

## Canby PL Code of Conduct & Exclusion Policy

### Code of Conduct

The Canby Public Library is dedicated to providing friendly, courteous, respectful service, and an enjoyable, clean and comfortable environment for all library customers. The conduct rules governing the library have a threefold purpose: to protect the rights and safety of library patrons, to protect the rights and safety of staff members, and to preserve the library's materials, facilities and property.

#### Definitions and Scope

The Canby Public Library supports the right of all individuals to free and equal access to information and use of the library without discrimination, intimidation, threat of harm, or invasion of privacy.

If an employee or volunteer personally witnesses a theft of items (taking or concealing), employees are encouraged to get the best description of the individual(s) and notify the police immediately. Employees can ask such person(s) to wait for the police response. Depending on how safe an employee feels about acting, they can also ask to recheck-out the item or to search a bag at that point. If a person refuses a search, employees cannot demand to do so. Employees should always act with their personal safety in mind and if possible, work in tandem with another employee in these circumstances. In taking a description, a photo of the individual(s) could be taken in a public place.

These conduct rules apply to the library's interior and exterior, and to all grounds and buildings controlled and operated by the Canby Public Library (the "premises") and to all persons entering in or on the premises. Listed below are the library's conduct rules. Persons who violate these rules may be removed from the premises and excluded from future use of all library premises.

#### Conduct Policy

Listed below are the library's conduct rules. Persons who violate these rules may be ejected and excluded from the library's premises for the period of time listed below.

**Level 4:** Any person who violates rules 1-6 while in or on the library's premises will be immediately ejected and excluded from the library's premises without being given a warning. Any person so excluded shall lose all library privileges for a period of up to three years and the incident will be reported to the appropriate law enforcement agency.

1. Committing or attempting to commit any activity that would constitute a violation of any federal or state criminal statutes or city ordinance.
2. Any specific threatening behavior of physical harm against an individual, group, or property.
3. Being under the influence of alcohol or controlled substance or selling, using, distributing, or possessing alcohol or controlled substance. Controlled substance is defined by the current Oregon Revised Statute. Exhibiting signs of or being under the influence of alcohol; being under the influence of any controlled substance listed in Schedules I – V of the Controlled Substances Act, 21 U.S.C. § 812.
4. Engaging in sexual contact, as defined by the current Oregon Revised Statute, including but not limited to indecent exposure or physical contact through clothing for sexual gratification.

5. Theft of library property or removing materials from the library without first properly checking them out.

6. Carrying a weapon of any type unless authorized by law. (As a public building, open carry is not permitted in the library) Further, the leaving or not securing of dangerous weapons or other hazards (jeopardizing the safety of other patrons or employees) will result in exclusion.

**Level 3:** Any person who violates rules 7-25 while in or on the library's premises will be given one warning by library staff. Then the person will be asked to leave the premises for the day. Subsequent offenses by that person will result in that person's immediate ejection and exclusion from the library's premises. Any person so excluded shall lose all library privileges for a period of up to one year.

7. Engaging in conduct that disrupts or interferes with the normal operation of the library, or disturbs library staff or patrons, including, but not limited to, conduct that involves the use of abusive or threatening language or gestures while in or on the library premises, by phone and/or email; conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior or talking.

8. Using library materials, equipment, furniture, fixtures, or building in a manner inconsistent with customary use; or in a destructive, abusive, or potentially damaging manner; or in a manner likely to cause personal injury or injury to others.

9. Disobeying the reasonable direction of a library staff member.

10. Interfering with library employees' performance of their duties.

11. Soliciting, petitioning, distributing written materials, conducting surveys, or canvassing inside the library building, or in a manner that unreasonably interferes with or impedes access to the library.

12. Entering or remaining on the premises after posted closing hours other than authorized by staff.

13. Entering non-public areas of the library

14. Bringing bicycles, grocery carts, or other similar equipment inside the library building.

15. Interfering with free passage of library staff or patrons in or on the library premises including but not limited to: placing objects such as bicycles, skateboards, backpacks or other items in a manner that interferes with free passage.

16. Smoking within 10' of the library entrance. Vaping or use of e-cigarettes shall be subject to the same rules as tobacco cigarettes.

17. Smoking, chewing, or other tobacco use in library facilities.

18. Littering.

19. Running.

20. Consuming food or drinks in areas designated with signage "no food or drinks allowed". Non-alcoholic beverages in closed or re-sealable containers are allowed except near computers.

22. Bringing animals inside the library unless otherwise allowed by law as a service animal, assistance animal or in compliance with the American Disabilities Act. Animals appearing as part of a library program are not subject to this restriction.

23. Leaving tethered and unattended animals near the entrance of the library.

24. Violating the posted Computer Use Policy.

25. Taking library materials into the restroom if the materials have not been checked out.

**Level 2:** Any person who violates rules 26-29 while in or on the library's premises will be given up to two warnings by library staff; then the person will be asked to leave the premises for the day. Subsequent offenses by that person will result in that person's immediate ejection and exclusion from the premises. Any person so excluded shall lose all library privileges for a period of up to six months.

26. Sleeping and/or using bedding, sleeping bag or other sleeping matter in the library unless such use has been approved in advance by the Library Director.

27. Improperly using library restrooms, including, but not limited to, bathing, washing hair, or doing laundry.

28. Loud or excessive noise, or the use of amplified electronic equipment including but not limited to: cell phones, tablets, and laptops at a volume that disturbs others.

29. Leaving one or more children under the age of 10, or vulnerable adults who reasonably appear to be unsupervised or unattended anywhere in or on library premises. Children under the age of 10 must be with an adult at ALL times. See the Canby Public Library Policy on Unattended Children. (ORS 163.545)

**Level 1:** Any person who violates rules 30 -33 while in or on library premises will be excluded from the premises until the problem is corrected.

30. Violating the current Oregon Revised Statute requiring children between the ages of 7 and 18 years who have not completed the 12th grade to attend regularly a public full-time school, unless the child is exempt from compulsory school attendance by Oregon law.

31. Entering or in the library without clothing such as: not wearing shoes or other footwear; a shirt or other covering of their upper bodies; pants or other covering of their lower bodies.

32. Persons whose bodily hygiene is offensive so as to constitute a potential biohazard to other persons. Emitting pervasive body odors including, but not limited to, odors caused by perfume or cologne, that disturb others or damage Library property.

33. Bringing in personal potentially biohazardous belongings, backpacks, garbage, or other articles which, alone, or in their aggregate, are placed against buildings, furniture, equipment, or fixtures in a manner that interferes with the intended use of the library or causes safety concerns by employees or other customers.

#### REPEAT OFFENSES

Individuals who repeatedly violate these Conduct Rules after having been previously excluded for library rule violations may face a longer exclusion than indicated in these guidelines. Repeat offenders need

not violate the same rule to be subject to stricter enforcement and may not be warned that their behavior is inappropriate before being excluded.

#### ENFORCEMENT

Unlawful activities will be reported to the police. Refusal to leave when directed may result in arrest for trespassing.

The Library Director is designated by the Canby City Council as the person in charge of the library for the purposes of excluding or ejecting individuals and issuing exclusion notices in accordance with this policy. In the Library Director's absence, the Library Director, with the consent of the City Administrator, may authorize other personnel to exclude or eject individuals or issue exclusion notices consistent with this policy.

#### EXCLUSION NOTICE

The Library Director, or in the Library's Director's absence, personnel authorized by the City Administrator, will issue the written exclusion notice, excluding the person from the library, if an individual engages in conduct warranting exclusion from the library as described in the policy above.

The notice shall specify: the person who is to be excluded from the Library, the period of the exclusion, the time the exclusion is to commence, as well as contain information concerning the right to appeal the exclusion notice.

#### RIGHT TO APPEAL

An individual issued an exclusion notice has the right to appeal the decision. Requests to appeal the decision must be sent in writing to the City Administrator within five (5) business days of the exclusion notice's issuance. The notice of appeal shall state the following:

1. The appellant's name; 2. The appellant's address and a telephone number where they can be reached. 3. A concise statement as to why the exclusion was in error; and 4. A copy of the notice.

A hearing on the appeal shall be held no more than thirty (30) calendar days after the Administrator receives the appeal request, except in the event the City Administrator determines otherwise. The Library Director, or authorized personnel, shall have the burden to show by a preponderance of evidence that exclusion is based on conduct described and that the ordered duration of the exclusion is appropriate. Copies of any and all City documents used by the City at the hearing shall be made available to the appellant upon request.

The exclusion shall remain in effect during the pendency of the appeal. The hearing shall afford a reasonable opportunity for the person requesting it to present and rebut evidence that the exclusion is invalid or unjustified. The decision of the City Administrator is final and shall be in writing.