

Mukwonago Community Library
Public Behavior Policy
Approved July 13, 2023 - Last reviewed May 20, 2024

The purpose of this policy is to provide clear guidelines of conduct to ensure a safe, orderly, and comfortable atmosphere in the Mukwonago Community Library. Library staff and MCL users share the responsibility to always maintain this atmosphere. To that end, the following guidelines define those behaviors and activities that are and are not allowed on Library property. Sections include:

- I. Library Staff Responsibilities
- II. Library User Responsibilities and Code of Conduct
- III. Policy on Filming, Photographing, and Recording in the Library
- IV. Safe Child Guideline
- V. Theft
- VI. Enforcement of this Policy
- VII. Emergency Numbers

Appendix A: User Expulsion Staff Report

Appendix B: Process for Appealing Expulsion

Appendix C: Accident/Incident Report

I. Library Staff Responsibilities

- A. The Library Board has established this policy in accordance with Wis. Stat. § 43.52(1) and the Waukesha County Library Services Plan to ensure that MCL is a safe and welcoming place that provides equitable access to materials and services for all Library users.
- B. Library Staff Will:
 - i. Be an example of calm and safe behavior when representing the Library;
 - ii. Provide courteous and knowledgeable assistance;
 - iii. Guarantee equitable access to Library resources;
 - iv. Ensure a reasonably quiet environment;
 - v. Furnish a clean and safe physical environment; and
 - vi. Enact appropriate and equitable intervention when users do not observe the Library Code of Conduct and other Library policies.

II. Library User Responsibilities and Code of Conduct

- A. These general rules of behavior are designed to protect the rights of all library users and to outline acceptable and unacceptable behavior that applies to all Library property, both inside and outside. The rules and responsibilities set forth in this policy are intended to ensure that all users are able to use MCL and its collection for its designated purposes without interference by or from the conduct of others. When these rules are violated,

MCL reserves the right to notify parent(s)/legal guardian(s) of minors, engage the assistance of law enforcement, or take steps up to and including banning library users to ensure the safety of everyone on MCL property and to preserve MCL materials and facilities.

B. Library Users MUST:

- i. Conduct themselves appropriately, within the limits of MCL's rules, all applicable laws, and common sense.
- ii. Follow all MCL policies and Library staff direction.
- iii. Interact respectfully with other users and MCL staff.
- iv. Ensure a reasonably quiet environment while inside the building.
 - Take phone calls and conversations to the study rooms or foyer.
 - Use headphones to listen to music or other audio recordings.
- v. Act in a safe and mindful manner.
 - Walk inside the building.
 - Keep entrances and walkways open.
- vi. Respect MCL property.
 - Use spaces and furniture as intended.
 - Throw away trash.
- vii. Wear appropriate attire at all times, including shoes and shirts.

C. Library Users Will NOT:

- i. Unreasonably disturb others through disruptive or overly loud behavior, including but not limited to using offensive, threatening, harassing, or abusive language and/or gestures; yelling or holding loud conversations; snoring; and using personal electronics inappropriately or without headphones.
- ii. Solicit, panhandle, beg, or attempt to sell anything, including but not limited to selling items for personal gain or charitable causes, anywhere on MCL property unless it is done as part of an approved MCL group function.
- iii. Circulate petitions or engage in surveying anywhere on MCL property unless it is done as part of an approved MCL group function.
- iv. Maintain personal hygiene that is offensive to the point of disturbing or otherwise interfering with other Library users' reasonable use and enjoyment of MCL, or to the point of interfering with the maintenance of a sanitary and attractive building.
- v. Bring food into the Library building. Drinks are allowed inside the building in tightly covered containers.
- vi. Bring animals into the Library. Service animals, as defined by Title II and Title III of the Americans with Disabilities Act, are welcome. Service animals do not include emotional support animals.
- vii. Run inside the Library.
- viii. Climb on, jump off, or otherwise inappropriately play on furniture and in spaces inside the Library.
- ix. Leave children or animals unattended in vehicles or on MCL property.

- x. Litter.
- xi. Use another person's Library account or lie to Library staff.
- xii. Use or move Library furniture and fixtures for purposes other than intended.
- xiii. Enter the teen or children's areas unless they are with a child or teen or are retrieving materials for a child or teen. These areas are meant for the use and enjoyment of children and their guardians and the presence of solo adults is often uncomfortable and disruptive. See the Public Space Usage Policy for more information.
- xiv. Loiter or block entrances, exits, and/or walkways. Bikes and scooters must be parked in the bike racks provided.
- xv. Carry or possess firearms or other weapons anywhere on Library property, except by authorized law enforcement agents.
- xvi. Vandalize, destroy, deface, steal, or otherwise abuse Library property.
- xvii. Violate federal, state, or local laws and ordinances, such as smoking; skateboarding or rollerblading where prohibited; possessing controlled substances including alcohol; public intoxication; public indecency; or acts of violence.

III. Filming, Photographing, and Recording Policy

The primary purpose of the Mukwonago Community Library is to provide a forum for community members to engage in the receipt of information. MCL recognizes that all people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Protecting user privacy and confidentiality while engaged in the receipt of information is therefore an integral part of MCL's mission. To that end, it is MCL's policy that all Library users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Each public library is unique. Different public libraries may have different missions or purposes unique to their communities, collections, or facilities. Those differences may result in recording policies at other public libraries that differ from MCL's policy. MCL further recognizes that legal interpretations of laws pertaining to filming, photographing, and recording in public spaces vary. This recording policy was developed to specifically serve the Mukwonago Community Library's mission and purpose. It reflects the Village attorney's interpretation and opinion of current applicable laws and MCL's commitment to protecting library users' privacy and confidentiality.

A. MCL Recordings

The Library reserves the right to utilize recordings to enhance the safety and security of the property and promote the services and programs it provides. MCL does not share library users' personally identifiable information with third parties or vendors that provide resources or library services, unless MCL obtains explicit permission from the user or if required by law or existing contract.

- i. **Security Cameras** - To enhance the physical security of the Library, its property, staff, and library users, MCL reserves the right to use surveillance cameras in high-traffic areas such as the Library entrance and collection shelving.
 - i. MCL does not use surveillance cameras to monitor, track, or profile library user's use of library resources beyond operational needs related to safety and security.
 - ii. Relatedly, all footage recorded by MCL surveillance cameras is considered a "record" under Wis. Stat. § 19.32(2) and is subject to Wisconsin's Public Records Law in Chapter 19 of the Wisconsin Statutes. Footage is retained according to the applicable Records Disposition Authorizations approved by the Wisconsin Public Records Board, FAC00082 and FAC00082A.
 - iii. See the "Confidentiality, Privacy, and Surveillance Policy" for more information.
- ii. **Recording Events and Programs** - MCL staff may record Library programs, activities, and events for use in marketing and promotions.
 - i. The Library will post signage to indicate when recording may occur.
 - ii. If a library user does not wish to be recorded, they may tell the staff member.
 - iii. See the "Confidentiality, Privacy, and Surveillance Policy" for more information.

B. Library Users Recording Other Library Users. Library users may not film, photograph, videorecord, or audiorecord in any manner or form (hereinafter "record," "recorded," or "recording") other library users while on MCL property unless the subject of the recording has given explicit permission to be so recorded prior to the beginning of any recording.

- i. Any library user who wishes to obtain permission from another library user to be recorded may not unreasonably disturb or harass the user or any other library users in the process of seeking such permission. Any requests for permission to record are subject to MCL's Code of Conduct, above.
- ii. Library users may not record minors (age 17 or younger) other than their own regardless of whether the minor consents to being recorded.
- iii. Library users may take recordings of themselves and their family in the Library, on Library property, or at Library programs or events. In doing so, Library users must take reasonable steps to avoid recording other Library users and minors.
- iv. Even where a user has consented to be recorded by another user, any recording on MCL premises is prohibited if it is disruptive to other users or interferes with the purpose and/or operation of the Library.
- v. Absent exceptional circumstances, any such recording should take place in a study room or the foyer to minimize disruptions to other library users.

C. Library Users Recording Library Staff. Library users need not obtain permission to record MCL staff members at the Library. However, Library users may not record MCL staff members if such recording is harassing, monopolizes staff members' time, interferes with the performance of staff members' duties, or otherwise violates any part of MCL's Code of Conduct.

- i. Users may not record library staff if doing so unreasonably disturbs or disrupts other Library users' reasonable use of the Library.
- ii. Recording of staff members is prohibited in any private areas in the Library including those that are reserved for use by MCL staff, not open to the public, and designated as such.
- iii. If the recording becomes harassing, disruptive, or otherwise violates these rules or the Code of Conduct, MCL staff reserves the right to ask the recording user to stop recording or to move to a more appropriate location to minimize any disturbance of other library users. If the recording user refuses to stop recording upon such a request, MCL staff reserves the right to contact law enforcement as needed to ensure the safety and comfort of other library users.

III. Safe Child Guideline

All children must follow MCL's Code of Conduct while on library premises. MCL is not equipped—and it is not the Library's role—to provide long-or short-term childcare. The Library assumes neither responsibility nor liability for the actions, care, supervision, or safety of minors while on MCL property. Parents and/or legal guardians are responsible for the actions and behaviors of minors whether they are directly supervising the minor or not. The following age restrictions provide parents and/or legal guardians rules applicable to minors in the Library.

- A. Minors ages 0 to 7 – Must be accompanied by a parent/legal guardian or designated responsible individual aged twelve (12) or older, and be in sight of that person, while in the Library and/or while attending Library programs. This responsible individual must supervise, guide, and control the behavior of their charge(s) at all times.
- B. Minors ages 8 to 11 – May visit the Library on their own and may be left alone to participate in Library programs. They are not allowed to supervise other minors.
- C. Minors ages 12 to 18 – May visit the Library on their own and may be left alone to participate in Library programs. They are allowed to supervise other minors and must supervise, guide, and control the behavior of their charge(s) at all times.

IV. Theft

- A. Theft of Library Materials – Theft of MCL materials or other property is a crime. Library staff will make every effort to talk to the individual and clear up misunderstandings before assuming a theft has occurred. If an individual intentionally takes and carries away, uses,

conceals, or retains possession of materials belonging to the Library, MCL reserves the right to contact law enforcement and to pursue legal action to recover any losses.

B. Theft of Personal Belongings – Library users are responsible for their belongings at all times. In the event that a library user believes s/he is the victim of theft, the user should report this to library staff as soon as possible. Library staff will then ask the individual if s/he wishes to file a report with the police and a Library phone will be made available to file the report if requested. MCL staff cannot file a police report on behalf of a library user. Additionally, MCL staff will identify and preserve any surveillance footage that may contain information relevant to the alleged theft for 120 days, as required by Records Disposition Authorization FAC00082A approved by the Wisconsin Public Records Board.

V. Enforcement of this Policy

A. Library users who fail to follow this policy and/or who engage in conduct deemed inappropriate by Library staff are subject to removal from Library property and/or restriction or revocation of Library privileges. Depending on the severity of the conduct at issue, Library staff will follow this procedure:

- i. Library staff will issue a verbal warning to anyone not following the Library rules, including to anyone being disruptive.
- ii. Library staff will give a second verbal warning if the offending behavior persists.
- iii. If the behavior continues after two warnings, Library staff will ask the user to leave the Library for the rest of the day.
- iv. Recurring or extreme incidents could result in immediate expulsion from the Library. At their discretion, MCL staff may expel a library user for up to one (1) week without first providing verbal warning(s) when the conduct at issue involves a more serious infraction, including but not limited to conduct that violates any federal, state, or local laws. See Appendix A for “User Expulsion Staff Report.”
- v. All expulsions will be immediately forwarded to the Library Director for review. Adjustment of the expulsion, further expulsion from using the Library for a period of time, or affirmation of the library staff’s decision will be made by the official ruling of the Library Director. Written notice of an expulsion from using the Library will be mailed to the last known address of the violator when possible.
- vi. Library users may appeal an expulsion decision of the Library Director to the Library Board within 30 days by filling out the “Process for Appealing Expulsion” form in Appendix B and mailing it to MCL or dropping it in the outside book return. Upon receipt of the written appeal, discussion of the appeal will be scheduled on the agenda of the next regularly scheduled meeting of the Library Board. The Board may rescind, adjust, extend, or affirm the expulsion. The Board’s decision will be final.

- B. Library staff may summon law enforcement at any time for assistance with enforcing this policy.
- C. Library Staff will follow these guidelines when handling behavior issues or concerns:
 - i. Be consistent and fair in enforcement.
 - ii. Maintain a calm, nonjudgmental demeanor when dealing with a situation.
 - iii. Explain the consequences clearly to the offending individual and the steps that will be taken if the problem persists.
 - iv. Never touch a Library user (unless it is necessary to defend yourself).
 - v. If the behavior is determined to be illegal, Library staff are to immediately notify the police.
 - vi. If there are dangerous or illegal activities occurring on property adjacent to or near the Library (i.e. situation occurring on the playground equipment, the baseball field, or of illegal activity in the street), Library staff are to immediately notify the police.

VI. Emergency Numbers

Emergency Number: 911

Police Department (Non-Emergency): 262-363-6434 or ext. 1221

Fire / Ambulance Department (Non-Emergency): 262-363-6426 or ext. 3401

Department of Public Works: 262-363-6447 or ext. 7100

Mukwonago Village Hall: 262-363-6420 or ext. 2104

Revision History

September 7, 2017	Problem Behavior Procedures draft presented to the Policy Committee. Note that Problem Behavior Policy is being considered more procedural and to be titled Problem Behavior Procedures.
October 12, 2017	Problem Behavior Procedures draft #2 presented to the Policy Committee.
October 16, 2017	Updated Problem Behavior Procedures replace Problem Behavior Policy as motioned by the Mukwonago Community Library Board.
June 21, 2018	Revised Section II, User Responsibilities and Code of Conduct Guidelines to include no personal bathing or laundering activities in the Library's public restroom facilities. No other changes recommended. Approved by Library Board.

June 6, 2022	Policy updated for clarity and consistency throughout. Integrated “Theft of Materials Policy.” Updated appendices to match updates in policy.
July 13, 2023	<p>Section II “Library User Responsibilities and Code of Conduct” updated to include more specific language of allowable and not allowable behaviors</p> <p>Section III “III. Policy on Filming, Photographing, and Recording in the Library” added</p> <p>Section IV “Theft” removed line “Library reserves the right to detain the individual for a reasonable amount of time”</p> <p>Reviewed by Village legal counsel</p>

Appendix A

Mukwonago Community Library User Expulsion Staff Report

This form documents an expulsion of a Library user. The Library Staff member who expelled the user must immediately complete this form and submit it to the Library Director.

User Name: _____

Date: _____

Describe the reason for expulsion. Detail what happened, where it happened, how it happened, and the factors leading to the event. Be as specific as possible and list only the facts.

Name of staff member completing form:

Days banned (circle one): 1 2 3 4 5 6 7

Banned Until:

Library Director name: _____

Library Director final decision:

Date notice was mailed:

Appendix B

Mukwonago Community Library Process for Appealing Expulsion

Because of your behavior, you have just been banned from the Mukwonago Community Library for an extended amount of time. If you wish to appeal this action, please fill out the form below. You must mail it to the Library or drop it in the outside book return within 30 days of the expulsion. The Mukwonago Community Library Board of Trustees will convene within a reasonable amount of time to consider your request. You may be asked to appear before the Mukwonago Community Library Board of Trustees.

Mailing Address: Attn: Library Director
Mukwonago Community Library
511 Division St.
Mukwonago, WI 53149

User Name:

Date:

Reason expulsion should be voided:

Signature

Appendix C

Mukwonago Community Library
Accident / Incident Report

Date of Accident / Incident: _____ Time it Occurred: _____ am/pm

Library Staff Name Filling out Report: _____

Description of Accident / Incident: _____

What Action was taken?

Names / Addresses / Phone Numbers of Person / Persons involved in the incident:

Names / Addresses / Phone Numbers of Person / Persons witnessing the incident:

Signature _____ Date _____

----- LIBRARY DIRECTOR OR SUPERVISOR IN CHARGE TO COMPLETE SECTION BELOW -----

What, in your opinion, caused the accident / incident? What, in your opinion, can be done to prevent a reoccurrence of this accident / incident again?

Signature _____ Date _____