Policies, Procedures, & Privacy

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Session Objectives: To Understand--

- Importance of strong policies
- Statutory support for library policies
- Roles & responsibilities
- Approaches to & elements of strong policies
- Four (4) tests of a legally enforceable policy

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Importance of Strong Policies

- Provide a framework for equitable operations
  - Prevents case-by-case decisions
  - Reduces misunderstandings
    - Staff know procedures
    - Patrons know what to expect
- Provide legal protection for the library
  - Helps prevent and defend against lawsuits
  - Provides library with means to handle gifts
- Promote a positive image of the library

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Statutory Support

- "Every public library shall be free for the use of the inhabitants...subject to such reasonable regulations as the library board prescribes..." [43.52(2)]

- "...the library board shall supervise the administration of the public library..." [43.58(4)]

Roles & Responsibilities

- The library director (with input from staff) recommends policies and policy changes to the Board

- The Board approves and regularly reviews policies

- The library director ensures that staff and library users understand and follow policies

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A Strong Policy...

- Complies with law

- Promotes the best interest of all community members

- Is consistent with the library's mission

- Is fair to all and respectful of individual rights and differences

- Is easily understood and interpreted

- Promotes positive public image of library

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Two Approaches to Policies

There is no absolute rule to organizing and categorizing your policies. But…

- Board should decide which is appropriate:

  - Many individual, narrow policies

  - Fewer broad, multi-faceted policies

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Policy Elements

Components of library policy:

- Purpose (WHY the policy is needed)

- Regulation (WHAT action is required)

- Procedure (HOW the policy is carried out)

- *Guidelines (WHEN is an exception permitted; not always necessary)*

  - Guest cards, circ

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Four Tests of a Legally Enforceable Policy

Test 1: It must comply with current law

- A library charges patrons for use of computers.
  - Violation of Wis. Stats. section 43.52(2)
- Also charges for use of the printer attached to the computer.
  - NOT in violation of s. 43.52(2)– applies to core library services
- A library restricts meeting room use for religious purposes.
  - Unconstitutional under a WI federal district court decision
- A library prohibits animals in the library.
  - Must provide exception for licensed service animals
  - What about for library programs?

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Four Tests of a Legally Enforceable Policy

Test 2: It must be reasonable

- All talking in the library is prohibited and anyone who talks in the library will permanently lose library use privileges.

  - Unreasonable part 1: an unreasonable rule

  - Unreasonable part 2: an unreasonably harsh penalty

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Four Tests of a Legally Enforceable Policy

Test 3: It must be clear

- Library use privileges will be revoked if a patron has too many overdue books.
  - Too vague to be fairly administered
    - Regulation (policy) and procedure (penalty) must *both* be quantifiable
    - Anyone reading the policy should understand what constitutes a violation

Four Tests of a Legally Enforceable Policy

Test 4: It must be applied without discrimination

- To be legally enforceable, library policies must be applied fairly to all patrons.
- Courts will invalidate policies that are not equally applied to all patrons and/or are used to discriminate against certain people.

Potential issues: waiving fines or fees inconsistently, permitting inappropriate behavior by some, allowing children of staff to be unattended

Some Important Library Policies

- Circulation (including hours open)

- Collection development

- Confidentiality of patron records

- Meeting room use (if the library has a public meeting room)

- Personnel

- Computer/Internet Use

- Public behavior

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Policy Manual: Case Studies

- [North Freedom Public Library](#) (Village Population: 700)

- [Waupaca Area Library](#) (City population: 6,000)

- [Waukesha Public Library](#) (City Population: 72,000)

For more information:

- Your library system staff

- Your municipal attorney

- The boot camp website at: http://winnefox.org/bootcamp/welcome.html

- Wisconsin Public Library Policy Resources web page at: http://dpi.wi.gov/pld/boards-directors/policy-resources

- Shannon Schultz, Public Library Administration Consultant, (608) 266-7270 or shannon.schultz@dpi.wi.gov

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