

CLEVELAND PUBLIC LIBRARY

Board Meeting

June 16, 2011

**RESOLUTION TO BAN SMOKING IN EASTMAN READING GARDEN AND
ADOPT A REVISED POLICY ON PATRON GUIDELINES**

- WHEREAS, At its regular meeting on May 19, 2011, the Board of Library Trustees passed a resolution requesting that the Library Administration study what the public's response would be if the Eastman Reading Garden were to become a non-smoking park; and
- WHEREAS, Over the course of three days, the Library's Planning & Research Department interviewed 337 people who were visiting the Garden; and
- WHEREAS, Of the total interviewed, 77% indicated they would be in favor of a smoking ban; 16% disagreed with the proposed ban; and 7% had no opinion either way; and
- WHEREAS, The average number of people using the Garden at any one time was 39, and of that number the average number of people smoking was two; and
- WHEREAS, Based on these findings and in response to the complaints the Library has received from patrons whose enjoyment of the Garden had been diminished by cigarette smoke in the air and butts left on the ground, the Library Administration recommends that the Library Trustees make the Garden a smoke-free environment; now therefore be it
- RESOLVED, That the Board of Trustees of the Cleveland Public Library adopt the attached revised Policy on Patron Guidelines that includes a prohibition on smoking in the Eastman Reading Garden, subject to the same due process requirements that apply to other prohibited conduct governed by Cleveland Public Library policy, to be effective July 1, 2011.



CLEVELAND PUBLIC LIBRARY

Policy on Patron Guidelines

Cleveland Public Library encourages the use of its facilities for reading, study, research, and the legitimate use of the Library's resources and services. The Library pledges to provide an atmosphere conducive to delivering library services to its patrons. To further this goal, library patrons are asked to conduct themselves in a lawful, orderly and considerate manner.

Conduct Governed by Cleveland Public Library Policy

Any behavior that disrupts the orderly use of the Library is prohibited. This includes, without limitation, behavior that constitutes a nuisance, or presents a safety and/or security hazard or affects the ability of the library staff to provide service to its patrons. The following actions are examples of conduct not allowed on library property:

- Engaging in horseplay
- Creating excessive or disruptive noise
- Using profane or offensive language
- Violating the Library's *Policy on Internet and Computer Use*
- Leaving a child, age six or under, unsupervised or unattended, anywhere in or on library premises
- Soliciting, including, but not limited to, soliciting for money, donations, or signatures
- Entering library facilities with bare feet or without a shirt, or being otherwise attired so as to create a threat to health or safety or disrupt other patrons' use of the library facilities
- Posting or distributing material without permission
- Trespassing in non-public areas
- Monopolizing equipment, materials, or furnishings
- Furnishing false information to obtain more than one library card
- Parking vehicles on library premises for purposes other than library use
- Using personal communication devices (cell phones, pagers, etc.) or entertainment devices at a volume that disturbs other patrons or library staff
- Sleeping in or on library premises
- Using restrooms for bathing or laundry
- Littering
- Eating and drinking, except in designated areas
- Bringing large bundles into library facilities
- Using skateboards or skates on library premises
- Bringing bicycles, scooters or carts into library facilities without permission
- Moving furniture or equipment without library authorization
- Blocking aisles, exits, or entrances
- Leaving packages or any other personal items unattended
- Bringing animals into library facilities, with the exception of guide dogs, assistance dogs, and animals brought in for special programs
- Smoking in the Eastman Reading Garden

Infractions of Library Policies

- ❖ 1st instance of infraction: Patron will receive a verbal warning by library staff or security personnel, and will be given a copy of this policy; the warning will include verbal notification of suspension for the day if behavior continues.
- ❖ 2nd instance of infraction: Patron's library privileges will be suspended for the remainder of the day.
- ❖ Repeated offenses by a minor will result in notification of the parent/guardian and will require a meeting with library staff prior to the reinstatement of library privileges.
- ❖ Repeated offenses by an adult may result in a seven-day suspension.

Subject to Search

Bundles, packages, backpacks, briefcases, purses, and other containers may be subject to search upon entering or leaving library buildings in order to protect and preserve the safety and security of property and people using the Library.

(continued)

Pending approval by the Board of Library Trustees, June 16, 2011

Conduct Governed by Federal, State, and Local Law

Patrons must comply with federal, state and local laws, including, without limitation, the following:

- Concealed weapon
- Threat of physical harm/menacing by stalking
- Fighting
- Selling, using or possessing alcohol or illegal drugs
- Defacing or intentionally damaging library property
- Theft and/or attempted theft of library property or the property of patrons and staff
- Threat of physical harm/menacing by stalking
- Abusive language
- Sexual conduct
- Gambling
- Being under the influence of alcohol/illegal drugs
- Smoking

Infractions of the Law

Infractions of the law may result in immediate suspension of library privileges for the remainder of the day and/or possible prosecution or other legal action, as appropriate. Upon review of the security report, the suspension period may exceed seven days, as recommended by library security.

Special Guidelines for Children and the Persons Responsible for Them

Children are encouraged to use the Library's resources and services, to enjoy the Library as a place of study and inquiry, and to participate in the Library's programs. The Library encourages parents, guardians, and caregivers to use the Library with their children. Children six and under must be accompanied at all times by a responsible party. Any child not able to travel alone must be picked up prior to closing. Disruptive juveniles may be asked to disperse or leave the Library at the librarian's discretion. Parents are responsible for the behavior of their children, and guardians and caregivers are responsible for the behavior of the children in their care. The Library is not responsible for the safety or security of children left unattended, or the safety or security of children utilizing the Internet or electronic mail in the Library. (See *Policy on Internet and Computer Use*.)

Enforcement of Patron Guidelines

Patrons who violate any of these guidelines will be promptly notified of the infraction and will be given notice of this policy. A violation may result in a patron's expulsion from the Library, suspension of library privileges, or criminal prosecution, or other legal action, as appropriate.

The Board of Trustees of the Cleveland Public Library delegates to the Director and other administrators of Cleveland Public Library the authority to enforce the *Policy on Patron Guidelines*, including the authority to suspend the library privileges of patrons who violate the Guidelines.

Patrons have the right to request an administrative review of a suspension order that exceeds one day.

Patrons have the right to request administrative review of their case if they believe they are being unfairly targeted by a library manager or security officer.

Patrons have the right to request Board review of a suspension order that exceeds seven days.

Patrons have right to request Board review of their case if they believe they are being unfairly targeted with multiple one-day suspensions, or consecutive suspensions because of managerial abuse of discretion, unevenly applied enforcement, or unreasonable managerial response.

Instructions for requesting review of a suspension order and/or a claim of unfair treatment are available at every library facility and on the Library's website: www.cpl.org.