

ENFORCEMENT ACTION AND PROCEDURES

- The Library staff will determine appropriate action to be taken according to the severity of the prohibited activity. **An accumulation of violations may lead to temporary or permanent suspension of Library use privileges, including programs.** Depending on the nature and severity of the prohibited activity, the Library's Supervisor reserves the right to enforce immediate suspension or take appropriate measures such as contacting the police.
- Suspended persons who return to the Library before the suspension time is fulfilled and have not had a meeting with the City Librarian may be asked to leave by Library staff. If this approach is unsuccessful, the local police will be called to protect the safety and welfare of other users of the Library, including the enforcement of Criminal Trespass laws.

Prohibited behaviors described in this Code of

Conduct may be addressed as follows:

First Incident: (1) Counseling with Library Supervisor and Library User, (2) followed by a letter to the Library User with a copy of the letter sent to the City Librarian and the Key Leader.

Second Incident: (1) Counseling with Library Supervisor, City Librarian and Library User, (2) with a verbal warning from the Library Supervisor and the City Librarian, (3) followed by a letter to the Library User with a copy of the letter sent to the City Librarian and Key Leader.

Third Incident: (1) After consulting with the Library Supervisor, the City Librarian may suspend Library User's privileges to access Library including programs for up to one to three months and/or permanent expulsion from the Library, (2) documented by a letter to the Library User with a copy of the letter sent to the City Librarian and Key Leader, subject to Right of Appeal under City Code Chapter 1, Article IV.

Procedure for Appealing Staff Decision Regarding Loss of Library Use Privileges:

Appeal to Department Leader [e.g. City Librarian]

City Code Sec. 1-33. Procedure at Departmental level.

Any person aggrieved by the decision of a City employee [e.g. Library Supervisor or staff] may appeal decision through the employee's chain of command to the appropriate Department Leader [e.g. City Librarian]. If the aggrieved party is not satisfied with the decision of the Department Leader [e.g. City Librarian], the decision may be appealed to the City Manager.

Appeal to City Manager

City Code Sec. 1-34. Procedure before City Manager.

Any person aggrieved by the decision of a Department Leader [e.g. City Librarian] may appeal such decision to the City Manager.

Such appeal shall be in writing and shall succinctly state the problem or objective of the aggrieved party and the employee understanding of the decision of the Department Leader [e.g. City Librarian].

The City Manager (or acting City Manager in absence) shall render a decision within ten (10) days after receipt of the written appeal or the latest amended appeal. If, however, the City Manager determines that there is not sufficient data upon which to base a decision, further written information may be requested from the aggrieved party, in which event the ten-day time limit shall run from the date on which the completed information is received.

The City Manager may refer the controversy to an appropriate advisory board for recommendation [e.g. The Library Board], in which event the time limit of subpart c., above, shall not apply. The City Manager shall render a decision within ten (10) days after the appropriate advisory board gives its recommendation, or in the alternative, the City Manager may, within ten (10) days after receipt of the recommendation of the advisory board, place the question on the next regularly scheduled Council agenda.

Appeal to City Council

City Code Sec. 1-35. Procedure before the City Council.

Any person aggrieved by a decision of the City Manager and who has complied with the provisions of sections 1-33 and 1-34, above, may appeal such decision by filing a written notice of appeal with the City Manager within ten (10) days after receipt of the City Manager's decision.

Consideration of the appeal may be limited to the issues raised by the written appeal, as provided in section 1-34(c) and (d) above, and not disposed of to the satisfaction of the aggrieved party.

The aggrieved party shall be allowed to present evidence in support of any contentions, provided that the City Council may limit the evidence to relevant testimony, impose reasonable time restrictions, restrict repetitious testimony and require expert testimony when technical issues are involved.

At the conclusion of the hearing, the City Council shall either:

1. Sustain the decision of the City Manager or
Department Leader, or
2. Render an appropriate decision.

See Tyler City Code, Ch. 1 General Provisions, Art. IV Administrative Procedures, Sections. 1-30 through 1-35.

Library Code of Conduct: Legal Reviewed 06-05-2012



TYLER PUBLIC LIBRARY CODE OF CONDUCT

OUR MISSION IS TO MEET OUR
PATRON'S NEEDS FOR INFORMATION,
EDUCATION, AND RECREATION
THROUGH ACCESS TO LIBRARY
RESOURCES.

201 S. COLLEGE AVE.
TYLER, TX 75702
(903) 593-7323
(903) 531-1329 (fax)
www.tylerlibrary.com

Code of Conduct

BEHAVIORS PROHIBITED by the Texas Penal Code:

- Recklessly damaging or destroying City materials or property or the personal property of the building, customers, or staff. (Texas Penal Code 28.04)
- Displaying or distributing obscene material. (Texas Penal Code 43.22 and 43.24)
- Making offensive gestures, cursing or using obscene, abusive, profane or threatening language. (Texas Penal Code 42.01)
- Engaging in acts of sexual misconduct including but not limited to indecent exposure, sexual contact and sexual intercourse. (Texas Penal Code 21.07 and 21.08)
- Stalking other customers or staff including looking into an area such as a rest room, that is designated to provide privacy to a person using the area. (Texas Penal Code 42.01 and 42.072)
- Exhibiting signs of being under the influence of alcohol or controlled substances. (Texas Penal Code 49.02)
- Engaging in physical altercations including assaults and fighting. (Texas Penal Code 22.01)
- Displaying firearms or other deadly weapons on City property in a manner calculated to alarm except for law enforcement officers and those licensed to carry handguns in accordance with state law. (Texas Penal Code 42.01 and 30.06)

BEHAVIORS PROHIBITED by the Tyler City Code:

- Smoking is prohibited indoors.
- Smoking is prohibited outdoors on City property and within 20 feet of the entrance except in the designated area located on the east side of the building between the auditorium and College Avenue on the brick steps.
- Creation of graffiti on any tangible property in the City limits, without lawful authority. (City Ordinance 18-3)

The following BEHAVIORS ARE PROHIBITED if in the judgment of library staff, on a case by case basis, they disrupt the use of the facility by other facility users/members or pose a safety risk:

- Leaving children under the age of twelve unattended by an adult or guardian aged 18 or older.
- Physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. Patrons shall refrain from intentionally, knowingly, or recklessly threatening another with imminent bodily injury or causing bodily injury.
- Behaving in a loud or disruptive manner that disturbs normal activities and/or other persons.
- Panhandling or soliciting on City property or in the building.
- Cell phone use except in authorized areas.
- Using abusive, obscene, threatening, profane or harassing language.
- Making derogatory comments and slurs.
- Entering or attempting to enter facility with such defects of bodily hygiene as impairs a clean and sanitary environment including individuals whose neglect of bodily hygiene is sufficiently offensive as to be a nuisance to others and a disruption of others use of the Library.
- Eating, drinking or bringing food or beverages into areas where it is prohibited.
- Using the facility for other than its intended purpose, including loitering, sleeping, changing clothes, bathing, shampooing, shaving, washing clothes, preparing meals or food.
- Bare feet and bathing suits or clothing that does not sufficiently cover areas of the body that would constitute indecent exposure.

- Using recreational devices such as skateboards, roller skates, roller blades, bicycles or scooters in the building, on sidewalks and walkways outside the building, or in the parking lot. However, bicycles are allowed in the parking lot when used as transportation to and from the Library. Bicycles may only be parked at the bicycle rack in front of the building.
- Entering or remaining in building with personal belongings so numerous as to impede access to doors, services or equipment by others or leaving items unattended in the building or on the premises. Unattended items may be thrown away.
- Use of parking lots when not visiting the facility or for performing non-emergency auto repairs or maintenance.
- Introducing any animals, insects or other living organisms without the permission of the Library staff. This section shall not apply to a service animal as defined in federal law, or to an assistance animal defined in State law, that is specially trained or equipped to assist persons with disabilities.
- Moving, altering or rearranging furniture or equipment or altering the configuration or settings of electronic equipment.
- Physically blocking aisles, exits or entrances, including sitting or lying on the floor such that it impedes others' movements.