. SIGNIFICANT VIOLATIONS: IMMEDIATE SUSPENSION WITH FURTHER ACTION TO FOLLOW:

The following are significant violations of the Library's Rules of Use that will result in *immediate* suspension of Library privileges:

- Engaging in any illegal activity.
- Harassing, fighting, assaulting, or threatening people.
- Engaging in or soliciting any sexual act.
- Theft, damage, or destruction of Library property or the property of others.
- Carrying weapons of any type.
- Entering into staff areas for the purpose of burglary or intimidation, or without staff approval or knowledge.

Authorized library staff will instruct anyone displaying these behaviors to leave the library facility immediately. Police may 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. The Director or Deputy Director of Library Services will determine and assign the appropriate suspension period. While the Director and Deputy Director are reviewing the case, a seven-day suspension shall be issued by authorized staff.

B. DISRUPTIVE BEHAVIOR: PROGRESSIVE SUSPENSION PROCESS

In addition to the significant violations that result in immediate suspension of library privileges, any behavior that interferes with the reasonable use and operations of the Library is not permitted. The *Rules of Use Policy* includes examples of such disruptive behavior. Violators will

be made aware of the violation and will be asked to change behavior. Failure to heed staff's warning may result in immediate suspension of Library privileges. Continued disruptive behavior violations may result in longer suspensions. Generally, the Library shall follow the following process:

- 1) *Initial Warning:* A staff-member will attempt to communicate with the patron to resolve the immediate disruption, and, if possible, will provide the patron a copy of the Library's Rules of Use Policy. The patron will be told that continued violations may result in suspension of Library privileges for a day or longer.
- 2) *Continued disruption (same or different day):* Library privileges will be suspended for the day by an authorized staff-member and the patron will be asked to leave the Library building. 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.
- 3) *Third disruption:* Longer than one-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 seven days and a maximum of one year. Any suspension longer than seven days will be issued in a minimum of one-month increments.

C. SUSPENSION PROCEDURES AND APPEAL PROCESS

Seven-Day Suspensions:

When a decision is made to suspend a patron for seven days or more, authorized staff shall inform the patron being suspended. In the case of a minor (under the age of 18), the Library may also attempt to notify the parent or guardian (Please see the Library's Unattended Minors Policy). Authorized Library staff will also complete a Library Incident Report and submit the report to Library Administration.

A patron will receive only one seven-day suspension for disruptive behavior. Any further suspensions for disruptive behavior will be for one or more months. The patron will not be offered a formal hearing process for seven-day suspensions; there is no appeal process for seven-day suspensions. However, individuals given seven-day suspensions will be given the name and phone number of the appropriate Library Services Manager, Deputy Director and/or Director so that they may communicate any concerns by telephone.

Suspensions One to Six Months in Length:

For suspensions from one to six months in length, authorized staff shall complete the "Notice of 1-6 Month Library Suspension" document. A copy of the completed document and all accompanying forms will 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 the completed document and all accompanying forms. Authorized library staff will complete a Library Incident Report and submit it to Library Administration

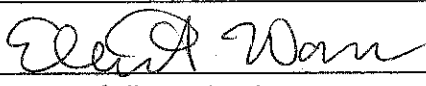
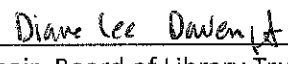
Any patron suspended for one to six months has the right to a hearing with the Suspension Hearing Panel. The Suspension Hearing Panel will be comprised of the Library Director and/or Deputy Director, and/or appropriate Library Services Managers and, when appropriate, a library security guard. Library staff or patrons that were witnesses to the event may also be

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

Suspensions Longer than Six Months:

If a decision is made to suspend a patron for longer than six months, the Deputy Director, Library Director, or designee will complete a "Notice of 7-12 Suspension" document. A copy of the document and accompanying forms shall be provided to the patron. 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.

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 authorized Library staff member such as the Library Director, Deputy Director or Library Services Manager. A library security guard will also be present. Library staff or patrons who were witnesses to the event may also be asked to appear. To receive a hearing the patron must follow the directions on the "Notice of 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. The decision of the ES Hearing Panel will be final.

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| Reviewed by: | <u></u> | <u>11/16/18</u> |
| | Director of Library Services | Date |
| Approved by: | <u></u> | <u>11.14.2018</u> |
| | Chair, Board of Library Trustees | Date |