

4.1 Behavior Policy

In observance of its mission and to make Library facilities and services available to everyone on a safe and equitable basis, to ensure the ability of staff members to conduct Library business, and to safeguard Library property against misuse or abuse, rules of behavior are established by the Traverse Area District Library Board. These behavioral rules apply to TADL facilities in Traverse City, the Village of Kingsley and East Bay Township, and to any outreach/mobile library unit and its immediate location.

All Library staff and patrons are expected to conduct themselves in a respectful and responsible manner that allows for effective use of the Library and its shared resources. The Library Director and their representatives shall be responsible for enforcing this policy.

TADL PROHIBITS the following behaviors:

- **Category A - For Public Safety and Security:**
 1. Being under the influence, consuming, possessing, giving away or selling alcohol, marijuana or any illegal substance on Library property; enticing or asking others to participate in the use of;
 2. Usage of profane, obscene, injurious, or abusive language; written, verbal or physical harassment, intimidation or threat of any person by word or act;
 3. Fighting or provoking fighting or engaging in any act of violence;
 4. Unlawful possession of a weapon.
 5. Improper use or abuse of Library materials, social media/communications, or equipment;
 6. Engaging in sexual acts or behaviors or indecent exposure;
 7. Stealing or vandalizing on Library property;
 8. Any illegal activity.

- **Category B - To ensure proper use of Library Facilities:**
 1. Any violation of the Smoke, Tobacco, Alcohol, and Drug Free Campus Policy;
 2. Noisy or boisterous conduct inappropriate to the Library location;
 3. Lying down or appearing to sleep in the Library or on library grounds; having feet on furniture; or blocking aisles, exits or entrances;
 4. Misuse of restrooms, including but not limited to, washing clothes, shaving or bathing (simply washing one's hands and face is not considered "bathing");
 5. Fragrance, odor, or personal hygiene or body odor so offensive as to constitute a nuisance to other persons;
 6. Beverages in the Library unless secured in a container with a lid, or in designated areas;
 7. Food inside the Library, except in designated areas or otherwise previously approved by TADL;

8. Animals unless involved in a Library-approved event or service animals as defined in 28 CFR 36.104;
9. Cell phone conversations in areas designated as “quiet” areas, or overly loud conversations in any area of the library;
10. Petitioning, canvassing (e.g., seeking signatures on a petition), conducting surveys, distributing written material, or soliciting donations, selling merchandise, or otherwise raising funds anywhere on Library property, unless approved in advance by TADL;
11. Any violation of the Unattended Child Policy;
12. Unattended or intentionally abandoned personal property;
13. Using audible devices without headphones. Headphones must be at a volume that will not disturb others;
14. Use of wheeled or motorized devices inside the library, including but not limited to, skateboards, roller blades, scooters, grocery carts, or other similar items inside the Library or on Library property or on Library property unless it is an ADA assistive device or baby stroller necessary for child;
15. Failing to wear shirt, pants, and/or shoes;
16. Refusing to leave the Library and/or grounds as requested by TADL staff;
17. Violation of the Library internet policy or social media policy;
18. Entering areas designated “private” or “staff only” unless approved by TADL staff;
19. No camping or overnight parking on Library grounds;
20. Littering;
21. Failing to wear required Personal Protective Equipment such as face coverings and/or maintaining six (6) feet physical distancing, as required by federal, state or local law, rule, regulation, recommendation, or order.

Penalties

Patrons who choose to violate the Behavior Policy could result in removal from the premises and expulsion from the library for a period of one day to indefinitely. Returning to the library while suspended and violations perceived as criminal in nature may result in an extended suspension, arrest and/or prosecution. Any expulsion may be appealed to the library Board per this policy.

For All Suspected Violations

1. Police will be called if the Library believes a crime has been committed.
2. Police will be called if a violator suspended under this policy appears on Library property.
3. If a violator returns while under suspension, that suspension shall be extended.
4. Police will be called when a violator refuses to comply with Library rules.
5. Police will be called if a violator refuses to show identification.
6. Violators may be photographed by Library personnel.

Right to Appeal and Appeals Process

1. The right to appeal is based on the right to due process of law guaranteed in the 14th Amendment of the U.S. Constitution and the right of access to public libraries guaranteed to all citizens in the Michigan Constitution (Art. VIII, Sec. 9).
2. If the Library has an address on record or the suspended patron provides an address, the Library Director shall provide written notice to any individual whose Library privileges have been suspended within five (5) business days of the date of the violation, and shall include a copy of this policy with the notice. If the Library does not have an address on record and the patron refuses or fails to provide an address, verbal notice on the day of the violation shall be sufficient notice of the suspension, and the patron shall be hand-delivered a copy of this policy.
3. An individual who wishes to appeal a suspension must do so in writing to the Library Board within 10 days of the postmark of the Director's letter or the date of the verbal notice if no letter is sent. The notification of appeal must provide current contact information (address and phone number) and state the grounds upon which the appeal is based.
4. Upon receiving a request for an appeal, the Board shall hold a hearing to consider the appeal within one month. The Board may consider the appeal at a regularly scheduled Board meeting or at a special Board meeting, at the earliest opportunity, called for the purpose of a hearing.
5. The Board President will ensure the Appellant receives reasonable notice of the hearing.
6. Prior to the hearing the Board will be provided copies of the Appellant's letter appealing the decision and requesting a hearing. The Board and Appellant will also receive copies of the Library Director's letter giving notice of the suspension which describes the offense. Supporting information gathered in the administration's investigation shall be made available, including but not limited to all incident and police reports completed by Library staff, witnesses and the Director. The Board shall have access to Library records necessary to make an informed decision on the appeal. Any Library record (as defined in the Michigan Library Privacy Act) shall remain confidential and shall not be disclosed to the public unless in compliance with the Michigan Library Privacy Act.
7. The Appellant must have the opportunity to attend any hearing so scheduled personally or may make a written statement in support of his or her position. If the Appellant does not attend the hearing, the written statement must be received before the time set for the hearing.
8. The Appellant shall have the opportunity to present his/her claim for rejecting the Library Director's decision. The Board may ask questions in order to bring to light all the facts and issues involved.
9. The Board may affirm or reject the decision to suspend Library privileges.
10. The Board will make its determination as soon as reasonably possible.
11. The Board will issue a written decision and provide a copy to the Appellant if an address is known.
12. The decision of the Board is final.
13. In no case shall the filing of an appeal pursuant to this Policy act as a stay of the suspension imposed unless the Library Director makes a specific finding that the suspension would result in manifest injustice under the total circumstances.

The entire Library Behavior Policy and Right to Appeal notification and process will be prominently posted in the Main Library and at each Branch Library location.

