

# Law Library Rules of Conduct: Policy, Enforcement & Appeals

## Adopted by the Law Library Board of Trustees 2/26/2019

### Policy

Alameda County Law Library users have the right to quality service in an atmosphere that is respectful, safe, clean, and free of disturbances. Behavior that disrupts or obstructs others' use of the library, threatens the safety or health of patrons or staff, or inhibits the ability of staff to perform their duties is strictly prohibited (CA Penal Code sec. 602.1(b)).

The Law Library's Rules of Conduct are designed to ensure equitable community access to library services and have a threefold purpose: 1. To protect the rights and safety of library patrons, 2. To protect the rights and safety of staff members, and 3. To preserve library materials, facilities, and property.

Alameda County Law Library reserves the right to restrict the use of its facilities and premises for anyone who does not abide by the Library's Rules of Conduct.

Failure to comply with the Rules of Conduct, library signage, or the directives of library staff or security personnel, or to cooperate with staff or security personnel in their enforcement of these rules, may result in the loss or suspension of library privileges, including but not limited to temporary or permanent removal from library premises by library staff, security personnel, or a peace officer.

Library patrons who observe violations of the Library Rules of Conduct are encouraged to notify library staff or security personnel immediately.

### Types of Violations

There are two types of violations of the Library's Rules of Conduct:

- ***Significant violations*** that will result in **immediate suspension** of library privileges.
- ***Disruptive behavior*** that will result in an **immediate warning** to change behavior.

#### I. Significant Violations

This category includes unlawful, unsafe, or seriously disruptive behaviors, including interfering with library employees in the performance of their duties, obstructing or intimidating patrons of the library, damaging library property, or entering non-public areas without authorization (CA Penal Code sec. 602.1(b)).

**Significant violations will result in the immediate suspension of library privileges for a period of 7 days or longer.** The Library Director or the Director's designee will instruct anyone displaying these behaviors to leave the library facility immediately. Law enforcement may be called and additional legal action may occur, as appropriate.

Based on the severity of the situation, a suspension of library privileges for **up to one year** will be applied **without advance warning or prior suspension**. The Library Director or the Director's designee will determine and assign the appropriate suspension period. A No Trespass or Stay Away order may also be pursued, as appropriate.

## **II. Disruptive Behaviors**

This category includes any behavior that interferes with the reasonable use and operations of the library. **Library staff or security personnel will advise the patron of the violation and request they change the disruptive behavior. (1<sup>st</sup> warning).**

Continuing to engage in the disruptive behavior after the warning will result in the **immediate suspension of library privileges for the day**. Subsequent disruptive behavior violations may result in the suspension of library privileges for longer periods.

### **Suspensions**

- Failure to comply with the library's established rules and policies may result in expulsion from the library and suspension of library privileges for a period of one day to one year, and/or in arrest and prosecution under CA Penal Code sec. 602.1(b). The library may pursue additional legal action, as appropriate. Suspended patrons will be asked to present a photo ID.
- The Library Director or the Director's designee will determine and assign the appropriate suspension period based on the severity of the violation.
- Any patron suspended from the library for a period longer than one day shall receive a written "**Suspension Notice**" explaining the grounds for the suspension.
- Patrons who are suspended are not permitted to use library services or enter the library.
- Any person who refuses to leave when asked or re-enters the building during the term of his or her suspension shall be considered a trespasser and may be arrested and prosecuted for unlawful entry under CA Penal Code 602.1(b).

### **Appeals**

- Any person whose library privileges have been suspended or revoked for more than seven days shall have the right to file an appeal with the Library Board of Trustees.
- The appeal must be filed within **seven calendar days** of the date the "Suspension Notice" was issued.

- In the written appeal, the suspended patron must provide contact information, a concise statement about why they believe the issuance of the suspension was invalid or unjustified, and a copy of the “Suspension Notice.”
- The Library Board of Trustees shall designate an impartial person to serve as hearing officer to hear the appeal. The hearing officer can be a member of the Board of Trustees or such other person as the Board determines is qualified to hear the appeal.
- Prior to the hearing, the hearing officer will review the Incident Report and related documentation, and any written information provided by the suspended patron.
- To ensure a timely resolution, the hearing officer shall conduct the hearing as soon as practicable.
- Based on the evidence presented, the hearing officer shall decide whether to uphold or dismiss the suspension. The suspension remains in effect until the hearing officer issues a decision.
- The decision of the hearing officer shall be reported to the Board of Trustees, the Library Director, and the person appealing the decision. The decision of the hearing officer shall be final and conclusive.
- The Library Director will notify the patron by letter of the decision of the Board of Trustees.