

ADMINISTRATIVE REGULATIONS

TAB: Patron Services

DOCUMENT NUMBER: 20-10-30

SECTION: General Patron Services

SUBJECT: SUSPENSION, DENIAL OR RESTRICTION OF LIBRARY USE; APPEAL PROCEDURES

SUMMARY

The purpose of this document is to establish the authority and procedures under which the County Librarian and the Library Board may suspend library privileges or deny or restrict library use.

Effective Date:

September 10, 2015

Review Date:

January 9, 2020
February 11, 2021

STATUTORY AUTHORITY

a. K.S.A. 12-1227 states:

"Every library established under, or governed by, the provisions of this act shall be free to the use of the inhabitants of the municipality in which located, subject always to such reasonable rules and regulations as the Library Board may adopt, and said board may exclude from the use of said library any and all persons who willfully violate such rules."

OPEN ACCESS

b. The right of free access to information for all individuals is basic to all aspects of library service. The policy of the Johnson County Library is to extend the free use of its services as far as possible.

SUSPENSION, DENIAL OR RESTRICTION POLICY & PROCEDURE

c. No general restrictions on circulation of materials or the provision of information may be made except as expressed directly in this Administrative Regulations Manual or in procedures authorized by it.

d. The library rights and privileges of individuals described by statute or by Johnson County Library policies or regulations may only be suspended, denied or restricted by decision of the County Librarian or the County Librarian's expressly designated representative.

APPEAL PROCEDURE AND
APPLICATION FOR
REINSTATEMENT

The County Librarian or the County Librarian's designee is authorized to suspend, deny, or restrict an individual's library privileges for

(1) violation of federal or state law, local codes, or library regulations, (2) interfering with the access of others to information, or (3) posing an immediate health hazard or risk of an immediate health hazard to the Library or other Library patrons. The suspension, denial, or restriction of library privileges may be indefinite or for a definite period of time. When the County Librarian suspends, denies, or restricts an individual's library privileges, the County Librarian may share information about the suspension, denial, or restriction of library privileges with law enforcement agencies.

e. The Library follows the following procedure for suspension, restriction, and denial of privileges and appeal by an individual:

1. A written report prepared by Library staff is submitted according to Library procedure recommending the individual for suspension, restriction, or denial of privileges. Additional evidence and supporting material may be provided by staff during the administrative process to be included along with the staff recommendation as part of the administrative record for consideration by the County Librarian.

2. Upon receipt of the recommendation for suspension, restriction, or denial of privileges, the County Librarian shall convene a Library Administration panel comprised of three members of the administrative team to review the underlying causes or rationale for suspension, restriction, or denial of Library privileges and to interview relevant Library staff and the individual.

3. The individual whose Library privileges are under consideration shall be invited to provide written material or evidence the individual believes is pertinent for consideration. The Administration panel will review the evidence of underlying conduct or rationale for the individual's suspension, denial, or restriction, including but not limited to written incident reports or evidence from staff, interviews with staff, and written documentation or responses from the individual. Any evidence provided by the individual or staff to the Administration panel will become part of the administrative record on this matter.

4. The Library Administration panel shall also invite individuals to request a meeting and interview with the Administration panel to discuss the individual's appeal. The minutes of this meeting shall be incorporated into the

public administrative record. The Library encourages individuals to engage the Administrative Panel in dialogue in consideration of the suspension, restriction, or denial.

5. Upon completion of this administrative proceeding, after the individual's opportunity to meet with the Administration panel and the panel's consideration of the administrative record, the panel shall make a recommendation to the County Librarian for determination of the individual's suspension, restriction, or denial of privileges. The Administration panel's recommendation shall be accompanied by all written documents of any kind, including memoranda, statements, and letters, developed during the course of the proceeding (the "Administrative Record").

6. Upon receipt of the Administration panel's recommendation and the Administrative Record, the County Librarian shall review the Administrative Record, determine the appropriate action, and issue an order for suspension, denial, or restriction of the individual's privileges, or dismissal of the proceedings. The County Librarian shall inform the individual of the decision in a certified letter. Contents of the Administrative Record are confidential, unless the individual appeals the County Librarians' decision and appears before the Library Board in public meeting, as described in subsection 8 below, in which event the Administrative Record shall be submitted to the Library Board and shall become a public record.

7. Should the individuals' privileges be suspended, restricted, or denied, the individual shall then have ten days from the date of receipt of the certified letter for the County Librarian's order, to file an appeal to the Library Board of Directors by filing a notice of appeal with Library Administration in writing or in substantially the form of the Library's Appeal Form.

8. The Library Board shall hear the appeal at its next regular meeting in the form of an administrative hearing. The Library Board shall be provided prior to the hearing, the County Librarian's written letter of suspension, restriction, or denial of privileges, the Administrative Record, and any material or documents submitted by the individual. The County Librarian may withdraw or modify the order at any time prior to the hearing before the Library Board. The individual making the appeal shall have the right to present a case to the Library Board and the Library Board shall uphold, reverse, or modify the County Librarian's order suspending, denying or restricting the individual's library privileges. The Library Board shall have the entire Administrative Record. The

Administrative Record will be made public as part of the Library Board meeting packet except patron borrowing records as described in ARM 20-20-20 unless those records are directly material to the suspension, restriction, or denial of privileges. And the hearing will be conducted in public during a Library Board meeting held on the second Thursday of the month. The Library Board shall consider the County Librarian's decision under an arbitrary and capricious standard of review whereby the decision may be reversed only when it is contrary to the facts of the administrative record and a clear error of judgment.

9. An individual whose library privileges have been suspended, denied or restricted may apply to the County Librarian for reinstatement of that individual's library privileges or modification of the order denying or restricting that individual's library privileges at any time after six months from the entry of the order of the County Librarian or the Library Board of Directors, whichever is later, by using the Library's Appeal Form.

REMOVAL FROM
LIBRARY PREMISES
AND TEMPORARY
SUSPENSION OF
PRIVILEGES

Library staff are authorized to cause an individual to be removed immediately from any Library branch facility or particular Library service area, or from all Library branch facilities or premises for the remainder of that day's Library branch operating hours when the individual is (1) violating federal or state law, local codes, or library regulations, (2) interfering with the access of others to information, (3) posing an immediate health hazard, or (4) breaking the terms of a County Librarian order for suspension, denial, or restriction of the individual.

Library staff may cause an individual to be removed from Library branch facilities, services, or premises and the County Librarian, upon issuance of a written notice, may suspend temporarily, for a period not to exceed thirty (30) days, an individual's Library privileges when the patron's behavior is particularly flagrant or a threat to public safety, including but not limited to (1) making threats of violence or endangering the safety of Library staff or patrons, (2) giving Library staff reason to contact police, or (3) interfering with the ability of other patrons to make use of the Library or access information. When the County Librarian or the County Librarian's designee temporarily suspends the individual's Library privileges under this subsection f, the suspension procedure described in subsections d and e shall be commenced by the Library, unless such a suspension procedure has already been commenced with respect to the individual's Library privileges.

ARM 20-10-30 END