

**ST. HELENS PUBLIC LIBRARY
RULES OF CONDUCT**

Article 1. Purpose.

The city operates and maintains the public library in order to meet the information needs of the community. Rules of conduct for the library premises are necessary to protect the rights and safety of library patrons and staff, and to preserve and protect the library's materials, equipment and property.

Article 2. Definitions.

As used in this chapter:

- 1) "Library building" means the entire structure known as The Columbia Center, a portion of which is devoted to the public library.
- 2) "Library" means that portion of The Columbia Center that serves as the public library and houses print, audio, visual and electronic materials for use by its patrons.
- 3) "Library premises" means the interior and exterior of The Columbia Center building, its courtyard, parking lots and the surrounding grounds that are maintained by the city.
- 4) "Sexual conduct" has the definition given to it under ORS 167.060 and means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
- 5) "Controlled substance" has the definition given to it under ORS 475.005 and refers to a drug or its precursor classified in Schedules 1 through 5 of the federal Controlled Substances Act, 21 U.S.C. 811 to 812 as modified under ORS 475.035 and ORS 475.005 (6).
- 6) "Attended" means a parent, guardian, or designated and responsible adult is at all times, while in the library, within 15 feet or in the direct line of sight of
 - a) his/her child who is five years old or younger, or
 - b) a vulnerable adult who is in their care.
- 7) "Supervised" means a parent, guardian, or designated and responsible adult is accompanying his/her child who is over five and fewer than ten years old and is monitoring such child's behavior, but is not necessarily located within 15 feet of the child.
- 8) "Exclusion from library premises" means the patron is denied access to the interior of The Columbia Center, its exterior porches and loading dock, its courtyard, parking lots and the surrounding grounds that are maintained by the city. The patron may still access the library's webpage and any databases available through that site using an offsite computer.
- 9) "Harass or annoy" means intentionally or recklessly engaging in conduct or any communication—written, spoken, faxed, emailed, or sent by any other physical or electronic means— that substantially interferes with other patrons' use or enjoyment of the library, or substantially interferes with the ability of a library staff member to perform his or her work.
- 10) "Sexual harassment" means:
 - a) Sexual pranks, or repeated sexual teasing, jokes, or innuendo either in person or via email;
 - b) Verbal abuse of a sexual nature;
 - c) Touching or grabbing of a sexual nature;
 - d) Repeatedly standing too close to or brushing against a person;
 - e) Repeatedly making sexually suggestive gestures;
 - f) Making or posting, in view of other patrons, sexual pictures or other illustrations that offend a person of average sensibility, if the person making or posting illustrations:
 - i) intends to offend another person; or

- ii) Is aware of and consciously disregards a substantial and unjustifiable risk that the act will offend another person.
- g) Other sexual advances, requests for favors, or verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or abusive environment in the library.
- 11) "Repeat offense" or "repeat violation" means a violation of these rules that a person commits within 1 year of the imposition of any exclusion for a previous rule violation. A person may commit a repeat offense or repeat violation even if he or she does not violate the same rule, and even if he or she has not been warned that their behavior is inappropriate before being excluded.
- 12) "Subsequent offense" or "subsequent violation" means: a violation of these rules that a person commits any time after being warned or excluded for an earlier violation. A violation may be a subsequent offense or a subsequent violation even if a different rule is violated.
- 13) "Director" means the city library director or designee.

Article 3. Rules of Conduct.

Any person who violates rules 1-12 while in or on library premises will be immediately ejected from the library premises without first being given a warning. Any person so ejected may be excluded from future entry for up to one year. If the violation relates to actual or threatened misuse of library property the person may lose library borrowing privileges for up to a year. The library staff reserves the right to report violations to the police.

No person shall harass or annoy another person by:

- 1) Committing or attempting to commit any activity that would constitute a violation of any federal, state or local criminal statute or ordinance.
- 2) Threatening to inflict physical harm upon another person or group of people, or directing a threat of physical harm against property
- 3) Brandishing a weapon
- 4) Using hostile language or making threatening gestures
- 5) Engaging in sexual harassment of another person
- 6) Engaging in lewd or sexually suggestive behavior to a degree that would substantially interfere with a reasonable person's use of the library
- 7) Staring at another person with the intent to annoy that person
- 8) Following another person around the building with the intent to annoy the person
- 9) Showing pictures or other materials to another person without that person's permission or acceptance;
- 10) Using harassing, hostile, or abusive language

In addition, no person shall:

- 11) Engage in sexual conduct, including, but not limited to, indecent exposure, masturbation or extensive physical contact or touching. This rule applies even if the sexual conduct occurs between two or more individuals who consent to it.
- 12) Possess, sell, distribute or consume any alcoholic beverage.

Any person who violates rules 13-28 while on the library premises will be given up to one warning at the discretion of library staff; then the person will be asked to leave the premises for the day. Repeat offenses by that person will result in that person's exclusion from the premises for up to six months. If the violation relates to actual or threatened misuse of library property the person may lose library

borrowing privileges for up to a year. The library staff reserves the right to report violations to the police.

No person shall:

13) Damage property in the following ways:

- a) Disrupt a computer system or alter its normal performance;
- b) Add, delete, or modify electronic files or devices belonging to another patron or to the library;
- c) Writing in or damaging library materials in a careless, reckless, or intentional way;
- d) Otherwise tamper with or deface any library property, facilities, materials, equipment or software, or use them in a manner likely to cause injury. Violations of this rule that constitute the offense of criminal mischief may be treated as violations of Rule 1.

14) Fail to leave the library at closing time.

15) Refuse to follow the reasonable direction of a library employee in enforcing any library rule.

16) Harass or annoy another person by:

- a) Playing radios, cell phones, CD players, digital music players, or other audio equipment at a volume level that can be heard by another person;
- b) Climbing on bookcases or chairs, running upon the premises;
- c) Placing personal belongings along or against buildings, furniture, table equipment, or fixtures, in a way that interferes with the use of the facility;
- d) Pushing or shoving another person in a way that is unwelcome to the other person
- e) Spitting on any person or on any surface or object other than a bathroom sink or a personal tissue;
- f) Singing or talking loudly to other persons or in monologues to oneself;
- g) Interfering with others' use of library computers, such as monitoring what they are viewing or retrieving information from another user's computer screen;
- h) Making loud noise;
- i) Behaving in any other manner that a reasonable patron or staff member could evaluate as harassing or annoying under the circumstances.

17) Smoke, use other forms of tobacco or vape on the library premises.

18) Consume food or beverages in the library other than during times and in places connected to an official library function.

19) Bring animals, other than service animals, into the library, except as approved by authorized library staff.

20) Use library restrooms for the following purposes:

- a) Shaving;
- b) Bathing;
- c) Washing hair;
- d) Cleaning clothes;
- e) Any other use outside the ordinary purposes for which restrooms are furnished in a public library.

21) Solicit, petition or distribute written materials or canvass for political, charitable or religious purposes inside a library building or in a manner on library premises that unreasonably interferes with or impedes access to the library.

22) Allow a child age five or under to be unattended in the library.

23) Allow a child under age ten to be unsupervised in the library.

24) Sleeping in or on library premises.

- 25) Use library electronic resources to access, disseminate or print constitutionally unprotected speech or in violation of copyright laws. Complying with this rule is the responsibility of the user, or in the case of minors, it is a joint responsibility of the user and the parent or guardian.
- 26) Enter parts of the premises reserved for staff use.
- 27) Use office supplies or other resources reserved for staff use.
- 28) Be present in the library but not engaged in activities associated with use of a public library such as reading, studying, or using library resources while in the building.

Any person who violates rules 29-32 while in the library building will be excluded until the problem is corrected.

No person shall:

- 29) Fail to wear a shirt or shoes except children three years old and younger.
- 30) Use the library with bodily hygiene so offensive as to constitute a nuisance to other persons.
- 31) Be present while intoxicated by alcohol or controlled substances. Library officials reserve the right to summon a police officer.
- 32) Fail to place large purses, bags and backpacks in a storage locker upon entering the library, or surrender the bag to be held behind the library circulation desk, when asked to do so by a library employee.

Article 4. Enforcement.

1. Penalties that relate to a person's presence in the library

Level 1: Warning

Library staff has discretion to issue one warning to persons who violate rules 13-28. If, after being warned at any time and by any person, that behavior constitutes a violation, the person engages in a subsequent offense, then the violator will be issued a Level 3 exclusion as set forth below.

Level 2: Remedial exclusion

- Persons who violate rules 29-31 must leave the library and may not re-enter until the underlying situation is corrected. Under the circumstances it may be possible for the violator to correct the situation on the same day it occurs.
- Persons will be immediate excluded under any rule if their conduct constitutes a risk of injury to persons or property.
- The police may be called to assist with remedial exclusions.

Level 3: Minor exclusion—6 months

- Persons who receive a warning of breaking rules 13-28 but who then commit a subsequent offense will be excluded from the library for the rest of the day on which they commit the subsequent offense.
- Persons who commit a repeat offense will receive a minor exclusion so long as the circumstances do not trigger a major exclusion.
- Persons who violate rules 1-12 will automatically receive a minor exclusion.

Level 4: Major exclusion—1 year

- Persons who twice violate rules 1-12 will be automatically excluded for one year.
- Persons who commit a repeat violation of library rules will be excluded for up to one year if one of the factors is present:
 - The violator is older than age 18 and the violation involved sexual activity.
 - The offense involved threatening behavior or misconduct directed towards another person.
 - Circumstances surrounding the violation show callous disregard for the library rules or the well-being of persons or property.
 - There is probable cause to believe the person violated a criminal statute of the State of Oregon or the City of St. Helens.

2. Special provisions for enforcing these rules:

a) Suspended borrowing privileges:

- The director reserves the right to suspend the borrowing privileges of any person excluded under these rules for any length of time.
- The director will suspend borrowing privileges if the circumstances of a violation indicate disregard for library premises or disregard of materials in the library collection.
- Privileges may be suspended for up to one year under this provision.

b) Enforcing these rules against persons 16 years old or younger

- If a patron under age 17 has violated these rules, the director will notify the patron's parents in writing before issuing an exclusion longer than one day.

3. Procedures for administering exclusions under these rules

- a) The director, the director's designee, the most senior library employee on the premises, or any sworn police officer, is hereby identified as an authorized party on the city's behalf for enforcing these rules and signing exclusions.
- b) An authorized party may sign exclusions based on the following:
 - Reasonable grounds, based on personal knowledge that a violation has occurred.
 - Reasonable grounds furnished by an employee or a patron that violation has occurred, however such statements may not be relied on unless the complaining party furnishes their name, address, and phone number.
- c) Before signing an exclusion, an authorized party shall afford an alleged violator an opportunity to personally explain their version of events. It is not necessary for the director to accommodate written explanations delivered after the date of occurrence.
- d) No special permission or authority is needed for a library employee or patron to call the police.
- e) Exclusions take effect the moment the authorized party signs them. In cases of exclusions for persons under age 17, the authorized party shall sign an exclusion only

after sending written notice to the parents and allowing the parents an opportunity to respond to the allegations. No exclusion is effective against a person under 17 years unless and until the exclusion is signed and personally delivered to the person.

- f) Exclusions expire at 12:01 AM on the date after the exclusion ends.

Article 5. Appeals of exclusions.

- a) Council shall appoint a three-member panel to hear appeals.
- b) An excluded person may appeal their exclusion under the following procedures:
 - i) The person must file written statement with the city recorder that he or she wishes to appeal the library exclusion.
 - ii) The written statement must be filed with the city recorder no more than ten (10) days after the date of the exclusion.
 - iii) The filing of an appeal does not suspend the exclusion, which remains valid until such time as appeal panel in its discretion elects to alter it.
- c) Appeal panel will hold a hearing on the exclusion no later than 10 days after the notice of appeal was filed with the city recorder. Failure of the panel to convene within 10 days shall not invalidate an exclusion.
- d) Appeal panel shall take evidence in the following order:
 - i) A representative of the city will put on evidence in support of the exclusion, calling any witnesses that are necessary.
 - ii) The excluded person may put on evidence and may call any witnesses to support his or her side of events.
 - iii) The city's representative may put on a rebuttal case.
- e) Appeal panel may uphold the exclusion if there is substantial evidence that a rule was violated. Appeal panel may reduce or eliminate the exclusion if there is insufficient evidence of violation, or as justice requires.
- f) Appeal panel may order the appeal dismissed if the excluded person fails to appear at the appeal hearing.

Article 6. Appeals of borrowing privilege suspensions.

If a person has lost their borrowing privileges in connection with an exclusion, it is the sole responsibility of the excluded individual to apply for reinstatement of library privileges; these are not automatically available at the end of the period of exclusion. The person notifies the library director that he/she plans to attend the next meeting of the appeal panel to request reinstatement of his/her library privileges. This request may be made only after the period of exclusion has been completed. The appeal panel will decide by a majority vote to lift the ban if the person is able to persuade them that his/her future behavior will not violate the Library Rules of Conduct, nor be a threat to the ability of the library to operate in a safe manner, nor prevent staff and patrons from using the library services, furniture, facilities and materials for their intended use. The suspension will be in effect until this vote is taken. The appeal panel will instruct the library director to contact the person making such an appeal by letter and inform him/her of appeal panel's decision.

Article 7. Supersession.

These rules supersede all previously issued conduct rules for the library.