

**Penn Yan Public Library General Policy**

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***All instances of the use of the word Library in this document refer to Penn Yan Public Library.***

**0.1 Temporary Covid Reopening Policies**

Due to the continued impact of the Covid-19 virus pandemic, the following policies are in effect until further notice:

- While present in the library building, any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not

maintaining, social distance.

- While in the library building, household members are not required to maintain the recommended minimum social distance from other household members. Anyone who is unable to maintain social distance while unsupervised must be accompanied by someone who can supervise them.
- The accrual of all overdue fines are suspended.
- The total number of check-outs per cardholder is limited to 10 items.
- All library services and operations, such as circulation of materials, in-person programming, public computer use, etc., are limited at staff discretion based on safety restrictions imposed by the ongoing Covid-19 pandemic. These services and operations are subject to temporary modification to continue meeting patron needs, e.g. by instituting a curbside pickup process.

## **1. Mission and Philosophy**

### **1.1 Mission Statement**

Penn Yan Public Library's mission is to awaken and satisfy curiosity in the individual, thus enriching the community.

The Penn Yan Public Library Board of Trustees endorses the following statements.

**1.2** American Library Association Freedom To Read Statement (See Appendix A)

**1.3** American Library Association Freedom To View Statement (See Appendix B)

**1.4** American Library Association Library Bill Of Rights Statement (See Appendix C)

**1.5** American Library Association Code of Ethics Statement (See Appendix D)

### **2.1 Library Hours**

The Library will be open from 9 AM to 7:30 PM, Monday through Friday, and from 9 AM to 4 PM on Saturdays.

### **2.2 Holiday Closings**

The Library will be closed on the following:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (Monday)
- President's Day (Monday)
- Memorial Day (Monday)
- July 4
- Labor Day (Monday)
- Columbus Day (Monday)
- Veteran's Day (November 11)
- Thanksgiving Day
- 1 PM on Christmas Eve (December 24)
- Christmas (December 25)

- New Year's Eve (December 31)

When July 4, Veteran's Day (November 11), Christmas (December 25), or New Year's Day (January 1) fall on a Sunday, the Library will close on the following Monday.

### **3. Confidentiality Policy**

#### **3.1 NYS Civil Practice & Rules Section 4509 Confidentiality Law for Library Records**

The Penn Yan Public Library respects the right of privacy of all its customers regarding the use of this Library.

The Penn Yan Public Library follows the New York State Civil Practices & Rules - Confidentiality Law for Library Records as stated below:

New York State Civil Practice & Rules Section 4509 Confidentiality Law for Library records S 4509. Library Records.

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and Library systems of this state, including but not limited to records related to the circulation of Library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of Library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such Library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

#### **3.2 Access to Personal Information**

When Library personnel are served with a subpoena, search warrant, or other order from a court of competent jurisdiction, they should immediately notify the Executive Director or, if the Director is not available, the Adult Services Librarian. Counsel should be notified and presence requested. The Board President, Secretary, or Treasurer should be notified and presence requested. An internal incident report must be filed whenever official investigations are undertaken on Library premises.

#### **3.3 Confidentiality of Library Records Statement**

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of Library users. Confidentiality extends to "information sought or received, and materials consulted, borrowed, acquired," and includes database search records, interlibrary loan records, and other personally identifiable uses of Library materials, facilities, or services.

The American Library Association recognizes that law enforcement agencies and officers may occasionally believe that Library records contain information which may be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American

judicial system provides mechanism for seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.

### **3.4 Breach in Security of Information held by the Library**

The Library is obligated to protect this sensitive information by providing up-to-date and continually monitored deterrents to the rapidly increasing threat of identity theft. All digital patron information collected is housed by the Southern Tier Library System (STLS). STLS has, and will continue to strengthen the security of patron information and records in the shared integrated databases by restricting access to libraries with secure telecommunications connections. This is accomplished by either data circuitry or virtual private networks or other means, and by maintaining internal firewalls and other protections on its servers and equipment. Neither the Library nor STLS collects or stores library user social security numbers.

Should there be any sort of breach in security of information held by STLS, that could result in harm to a person or business, STLS will immediately notify local authorities and any other agencies or people that may be affected by the compromise.

## 4. Circulation

### 4.1 Patron Registration Requirements (Patron Account)

- Special First Library Cards (ages 0-5) require the signature of a parent or guardian and an ID which may be the parent's to prove address. These cards may only be used to check out children's materials.
- Juvenile cards (age 6-17) require the signature of a parent or guardian and an ID which may be the parent's to prove address.
- Adult cards (18 or older or emancipated minor) require ID with name and current mailing address.
- Library materials may be checked out on PYPL cards.
- A fee of \$1 will be required for the replacement of a lost or damaged Library card.

### 4.2 Card Holder Limitations

To check out the following Library materials a patron may not have any outstanding fines or blocks of any kind, must have their card in hand and must be present at time of checkout:

- iPads
- Tablets and e-Readers
- Pedometers
- Laptops
- Eco-kits
- Wireless Hotspots

To check out all other Library materials a cardholding patron must be 'in good standing' which means:

- No 'Lost' materials (42 days overdue)
- No outstanding fines over \$5.00 (fines alone do not prevent computer usage)
- Not sent to collection agency (if sent, must have \$0 balance to use card again)

All other Library materials may be checked out by patrons with or without their Library card in hand at the staff's discretion, or by a person who has the patron's card in hand. Patrons without a card in hand who are unknown to staff must provide valid ID or state their address and phone number. Parents may checkout items on their children's cards if they have their children's cards in hand or if their children are present at checkout.

### 4.3 Loan Periods

- Books 3 weeks
- Audiobooks 3 weeks
- Periodicals 3 weeks
- Music CDs 1 week
- DVDs 1 week
- Tablets 1 week
- Wireless Hotspots 1 week
- E-Readers 3 weeks
- Video Games 1 week
- Flannelboards 1 week
- Storytime Kits (puppet and book bags) 3 weeks
- Equipment (projector, pedometers, eco-kits) 1 week
- iPads and laptops 2 hours in-Library only
- Pedometers 3 weeks
- Reference, Local History and related materials do not circulate

### 4.4 Renewals

Two renewals of loan periods per item are granted dependent upon: material type and the presence of a request for the material by another patron (a hold). The first renewal will be automatic for all materials except new items, those with holds and DVDs. More renewals may be granted upon staff discretion.

### 4.5 Item Transaction Limitations

Some materials are subject to item check out limits per Library card.

- Music CDs 5
- Audio Books 5
- Books 50
- Kits 1
- Flannelboards 10
- Periodicals 10
- DVDs or Blu-Rays 5
- Tablets, eReaders, iPads, laptops, pedometers, eco-kits, wireless hotspots 1 (See Sections 4.10-4.15)

### 4.6 Return of Multi-piece Items

If any part of a Storytime Kit, Flannelboard, eco-kit, hotspot or multipart A/V material or board game are missing or damaged when returned, the patron will be charged the replacement cost of the part if it can be replaced separately, or the replacement cost of the entire item if it cannot.



#### 4.7 Holds

**Borrowing:** Patrons may put holds on all Southern Tier Library System catalog materials that are available to be borrowed through the holds system. Patrons are notified when the materials become available for them to pick up. If an email address is provided by the patron, notification of holds available for pick up will be emailed.

Hold materials may be checked out by the person who requested the hold, with or without their card if staff can verify their identity, or by another person who has the requester's Library card in hand. Library card holder must be in good standing.

Holds awaiting patron pickup are kept at the circulation desk for 1 week. If an item is not picked up within 1 week, the hold is canceled and the patron is charged a \$1.00 non-pickup fine.

**Lending:** The Library will not lend through the Southern Tier Library System the following: eReaders, tablets, equipment, pedometers, wireless hotspots, reference and local history materials and items classified as new.

#### 4.8 Interlibrary Loan (ILL)

**Borrowing:** Patrons must have a Library card 'in good standing' to ILL any materials from libraries outside of the Southern Tier Library System. (See Section 4.2) No more than 3 items may be requested at one time. All ILL materials should be picked up promptly as loan periods are set by the lending Library and may be short. ILL materials awaiting patron pickup are kept at the circulation desk for 1 week. If an item is not picked up within 1 week, it is returned to the lending Library, and the patron is charged a \$1.00 non-pickup fine.

ILL materials may be checked out by the person who requested the ILL, with or without their card if staff can verify their identity, or by another person who has the requester's card in hand.

The Library will not request through ILL the following: items available from Southern Tier Library System member libraries, items from out of system libraries that are less than one year old, books on CD and DVD's.

**Lending:** The Library will not lend through ILL, eReaders, tablets, video games, equipment, pedometers, wireless hotspots, reference and local history materials and items classified as new. All materials lent by ILL from Penn Yan Public Library are done so at our discretion.

#### 4.9 In-Library Equipment available for public use, self-serve or with assistance

- Scanpro micro film reader-printer
- Copier
- Flatbed scanner
- E-mail 15 minute computer
- Public access computers

- Laptops
- iPads
- Wi-Fi (wireless internet) access is available 24 hours on Library grounds
- Youth area early literacy computer
- Board games
- Hearing Assist Appliances

When using in-house equipment printing costs are: Black & White \$.25, color \$.50. Wireless printing is available to WI-FI users at the same cost per print-out.

#### **4.10 iPads**

##### **Kits Include:**

- 1 iPad
- 1 Case
- 1 Zipper Bag
- 1 USB Cable
- 1 Wall Adapter
- 1 iPad holder for Tripod
- Circulation Policy
- Optional: tripod and attachments

##### **Patron Eligibility:**

- Patrons may use the iPad in the Library only.
- Child Patrons under 16 must have internet permission signed by parent or legal guardian in order to check out the iPad on their card.
- Library card holder must be in good standing and must be present at time of checkout.
- Borrowers are required to sign a Borrowing Terms Form (see Appendix G) at the time of checkout and to be aware of the terms it stipulates.

##### **Loan Period:**

- Loan period: 2 hours. The borrower may continue to use the iPad for an indefinite amount of time during open hours if no other cardholder requests the usage of the iPad.
- Devices must be returned to a staff member at the circulation desk.
- Patrons cannot return device to the inside drop box.
- Returns can only take place at circulation desk.
- Devices will not be loaned to other libraries (no interlibrary loan).

##### **Lost or damaged devices:**

- Users are responsible for lost or damaged devices or device accessories. Charges will be based on replacement costs.
- The borrower is restricted from downloading any apps or other prohibited e-content to the iPad. Deleting e-content preloaded on the iPad is also restricted. The borrower is responsible for deleting any photos or videos he or she does not want other borrowers to see. (See Appendix G: iPad Borrowing Terms Form)

#### **4.11 Tablets and eReaders**

##### **Kits Include:**

- 1 eReader or Tablet Computer
- 1 Case
- 1 Zipper Bag
- 1 USB Cable
- 1 Wall Adapter
- Circulation Policy

##### **Patron Eligibility:**

- Patrons may check eReaders and Tablets out from the Library.
- Children's cards holders under 16 must have internet permission signed by parent or legal guardian in order to check out a Tablet. (See Appendix H: Public Access Internet Policy Permission Form for Child Library Card Holders).
- Library card holder must be in good standing and must be present at time of checkout (See Section 4.2).
- Patron may not have outstanding fines or blocks of any kind.
- Borrowers are required to sign a Borrowing Terms Form (see Appendix E) at the time of checkout and to be aware of the terms it stipulates.

##### **Loan Period:**

- Loan period adults – 3 Weeks for eReaders.
- 1 Week for Tablets
- Devices must be returned to a staff member at the circulation desk.
- Patrons cannot return devices to the outside or inside drop box.
- Patrons cannot return devices to other libraries.
- Returns can only take place at circulation desk during regular business hours
- Late fees are \$1.00 per day.
- Devices will not be loaned to other libraries (no ILL).

##### **Lost or damaged devices:**

- Users are responsible for lost or damaged devices or device accessories. Charges will be based on replacement costs. (See Appendix E: eReader Borrowing Terms Form)

#### **4.12 Pedometers**

##### **Kits include:**

- 1 Pedometer (pedometer in gray belt clip and attached tether with small clip)
- 1 Pedometer manual

##### **Patron eligibility:**

- Library Card holder must be in good standing and must be present at time of checkout (See Section 4.2)
- Patron may not have outstanding fines or blocks of any kind.

## **Loan Period**

- 3 week loan period
- Late fees are \$0.15 per day
- Pedometers will not be loaned to other libraries (no ILL)
- Holds can be placed on pedometers.

### **Lost or damaged devices:**

- Users are responsible for lost or damaged pedometers or device accessories. Charges will be based on replacement costs up to a maximum of \$35.00. Users are not responsible for battery replacement costs.

## **4.13 Laptops**

### **Kits Include:**

- 1 laptop
- 1 power cord
- Optional ear buds
- Optional mouse and mouse pad

### **Patron Eligibility:**

- Library card holder must be in good standing and must be present at time of checkout (See Section 4.2).
- Patron may not have outstanding fines or blocks of any kind.

### **Loan Period:**

- 2 hours, in-Library use
- The borrower may continue to use the laptop for an indefinite amount of time during open hours if no other cardholder requests the usage of a laptop
- Laptops must be returned to a staff member at the circulation desk
- Patrons cannot return any device to the drop box
- Devices will not be loaned to other libraries (no ILL)

### **Lost or Damaged Laptops**

- Users are responsible for lost or damaged laptops and laptop accessories

## **4.14 Eco-kits**

### **Kits include:**

- 1 Black & Decker Thermal Leak Detector with 9 volt battery (included)
- 1 P3 International Kill-a-Watt energy usage meter
- 1 Save-a-Drop water meter
- Instructions for use plus Black & Decker Home Energy Repair Guide
- 1 kit carrying case

### **Patron eligibility:**

- Eco-kits are available to Adult (16 and over) card holders only.
- Library card holder must be in good standing and must be present at time of Checkout (See Section 4.2).
- Patron may not have outstanding fines or blocks of any kind.

**Loan Period**

- 1 week loan period
- Late fees are \$1.00 per day
- Eco-kits will not be loaned to other libraries (no ILL)
- Holds can be placed on eco-kits.
- Users may renew eco-kits once provided they are not already on hold.

**Lost or damaged devices:**

- Users are responsible for lost or damaged eco-kit components or device accessories. Charges will be based on replacement costs up to a maximum of \$85.00. Users are not responsible for battery replacement costs.

**4.15 Wireless hotspots**

**Kits Include:**

- 1 Wireless Hotspot
- 1 Hotspot Case
- 1 USB Cable
- 1 Wall Adapter
- Internet Use Policy
- Circulation Policy
- Quick startup guide
- Service area map

**Patron Eligibility:**

- Patrons may check Wireless Hotspots out from the Library.
- Juvenile card holders under 16 must have internet permission signed by parent or legal guardian in order to check out a Hotspot. (See Appendix H: Public Access Internet Policy Permission Form for Child Library Card Holders)
- Library card holder must be in good standing and must be present at time of Checkout (See Section 4.2). Patron may not have outstanding fines or blocks or any kind.
- Borrowers are required to sign a Borrowing Terms Form (see Appendix L) at the time of checkout and to be aware of the terms it stipulates.

**Loan Period:**

- Loan period – 1 week
- Devices must be returned to a staff member at the circulation desk.
- Returns can only take place at circulation desk.
- Late fees are \$1.00 per day.

- Holds can be placed on wireless hotspots.
- Devices will not be loaned to other libraries (no ILL).

**Lost or damaged devices:**

- Users are responsible for lost or damaged devices or device accessories. Charges will be based on replacement costs. (See Appendix L: Wireless Hotspot Borrowing Terms Form)

**4.16 Empire Passes**

**Sets Include:**

- 1 Empire Pass
- 1 sleeve with lanyard
- 1 (copied) guidelines pamphlet
- Circulation policy

**Patron Eligibility:**

- Patrons may check Empire Passes out from the Library.
- Adult cardholders (aged 18 and over) may check out an Empire Pass.
- Library Card holder must possess a card in good standing and must be present at time of checkout (See section 4.2). Patron may not have outstanding fines or blocks of any kind.
- Holds cannot be placed on Empire Passes, and they may not be transferred to other libraries for pickup. They are available at PYPL only on a first-come, first-served basis.
- *Only one pass may be checked out per library card, per household in a 30-day period. (Is this feasible?)*
- *Borrowers are required to sign and date the Empire Pass usage register (see appendix...). (To keep track of the 30 day limit)*

**Loan Period:**

- Loan period – 1 week
- Passes must be returned to a staff member at the circulation desk.
- Returns can only take place at circulation desk.
- No renewals are permitted.
- Late fees are \$5.00 per day.

**Lost or damaged devices:**

- Users are responsible for lost or damaged passes. The cost to replace a lost or damaged pass is \$85.00.

**5. Overdue Items**

**5.1 Fines**

- Overdue fines for most 3-week items are \$.15 per day with a maximum allowable fine of \$5.00. Exceptions: are Storytime Kits and E-Readers which have a \$1.00 per day fine with a maximum allowable fine of \$10.00.
- Overdue fines for all 1-week items are \$1.00 per day with a maximum allowable fine of \$10.00
- To check out any Library materials, a card holder must be 'in good standing'. (See section 4.2)
- As of 7/2/19 the following items are fine-free.

J fic

J new fic

J nonfic

J new nonfic

J mag

J new mag

J kits

J audio

• Books	\$.15 per day	3 weeks
• Audiobooks	\$.15 per day	3 weeks
• Periodicals	\$.15 per day	3 weeks
• Music CDs	\$.15 per day	1 week
• DVDs	\$1.00 per day	1 week
• Tablets	\$1.00 per day	1 week
• Video Games	\$1.00 per day	1 week
• Equipment (ex: projector, eco-kits)	\$1.00 per day	1 week
• Storytime Kits (puppet and book bags)	\$1.00 per day	3 weeks
• Pedometers	\$.15 per day	3 weeks
• E-Readers	\$1.00 per day	3 weeks
• Wireless Hotspots	\$1.00 per day	1 week
• iPads and laptops (in library only)	no fines	2 hours

## 5.2 Overdue Notification Schedule

- At 3 days before items are due, an e-mail reminder will be sent to patrons who wish to be notified.
- At 3 days overdue, a reminder will be mailed or e-mailed with the titles of overdue materials
- At 10 days overdue, a reminder will be mailed or e-mailed with the titles of overdue materials.
- At 42 days overdue, a bill will be mailed with the titles of overdue materials and the replacement cost of those materials. This bill will further inform the patron

that if the materials are not returned by the time they are 60 days overdue a \$10 fee will be added to the account and the account will be sent to a collection agency.

- Once a patron account has been sent to the collection agency, all outstanding fines and/or fees must be paid to Library in order to clear the patrons account.

### **5.3 Lost items**

- If an item, which has been paid for is found and returned within 60 days of the payment date, the Library will reimburse the replacement cost. Reimbursement will be in the form of a check, mailed at a later date.
- The Library will only take monetary reimbursements for lost items.

### **5.4 Damaged items**

- Replacement costs must be paid for damaged items, which are no longer usable. The Library will make the decision as to whether an item is still usable. When a damaged item is paid for, the patron may keep the damaged item.
- The Library will only take monetary reimbursements for damaged items.

### **5.5 Replacement Cost**

- The replacement cost equals the full price of the item as listed in the catalog record plus \$3.00.
- As periodicals are irreplaceable, they have a flat \$6.00 replacement cost.

### **5.6 Fine Forgiveness**

- Library staff may forgive fines at their discretion for various reasons such as but not limited to: doing so when weeding materials from the collection, fine amnesty and donation programs, and negotiated patron fine balance reductions.

## **6. Collection Development**

### **6.1 Selection Philosophy**

The Library Board subscribes to the American Library Association's Library Bill of Rights, Freedom to Read and Freedom to View statements as a basis for selection of materials for the collection. (See Appendices A, B and C) Selection is further based in part on professional reviewing sources, consideration of the needs of the community, the state of the collection, the merit of individual items, and the availability of other library materials in the area.

### **6.2 Selection Responsibility**

The authority and responsibility for the selection of Library materials are delegated by the Library Board to the Executive Director and, under his or her direction, to staff members who are qualified for this activity.



### **6.3 General Selection Criteria**

Items are considered for inclusion in the collection in terms of the following standards. Not all the criteria will apply to each item. The evaluation is made with regard to the work as a whole and not necessarily to its individual parts. Each item is evaluated in terms of its own merits, its intended audience, and its relation to the collection.

- Timely value of the material
- Purpose or intent of the material
- Accuracy of content
- Authenticity of content
- Reputation and significance of author, illustrator, editor, artist or performer
- Popularity and demand
- Local interest
- Price
- Format
- Availability

### **6.4 Selection Aids**

Professional reviews (when available), bibliographies, lists of new materials, and other professional resources are be used as selection aids.

### **6.5 Scope of the Collection**

Formats – The Library provides materials and services that reflect the diverse educational, information, and recreational needs of its users. Therefore, PYPL provides materials in a variety of formats, including but not limited to:

- Print – hardcovers, paperbacks, magazines, and newspapers
- Non-print – audio and video formats, puzzles, video games, board games, microfilm, and a variety of equipment
- Digital resources – databases, digital materials available for download, and a variety of equipment with pre-selected works and future platforms

The Library considers all types and formats of media to be in the realm of human expression and part of the human record. Because the Library functions in a rapidly changing society, it is flexible about changes in communicative material, both in form and style of expression. The Library does not reject materials for acquisition solely on the basis of medium. Materials in alternative formats are judged in terms of the General Selection Criteria. (See Section 6.3)

### **6.6 Local History Collection**

The local history collection is intended to provide a core collection of basic materials to facilitate Yates County family history, genealogy, community, and regional research. It will complement the holdings of other area collections in carefully selected topical areas without substantial duplication. Materials relating to areas outside the county are collected in diminishing detail as their distance from Yates increases. Major geographic

concentrations are as follows: Yates County, Finger Lakes area, New York State. The Library maintains as complete a collection of Yates county newspapers on microfilm as possible, and a reader-printer to facilitate their use. The local history collection includes as complete a collection as possible of government documents relating to hazardous waste sites, land use planning, and similar issues relating to Yates County.

### **6.7 Gifts and Memorials**

All gifts and memorials are judged in terms of the General Selection Criteria. (See Section 6.3) Items not of interest to the Library will be sold and disposed of via various methods.

### **6.8 Weeding and Repair**

The collection will be kept up-to-date, useful, and attractive through continual additions of new materials, repair of old materials where appropriate, and removal of materials no longer relevant. Any materials subject to weeding from the collection may fall in the following categories:

- Usage: Has the item been checked out frequently or recently?
- Physical condition: Can a damaged item be repaired? Should it be replaced?
- Duplication: Is demand sufficient for multiple copies of the item?
- Uniqueness: Is the item held only by PYPL?
- Accuracy: Does it continue to be factually accurate?
- Edition: Is the edition of an item held by the Library superseded by a newer edition?
- Completeness: Is the item part of a set or series of which the Library does not have a complete set?
- Relevancy: Has it proved relevant to the needs and interests of the Library's community?

### **6.9 Discards**

Items no longer useful to the collection or in poor repair will be discarded in a manner deemed suitable.

### **6.10 Reconsideration of Materials**

Requests to remove materials will be considered within the context of the policies set forth in the Collection Development Policy, (See Section 6).

Anyone who wishes to request that a specific item be reconsidered for inclusion in the Library collection of materials should complete and sign the Request for Reconsideration of Library Materials form. The completed form will be forwarded to the Executive Director. (See Appendix F: Request for Reconsideration of Library Materials form)

The Executive Director will consider the request in a timely fashion, reviewing the questioned material in its entirety and conducting the necessary research in order to reconsider the item's appropriateness for inclusion in the Library's collection.

Once a decision has been made regarding the retention or removal of the material, a letter explaining the decision, and the reasons for it, will be sent to the person who submitted the Request for Reconsideration of Library Materials form.

If the person indicates dissatisfaction with the resolution, he/she may appeal to the Library Board. The Library Board will consider the decision based on whether or not the particular item conforms to the General Selection Criteria outlined in the Board approved Collection Development Policy.

## **7. Computer Use**

### **7.1 Public Access Computer (PAC) Use**

By using a public access computer at Penn Yan Public Library the patron agrees to the Internet Policy and the following guidelines. (See Section 7.2)

#### **Signing In:**

- Patrons may use their PYPL cards and pin numbers to sign in at a computer independently.
- Users must accept the Internet Use policy statement on the screen to start a session.

**Allotted Sessions:** One per patron per day

**Session Length:** 1 hr.

**Reservations:** The reservation list is first come first serve. Library staff will create a reservation list when necessary.

**Guest Passes:** Staff will issue one public access computer guest pass per day to anyone who wants to use a computer and:

- does not have a Library card
- does not have a Library card in good standing

**Session Extensions:** A staff person may extend a session at his or her discretion. A patron must ask for an extension before their one hour session is over in order to keep working on a computer project without interruption.

#### **Internet Permission:**

- Children under 6 must have a parent or guardian present with them at the PACs.
- Children under 16 who wish to use the PAC independently must have a Library card and a permission form on file signed by a parent or guardian. A staff person may issue a guest pass to a minor whose Library card is not in good standing if the permission form is on file. (See Appendix H)

#### **Printing:**

- Black and white prints \$.25 per page
- Color \$.50 per page.

### **Computer Use Patron Behavior**

- Respect should be shown to other Library users and staff.
- Noise levels should be kept down.
- Use of bandwidth should not affect others' ability to use the Internet.
- Respect for the privacy and sensibility of others should be shown by not displaying content which is likely to prove objectionable.
- Patrons are responsible for saving their work. Saving files on PAC hard drives is not allowed.
- All work will be erased permanently when patrons exit sessions or when sessions automatically end.

### **7.2 Internet Policy**

The Internet is one of the tools that the Library can offer to fulfill its mission of providing up-to-date information to the public. The Internet is a global electronic network, which expands the resources of the Library beyond the local collection.

The Internet is a constantly changing and unregulated medium. The Library cannot guarantee the accuracy, quality or suitability of information found on the Internet.

The Library affirms the Library Bill of Rights (See Appendix A), which supports the right of all individuals to constitutionally, protected materials. Each user is responsible for what s/he chooses to access via the Internet.

The Library recognizes the right and responsibility of parents to determine and monitor their own children's use of all Library materials. Parents/guardians are encouraged to work with their children in using the Internet in a way which is consistent with parental and family values.

All Internet users are expected to comply with copyright and all other applicable state and federal laws.

All Internet users are expected to follow the Library Use Policy, and specifically to respect the rights of others by not publicly displaying content which is likely to prove objectionable to others. (See Section 8)

All Internet users are expected to follow the Public Access Computer Use Policy. (See Section 7.1)

Computer hardware and software configurations may not be altered in any way.

Failure to follow this policy may result in revocation of Internet access privileges and/or other actions.

### **7.3 Wireless Internet Access**

Use of the Library's wireless Internet access constitutes acceptance of the Public Access and Internet Policy. (See Sections 7.1 and 7.2)

- Wireless users are responsible for configuring their own equipment.
- The parents or guardians of children with Internet accessible devices are responsible for supervising their child's proper and safe use of the Internet.
- The Library's wireless network is not secure, requiring users to take their own measures to protect their personal devices.

#### **7.4 Wireless Internet Access via Wireless Hotspots**

Use of the Library's circulating Wireless Hotspots constitutes acceptance of the Internet Policy, whether on library grounds or otherwise. (See Section 7.2)

- Wireless users are responsible for configuring their own equipment.
- The parents or guardians of children with Internet accessible devices are responsible for supervising their child's proper and safe use of the Internet.

### **8. Library Use**

#### **8.1 Code of Conduct**

The Penn Yan Public Library offers a welcoming and comfortable environment for everyone. The Board of Trustees has established the Library Code of Conduct to protect the right of all patrons and staff members to enjoy a safe space. All Library patrons are expected to behave in a way which respects the Library building, grounds, and materials. Patrons are expected to adhere to all established Library policies and to respect the rights of other patrons by not interfering with others' use of the Library.

- Cell phones and other portable computing and communications devices must be used in a way that does not interfere with other patrons' Library use.
- Patrons shall use Library parking areas, sidewalks and grounds properly and safely.
- Patrons are expected to promptly leave the building at closing time or in an emergency.
- Patrons are expected to attend to personal belongings. The Library is not responsible for personal belongings left in or on Library property.
- Patrons will not bring weapons onto Library grounds
- Patrons are expected to check out all Library materials using a valid Library card before removing them from the building
- The Library property is a tobacco and drug free zone.
- Vaping of any sort is not allowed on Library property.
- Any conduct that alarms or harasses another patron or staff member is prohibited.
- Patrons are not permitted to enter or stay in the building without shirts or footwear.
- Patrons whose bodily hygiene interferes with the use of the Library by other patrons may be asked to leave the building.
- Patrons will not bring pets or animals into the Library, other than service animals or animals used in Library programs.
- The Library parking lot is intended for use by Library patrons and employees only while engaged in Library activities. All other uses are unauthorized.

- Out of concern for the safety of young patrons, adults who are in the children's area of the Library and unaccompanied by a child or children may be asked to move to another area of the Library.

Library employees reserve the right to intervene and to clarify rules when the comfort and safety of our patrons and/or the integrity of the Library facility are compromised. Any person not abiding by the Code of Conduct may be required to leave the Library premises. (See Section 8.3)

## **8.2 Children's Use and Unattended and Disruptive Children**

Penn Yan Public Library welcomes and encourages children to use materials and services. As libraries are essential to the lives of children, we strive to provide useful, safe and inviting spaces for youth.

However, neither the Library nor its staff members act in loco parentis (in place of parents). The Library is a public facility which is open to everyone and parents and caregivers are expected to accompany children in need of supervision on Library visits to ensure the safety and well-being of the children. At all times, parents or caregivers are responsible for their child's behavior, safety and supervision.

If an unattended child in need of supervision appears to be lost, is waiting for a parent or caregiver at closing, is being disruptive, or if in the judgment of Library staff, his or her safety or that of others is jeopardized, then Library staff will make an attempt to locate the parent or caregiver. If the parents or caregivers cannot be located, the child may be placed in the care of the local law enforcement agency.

The Library and its staff will not, under any circumstances, be responsible for determining whether an apparent caregiver, custodian or parent is a legally authorized caregiver, custodian or custodial parent of the child.

*The Penn Yan Public Library is released from any and all liability with regard to this policy. Parents, guardians, and caregivers acknowledge the risk of leaving a child unattended in the Library and release Penn Yan Public Library from all claims which they may have or which they may have on behalf of their child/ward.*

## **8.3 Suspension of Library Privileges**

If an individual Library patron does not comply with staff direction or repeatedly violates the Code of Conduct and or the Computer Use Policy, the individual may have their Library privileges suspended. (See Sections 8.1 and 7) The Executive Director, or the department director on duty, or their designee may restrict access to Library facilities with immediate dismissal from the premises for one day if an individual does not heed 3 verbal warnings.

**First Violation:** An initial oral warning will be given.

**Second Violation:** An oral or written warning along with a copy of the relevant section of the Library Use or Computer Use Policy will be given to the patron if necessary.

**Third Violation:** Library privileges may be suspended for one day.

**Fourth Violation:** Library privileges may be suspended for up to one year depending on the severity of the noncompliance. A written notification of the suspension will be sent by certified mail to address on record for the patron.

The Executive Director may suspend patron privileges for longer than one day. The Executive Director will inform a patron or a child patron's parent or guardian in writing if their Library privileges have been suspended for a longer set period of time than one day. The suspension period shall be reasonably related to the severity of the Library Use or Computer Use Policy violation. (See Appendix I)

If the suspended patron chooses to return to the Library once the suspension period has expired, he or she must abide by the Code of Conduct and the Computer Use policies. Any future violations may result in a progressively longer suspension.

Patrons have the right to appeal a suspension of Library privileges to the Library Board in writing within 10 days of the written notification of the suspension being sent by certified mail. The Library Board will consider the suspension decision based on whether or not the suspension conforms to the criteria set forth in this policy at their next regular meeting.

#### **8.4 Hicks Kimball Room Use**

The Hicks Kimball Room (HKR) is available for public use when not required for Library programs.

##### **Guidelines**

- Individuals using the HKR must abide by the Library Use Policy. (See Section 8)
- Groups may reserve the HKR.
- The HKR must be used during regular Library hours except for Library programs.
- HKR reservations must be made for specific hours.
- Groups must leave promptly when their reserved time ends.
- No admission fees may be charged, donations solicited or materials/services sold, with the exception of Library programs.
- Light refreshments may be served.
- Groups are responsible for setting up and taking down tables and chairs.
- Groups using the Room will assume full responsibility for any damages and additional cleaning fees.
- The HKR Room Use Agreement (See Appendix J) must be signed by:
  - Groups intending to serve refreshments and
  - Groups reserving the room for multiple scheduled sessions.
- The Library does not endorse the policies or beliefs of groups permitted to use the HKR.

#### **8.5 Tutoring**

As part of its mission, the Library permits tutoring on the premises.

#### Guidelines

- Tutors and students must sign-in at the front desk. (See Appendix K)
- Tutors and students will leave contact information with the Library.
- Tutors, students, and parents/guardians will return signed Tutor letter to the Library.
- Tutoring sessions will be kept as quiet as possible. The Library Use Policy (See Section 8) applies to tutors and students.
- Parents and guardians are responsible for the behavior of the students being tutored before, during, and after the tutoring session held at the Library. (See Section 8.2)
- Tutors and students must bring their own supplies.
- If the Hicks-Kimball room is available, it must be used before the limited tables on the Library's main floor.

## 9. Reference Services

### 9.1 Reference Services Philosophy

The delivery of reference and information service is central to the Penn Yan Public Library's mission and commitment to serving the needs of its community.

This policy is intended to provide broad overall guidance to those who deliver reference service. The delivery of reference service requires Library staff to be knowledgeable, approachable, sensitive, courteous, and efficient. Quality reference service depends upon effective interviewing, attentive listening, and connecting customers with resources that will answer their information needs. Every request for reference assistance is considered legitimate.

This policy recognizes the need to maintain flexibility in the delivery of reference service. It is appropriate to adapt service to meet individual customer needs. Penn Yan Public Library reference and information services should satisfy customer's information needs either by using sources on hand, or by referral to resources located elsewhere. Personal opinions are not a part of reference assistance.

### 9.2 Reference Transactions Defined

Reference transactions are information consultations in which library staff recommend, interpret, evaluate, and/or use information resources to help others to meet particular information needs. Reference transactions do not include formal instruction or exchanges that provide assistance with locations, schedules, equipment, supplies, or policy statements.

Reference includes providing help with the catalog, computers, reader's advisory service, database and online assistance, bibliographic verification, ILL, referral services,



research assistance, school assignments, consumer information, individual and group instruction.

### **9.3 Access to Reference Services**

The Penn Yan Public Library will provide reference service to all its customers on an equal, nondiscriminatory, and nonjudgmental basis without regard to the race, national origin, age, gender, sexual orientation, background, appearance, or personal view of the customer making the inquiry or the subject matter being researched. (See Section 3) With few exceptions, customers do not need to be registered Penn Yan Public Library cardholders to use Library facilities or reference materials and services.

### **9.4 Confidentiality of Reference Queries**

The Library recognizes that its records identifying the names of library users with specific materials, computer database searches, interlibrary loan transactions, reference queries, requests, or other specific uses of the library are confidential in nature. (See Section 3)

## **10. Programming**

### **10.1 Programming Philosophy**

The Penn Yan Public Library conducts programs to fulfill its mission in the community. Selection of library program topics, speakers, courses, classes, and resource materials is made by library staff on the basis of the interests and needs of library users and the community. All library programs are open to the general public, but some may be designed with specific audiences in mind, i.e., children's programs, toddler and parenting programs. Programs targeted toward specific audiences will be publicized as such. Library-initiated programming is a library resource that provides information, education, and recreation to library users. Library-initiated programming utilizes library staff, books, library and community resources, displays and media presentations.

### **10.2 Topics**

The Library often incorporates programming with other agencies, organizations, and educational institutions. Library programming will not exclude topics, books, speakers, media and other resources because they might be controversial. Acceptance of a program topic by the library does not constitute an endorsement by the library of the group's or individual's policies or beliefs. The Library does not allow programming that is solely for commercial purposes, is solely religious in nature or is designed to recruit members without the permission of the Executive director.

### **10.3 Costs and Solicitation**

Any sales of products (i.e. books or CDs) at the Library programs must be approved by the Library and benefit the Library or affiliated groups. No solicitation of products or services is permitted. Registration and fees may be required if space or materials are limited.

## 10.4 Virtual Programming

- Virtual programming selection mirrors the guidelines established in the general programming policy. Programs are chosen and executed in order to fulfill the library's mission and strategic plan goals. PYPL is dedicated to open access to ideas and information, an ethos that will be reflected in virtual program selection.
- Virtual program platforms will be selected by library staff according to the needs of each program (i.e. whether public interaction is required, the need for screen sharing, etc.). The primary platforms for virtual programs will be Zoom and Facebook Live, but library staff reserve the right to introduce other platforms as need and program design dictate. Library staff will take responsibility for understanding digital security and privacy risks associated with digital platforms and for communicating those to attendees, if necessary.
- Attendees at virtual programs are expected to abide by the library code of conduct; behavior at virtual events should be no different from expected behavior on library premises. Attendees and presenters are expected to treat others with respect. While attendees may interact with each other, staff, and presenters via live audio or chat within program platforms, sharing inappropriate speech, images and links will not be tolerated, and participants using them may be removed from programs via the means available on the digital platform in use. What constitutes "inappropriate" speech, images and links is at the discretion of library staff. Attendees may not share their screens unless invited to do so by staff or presenters.
- Library staff recognize the unique advantages afforded by virtual programming. This programming is able to reach patrons regardless of patrons' mobility and geographic location. At the same time, virtual programming presents unique access issues relating to technology and physical disabilities. PYPL may offer a variety of programs on multiple platforms in order to best reach and serve patrons with a variety of needs. Where possible, PYPL will record and post virtual programs for later access; make available closed captioning on recorded programs; broadcast images with the best, clearest quality possible; offer technology trouble-shooting for attendees, and request feedback from patrons on desired accessibility accommodations.

## **11. Public Relations**

### **11.1 Public Relations Philosophy**

The public relations goal of the Penn Yan Public Library is to promote the Library's objectives and services among the general public, governing officials, and civic leaders, and to spark interest in the library and its services in the surrounding community. The Library will maintain good public relations by providing consistent, accurate and pertinent information to the community. For that purpose the Board recognizes that public relations involve every person connected with the library. The Board urges its own members and every staff member to recognize that he or she represents the library in every public contact. Good service supports good public relations.

### **11.2 Public Relations Guidelines**

- The Board will designate a spokesperson and alternate to speak on Board policy and decisions. If neither is available, the Executive Director may speak for the Board. Board members, the Executive Director, or designated employees may speak for the library on library activities and programs.
- The Executive Director, designated staff members and Board spokespersons will make presentations and will participate in community activities to promote library services. Materials to be used: press, radio, television, or other media will be approved by the Executive Director; some topics will be reviewed by the Board.
- The Board of Trustees and the Executive Director will use the local media and the PYPL website to the fullest extent possible to keep the community informed of Library activities and upcoming events and meetings. The Executive Director or their designee will have the responsibility for coordinating the Library's public relations and public information activities.
- The Library may sponsor programs, classes, exhibits, and other activities and will cooperate with other groups in organizing these to promote a good understanding of the Library's objectives and services.
- In the event of an emergency, the Library spokesperson is the Executive Director. The Library will make every effort to contact the media in the event of an unanticipated closing.

## **12. Social Media**

### **12.1 Definition of Social Media**

“Social media” is a term describing Internet-based tools for information sharing.

## **12.2 Social Media Interactions on behalf of Penn Yan Public Library**

Library employees will conduct themselves according to the following guidelines when using social media on behalf of Penn Yan Public Library:

- Library patron privacy and respect are paramount;
- Every effort will be made to keep interactions factual and accurate;
- Strive for transparency and openness in interactions;
- Be honest about relationships, opinions, and identity

## **12.3 Public posts on Library sponsored social networking sites**

Posts containing specific and imminent threats will be reported to the authorities.

Posts containing the following will be deleted.

- Copyright violations
- Off topic comments
- Commercial material/spam
- Duplicated posts from the same individual
- Obscenities
- Libelous comments
- Inappropriate images

## **12.4 Use of Social Media by Library Staff**

- When an employee intends to create a new social networking site or service to conduct Library business, the Executive Director must be notified.
- Employees will not use social media for personal purposes during scheduled work time.

*The Library is not responsible or liable for the content of postings by third parties on any Library sponsored social media site, and postings do not reflect the opinions or positions of the Penn Yan Public Library, its employees, or Board of Trustees.*

## **13. Exhibit and Display**

**13.1 Exhibit and Display Philosophy:** The purpose of this policy is to assure that exhibit and display space is made available on an equitable and neutral basis.

### **13.2 Exhibit and Display Guidelines**

The kiosk, brochure racks, and any other display space are primarily intended for library related information and materials under the discretion of the Executive Director. The following areas are regularly reserved exclusively for promotion of library offerings:

- The two panels of the kiosk that face the entry door,
- The top two rows of the freestanding brochure rack, and

- The front row of all tabletop brochure racks.

For public notices of community interest, the two non-door facing sides of the kiosk, and the Youth Services section bulletin board are available to groups sponsoring events in the public interest.

- All materials must be authorized by the Executive Director before being displayed.
- Notices may remain posted for as long as information is current.
- Priority will be given to dated events of local interest.
- Pamphlets will be displayed according to the same criteria.
- Notices posted become Library property and will be discarded at the discretion of the Executive Director.
- Items to be posted and pamphlets must be neat and clearly readable.
- Any materials posted or displayed without authorization will be discarded.
- Community information displays may be placed in other areas of the Library at the discretion of the Executive Director.

*The library neither sanctions nor endorses the viewpoints of materials displayed.*

#### **14. Photos**

Library staff may take photographs at library events for library promotional purposes. These photos may be published in various forms of the media. No identifying information about individuals will be used without written permission.

Individuals must advise library staff if they do not want their picture taken.

#### **15. Policy Review and Revision Statement**

The Library Board of Trustees is responsible for the currency and efficacy of the Library's policy.

This general policy document shall be subject to review and needed revision at least every five years as set forward in New York State Division of Library Development Guidelines.

#### **16. Video Surveillance**

The Penn Yan Public Library strives to maintain a safe and secure environment for its patrons and staff. Section 226.10 of the New York State Education Law authorizes the Library Board of Trustees to adopt regulations to insure the safety of all Library staff and patrons, protect the Library's property, and maintain order in the Library. The Library's video security system is used only for the protection and safety of patrons and employees and Library assets and property.

### **16.1 Patron and Employee Privacy**

Reasonable efforts will be made to safeguard the privacy of patrons and employees. Video cameras will not be positioned in restrooms. Cameras will not be positioned in any manner to identify a person's reading, viewing or listening activities in the Library. Images will not be routinely monitored in real-time, nor reviewed by Library staff, except when specifically authorized by the Director. (See Section 3 Confidentiality)

### **16.2 Camera Placement**

Selected public areas of the Library building and grounds are equipped with video cameras that detect and record all movement in those areas. Camera locations will not be changed or added without the permission of the Director. Cameras are positioned to record only those areas specified by the Director.

### **16.3 Signage**

Signage will be posted at the Library entrance stating: "This area is under video surveillance".

### **16.4 Access to Video Records**

A designated employee is assigned by the Director to verify that the system is operating properly and records are being stored on a regular basis.

Only the Director and employees and/or service providers designated by the Director will be authorized to operate the video security system.

Access to video records shall be limited to designated employees and service providers who may only access such records during the course of their assigned duties.

Access to stored video records is password protected.

### **16.4 Use and Disclosure of Video Records**

Video records may be used to identify the person or persons responsible for or involved in violations of the Library Use Policy and alleged illegal conduct on Library premises.  
(See Section 8)

Video records may be used to assist law enforcement agencies in accordance with applicable state and federal law. Only the Director is authorized to release any video record to anyone other than a designated employee, including, but not limited to, law enforcement personnel or service personnel.

In no event – unless required by an enforceable legal process – will any video records be released to the media or other persons.

### **16.5 Video Record Retention**

Images from the Library video surveillance system are stored digitally on hardware in the Library. The Library retains all recorded images for 14 days. Video records of incidents can be retained and reviewed as long as considered necessary by the Director.

## **Appendices**

- A. American Library Association Freedom To Read Statement
- B. American Library Association Freedom To View Statement
- C. American Library Association Library Bill Of Rights Statement
- D. American Library Association Code of Ethics Statement
- E. eReader Borrowing Terms Form
- F. Request for Re-evaluation of Library Materials form
- G. iPad Borrowing Terms Form
- H. Internet Permission Form
- I. Suspension Letter
- J. Hicks Kimball Room Use Agreement
- K. Tutor Agreement Letter
- L. Wireless Hotspot Borrowing Terms Form
- M. Statute of Limitations on Library Fines & Fees

## **Appendix A**

### **American Library Association Freedom to Read Statement**

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority. Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated. Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author. No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression. To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.



5. It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one. The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

## **Appendix B**

### **American Library Association Freedom To View Statement**

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

## **Appendix C**

### **American Library Association Library Bill Of Rights Statement**

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other Library resources should be provided for the interest, information, and enlightenment of all people of the community the Library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
  
- V. A person's right to use a Library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

### **Appendix D**

#### **American Library Association Code of Ethics Statement**

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, Library trustees and Library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all Library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor Library resources.
- III. We protect each Library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of Library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

**Appendix E**

**eReader Borrowing Terms Form**

By Borrowing This Item You Agree to the Terms and Conditions Below.

**eReader & Tablet Kits Include:**

- 1 eReader or Tablet Computer
- 1 Case
- 1 Zipper Bag
- 1 USB Cable
- 1 wall adapter
- Circulation Policy

**Circulation Rules:**

- Loan period
- 3 weeks for ereaders (Nook Simple Touch, for example)
- 1 Week for Tablets (Google Nexus 7, for example)
- Renew once if no other patron has requested the item.
- Devices must be returned to a staff member at the circulation desk.
- Do not put this device in the indoor or outdoor drop box.
- Do not return to other libraries.
- Returns can ONLY take place at the Penn Yan Public Library circulation desk during regular business hours.
- Failure to adhere to the return rules will result in a \$5 charge and a ban from borrowing digital devices in the future.
- If device is damaged during incorrect return procedure patron will be charged for all damages to the device and/or accessories.
- Late fees are \$1.00 / day.
- Devices will not be loaned to other libraries.

**Lost or Damaged devices:**

Users are responsible for loss or damage to the device or its accessories. Charges will be based on replacement costs of the items.

**Disclaimer:**

The Library is not responsible for any liability, damages or expense resulting from use or misuse of the eReader or Tablet computer, connection of it to other electronic devices, or data loss resulting from use of it. The Library is not responsible for downloaded content on the device. Any use of this device for illegal purposes, unauthorized copying of copyright-protected material in any format, or transmission of threatening, harassing, defamatory or obscene materials is strictly prohibited.

I understand and agree to the terms and conditions for borrowing e-books and tablet computers described above.

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Device Name and Number

**Appendix F**

**Request for Reconsideration of Library Materials**

PENN YAN PUBLIC LIBRARY

Title: \_\_\_\_\_

Author / Performer: \_\_\_\_\_

Format: \_\_\_\_\_

Publisher: \_\_\_\_\_

Complainant represents Self \_\_\_\_\_ or Organization \_\_\_\_\_

If organization,

Name: \_\_\_\_\_

Contact Address: \_\_\_\_\_

1. Have you read / heard / seen the material in its entirety: \_\_\_\_\_

2. To what do you specifically object:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What action would you recommend be taken regarding the use of this material in the Library?

\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Reviewed by Director on (Date) \_\_\_\_\_

If, necessary, action by Board (Date) \_\_\_\_\_

## Appendix G

### iPad Borrowing Terms Form

By Borrowing This iPad You Agree to the Terms and Conditions Below.

#### iPad Kits Include:

- 1 iPad
- 1 Case
- 1 Zipper Bag
- 1 USB Cable
- 1 Wall Adapter
- 1 iPad holder for Tripod
- Circulation Policy
- Optional: tripod and attachments.

#### Circulation Rules:

- Loan period 2 hours in house only
- You may continue use after 2 hours if no other patron has requested the item.
- Devices must be returned to a staff member at the circulation desk.
- Do not put this device in the drop box. You must hand it to Library staff to return it.
- Returns can ONLY take place at the Penn Yan Public Library circulation desk during regular business hours.
- Failure to adhere to the return rules may result in a ban from borrowing digital devices in the future.
- If device is damaged during incorrect return procedure patron will be charged for all damages to the device and/or accessories.
- Devices will not be loaned to other libraries.

#### Lost or Damaged devices:

Users are responsible for loss or damage to the device or its accessories. Charges will be based on replacement costs of the items up to a maximum of \$750. The borrower is restricted from downloading any apps or other e-content to the iPad. Deleting e-content preloaded on the iPad is also restricted. The borrower is responsible for deleting any photos or video he or she does not want other borrowers to see.

#### Disclaimer:

The Library is not responsible for any liability, damages or expense resulting from use or misuse of the iPad, connection of it to other electronic devices, or data loss resulting from use of it. The Library is not responsible for downloaded content on the device. Any use of this device for illegal purposes, unauthorized copying of copyright-protected material in any format, or transmission of threatening, harassing, defamatory or obscene materials is strictly prohibited.

I understand and agree to the terms and conditions for borrowing e-books and tablet computers described above.

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Device Name and Number

## Appendix H

### Public Access Internet Policy Permission Form for Child Library Card Holders

The Internet is one of the tools that the Library can offer to fulfill its mission of providing up-to-date information to the public. The Internet is a global electronic network, which expands the resources of the Library beyond the local collection.

The Internet is a constantly changing and unregulated medium. The Library cannot guarantee the accuracy, quality or suitability of information found on the Internet.

The Library affirms the Library Bill of Rights that supports the right of all individuals to constitutionally protected materials. Each user is responsible for what they choose to access via the Internet.

The Library recognizes the right and responsibility of parents to determine and monitor their own children's use of all Library materials. Parents/guardians are encouraged to work with their children in using the Internet in a way, which is consistent with parental and family values.

All Internet users are expected to comply with copyright and all other applicable state and federal laws.

All Internet users are expected to follow the Library Use Policy, and specifically to respect the rights of others by not publicly displaying content, which are likely to prove objectionable to others.

All Internet users are expected to follow the Public Access Computer Procedures.

Computer hardware and software configurations may not be altered in any way.

Failure to follow this policy may result in revocation of Internet access privileges and/or other actions.

#### Internet Permission:

- Children under 6 must have a parent or guardian present with them at the PACs.
- Children under 16 who wish to use the PAC independently must have a Library card and a permission form on file signed by a parent or guardian. A staff person may issue a guest pass to a minor whose Library card is not in good standing if the permission form is on file.

I have read the Penn Yan Public Library Internet policy. I have discussed these with my child. I realize that I am responsible for what my child views on the Internet and that the Penn Yan Public Library will not monitor the Internet use of any individual. I give my permission for (child's name) \_\_\_\_\_ to use the Internet on a Library device; yes or no \_\_\_\_\_, on her/his own; or a tablet to bring home; yes or no \_\_\_\_\_.

Parent/Guardian signature \_\_\_\_\_

Date \_\_\_\_\_

Child's signature \_\_\_\_\_

Date \_\_\_\_\_

**Appendix I**

**Suspension Letter**

Name of patron  
Address  
Date of letter

Dear \_\_\_\_\_ :

Due to your violation of the Penn Yan Public Library Use Policy on \_\_\_\_\_, your Library privileges are suspended for a period of (\_\_\_\_days, weeks, months, years). The suspension begins upon the issue date of this letter and ends on\_\_\_\_\_.

(Describe in detail the misconduct which violated the Library Use Policy).

If you choose to return to the Library once the suspension period has expired, you must abide by the Library Use Policy. Any future rule or policy violations may result in a progressively longer suspension.

You may appeal your Suspension of Library Privileges to the Library Board in writing within 10 days of the written notification of the suspension being sent to you by certified mail. The Library Board will consider the suspension decision based on whether or not the suspension conforms to the criteria set forth in the policy at its next regular meeting.

Sincerely,

Penn Yan Public Library Executive Director

Enc. Section 8 of PYPL General Policy

Cc. Penn Yan Public Library Board President  
Penn Yan Village Police Department

**Appendix J**

**Hicks Kimball Room Use Agreement**

Any group reserving the Hicks Kimball Room for regular repeated use or reserving any Library equipment or serving refreshments in the Hicks Kimball Room must have this form on file at the Library.

\_\_\_\_\_ requests use of the Penn Yan Public Library  
(person)  
Hicks Kimball Room for \_\_\_\_\_  
(group)

September – December      date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

January – May                  date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

June – August                  date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

date: \_\_\_\_\_ time: \_\_\_\_\_

As the responsible party, I have read and will abide by the Hicks Kimball Room Use Policy. I agree that this organization will assume full responsibility for any damages or additional cleaning fees. The aforementioned organization also holds harmless the Penn Yan Public Library, its officers, director, agents, representatives, managers, employees, and affiliates from and against any and all claims, suits, liens, judgments, damages, losses, and expenses including reasonable attorney fees and legal expenses.

Parent Organization \_\_\_\_\_

Address \_\_\_\_\_ Town \_\_\_\_\_ State \_\_\_\_\_

Business Phone \_\_\_\_\_ Contact Phone \_\_\_\_\_

Responsible Party (printed) \_\_\_\_\_ Signature \_\_\_\_\_

Date Signed \_\_\_\_\_ Contact e-mail \_\_\_\_\_



## Appendix K

### Tutor Agreement Letter

Dear Student and Parent or Guardian and Tutor:

Penn Yan Public Library is meant to be a welcoming location and hub of varied peaceful activity. Our Mission is to awaken and satisfy curiosity in the individual, thus enriching the community. Our Board of Trustees and staff are committed to providing access to high-quality library services for all of our patrons.

Should you choose to hold your tutoring sessions at PYPL, it is important to remember that students, tutors and all patrons are subject to the Tutor Policy and the Library Use Policy. This allows everyone to use the library without any kind of hindrance to his or her enjoyment.

As part of its mission, the Library permits tutoring on the premises.

#### Library Use Policy

##### 8.5 Tutoring

###### Guidelines

- Tutors and students must sign-in at the front desk. (See Appendix K.)
- Tutors and students will leave contact information with the Library.
- Tutors, students, and parents/guardians will return signed Tutor letter to the Library.
- Tutoring sessions will be kept as quiet as possible. The Library Use Policy (See Section 8.) applies to tutors and students.
- Parents and guardians are responsible for the behavior of the students being tutored before, during, and after the tutoring session held at the Library. (See Section 8.2.)
- Tutors and students must bring their own supplies.
- If the Hicks-Kimball room is available, it must be used before the limited tables on our main floor.

##### 8.1 Code of Conduct

The Penn Yan Public Library offers a welcoming and comfortable environment for everyone. The Board of Trustees has established the Library Code of Conduct to protect the right of all patrons and staff members to enjoy a safe space. All Library patrons are expected to behave in a way which respects the Library building, grounds, and materials. Patrons are expected to adhere to all established Library policies and to respect the rights of other patrons by not interfering with others' use of the Library.

- Cell phones and other portable computing and communications devices must be used in a way that does not interfere with other patrons' Library use.
- Patrons shall use Library parking areas, sidewalks and lawns properly and safely.
- Patrons are expected to promptly leave the building at closing time or in an emergency.
- Patrons are expected to attend to personal belongings. The Library is not responsible for personal belongings left in or on Library property.
- Patrons will not bring weapons onto Library grounds
- Patrons are expected to check out all Library materials using a valid Library card before removing them from the building
- The Library property is a tobacco and drug free zone.
- Any conduct that alarms or harasses another patron or staff member is prohibited.
- Patrons are not permitted to enter or stay in the building without shirts or footwear.
- Patrons whose bodily hygiene interferes with the use of the Library by other patrons may be asked to leave the building.
- Patrons will not bring pets or animals into the Library, other than assistance animals for the disabled or animals used in Library programs.
- The Library parking lot is intended for use by Library patrons and employees only while engaged in Library activities. All other uses are unauthorized.
- Out of concern for the safety of young patrons, adults who are in the children's area of the Library and unaccompanied by a child or children may be asked to move to another area of the Library.

Library employees reserve the right to intervene and to clarify rules when the comfort and safety of our patrons and/or the integrity of the Library facility are compromised. Any person not abiding by the Code of Conduct may be required to leave the Library premises. (See Section 8.3.)

**8.2 Children’s Use and Unattended and Disruptive Children**

Penn Yan Public Library welcomes and encourages children to use materials and services. As libraries are essential to the lives of children, we strive to provide useful, safe and inviting spaces for youth.

However, neither the Library nor its staff members act in loco parentis (in place of parents). The Library is a public facility which is open to everyone and parents and caregivers are expected to accompany children in need of supervision on Library visits to ensure the safety and well-being of the children. At all times, parents or caregivers are responsible for their child’s behavior, safety and supervision.

If an unattended child in need of supervision appears to be lost, is waiting for a parent or caregiver at closing, is being disruptive, or if in the judgment of Library staff, his or her safety or that of others is jeopardized, then Library staff will make an attempt to locate the parent or caregiver. If the parents or caregivers cannot be located, the child may be placed in the care of the local law enforcement agency.

The Library and its staff will not, under any circumstances, be responsible for determining whether an apparent caregiver, custodian or parent is a legally authorized caregiver, custodian or custodial parent of the child.

The Penn Yan Public Library is released from any and all liability with regard to this policy. Parents, guardians, and caregivers acknowledge the risk of leaving a child unattended in the Library and release Penn Yan Public Library from all claims which they may have or which they may have on behalf of their child/ward.

**Tutor Procedure**

- Tutors must provide contact information both for themselves and their students.
- Tutors and students must check in at our circulation desk at the start of each tutoring session.
- If the Hicks-Kimball meeting room is available, it must be used before the limited tables on our main floor.
- There is space for multiple sessions to take place simultaneously in the meeting room.

Thank you for your help in making PYPL a safe and comfortable place for everyone.

Sincerely,

Angela Gonzalez  
Executive Director

I, \_\_\_\_\_, Tutor, phone \_\_\_\_\_

and I, \_\_\_\_\_, Student

and I, \_\_\_\_\_, Parent or Guardian, phone \_\_\_\_\_

have read and agree to abide by the Penn Yan Public Library Use and Tutoring policies. \_\_\_\_\_ (date)

**Appendix L**

**Wireless Hotspot Borrowing Terms Form**

By Borrowing This Item You Agree to the Terms and Conditions Below.

**Wireless Hotspot Kits Include:**

- 1 Wireless Hotspot
- 1 Hotspot Case
- 1 USB Cable
- 1 Wall Adapter
- Internet Use Policy
- Circulation Policy
- Quick startup guide
- Service area map

**Circulation Rules:**

- Loan period: 1 week.
- Wireless Hot Spots may be renewed once.
- Holds can be placed on wireless hotspots.
- Patrons must use their own card to borrow these items.
- Juvenile card holders must have internet permission signed by parent or legal guardian in order to check out a Hotspot.
- Library card holders must be in good standing at the time of checkout with no fines of any kind.
- Devices must be returned to a staff member at the circulation desk.
- If the device is damaged, the patron will be charged for all damages to the device and/or accessories.
- Late fees are \$1.00 / day.
- Devices will not be loaned to other libraries.

**Lost or Damaged devices:**

Users are responsible for loss or damage to the device or its accessories. Charges will be based on replacement costs of the items.

**Disclaimer:**

The Library is not responsible for any liability, damages or expense resulting from use or misuse of the Wireless Hotspot, connection of it to other electronic devices, or data loss resulting from use of it. The Library is not responsible for downloaded content on the device. Any use of this device for illegal purposes, unauthorized copying of copyright-protected material in any format, or transmission of threatening, harassing, defamatory or obscene materials is strictly prohibited. Please be advised that wireless service varies by location; the library cannot guarantee coverage in all locations.

I understand and agree to the terms and conditions for borrowing wireless hotspots described above.

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Device Name and Number

RETURNED (staff initial & date): \_\_\_\_\_

## Appendix M

**Statute of Limitations on Library Fines & Fees** Policy Statement on Financial Waiver for Patron Debts Approved by the Directors Advisory Council of STLS May 29, 2019

New York State Civil Practice Laws and Rules are specific about an institution's ability to collect debt on an open ended account. These laws apply to library patron accounts and the debts they accrue for overdue fines and lost material fees as well as other charges attached to their account for library specific services. The statute of limitations for these debts in New York State are six years.

In the interests of providing exceptional library services, allowing for a user-friendly database and ensuring unabridged access to library materials, Southern Tier Library System (STLS) will assist member libraries in complying with these statutes by automatically removing all debts incurred by a library patron within the library system's Integrated Library System (ILS). STLS will remove debts based on their encumbrance date. Any debts incurred after the six year statute of limitations will remain on the library patron's account based on local circulation rules of member libraries.

If all outstanding debts are removed from a library patron's account taking into consideration the six year statute of limitations, the library patron's account will be removed from the library system's Integrated Library System (ILS) rendering the patron's issued account number and library card unidentifiable. The library patron may register for a new library account and card at any member library within the Southern Tier Library System.

Removal of patron debts or accounts will take place daily on a schedule set by the library system in partnership with the Directors Advisory Council of STLS (DAC). The schedule will remain unless the DAC recommends a revision taking into account member library needs. STLS will furnish a current schedule to member libraries anytime revisions occur.

*Reference: New York State Civil Practice Laws and Rules – Section 213(2)*

## Appendix N.

**U.S. Department of Justice**  
Civil Rights Division  
*Disability Rights Section*



### **Service Animals**

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

#### **Overview**

This publication provides guidance on the term "service animal" and the service animal provisions in the Department's new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.

- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

### **How “Service Animal” Is Defined**

**Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.** Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of “assistance animal” under the Fair Housing Act or the broader definition of “service animal” under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general’s office.

### **Where Service Animals Are Allowed**

**Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.** For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal’s presence may compromise a sterile environment.

### **Service Animals Must Be Under Control**

**Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices.** In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

### **Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals**

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal’s presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.

- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

### **Miniature Horses**

**In addition to the provisions about service dogs, the Department’s revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities.** (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner’s control; (3) whether the facility can accommodate the miniature horse’s type, size, and weight; and (4) whether the miniature horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

**For more information about the ADA, please visit our website or call our toll-free number.**

#### **ADA Website**

[www.ADA.gov](http://www.ADA.gov)

To receive e-mail notifications when new ADA information is available, visit the ADA Website’s home page and click the [link](#) near the top of the middle column.

#### [ADA Information Line](#)

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)

to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011

#### [PDF Version of this Document](#)

July 12, 2011

### Empire Pass Patron Use Record

Empire Passes may only be checked out once per household per 30-day period. Please date and sign below to provide a record of use for this item.

Date – month, day	Pass #	Borrower Name	Staff initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
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