

NECSD BOARD OF EDUCATION

BYLAWS AND POLICIES
PERTAINING TO THE NEWBURGH
FREE LIBRARY

REVISION APPROVED MAY 28, 2008

*COMPLETE SET OF RECOMMENDED REVISIONS
WITH TABLE OF CONTENTS, INTRODUCTION,
APPENDIX A (ALA POLICIES) AND APPENDIX B (FORMS)*

Muriel F. Verdibello, Library Director

BYLAWS AND POLICIES PERTAINING TO THE NEWBURGH FREE LIBRARY
A Supplement to the Bylaws and Policies of the Newburgh Enlarged City School District

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Introduction

This section includes bylaws and policies pertaining exclusively to the Newburgh Free Library. It is a supplement to the “Bylaws and Policies of the Newburgh Enlarged City School district.” All applicable sections of that document apply to the Newburgh Free Library and references to “school” or “building” are to be assumed to mean “library”, and references to “building principal” to mean “library director”.

Definitions – Whenever the following terms are used in these supplemental bylaws and policies, they shall have the meaning set forth below:

Board	The Board of Education of the Newburgh Enlarged City School District serves as the Board of Trustees for the Newburgh Free Library.
Director	Director of the Newburgh Free Library
Library	Newburgh Free Library
School District	Newburgh Enlarged City School District
Superintendent	Superintendent of Schools of the School District

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No. 0110.01
BYLAWS
Board of Trustees

Board of Trustees

The Board of Education (BOE) of the Newburgh Enlarged City School District sits as the Board of Trustees of the Newburgh Free Library.

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No. 1230
ADMINISTRATION
The Superintendent of Schools

Duties of the Superintendent of Schools

The Superintendent shall be the chief executive officer of the Newburgh Enlarged City School District. He/She shall enforce all the provisions of Education Law of the State of New York and any other laws and requirements of the State of New York pertaining to public libraries, and the rules and regulations of the Commissioner of Education relating to public libraries, and the policies and regulations of the Board of Education, including having general supervision of the Newburgh Free Library.

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Appointment and Duties of the Director of the Newburgh Free Library

The duties of the Director of the Newburgh Free Library shall include, but not be limited to, the following:

Have control and supervision of the Library under the direction of the Board of Education and the Superintendent of Schools.

Make necessary purchases within the limitations of the budget appropriations and Board policy.

Be responsible for all reports to the State authorities and to the Board of Education.

Be responsible for the correct management of the Library and all persons employed therein.

Perform such other duties as may be required by the Superintendent of Schools and the Board.

Service Area

The Newburgh Free Library was created by the New York State Legislature to provide public library services to the residents of the Newburgh Enlarged City School District, and is designated by the **Ramapo Catskill Library System** as the central reference library for its member libraries. In addition, the library is an agency of the School District and provides support to students and teachers to a greater extent than most public libraries.

The Library's Mission

The mission of the Newburgh Free Library is to inform, enrich and inspire people of all ages. The Library collects, organizes and makes available information, materials, and activities to serve the public's informational, recreational, cultural and educational needs within the limitations of space and budget. The Library provides access to its collection and services to all regardless of race, color, national origin, creed or religion, marital status, veteran status, sex or sexual orientation, age, disability, economic status, or views.

In carrying out this mission the Newburgh Free Library incorporates the following statements as policy:

1. Library Bill of Rights (1996)
2. Declaracion de los Derechos de Las Bibliotecas
3. Freedom to Read (2004)
4. Freedom to View (1990)
5. American Library Association Code of Ethics (1995)
6. Free Access to Libraries for Minors (2004)
7. Restricted Access to Library Materials (2004)
8. Labels and Rating Systems (2005)
9. Challenged Materials (1990)
10. Evaluating Library Collections (1981)
11. Expurgation of Library Materials (1990)
12. Economic Barriers to Information Access (1993)
13. Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation (2004)
14. Access for Children and Young Adults to Nonprint Materials (2004)
15. Access to Electronic Information, Services and Networks (2005)
16. Privacy (2002)

These statements may be found in the Appendix A.

Materials Selection Policy

1. Through the exercise of its selection policy the Newburgh Free Library provides materials for all people in its service area. Materials are collected which represent diverse points of view and shall "...not be proscribed or removed because of partisan or doctrinal disapproval." (the *Library Bill Of Rights*). The Library's selection policy reflects the philosophy expressed in the *Library Bill Of Rights*, the *Freedom to Read* and *Freedom to View* statements, *Evaluating Library Collections*, *Expurgation of Library Materials* and other documents included in Appendix A.

Purpose

1. To guide the staff in the selection of materials to support the Library's mission.
2. To inform the public about the principles upon which selections are made.

Collection Objectives

1. To meet and promote the basic information needs of the community.
2. To encourage the development of lifelong learning skills.
3. To facilitate continuing education, both formal and informal.
4. To identify and obtain sources of information in all fields of knowledge.
5. To encourage the constructive use of leisure time through the pursuit of recreational reading.
6. To provide a depository for literature and other manifestations of the world's culture.

Types of Materials Included in the Collection

1. Materials in, print, audio-visual, electronic, digital, microfilm/fiche, and other formats which effectively support the Library's mission.
2. Materials which are on a variety of reading, listening and viewing levels.
3. Materials of lasting cultural value.
4. Materials which treat significant aspects of a wide variety of subjects.
5. Materials of contemporary significance or interest.

Types of Materials Included in the Local History Collection

1. Materials, in a variety of formats, relevant to the history of Newburgh, NY, and the areas served by the Newburgh Enlarged City School District.
2. Space limitations may preclude large collections from individual, governmental or corporate donors, and large artifacts.
3. Donations as unrestricted gifts. Items will not be accepted on deposit except by a separate signed agreement that is approved by the Board.
4. Temporary loans for purposes of exhibition.

Selection and Collection Maintenance Criteria

To build and maintain collections of merit and significance, materials are to be selected and weeded by the following guidelines:

1. The Library Director or Collection Development Librarian will oversee the collection.
2. Professional librarians will be responsible for collection evaluation and recommending selections and withdrawals.
3. Librarians with special training or experience in working with children will select and withdraw materials for children and young adults.
4. Selection will be guided by professional judgment, consulting book reviews, bibliographies and other reliable sources, and/or upon the recommendations of scholars and experts.
5. Criteria for judging potential collection items will be:
 - a. Their accuracy;
 - b. The reputation and/or authority of the author, editor, illustrator, or publisher;
 - c. Format, durability and ease of use;
 - d. The scarcity of information in the subject area;
 - e. Significant public demand.

The Library welcomes suggestions for purchase from members of the community.

Gifts and Donations

The Library accepts gifts of books and other materials with the understanding that they will be added to the Library collections only when needed. The same principles of selection which are applied to purchase are applied to gifts. (See Materials Selection Policy 2100.3).

Individuals and organizations considering donations of new materials for the Library should consult with the Library Director before purchasing.

Donated or used materials not added to the library collection will be donated to the Friends of the Library. New materials not added to the library collections will be returned to the donor only upon prior arrangement.

The Library does not provide cost evaluations of gifts.

Use of the Meeting Rooms

Newburgh Free Library Meeting Room(s) are available free of charge on evenings when the Library is open, for use by any civic, governmental, educational, cultural group or individual whose function is legal and whose purpose for using the room corresponds to the Library's mission. (See Policy No. 2100.02)

The room will not be provided to persons or organizations conducting business for profit, unless they are providing free community service programs per Policy 7501.03.

Capacity is limited to the number of people allowed in the local Fire Code. No activities may be held which will intrude on the Library's environment and its ability to meet the needs of its users. Users may not charge admission fees, membership fees, solicit contributions, or sell or take orders for merchandise or services of any kind on Library property. Exception will be made for programs or sales sponsored by the Friends of the Library, the proceeds of which will go to the benefit of the Library.

All publicity relating to events must clearly state that the event is not sponsored or endorsed by the Newburgh Free Library or the Newburgh Enlarged City School District.

Use of the room for Library activities shall take precedence over use by outside groups. The room will otherwise be available on first-come first-served, equal terms to all groups regardless of the beliefs and affiliations of their members as stated in the American Library Association Bill Of Rights.

All members of groups using the meeting room are responsible for abiding by the Library's policy on the conduct of patrons in the Library.

Groups will be responsible for leaving the room in a neat and clean condition, for putting all furniture back in place, and turning off the lights. Groups using the room will be responsible for any damage incurred by their members. Future use of the room may be denied to any group that violates library policy or procedure.

Requests for use of the room shall be made in writing to the Library Administration Office using the procedure and form provided. The use must be approved in writing prior to public announcement.

The Library cannot guarantee use of the room on a regular basis. Meetings scheduled over an extended period of time may be preempted for Library programs, in which case at least 24-hour notice will be provided to the scheduled group.

This policy does not apply to the E Learning Center or other program specific spaces in the Library.

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Exhibit Spaces and Bulletin Boards

The Library provides and maintains display cases, exhibit space, bulletin boards, and space for distribution of free informational materials in order to:

1. Promote the holdings and resources of the Library
2. Promote Library programs and special events
3. Promote education, art and culture, and activities that are a service to the community as determined by the Library Director
4. Serve as a source of community information
5. Support the Library's mission.

Exhibit spaces include display space, bulletin boards and other locations appropriate for hanging art, sculpture and floor displays. Due to space limitations, the Library reserves the right to limit the size or number or length of time of display of items.

Individuals and community groups may request use of exhibit spaces and bulletin board, which will be made available according to Article 76 of the *Library Bill of Rights*, "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." All exhibitors display their works at their own risk and shall not hold the Newburgh Free Library or the Newburgh Enlarged City School District liable for any damages or loss. All exhibitors will include in the display a statement of responsibility identifying the exhibitor. Requests and waivers shall be in writing on the forms and pursuant to the procedures provided by the Library Administration.

The Library will preview displays and exhibits and free materials, and accept those which are appropriate under this policy. Exhibits, displays and notices of a purely commercial nature are inappropriate for Library space. Scheduling of displays and exhibits will be based on the Library's calendar and program goals. Decisions of the Library Director may be appealed to the Superintendent of Schools.

In granting exhibit space to outside individuals and groups, the Library's quality standards as expressed in its Materials Selection Policy will be considered. Every effort to "provide materials and information presenting all points of view" (Article 2, *Library Bill Of Rights*) within a reasonable period of time will be made. The Library will make no effort to censor or amend the content of any exhibit unless it violates community standards of decency for spaces which demand sensitivity to the involuntary exposure of young people.

The Library does not advocate or endorse the viewpoints of exhibits or exhibitors, and shall post a notice to that effect.

Community Service Programs

It is the policy of the Library not to promote commercial enterprises through its programming, displays, exhibits, bulletin boards, collections or hand-outs. However, the Library recognizes that organizations, both non-profit and for-profit, may offer community service programs of interest and benefit to the public. The Library will provide meeting room space for such programs, if such space is not being used for Library purposes and if such program is not designed for the primary purpose of promoting a specific commercial enterprise. All requests for use of Library facilities shall be subject to Library Policy 7510.01, Use of the Meeting Rooms.

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No 8000.01
OPERATIONS
Library Calendar

Library Calendar

Every attempt is made to keep the Library open during those hours when patrons need the greatest access to its resources.

The Library will make every attempt to provide public notice of any closures due to emergency.

Patrons are encouraged to call in advance for Library hours.

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Inclement Weather

It is the policy of the Newburgh Free Library to close for inclement weather only under extreme conditions which would suspend most business activity. The Library may open for part of the day if conditions warrant.

Closing of schools in the Newburgh Enlarged City School District will not automatically result in the Library closing. If the Library closes or delays opening, radio announcements will specifically state this in relation to the Newburgh Free Library.

Confidentiality of Library and Patron Records

New York State Law states: “Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user, or pursuant to subpoena, court order or where otherwise required by statute.”

The Newburgh Free Library gathers data about system and resource use for administrative purposes. The Library does not track personal information unless users elect to provide that information for the purposes of library operations.

Patron Code of Conduct

A. Principles, Responsibilities and Process

The Board of Education establishes the rules for public behavior in the Library which are necessary :

- To protect the rights of individuals to use Library materials, facilities, and services;
- To protect the rights of Library employees and volunteers to conduct Library business without interference;
- To ensure the use of the buildings, materials, and services by the greatest number of individuals;
- To preserve those materials and facilities from harm;
- To ensure the safety of Library users, employees, and volunteers.

The Library Administration has the responsibility for maintaining order in the Library and enforcing the established rules. The administration is responsible for posting the Patron Code of Conduct prominently in Library facilities.

In order to enforce the established rules, the staff will be required to intervene in situations at the Library that present danger to the safety of persons or property, interfere with the rights of others, and/or constitute inappropriate uses of the Library, disorderly conduct and/or the commission of illegal acts.

Library staff will bring to an individual's attention any act or omission which violates the Code of Conduct and related Library or School District policies. Such an individual will be asked to change his or her behavior to conform to the rules. If such a change is not evident or forthcoming that individual will be asked to leave the Library building and Library property. If the individual refuses to leave after being requested to do so, the police may be called and charge of criminal trespass may be filed.

Depending on the severity of the violation, individuals who have been asked to leave the building may be evicted and barred from returning to the library for varying periods of time as outlined in the Suspension Procedure. Individuals who have had their Library privileges suspended may be required to discuss the violation with the Director or his/her designee before privileges are reinstated. Juveniles may be required to bring a parent or guardian for such a conference.

An individual suspended from the Library has the right to appeal that decision to the Superintendent of Schools as outlined in the Suspension Procedure.

Patron Code of Conduct

B. – Rules

Appropriate behavior is required at all times, and patrons shall be engaged in activities associated with the use of a public library. Reasonable quiet is expected, especially in designated areas. No patron may disturb others using the Library. In the course of Library business staff may request a patron to provide proper identification. Failure to provide such identification may lead to removal from the Library.

In all emergencies and emergency drills patrons will follow all instructions from Library staff and emergency personnel. Failure to do so may result in arrest and loss of Library privileges.

Patron concerns should be brought to the attention of the appropriate Department or the Administration.

The following behaviors are prohibited:

Leaving children unattended

Unreasonable noise, including but not limited to: loud talking, singing, boisterous activity/cell phone use in non-designated areas

Harassing patrons or staff. Deliberate repeated behavior that is hostile, intimidating, threatening, offensive or adversely impacts staff work performance.

Abusive or obscene language, racial, or ethnic epithets, slurs against gender or gender preference

Intentionally damaging, destroying, tampering with or stealing any property belonging to the Library, another patron, or staff.

Abuse, improper or unsafe use, or rearrangement of furniture, equipment or materials

Gambling, panhandling, soliciting money or contributions

Monopolizing/obstructing space, seating, tables or equipment to the exclusion of others

Distributing/posting unauthorized printed materials. The Library reserves the right to establish rules regarding posting and distribution based on time, size, space and location.

Bringing animals, other than appropriately certified and trained service animals, into the Library, except for authorized programming purposes. All animal owners are liable for damage to persons or property caused by their animals.

REVISION 2008
No. 9100.01/RELATIONS/Conduct of Patrons in the Library

Smoking on Library property

Eating in the Library

Having bodily hygiene offensive so as to constitute a nuisance to other persons. Such patron shall be required to leave the building.

Entering the building without a shirt or other covering of the upper body or without shoes or other footwear.

Bathing in the public restrooms

Entering staff areas without authorization

Committing any act that would violate any State, Federal or local law, ordinance or regulation, or the Newburgh Enlarged City School District policy "Public Conduct on School Property".

Request for Reconsideration of Library Materials

Objections to the placement and circulation of a book or books or other material in the Library shall be made in writing utilizing the “Request for Reconsideration of Library Materials” form, and directed to the Library Director who shall forward the objection to the Superintendent of Schools. The Superintendent shall establish a review committee comprised of the Library Director, librarians, and others deemed appropriate by the Superintendent. The committee will review the objection and submit the “Materials Reconsideration Committee Evaluation Report”, with recommendation to the Superintendent within two (2) weeks of receipt, based upon the following:

- The American Library Association’s Freedom to Read statement
- The American Library Association’s Free Access to Libraries for Minors document
- The American Library Association’s Freedom to View statement, and
- Other guidelines as appropriate. (The above noted American Library Association statements may be found in Appendix A. Forms may be found in Appendix B.)

During the review process, the material under reconsideration shall remain on the shelves and available for circulation.

The committee, in making its review, should be guided by the following:

- Authors’ works, once shelved, will be received by their reading audience as published and will not be abridged based upon personal partisan or political views, or personal tastes and morals.
- The right to receive ideas must not be unduly suppressed.

Upon receipt of the committee’s report, the Superintendent shall, within five (5) calendar days, issue his/ her decision, in writing, regarding the disposition of the objection. The Superintendent shall apply the criteria of this Policy to his/her decision making.

If the objecting party wishes to appeal the Superintendent’s determination, she/he may do so, in writing, to the Board of Education within two (2) weeks of the receipt of the Superintendent’s determination. The Board shall rule upon the appeal, in writing, within twenty (20) days of the receipt of the same, by applying the criteria of this Policy.

No 9100.03
RELATIONS
Individual Tutoring or Group Study

Utilization of the Library for Individual Tutoring or Group Study

Individual tutors and students, or study groups, may use the tables and chairs provided for the public as long as the activity does not interfere with the use of the facility by other patrons.

Tutors and their students may not use space set aside for specific purposes, for example, the Teen Space, Story Hour Room, Internet workstations, Local History research, the E-Learning Center, and the like.

Tutors and their students and study groups may not re-arrange library furniture.

Tutors and their students and study groups must comply with all Library policies including the Patron Code of Conduct.

No 9100.04
RELATIONS
Reconsideration of Exhibits/Displays

Request for Reconsideration of Exhibits or Displays (new)

Objections to an exhibit or display, in whole or in part, in the Library shall be made in writing utilizing the "Request for Reconsideration of Library Exhibits/Displays" form, and directed to the Library Director who shall forward the objection to the Superintendent of Schools. The Superintendent shall establish a review committee comprised of the Library Director, librarians, and others deemed appropriate by the Superintendent. The committee will review the objection and submit the "Exhibit/Display Reconsideration Committee Evaluation Report", with recommendation to the Superintendent within two (2) weeks of receipt, based upon the following:

- The American Library Association's *Library Bill of Rights*
- The American Library Association's Freedom to View statement, and
- other guidelines as appropriate. (The above noted American Library Association statements may be found in Appendix A. Forms may be found in Appendix B.)
- Board policy, including No. 7510-02 Exhibit Spaces and Bulletin Boards
- The Library's mission
- The Materials Selection Policy, and other policies as may be appropriate.

During the review process, the material under reconsideration shall remain on display.

Upon receipt of the committee's report, the Superintendent shall, within five (5) calendar days, issue his/her decision, in writing, regarding the disposition of the objection. The Superintendent shall apply the criteria of this Policy to his/her decision making.

If the objecting party wishes to appeal the Superintendent's determination, she/he may do so, in writing, to the Board of Education within two (2) weeks of the receipt of the Superintendent's determination. The board shall rule upon the appeal, in writing, within twenty (20) days of the receipt of the same, by applying the criteria of this Policy.

Internet Use Policy in the Public Library

The Newburgh Free Library offers Internet access on selected public computers and wireless access for personal equipment for adults, and for minors with signed consent of their parent/guardian.

The Library's Internet access is a Library resource to be utilized in the fulfillment of the Library's mission as stated in its Library Mission Policy No. 2100.02 and is intended primarily as an information resource. The Library's Internet access permits authorized users to connect to networks of resources outside of and beyond the control of the Library. Such knowledge is nearly limitless and expanding daily and, therefore, the Library is incapable of complete knowledge of all that is accessible. Information accessible to users may be inappropriate and even offensive; it may be reliable and current, or it may be inaccurate, out-of-date or at times unavailable. The Newburgh Free Library expressly denies any responsibility for the reliability of information by any user.

Due to the near limitless availability of information and services accessible via the Internet, some of which may be inappropriate or offensive, the individual user must exercise discretion, be responsible for their actions in navigating the network, and be considerate of others who may be able to view the material brought on screen. The Library cannot provide assurance that Internet users will have privacy in the materials or communications undertaken via the Internet.

Minors (children under 18 years of age) desiring to use the Library's Internet must provide written consent by their parent/guardian; and their parent/guardian shall be responsible for setting and conveying to their children the standards their children should follow when utilizing the Library's Internet, which may be more restrictive than the prohibited uses set forth below.

Library staff will endeavor to assist those desirous to use the Library's Internet access; however, it is not the responsibility of Library staff to teach patrons basic Internet or computer usage.

The following are examples of uses of the Library's Internet access are inappropriate and prohibited;

1. Illegal acts
2. Transmission of defamatory material
3. Unauthorized copying of copyrighted material
4. Plagiarism
5. Receipt or transmission of obscene material; which shall mean any material in written, pictorial or other form concerning sexual or excretory organs or actions that predominately appeal to the prurient interests of adults, which is patently offensive in accordance with prevailing standards in the adult community as a whole, and is without redeeming social value.
6. Receipt or transmission by or to a minor of material sexually indecent to minors; which shall mean any material in written, pictorial or other form concerning sexual or excretory organs or actions that predominately appeal to the prurient interests of minors, which is patently offensive in accordance with prevailing standards in the adult community as a whole with regard to that which is suitable material for minors, and is without redeeming social value to minors.
7. Destruction or alteration of another's materials or files; vandalism of equipment, or tampering with computer hardware or software.

Failure to utilize the Library's Internet access and/or the Library's computers appropriately may result in suspension and/or revocation of Internet use and or Library use privileges. Uses that are also unlawful may also result in criminal and/or civil proceedings.

Newburgh Free Library
Request for Reconsideration of Library Materials

To the person requesting reconsideration: Library policy requires that complaints be filed on this form. A copy of the Library's Materials Selection Policy will be made available to you. Thank you for taking the time to provide the needed information.

Author	
Title	
Publisher or Producer	
Request initiated by	
Telephone	Address
City	Zipcode
Do you represent: yourself:	
Name of Organization:	
Name of other group:	

1. Specifically, to what do you object? (Cite pages, instances, etc.)
2. What do you feel might be the result of reading, hearing or seeing this material?
3. Is there anything good about this material?
4. Did you read the entire book ?
5. What do you believe is the theme of this material?
6. Other comments?
7. Feel free to attach supporting documents.

Date

Signature

Newburgh Free Library
Materials Reconsideration Committee Evaluation Report

Format:
Level:
Author/Producer:
Title:
Publisher/Distributor:
Date of Publication:
Reviews Consulted:

<u>Committee Summary Report</u>

Recommendation: Retention and use without restriction
 Removal

Committee Members

List of attachments

Date Request Received:

Date of Response:

Newburgh Free Library
Request for Reconsideration of Library Display or Exhibit

To the person requesting reconsideration: Library policy requires that complaints be filed on this form. A copy of the Library’s policy on Exhibit Spaces will be made available to you. Thank you for taking the time to provide the needed information.

Identify item or display	
Request initiated by	
Telephone	Address
City	Zipcode
Do you represent: yourself:	
Name of Organization:	
Name of other group:	

1. Specifically, to what do you object?
2. What do you feel might be the result of reading, hearing or seeing this material?
3. Is there anything good about this material?
4. What do you believe is the theme of this material?
5. Other comments?
6. Feel free to attach supporting documents.

Date Signature

Newburgh Free Library
Display/Exhibit Reconsideration Committee Evaluation Report

Topic of display or exhibit:
Format:
Exhibitor:

<u>Committee Summary Report</u>

Recommendation: _____ Retention
 _____ Removal

Committee Members

List of attachments

Date Request Received:

Date of Response: