Introduction to Policy

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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 Policies

- Provide a framework for equitable operations
  - Reduces case-by-case decisions
  - Prevents misunderstandings
  - Offers a foundation for staff training

- Provide legal protection for the library
  - Helps prevent and defend against lawsuits
  - Provides library with means to handle gifts

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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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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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Four Tests of a Legally Defensible 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 Defensible 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

Four Tests of a Legally Defensible 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

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Four Tests of a Legally Defensible Policy

Test 4: It must be applied without discrimination

- 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.

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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

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

Policies: A Broad Overview

- [Columbus Public Library](#) (City; Population 5,000)

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

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Examination of Polices

- [Confidentiality](#)

- [Conduct](#) v. [Behavior](#)

- [Privacy](#)

- [Child Safety](#)

- [Use of Children's Area](#)

- [Conduct](#)

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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