



# ESCONDIDO PUBLIC LIBRARY

## MEMORANDUM

### **CITY OF ESCONDIDO**

### **LIBRARY AND COMMUNITY SERVICES DEPARTMENT**

## **CODE OF CONDUCT POLICY**

In order to provide the community with an atmosphere of safety, courtesy, integrity, and respect, the Library and Community Services Department has developed a "Code of Conduct Policy." This Policy applies to all participants, facility users, recognized organizations or groups, staff and volunteers in all programs, activities, and facilities operated or managed by the Library and Community Services Department. Each participant is responsible for regulating his or her own conduct in a positive, productive, and mature manner. In matters of general conduct, participants shall be governed by the ordinary and reasonable rules of behavior observed by law-abiding and self-respecting citizens.

All participants and Department staff have the right to be safe, and feel safe, while attending a Library or Community Services facility or program. With this right comes the responsibility to be law-abiding citizens and to be accountable for actions that put the safety of others or oneself at risk.

Additionally, the control of facility use through the application process is necessary to ensure equitable use and availability to all residents. Facility uses are governed by policies approved by the City Council or Library Board of Trustees. Responsibility for administering facility use is delegated to the City Manager and is executed by the Library and Community Services Department. This Policy encourages maximum public use and enjoyment of Department facilities.

Facility and program users who wish to request a modification because of a disability and who need accommodation are invited to present their requests to the City by filling out a Request for Accommodation Form, or by calling the City's ADA Coordinator at 760-839-4643.

### **ACCESS TO LIBRARY MATERIALS AND SERVICES**

The freedom of access to ideas and information is essential to a democratic society, and the equality of access to information is one of the highest priorities of the Escondido Public Library. The Library's Board of Trustees affirms its support of Article V of the *Library Bill of Rights* which protects the right of an individual to use a library regardless of origin, age, background, or views. Additionally, the Board acknowledges the Library's responsibility to safeguard the accessibility of information for those in our society who cannot afford to obtain such information through commercial means.

Approved by Library Board of Trustees: 9/1/01;12/11/14; 6/14/16; 11/8/16

Accordingly, the Library Board of Trustees will seek to impose the minimum number of restrictions on Library facilities and resources necessary to protect the public's right of access to Library facilities, to ensure the safety of users and staff, and to protect Library resources. No one will be denied use of the Library merely because of his or her appearance or negative, subjective reactions from others. Further, all Library rules shall be enforced evenhandedly, and not in a manner which would arbitrarily benefit or disfavor any person or group.

## **STANDARDS OF CONDUCT**

**All users, program participants, organizations and groups, staff, volunteers, and visitors to Library and Community Services Department facilities or programs are expected to:**

- A. Support the purpose, structure, codes, and policies of the City of Escondido, and the Library and Community Services Department, including the City's Discrimination, Harassment and Retaliation Prevention Policy and Drug-Free Workplace Policy.
- B. Abide by Federal, State and Municipal laws and all posted rules and regulations, including this Code of Conduct and both the Library's and Community Services Department's facility use policies.
- C. Accept the City's, and the Library and Community Services Department's, chain of command.
- D. Comply with the decisions of Library and Community Services Department staff, follow the established grievance procedure and appeal process when concerns arise, and abide by disciplinary action imposed by Department staff.
- E. Treat all members of the community, participants, staff and volunteers with respect by using courteous language at all times and refraining from any disparaging remarks, verbal abuse or aggressive behavior.
- F. Show proper care and regard for City property and the property of others and make a reasonable effort at cleanup, returning the area to its condition immediately prior to use.

## **RULES FOR SAFETY AND ACCESSIBILITY**

### **Rules Applicable to All Department Programs and Facilities**

- 1. Smoking, use of related tobacco products, or e-cigarettes, is not permitted in any Department facility. Please respect others by smoking only in designated areas at least 80 feet from any building entrance or exit.
- 2. Weapons of any kind are prohibited at any Department facility.
- 3. Alcohol consumption and persons under the influence of alcohol or non-prescribed drugs are not allowed at any Department facility.

4. Children under the age of 10 must be accompanied at all times by a parent, guardian, or other responsible person. Department staff is not responsible for the supervision of minor children left unattended. Minor children who remain at Department facilities after closing may be referred to the Escondido Police Department in order to ensure their safety.
5. The use of incendiary devices, such as candles, matches, and lighters, is prohibited inside Department facilities.
6. All bicycles must be locked to a bicycle rack, unless there is no open space available. Bicycles may not be locked to trees or other objects at any Department facility.
7. There will be no media or commercial photography or filming without prior permission. Interested parties must submit a "City of Escondido Filming/Photography Permit Application" for review and approval before proceeding.
8. Unreasonable use of rest rooms, including laundering and bathing, is prohibited.
9. People, animals, or property must not block facility entrance areas, aisles, doorways, stairways, elevators, or ramps, or interfere with the free flow of pedestrian traffic in such areas.
10. Animals, other than service animals assisting persons with disabilities, are not permitted inside Department facilities.
11. Shirts and shoes are required and must be worn at all times while in Department facilities.
12. Sleeping or lying on the floor or furniture is prohibited. Feet must remain on the floor and not on the furniture. In addition, sleeping, or sitting on the ground in or among bushes or shrubs outside Department facilities, is prohibited.
13. Vandalizing or abusing materials, equipment, or facilities is prohibited, including, but not limited to, such actions as spitting or littering.
14. Panhandling or soliciting as defined by Escondido Municipal Code Section 18-107 is prohibited on Department property.
15. Signature gathering for petitions is permitted outside Department facilities, but must not block the entrance or exit.
16. Selling merchandise without prior permission from the Director of Library and Community Services or the Director's designee is not allowed.
17. Any activity or condition that unreasonably interferes with user or staff comfort, safety, use, or quiet and peaceful enjoyment of the facility or program is prohibited, including, but not limited to:
  - a) Harassing or threatening users or staff.
  - b) Staring at, following, or photographing users or staff.
  - c) Making any loud or unreasonable noise or other disturbance such as running or talking loudly.
  - d) Disruptive use of personal communications or entertainment devices, such as cell phones, head phones, and radios.
  - e) Offensive body odor due to poor personal hygiene, overpowering perfume, or cologne.
  - f) Excessive public displays of affection.

## Rules Specific to Library Programs and Facilities

18. All drinks must be in covered containers. Food consumption is limited to the Turrentine Room during scheduled events, and outside on the Library's patio.
19. Staff may restrict adult use of Children and Teen areas, including the Children's restrooms, in order to ensure the adequate protection of Library facilities and of persons and property therein.
20. Personal possessions brought onto Library property are subject to the following:
  - a) Size must be limited to no larger than a student's typical book bag (approximately 10" x 16" x 24").
  - b) Number of parcels is limited to two per person.
  - c) Items inappropriate for Library use, including, but not limited to, bicycles, tools, and wagons, are not allowed in the Library.
  - d) Personal possessions should not take up seating or space needed by others.
  - e) The Library is not responsible for loss or theft of personal belongings left unattended.
  - f) The Library does not provide storage of personal property.
  - g) Personal possessions may not be stored anywhere on Library property, including in or behind bushes, trees, shrubs, and/or walls next to Library-owned buildings. For security reasons, unattended items left inside or outside facilities on Library property are subject to removal and disposal.
21. Roller skates, scooters, skateboards, bicycles, or other similar devices must not be used on Library property.
22. Public Computers and WiFi access are filtered. It is illegal to view child pornography. If such actions are observed, the police will be called immediately. If a complaint is received regarding the viewing of a site(s) that is offensive, including sites viewed on wireless enabled computers and devices, the Library user must navigate away from such sites immediately. Failure to comply with this Policy will result in removal from Library computer areas, according to the Disciplinary Process described in this Policy.
  - a. Users, or parents of minors who are users, are responsible for damages to the equipment, as stated in State of California Education Code Section 19910. Do not alter computer settings or engage in illegal activities, including but not limited to copyright violations, harassment, fraud, or making unauthorized entry to any other machine accessible via the network. Malicious or illegal misuse of computer or Internet access is punishable by fine or imprisonment and is subject to prosecution by authorities.
  - b. Users assume all risk associated with the use of personal electronic devices and/or Library technology. The Library makes no guarantee about the security of wired or wireless networks.
23. Library cards are non-transferrable.

## **DISCIPLINARY PROCESS FOR DEPARTMENT PROGRAMS AND FACILITIES**

Users are expected to comply with all applicable Federal, State, and Municipal laws, as well as the Code of Conduct Policy.

Persons who violate the rules and standards contained in the Policy or other posted regulations may receive a verbal warning from Department staff and/or an opportunity to cease the violation. Family members may also be contacted to help alleviate issues, as appropriate. Illegal activity, returning to a facility while under an active suspension, as well as failure to cease a violation or any willful or repeated violations of this Policy or posted regulations, may result in removal from the facility and/or suspension of facility or program privileges. In addition, where authorized by Federal, State or local law, violations may result in arrest.

When a serious act of misconduct by a participant, volunteer, facility user, or group occurs, Department staff shall immediately investigate the allegation. In consultation with the Director of Library and Community Services, or the Director's designee, City staff will impose final disciplinary action by notifying the participant, volunteer, facility user, or group of the action taken and the appeal process.

Department staff will consider the seriousness of the offense and the occurrence of prior offenses or exclusions by the same individual or group within the past six months when determining the disciplinary action to be imposed. Such reasonable restrictions for repeated violations may include:

- 1<sup>st</sup> incident: Warning.
- 2<sup>nd</sup> incident: Suspension from the facility or program for three days.
- 3<sup>rd</sup> incident: Suspension from the facility or program for a week.
- 4<sup>th</sup> incident: Suspension from the facility or program for a month or longer.

Sanctions will be communicated in writing to the offender(s).

## **APPEAL PROCESS OF AGGRIEVED PARTY**

Any person aggrieved by decisions of Library and Community Services Department staff may appeal by following the appropriate chain of command within the City. The chain of command begins at the supervisory level and proceeds up through the Director of Library and Community Services. For appeal purposes all decisions ruled upon by Department staff will remain in place until such time as possible modifications are made as a result of the next step in the appeal process.

Any person aggrieved by a decision of the Director of Library and Community Services, or the Director's designee, with respect to this Code of Conduct Policy may appeal the decision by filing a written notice of appeal with the City Clerk no later than 10 days after said decision has been communicated to the aggrieved party. Upon receiving an appeal, the City Clerk will forward the appeal to the City Manager's Office, with a copy to the City Attorney's Office, and a response will follow within a timely manner.