

BERKELEY PUBLIC LIBRARY

PATRON SUSPENSION POLICY

In order to provide and maintain a comfortable and safe environment for all patrons and library staff, the Board of Library Trustees has approved the Berkeley Public Library Rules of Conduct. Violation or repetitive violation of any of the rules of conduct 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 Conduct and to provide documentation of the enforcement of these rules, authorized library staff members [Authorized staff members are: Supervising Librarian, or library staff member designated as "in charge" of a library facility, Library Services Manager, Deputy Director or Library Director] shall apply the following procedures:

A. IMMEDIATE SUSPENSION WITH FURTHER ACTION TO FOLLOW:

The following behaviors will not be tolerated:

- physical abuse or assault
- fighting or challenging to fight
- making violent or threatening statements
- Engaging in or soliciting any sexual act; and
- Damaging, destroying, or theft of library property.

Authorized library staff will instruct anyone displaying these behaviors to leave the library facility immediately. Police will 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.** Library staff will notify Library Administration immediately, where a determination of the appropriate suspension period and procedures will be assigned by the Director or Deputy Director of Library Services.

All other prohibited behaviors will be addressed in the following manner:

FIRST VIOLATION: Initial warning and given copy of Library Rules of Conduct

SECOND VIOLATION: Library privileges suspended for the day

THIRD VIOLATION: Library privileges suspended for seven days

FOURTH VIOLATION: Library privileges suspended for up to one year

Circumstances, including the seriousness or continuing nature of the conduct may warrant immediate suspension of library privileges.

B. INITIAL WARNINGS:

When a patron has violated the Berkeley Public Library Rules of Conduct by displaying behavior that is more disruptive than violent or physically threatening, authorized library staff will handle these situations in the following manner:

1. Provide the patron with a copy of the Library Rules of Conduct. Explain to the patron that they are engaging in disruptive behavior, what that behavior is and the importance of abiding by the rules of conduct. The patron will be advised that further violations of the rules will not be tolerated and may result in their being asked to leave for the day.
2. The library staff member will fill out a Library Incident Report to document the incident and conversation with the patron. The Incident Report will be submitted to Library Administration.

C. SUSPENSION -1 DAY

1. If the patron continues *disruptive behavior* either the same day or another day, authorized library staff will reaffirm all previous conversations with the patron regarding the behavior and instruct the patron to leave the facility for the day: 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.
2. Library staff will again document the incident with a Library Incident Report submitted to Library Administration.

D. SUSPENSION - 7-DAY:

Longer than 1-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 7 days (one week) and a maximum of one year. Any suspension longer than 7 days will be issued in a minimum of one-month increments.

1. If a patron has been issued a one-day suspension for disruptive behavior and if *disruptive behavior continues either during the suspension period or afterwards*, a patron will then be suspended for seven (7) days.

2. When a decision is made to suspend a patron for 7 days or more, authorized staff must complete the "Notice of 7-Day Library Suspension" document.
3. A copy of the completed document must 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 a copy of the completed document.
4. Authorized library staff will also complete a Library Incident Report and submit the report to Library Administration.
5. A patron will receive only one 7-day suspension *for disruptive behavior*. Any further suspensions for *disruptive behavior* will be for 1 or more months.
6. The patron will not be offered a formal hearing process for 7-day suspensions; however, they will be given the name and phone number of the appropriate Library Services Manager, Deputy Director and/or Director so that they may communicate their concerns by telephone or by submitting an appeal in writing.
7. To submit a written appeal the patron must complete the "Appeal of 7-Day Suspension" document. The patron must return the completed form to the suspending library within one working day from the date the suspension is issued.
8. The appeal will be reviewed by the Library Director, Deputy Director or Library Services Manager within one working day of submittal. If by a preponderance of the evidence it is determined that the suspension is unwarranted, the suspension will be withdrawn. The patron may call the designated staff member one day after submitting a written appeal to determine the status of the suspension.

E. SUSPENSION - 1-6 MONTHS:

1. If a patron has been issued a 7 day Suspension for *displaying disruptive behavior and disruptive behavior continues either during the suspension period or afterwards*, a decision will be made to suspend the patron for one to six months. Authorized staff must complete the "Notice of 1 - 6 Month Library Suspension" document.
2. A copy of the completed document and all accompanying forms must be provided to the patron.
3. 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.
4. Authorized library staff will also complete a Library Incident Report and submit it to Library Administration
5. 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 a library security guard. Appropriate library staff or patrons that were witnesses to the event may also be asked to appear.

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

F. F. SUSPENSION - 7 MONTHS OR LONGER:

1. If a decision is made to suspend a patron for longer than 6 months, the Deputy Director or Library Director will complete a "Notice of Extensive Library Suspension" document.
2. A copy of the document and accompanying forms must be provided to the patron.
3. 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.
4. 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 other authorized Library staff member such as the Library Director, Deputy Director or Library Services Manager. A library security guard will also be present. Appropriate library staff or patrons who were witnesses to the event may also be asked to appear.
5. To receive a hearing the patron must follow the directions on the "Notice of Extensive 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.
6. The decision of the ES Hearing Panel will be final.