

# Elwood Public Library

## Policy Manual

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# Administrative Policies

## CODE OF ETHICS

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of a public library to adopt a code of ethics that sets forth for the guidance of its trustees, directors, officers and employees standards of conduct reasonably expected of them, and

WHEREAS, Section 715-a of the Not-For-Profit Corporation Law as amended by the Non-Profit Revitalization Act (2013) requires public library boards of trustees to adopt conflict of interest policies to ensure that its trustees, directors, officers and employees act in the public library's best interest, and

WHEREAS, a code of ethics adopted by the board of trustees of a public library must set forth standards of conduct for the guidance of the trustees, directors, officers and employees of the public library with respect to disclosure of interests before the board of trustees, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Board of Trustees of the Elwood Public Library hereby adopts a code of ethics to read as follows:

### **Section 1. Purpose.**

Trustees, directors, officers and employees of the Elwood Public Library hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Board of Trustees recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct, including a conflict of interest policy. This code of ethics establishes those standards.

### **Section 2. Definitions.**

(a) "Board" means the Board of Trustees of the Elwood Public Library.

(b) "Code" means this code of ethics.

(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Elwood Library District. A library trustee, director, officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

(d) "Library" means Elwood Public Library.

(e) "Library officer or employee" means a paid or unpaid trustee, director, officer or employee of the Elwood Public Library.

(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a trustee, director, officer or employee, and individuals having any of these relationships to the spouse of the trustee, director, officer or employee.

### **Section 3. Applicability.**

This code of ethics applies to the trustees, directors, officers and employees of the Elwood Public Library, and shall supersede any prior library code of ethics. The provisions of this code shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and Section 715-a of the Not-For-Profit Corporation Law and all rules, regulations, policies and procedures of the Elwood Public Library.

### **Section 4. Prohibition on use of library position for personal or private gain.**

No library trustee, director, officer or employee shall use his or her position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

### **Section 5. Disclosure of interest.**

(a) Whenever a matter requiring the exercise of discretion comes before a library trustee, director, officer or employee, either individually or as a member of the board of trustees, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the library trustee, director, officer or employee shall disclose in writing the nature of the interest to the board of trustees.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the library trustee, director, officer or employee, or when the library trustee, director, officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) Any disclosure made to the board of trustees and the resolution of any conflict arising from such disclosure shall be made publicly at a meeting of the board of trustees, documented in the library's records and must be included in the minutes of the meetings.

(d) Once disclosure has been made with respect to an interest with a particular person, firm, corporation or association, no further disclosures need be made with respect to additional matters with the same party during the remainder of the year.

(e) Prior to the initial election of any trustee, and annually thereafter, such trustee shall complete, sign and submit to the board of trustees a written statement identifying, to the best of his or her knowledge, any entity of which such trustee is an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or employee and with which the library has a relationship, and any transaction in which the library is a participant and in which the trustee might have a conflicting interest. Each trustee shall annually resubmit

such written statement, and copies of all completed statements shall be provided to the board of trustees.

### **Section 6. Recusal and abstention.**

(a) No library trustee, director, officer or employee who has disclosed an interest to the board of trustees may participate in any decision or take any official action with respect to the matter giving rise to the disclosure, and may not be present at or participate in board deliberation or vote on any matter when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) No library trustee, director, officer or employee may attempt to influence improperly the deliberation or voting on any matter when he or she knows or has reason to know could

confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(c) In the event that this section prohibits a library trustee, director, officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a library trustee as a member of the board of trustees, then the power or duty shall be exercised or performed by the other members of the board of trustees; or

(2) if the power or duty that is vested in a library trustee, director or officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the trustee, director or officer does not have a deputy, the power or duty shall be performed by another person to whom the trustee, director or officer may lawfully delegate the function.

(3) if the power or duty is vested in a library employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

### **Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.**

(a) This code's prohibition on use of a library position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the Elwood Public Library's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all library trustees, directors, officers or employees;

(ii) all residents or taxpayers of the Elwood Library District or an area of the Elwood Public Library; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

- (1) which comes before a board of trustees when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
- (2) which comes before a library officer or director when the officer or director would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

**Section 8. Investments in conflict with official duties.**

- (a) No library trustee, director, officer or employee may acquire the following investments:
  - (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
  - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit a library trustee, director, officer or employee from acquiring any other investments or the following assets:
  - (1) real property located within the Elwood Library District and used as his or her personal residence; or
  - (2) less than five percent of the stock of a publicly traded corporation.

**Section 9. Private employment in conflict with official duties.**

No library trustee, director, officer or employee, during his or her tenure as a library trustee, director, officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a library trustee, director, officer or employee;
- (c) violates section 805-a or of the General Municipal Law; or
- (d) requires representation of a person or organization other than the Elwood Public Library in connection with litigation, negotiations or any other matter to which the library is a party.

**Section 10. Future employment.**

- (a) No library trustee, director, officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the library trustee, director, officer or employee, either individually or as a member of a board of trustees, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No library trustee, director, officer or employee, for the two-year period after serving as a library trustee, director, officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the library office, board of trustees, department or comparable organizational unit for which he or she serves.
- (c) No library trustee, director, officer or employee, at any time after serving as a library trustee, director, officer or employee, may represent or render services to a private person

or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a library trustee, director, officer or employee.

### **Section 11. Personal representations and claims permitted.**

This code shall not be construed as prohibiting a library trustee, director, officer or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the library; or
- (b) asserting a claim against the library on his or her own behalf, or on behalf of his or her spouse or minor children.

### **Section 12. Use of library resources**

(a) Library resources shall be used for lawful library purposes. Library resources include, but are not limited to, library personnel, and the library's money, vehicles, equipment, materials, supplies or other property.

(b) No library trustee, director, officer or employee may use or permit the use of library resources for personal or private purposes, but this provision shall not be construed as prohibiting:

- (1) any use of library resources authorized by law or library policy;
- (2) the use of library resources for personal or private purposes when provided to a library trustee, director, officer or employee as part of his or her compensation; or
- (3) the occasional and incidental use during the business day of library telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No library trustee, director, officer or employee shall cause the library to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

### **Section 13. Interests in Contracts.**

(a) No library trustee, director, officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every library trustee, director, officer and employee shall disclose interests in contracts with the library at the time and in the manner required by section 803 of the General Municipal Law and as provided herein (section 5).

### **Section 14. Nepotism.**

Except as otherwise required by law:

(a) No library trustee, director, officer or employee, either individually or as a member of the board of trustees, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the library or board of trustees.

(b) No library trustee, director, officer or employee may supervise a relative in the performance of the relative's official powers or duties.

**Section 15. Political Solicitations.**

(a) No library trustee, director, officer or employee shall directly or indirectly to compel or induce a subordinate library trustee, director, officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No library trustee, director, officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any library trustee, director, officer or employee, or an applicant for a position as a library trustee, director, officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

**Section 16. Confidential Information.**

No library trustee, director, officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

**Section 17. Gifts.**

(a) No library trustee, director, officer or employee shall solicit, accept or receive a gift in violation of section 805-a) of the General Municipal Law as interpreted in this section.

(b) No library trustee, director, officer or employee may directly or indirectly solicit any gift.

(c) No library trustee, director, officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the trustee, director, officer or

employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the trustee, director, officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the trustee, director, officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) A gift to a library trustee, director, officer or employee is presumed to be intended

to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks library action involving the exercise of discretion by or with the participation of the trustee, director, officer or employee. A gift to a library trustee, director, officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained library action involving the exercise of discretion by or with the participation of the trustee, director, officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

- (1) gifts made to the library;
- (2) gifts from a person with a family or personal relationship with the trustee, director, officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a library trustee, director, officer or employee, is the primary motivating factor for the gift;
- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a library trustee, director, officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a library officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

### **Section 18. Board of Ethics.**

(a) There is hereby established a board of ethics for the Elwood Public Library. The board of ethics shall consist of three members, a majority of whom shall not be trustees, directors, officers or employees of the library, but at least one of whom must be a library trustee, director, officer or employee. The members of such board of ethics shall be appointed by the Board of Trustees, serve at the pleasure of the Board of Trustees, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the trustees, directors, officers and employees of the Elwood Public Library with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such trustee, director, officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the library's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Board of Trustees.

### **Section 19. Posting and distribution.**

(a) The Director of the Elwood Public Library must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the library's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten

days following the date on which the amendment takes effect.

(b) The Director of the Elwood Public Library must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes a trustee, director, officer or employee of the Elwood Public Library.

(c) Every library trustee, director, officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed in the records of the Elwood Public Library.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a library trustee, director, officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**Section 20. Enforcement.**

Any library trustee, director, officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**Section 21. Effective date.**

This code takes effect on January 15, 2015

*Adopted 1/15/15*

## COMPUTER SYSTEMS SECURITY & BACKUP

The Elwood Public Library requires that their computer systems maintained by Network Administrator fall under one of several backup profiles as described below. The purpose of a systems backup is to provide a means to restore the data of a computer system in the event of a hardware/software failure, physical disaster, or human error.

A system backup consists of either a full backup or incremental backup. A full backup contains every file on the system, whereas an incremental backup includes only those files that have changed since the last full backup. Backups are performed on a periodic schedule as determined by the library or application owners in conjunction with Network Administrator.

Onsite backups are typically stored on a dedicated storage device. Once the backup retention period expires, the data is either overwritten, erased, or destroyed in an approved manner.

Backups are kept in two separate locations. One copy is kept inside the network room for quick data recovery. The other copy is sent offsite, and outside the local geographic area for protection in the event of a regional disaster. Data is stored and transmitted in an encrypted format. Onsite backups are kept for one month, offsite backups are retained indefinitely.

**IMPORTANT:** Backups save a copy of data, files, and directories found on the disk at the point in time the backup was performed, but do not record all activities or contents of users' files throughout the day. As a result, it is completely possible for a user to create and delete a file during the course of a day which will never appear on a backup. It is also important to note that a system backup is not intended to serve as an archival copy or to meet records retention requirements. Those needs are dictated by library policies and typically require dedicated hardware/software solutions or other outlined processes.

### System Backup Profiles

1. Accounting Backup-The accounting backup provided for the system running financial software is as follows:
  - A full backup is initially performed on the accounting user's documents and files.
  - An incremental backup is performed every four hours and saved on and off-site.
2. Network System Backup-Certain library-wide systems are necessary for public or staff stations to function. Systems that fall into this category include the servers. The backup schedule for these systems is as follows:
  - The servers are to be backed up nightly.
  - Backups are to be saved onsite and sent offsite upon completion.
3. No Backup-If a system does not fall under any of the backup profiles listed above, it may not be backed up.

### Virus Protection

All staff computers must have an anti-virus installed with the latest available virus definitions. Public computers must have their firewalls enabled, and be set to clear all changes upon the end of a user session (via DeepFreeze)

### Firewalls

Public computers must have their firewalls enabled to prevent the potential spread of computer viruses. The only firewall exclusions enabled by default will be for DeepFreeze administration and PC Reservation (patron management software) server communication.

### Account Permissions

Only accounts requiring domain administrator access will be granted access. This includes Network Administrator and the Library Director.

Staff who have a dedicated computer may be made a local administrator of such computer upon request if a need is demonstrated.

Each staff user will have access to a shared network location. The shared location will be public among staff. Staff with a private login will also have access to a private home directory. The home directory is a second network location that is private with respect to staff but accessible by the Library Director.

### Administrative Rights and Passwords

Network Administrator and Library Director will both have copies of all passwords for network hardware and software, servers, patron and print management systems, backup systems, filters, and any other related security or system controls.

*Adopted January 21, 2016*

## CONFIDENTIALITY OF LIBRARY RECORDS

The Elwood Public Library adheres to the following guidelines concerning the disclosure of information about library users.

No information regarding or including:

- 1) Patron's name
- 2) Patron's address
- 3) Patron's telephone number, fax number or email address
- 4) Library circulation records
- 5) Borrower's records
- 6) Number or character of questions asked by a patron
- 7) Frequency or content of a patron's visits to the Library
- 8) Any other information supplied to or gathered by the library shall be given, made available or disclosed to any individual, corporation, institution, government agency or other agency without a valid process order or subpoena. The Library Director is the only person authorized to release any information regarding a patron.

The Elwood Public Library reserves the right to utilize its collected records while in the course of its operations and in cooperation with other public libraries in Suffolk County.

The Director may authorize the release of certain records to the parent or legal guardian of a library patron in order to facilitate the collection of fees.

All library employees, and any others who work on the Library's behalf, will be informed of this policy and instructed to comply with it.

*Adopted August 27, 2003*

## CONFLICT OF INTEREST

Members of the Board of Trustees and immediate families of the Trustees, Director, and other current employees shall not be employed by the Elwood Public Library, except where such policy would violate Civil Service regulations.

Members of the Board of Trustees, the Director, and other employees will act in the highest ethical manner regarding the purchase of goods and services by the Elwood Public Library. Members of the Board of Trustees, the Director and other employees will make every effort to prevent a conflict of interest, or the appearance of a conflict of interest, from eroding the public's trust in the governance of the Library.

*Adopted May 19, 2005*

## EMPLOYEE REFERENCE

The Library occasionally receives requests from outside agencies requesting information about past and current employees. It is the policy of the Elwood Public Library to limit responses to such requests to publicly available information including the employee's dates of employment, position or title, job description and terms of employment. The Library will not offer and subjective evaluation of the employee's performance. References will be provided in writing only.

*Adopted October 20, 2011*

## OPEN MEETINGS POLICY

**Section 1 — Declaration, Purpose and Scope:** The public, non-executive session, portion of all meetings of the Library Board of Trustees shall be open to the general public.

This Policy establishes guidelines and procedures for public meetings — authorizing photography, recording and broadcasting.

### **Section 2 — Recording and Broadcasting Public Portions of Meetings:**

- (a) The public portion of any meeting of a Board of Trustees may be photographed, recorded and broadcast in accordance with this Policy.
- (b) The rules herein govern the location of equipment and personnel used to photograph, record or broadcast the public portion of a meeting in order to ensure that the use of such equipment does not detract from or interfere with the deliberative process.
- (c) There is no privacy interest in statements made during public portions of meetings of public bodies.

### **Section 3 — Rules for Recording and Broadcasting Public Portions of Meetings:**

- (a) Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.
- (b) Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the public body or those in attendance at the meeting.
- (c) Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.
- (d) Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive.

- (d) Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall remain within one (1) foot of the seating area set aside for the public, unless authorized by the Board to move about the room without disrupting, interfering or distracting from the deliberative process or those in attendance at the meeting.
- (f) Use of equipment necessary to photograph, record and/or broadcast a meeting shall be limited to a location from which such equipment is reasonably capable of photographing, recording and/ or broadcasting.

**Section 4 — Availability of Certain Library Records and Proposed Resolutions, Regulations and Policies prior to Board meetings:**

- (a) The Library shall, upon request, make available prior to and at each Board meeting open session copies of Library records scheduled to be the subject of discussion at the open session, together with copies of proposed Resolutions, Policies and Regulations scheduled to be the subject of discussion at the open session.
- (b) Copies of proposed Resolutions, Policies and Regulations scheduled to be the subject of discussion at the open session will be available at such time(s) as it is determined that it is practicable to do so.
- (c) Copies of the Library's records and proposed Resolutions, Regulations and Policies shall be available for a reasonable fee, determined in the same manner as provided under the Library's Freedom of Information Law Policy and Article "6" of the Public Officers Law.

**Section 5 — Public notice:**

These rules governing the operation of equipment necessary to photograph, record or broadcast a meeting may be posted in a designated location. Written copies of such rules shall be provided upon request, free of charge, to those in attendance at or who seek to attend a meeting.

Notice of public meetings of the Library Board of Trustees shall be governed by Article 7 of the Public Officers Law.

**Section 6 — Severability:**

If any provision of these guidelines or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

*Adopted May 20, 2021*

## PERSONNEL APPOINTMENTS

All positions are to be filled and personnel policies administered recognizing the laws and rules of the State of New York and the Suffolk County Civil Service Commission as they pertain to the Library.

The selection of staff members is based strictly on merit with due consideration of personal and educational qualifications, and of training and aptitude for the position. Applicants for employment shall be interviewed and carefully screened by the Director and/or the Director's designee.

If the applicant meets the qualifications required for the position the applicant may be hired provisionally by the Director pending final Board approval.

Every permanent competitive appointment shall be for a probationary period of twenty-six weeks. If the position is classified under Civil Service, the probationary period cannot start until the employee has been certified by Civil Service. The employee should be given assistance and consultation on the job to help him or her qualify for permanent placement.

If the performance of the probationer is not satisfactory, employment may be terminated at any time on or before the completion of the probationary period of employment, consistent with the law and governing regulations.

Members of the Board of Trustees, and the spouses, parents and children of the Trustees and the Director are prohibited from being employed by the Library.

Employment preference for non-professional positions is given to residents of the Elwood Public Library district.

*Adopted September 17, 2015*

## RECORDS RETENTION

Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein. In accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

*Adopted November 19, 2009*

*Revised March 18, 2021*

## SEXUAL HARASSMENT POLICY

Elwood Public Library is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Elwood Public Library's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Elwood Public Library. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. Elwood Public Library's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Elwood Public Library. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Elwood Public Library will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Elwood Public Library who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or director. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military

status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

*Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Elwood Public Library to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Elwood Public Library will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Elwood Public Library will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Elwood Public Library will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the director.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

## **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

## **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing

- against another employee's body or poking another employee's body;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace.

Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility.** Elwood Public Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the director.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form.

Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the director.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Elwood Public Library will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the director will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to

obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by Elwood Public Library but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Elwood Public Library, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees,

paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Elwood Public Library does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669- 4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

*Adopted October 18, 2018*

## Complaint Form For Reporting Sexual Harassment

Elwood Public Library

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the director. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/combating-sexual-harassment](http://ny.gov/combating-sexual-harassment)**

### COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

(please select one)

### SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

- Relationship to you: Supervisor Subordinate Co-Worker Other
2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.
3. Date(s) sexual harassment occurred:
- Is the sexual harassment continuing? Yes No
4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*The last two questions are optional, but may help facilitate the investigation.*

5. Have you previously complained or provided information (verbal or written) about sexual harassment at Elwood Public Library? If yes, when and to whom did you complain or provide information?

*Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.*

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?  
Yes No
- Have you instituted a legal suit or court action regarding this complaint?  
Yes No
- Have you hired an attorney with respect to this complaint?  
Yes No

*I request that Elwood Public Library investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.*

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

### **Instructions for Employers**

If you receive a complaint about alleged sexual harassment, you must follow your sexual harassment prevention policy by investigating the allegations through actions such as:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

You should create a written document of the findings of the investigation, along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

*Adopted October 18, 2018*

## SURVEILLANCE CAMERA POLICY

The Elwood Public Library strives to take reasonable precautions to assure a safe and secure environment for its staff and patrons. Because the library staff is unable to provide direct supervision over all areas of the library and library grounds, surveillance cameras have been placed at selected locations. Surveillance cameras are positioned to monitor security-sensitive areas including building entrances and exits, and high-traffic areas within and outside the buildings. Surveillance cameras are also positioned to monitor areas where specialized and/or costly equipment is installed or stored.

Cameras are installed in locations where staff and patrons would not have a reasonable expectation of privacy such as entrances, seating areas, circulation, information desk areas and the parking lot. The goal of the camera installation program is to provide for safety and security of staff, patrons and library assets.

Real time images will be viewable from the Director's office. Recorded image downloading will be available from the Library Director or designee. Cameras will not be monitored at all times, but may be viewed at random times. Where real time or recorded images include identifiable persons requesting information or checking out items, such images will be treated as confidential as provided by N.Y. Civil Practice Law and Rules 4509. The Board of Trustees authorizes the Library Director to designate library staff members who are authorized to view recorded images.

A DVR unit is designed to digitally record images onto electronic storage media which will be retained for up to 21 days. Selected digital images may be saved for as long as required. Such stored digital images are considered a library record. Stored digital images may be used to provide tangible evidence as a means of identification.

All requests to view real time or recorded images by law enforcement officials must be presented to the Library Director or designee with a proper, valid court order or judicial subpoena. Requests for public disclosure of digitally recorded images must be made in writing to the Library Director or designee in accordance with the Freedom of Information Act and Open Meetings Law. All recordings are the sole property of the Elwood Public Library. Release of recordings shall be made only as permissible pursuant to applicable law.

Requests without a subpoena or court order may be honored only for emergencies and require approval by both the Library Director and one Board Member. If the Library Director is unavailable, approval by two Board Members is required.

Questions regarding the Surveillance Camera program may be directed to the Library Director.

*Adopted 3/21/19*

## WHISTLEBLOWER POLICY

WHEREAS, Section 715-b of the Not-For-Profit Corporation Law as amended by the Non-Profit Revitalization Act (2013) requires public library boards of trustees that have twenty or more employees and in the prior fiscal year had annual revenue in excess of one million dollars to adopt whistleblower policies to protect from retaliation persons who report suspected improper conduct, and

WHEREAS, a whistleblower policy adopted by the board of trustees of a public library must set forth guidelines to protect the trustees, directors, officers, employees and volunteers of the library when allegations are made regarding illegal activity or misconduct.

NOW, THEREFORE, be it resolved that the Board of Trustees of the Elwood Public Library hereby adopts a whistleblower policy to read as follows:

### **Section 1. Purpose.**

Trustees, directors, officers, employees and volunteers of the Elwood Public Library who in good faith reports any action or suspected action taken by or within the library that is illegal, fraudulent or in violation of any adopted policy of the library shall not suffer intimidation, harassment, discrimination or other retaliation, or, in the case of employees, adverse employment consequence. The Board of Trustees recognizes that, in furtherance of this fundamental principle, there is a need for a whistleblower policy.

### **Section 2. Definitions.**

(a) "Board" means the Board of Trustees of the Elwood Public Library.

(b) "Library" means Elwood Public Library.

(c) "Library officer or employee" means a paid or unpaid trustee, director, officer, employee or volunteer of the Elwood Public Library.

(d) "Policy" means this whistleblower policy.

### **Section 3. Applicability.**

This whistleblower policy applies to the trustees, directors, officers, employees and volunteers of the Elwood Public Library, and shall supersede any prior library whistleblower policy. The provisions of this policy shall apply in addition to all applicable State and local laws relating to whistleblowers including, but not limited to, Article 18 of the General Municipal Law and Section 715-b of the Not-For-Profit Corporation Law and all rules, regulations, policies and procedures of the Elwood Public Library.

### **Section 4. Reporting Responsibility.**

(a) It shall be the policy of the Elwood Public Library that all trustees, directors, officers, employees and volunteers of the Elwood Public Library have a responsibility to report known or suspected violations in accordance with this Whistleblower Policy. This includes reporting any action or suspected action taken by or within the Elwood Public Library that is illegal, fraudulent or in violation of any policy of the Elwood Public Library, which the reporter has either actual knowledge of or has a reasonable good faith belief that same occurred. Suspected or actual wrongful action(s) regarding Elwood Public Library finances and governance, include but are not limited to the following:

- (i) Incorrect financial reporting;
- (ii) Unlawful activity;
- (iii) Activities that are inconsistent with Elwood Public Library policies; and
- (iv) Activities which otherwise amount to serious improper conduct.

### **Section 5. Reporting and Investigation Procedure.**

(a) The Board of Trustees of the Elwood Public Library shall oversee the adoption, implementation of, and compliance with this Whistleblower Policy.

(b) The Director of the Elwood Public Library shall be responsible for administering the Whistleblower Policy, overseeing an investigation, and reporting to the Board of Trustees. Any reporting of actual or suspected illegal or fraudulent activity or actual or suspected violations of any adopted library policy shall be made in writing to the Director of the Elwood Public Library.

(c) With the exception of a person's report of his or her own violation, the reporter shall not be required to provide his or her name on a report. However, anonymous reports must include sufficient information, including but not limited to, the name of the person against whom the report is being made, the date of the incident, and a description of the incident, in order that an investigation can be conducted.

(d) If the investigation establishes that a violation of law, external regulation or Elwood Public Library policy has occurred, then the Director shall determine the appropriate action based upon law and Elwood Public Library policy and make a recommendation to the Board. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation or Elwood Public Library policy has occurred, then the Director shall report to the Board its findings and determination. The investigation is closed when the Director has deemed the investigation is complete and submitted a recommendation for a resolution and/or corrective action to the Board.

(e) The Director shall document the investigation and explain the rationale for any recommended resolution and/or corrective action. All documentation relating to the investigation, including the resolution and/or corrective action taken shall remain in the Elwood Public Library's records.

### **Section 6. Confidentiality.**

All violations or suspected violations may be submitted on a confidential or anonymous basis. Reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation and prevent or correct suspected action(s). The Director shall disclose information relating to a report with those who have a need to know so that he or she can conduct an effective investigation and determine what action to take based on the results of any such investigation. In appropriate cases, the investigation documents will be shared with law enforcement personnel. Disclosure of reports to individuals not involved in the investigation shall be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal, termination or civil lawsuits.

**Section 7. Distribution.**

(b) The Director of the Elwood Public Library must promptly cause a copy of this policy, including any amendments to the policy, to be distributed to every person who is or becomes a trustee, director, officer, employee or volunteer of the Elwood Public Library.

(c) Every library trustee, director, officer, employee or volunteer who receives a copy of this

policy or an amendment to the policy must acknowledge such receipt in writing. Such acknowledgments must be filed in the records of the Elwood Public Library.

**Section 8. Effective date.**

This policy takes effect on January 15, 2015.

*Adopted January 15, 2015*

## WORKPLACE VIOLENCE

WHEREAS, Article 2 of the New York State Labor Law states that is the duty of public employers to develop and implement programs to prevent workplace violence, and

WHEREAS, Section 27-b of Article 2 of the New York State Labor Law requires public employers to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees, and

WHEREAS, a workplace violence policy adopted by the board of trustees of a public library must set forth standards of conduct for the guidance of the trustees, directors, officers, employees and volunteers of the public library with respect to the prevention of workplace violence.

NOW, THEREFORE, be it resolved that the Board of Trustees of the Elwood Public Library hereby adopts a workplace violence policy to read as follows:

### **Workplace Violence Policy of the Elwood Public Library**

#### **Section 1. Purpose.**

The Board of Trustees of the Elwood Public Library is committed to the safety and security of all employees. Workplace violence presents a serious occupational safety hazard to our trustees, directors, officers, employees and volunteers.

This Workplace Violence Policy is designed to meet the requirements of New York State Labor Law Article 2 Section 27-b. The purpose of the policy is to ensure that the risk of workplace assaults and homicides is evaluated by the Elwood Public Library and that the Elwood Public Library design and implement a workplace violence protection program to prevent and minimize the hazard of workplace violence to employees.

#### **Section 2. Definitions.**

(a) "Employer" means the Board of Trustees of the Elwood Public Library.

(b) "Employee" means a paid or unpaid trustee, director, officer, employee or volunteer of the Elwood Public Library.

(c) "Library" means the Elwood Public Library.

(d) "Policy" means the Workplace Violence Policy of the Elwood Public Library.

(e) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

(f) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course

of his or her employment by the Elwood Public Library.

(g) "Workplace violence" is defined as any physical assault or act of aggressive

behavior occurring where an employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear or material harm to the physical safety and health of such person when such stalking has arisen through and in the course of employment.

### **Section 3. Investigation.**

Acts of violence against any employee of the Elwood Public Library where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as visitors and patrons, following all policies, procedures and practices, and for assisting and maintaining a safe and secure work environment.

### **Section 4. Risk Evaluation and Determination.**

The Elwood Public Library shall evaluate the workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but are not limited to:

- (a) Working in public settings;
- (b) Working late night or early morning hours;
- (c) Exchanging money with the public;
- (d) Working alone or in small numbers;
- (e) Uncontrolled access to the workplace; and
- (f) Areas of previous security problems.

### **Section 5. Written Workplace Violence Protection Program.**

The goal of this policy is to promote the safety and well-being of all people in the workplace of the Elwood Public Library. The Elwood Public Library shall develop and implement a written workplace violence prevention program for its workplace or workplaces that includes the following:

- (a) A list of the risk factors present as referenced in Section 4 above;
- (b) The methods the Elwood Public Library will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:
  - (i) making high-risk areas more visible to more people;
  - (ii) installing good external lighting;
  - (iii) using drop safes or other methods to minimize cash on hand;
  - (iv) posting signs stating that limited cash is on hand;
  - (v) providing training in conflict resolution and nonviolent self-defense responses; and
  - (vi) establishing and implementing reporting systems for incidents of

aggressive behavior; and

(c) Annual or more frequent review of workplace violence incident reports to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

### **Section 6. Employee Information and Training.**

All employees of the Elwood Public Library will participate in an annual Workplace Violence Prevention Training Program.

(a) The Elwood Public Library shall make the written Workplace Violence Prevention Program available, upon request, to its employees, their designated representatives and the Department of Labor.

(b) The Elwood Public Library shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:

- (i) employees shall be provided with a copy of this Workplace Violence Policy, informed of the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by Section 27-b of Article 2 of the New York State Labor Law; and
- (ii) employee training shall include at least:
  - the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices; and
  - the details of the written workplace violence prevention program developed by the Elwood Public Library.

### **Section 7. Application.**

Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of the Director of the Elwood Public Library in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific employee and the employee reasonably believes in good faith that reporting to the Director would not result in corrective action.

All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the Director of the Elwood Public Library of any violent incidents, threatening behavior, including threats they have witnessed, received or have been told that another person has witnessed or received.

### **Section 8. Referral to Department of Labor.**

(a) If following a referral of a matter under this workplace violence policy to the Director's attention and after a reasonable opportunity to correct such activity, policy or

practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the Commissioner of the Department of Labor of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the Commissioner to the Director of the Elwood Public Library no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees shall be withheld.

(b) A representative of the Elwood Public Library and an authorized employee representative shall be given the opportunity to accompany the Commissioner during an inspection for the purpose of aiding such inspection.

**Section 9. No Retaliation.**

No retaliatory action may be taken against any employee for bringing what he or she believes to be a serious violation of a workplace violation protection program to the attention of the Director of the Elwood Public Library or requests an inspection by the Commissioner of the Department of Labor or accompanies the Commissioner during an inspection.

**Section 10. Enforcement.**

Any library trustee, director, officer, employee or volunteer who violates this workplace violence policy may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**Section 11. Effective date.**

This code takes effect on June 18, 2015

Adopted June 18, 2015

# Financial Policies

## ANNUAL AUDIT

The Library will retain the services of a certified public accountant that will provide advice and consultation, review the financial records, and perform an annual audit in accordance with generally accepted accounting principles and in conformity with the requirements of the New York State Department of Audit and Control.

A written report, including an opinion on the financial statements, shall be prepared by the auditor at the close of the fiscal year. This report shall be presented to the trustees at the Board meeting following its receipt.

*Adopted 7/17/2014*

## BUDGET

The Director shall annually draft a preliminary budget for discussion and development by the Board of Trustees.

The Board of Trustees will review the proposed annual budget proposal during a regularly scheduled open public meeting.

*Adopted 7/17/2014*

## CREDIT CARD POLICY

The Library shall possess two Mastercard credit cards linked to one account; one in the Director's name and one in the Business Manager's name. In addition, the Library shall also possess vendor/store specific cards.

The Library Director shall maintain physical possession of the Mastercard credit card.

The Director and the Business Manager are responsible for the use, issuance, and account monitoring of the Library credit cards.

The credit cards will be used prudently, for only goods and services related to official Library business and the maximum credit limit not to exceed \$2,000.

Any benefits derived from the use of the credit card are the property of the Library.

Library credit card purchases exceeding \$1,000 require the Library Director's prior written approval.

Documentation, including itemized receipts detailing the goods and services purchased, must be immediately submitted to the Business Office.

The full balance due on the Mastercard and other vendor/store specific card accounts are paid within the balance period indicated on the monthly statement.

The Director and the Business Manager must immediately surrender all credit cards upon separation from the Library.

Library employees may be issued, with the Library Director's approval, credit cards for pre-approved use. Any such card, other than those issued to the Library Director, must be physically maintained by the Business Office.

Employees must request credit cards from the Business Office and return the card immediately after use.

The Business Manager shall maintain an up-to-date list of all credit cards.

Each employee authorized to use a Library credit card must agree to accept full financial responsibility for any use deemed by the Library Director to be inappropriate and/or non-Library related.

*Approved 10/20/14*

## DEPOSITS OF FUNDS

All cash is to be deposited as soon as is practical in the Library's account(s). No more than \$1,000 in cash should be kept at the Library more than one business day.

*Adopted 7/17/2014*

## FINANCIAL INTEGRITY & ACCOUNTABILITY

The Board of Trustees recognizes their responsibility, to the residents and taxpayers of the Elwood Public Library district, to assure that the Library maintains an internal accounting and administrative control system that protects the Library's financial resources.

The Board of Trustees will serve in an advisory and oversight role so as to assure that the integrity of the Library's finances remain unimpeachable.

The Director is responsible for developing and maintaining a system of internal financial controls that will adequately protect the Library's assets and funds. This system of control should involve the staffing and oversight necessary to assure it success. This system should address controls at the departmental as well as Library wide level.

The internal control system should be established in accordance with the Standards established by the New York State Comptroller's Office. The internal controls should be periodically

reviewed, evaluated and adjusted as necessary. The Director will report evaluations and changes in the internal control system to the Board of Trustees at the next regularly scheduled meeting.

The Library's auditor will submit a written report on the state of the Library's internal controls as a part of the annual audit.

*Adopted 7/17/2014*

## FUND & MINIMUM BALANCE POLICY

When an expense is incurred for purposes for which both restricted and unrestricted assets are available, the Library's policy is to apply restricted net assets first. The Library Board of Trustees accepts the following asset spending order, as defined in GASB 54;

*Restricted* – fund balance amounts that can be spent only for the specific purposes stipulated by external resource providers, for example, grant funds. Restrictions may be changed or lifted only with the consent of the resource providers.

*Committed* – Fund balance amounts that can be used only for the specific purposes determined by the Library Board of Trustees taking the same formal action that imposed the constraint originally.

*Assigned* – Fund balance comprises amounts intended to be used by the Library for specific purposes. Intent can be expressed by the Library Board of Trustees or by an official or body to which the Library Board of Trustees delegates the authority. Assigned fund balance represents the amount that is not restricted or committed.

*Unassigned* – Fund balance is the residual classification for the general fund and includes all amounts not contained in the other classifications. Unassigned amounts are technically available for any purpose.

### Minimum Balance:

The Elwood Public Library is committed to maintaining a prudent level of financial resources to protect against the need to reduce service levels because of temporary revenue shortfalls or unpredicted expenditures. The Library's Minimum Fund Balance Policy requires a reserve for economic uncertainties, consisting of 20% of General Fund Operating Expenditures.

Fund Balance may be accessed in the event of an unexpected expenditure, not to exceed the minimum established level upon approval of a budget amendment by the Library Board.

Any budget amendment that will result in the Fund Balance dropping below the minimum level will require the approval of a majority of the Library Board.

In the event that the balance drops below the established minimum level, the Library Board of Trustees will develop a plan to replenish the fund balance to the established minimum level in a timely manner.

*Adopted July 21, 2010*

*Revised July 17, 2014*

## GIFTS AND DONATIONS

The Elwood Public Library welcomes financial and material donations.

### Financial donations:

All gifts will be used at the Library's discretion unless the donor requests a special usage agreement. For donations of \$10,000 or less this agreement can be made between the donor and the Director. For gifts of more than \$10,000 the Board of Trustees must approve the agreement.

### Materials donations:

The Library may accept donations of library materials. The Library will choose to accept materials based primarily on the condition of the item, the popularity of the item, the accuracy and currency of the information contained in the item and whether the item complements the current holdings in the Library's collections.

The Elwood Public Library retains full control over all donated materials. Donated items can be added to the Library's collections, given to other institutions or disposed of in other ways at the sole discretion of the Library. No agreement will be made to waive this control.

The Library will acknowledge all donations in writing. Only in the case of financial gifts will monetary values be assigned. It is the responsibility of the donor to have materials appraised before donating them to the Library.

*Adopted 7/17/03*

*Revised 7/17/2014*

## INVESTMENT OF IDLE CASH BALANCES

The Library's investment program must recognize three basic concerns -- safety, liquidity and yield. For the most part, the laws covering the investment of public funds are so written that safety and liquidity are assured; the statutes are explicit in describing the kinds of investments that are permissible, as well as the security, if any, which must be provided to safeguard such investments. The third concern, the yield, will be influenced by the (1) length of time that funds are available for investment; and (2) the selection of the type of legal investment available which will afford the best earnings.

The Finance Officer and Director will act jointly in selecting the best media for investment of idle cash balances.

Library funds may be invested temporarily, for example, in certificates of deposit, by the Director in any bank(s) with an office in New York State, as long as all investments are made in a manner consistent with applicable New York State statutes and regulations. While the Finance Officer and Director should seek high rates, safety must be the primary concern in all such investment decisions.

*Adopted 7/17/2014*

#### PAYMENT OF BILLS

Bills incurred by the Library shall be presented to the Board of Trustees at each regular Board meeting in a manner prescribed by the Board of Trustees and reviewed and approved by Board motion as is appropriate. After such approval, two authorized Board members will co-sign each check used for payment.

The Library may pre-pay payroll and employment tax bills from a separate payroll account requiring the signatures of two Board members. A report of any such payments will be made to the Board of Trustees at the next regularly scheduled Board meeting.

The Library may pre-pay other bills (such as rent, utilities, credit card, personnel costs or those that carry a significant penalty for late payment) with a check co-signed by two authorized Board members. Authorized bank fees, payroll processing fees, and retirement system contributions may be debited directly from accounts when necessary. A report of any such payments will be made to the Board of Trustees at the next regularly scheduled Board meeting.

The Director may pre-pay bills (not to exceed \$3,000) using the Director's Contingency Account. A report of any such payments will be made to the Board of Trustees at the next regularly scheduled Board meeting.

*Adopted June 17, 2004*

*Revised July 17, 2014*

#### PETTY CASH

The Library maintains an account of \$300 to be used for small purchases made at the discretion of the Administration Office. Original receipts are retained for all purchases made from the petty cash account and presented to the Board of Trustees when the petty cash replenishment is made.

*Adopted 7/17/2014*

## PROCUREMENT GUIDELINES

All products purchased by the Library require a requisition order signed by the Director. The Director is responsible for the signing and maintaining of requisition orders. The Director may delegate portions of that duty to appropriate staff.

All services procured by the Library require a written contract. The Director is responsible for signing and maintaining contracts. The Director may delegate portions of that duty to appropriate staff.

All Library purchases will be made in a lawful manner. Purchases that must by law be made through the competitive bidding process are to be made through the competitive bidding process. The competitive bidding threshold under General Municipal Law for contracts for public works is \$35,000 and the threshold for purchase contracts is \$20,000.

If, in the opinion of the Director, a purchase that exceeds the thresholds needs not be subject to competitive bidding, the Director will make a recommendation for purchase to the Board of Trustees and present the reasons why bidding is not required. This will be done at a regular meeting of the Board of Trustees. The Board must agree by legal vote with the Director's recommendation for the purchase to be made. Reasons to dispense with competitive bidding may include emergencies, leases, professional services and sole source procurements.

When it is in the Library's benefit to add to or upgrade an existing system or equipment by using the same vendor who supplied the original existing system or equipment the Director must get Board approval before making such a purchase if the purchase will exceed the competitive bidding threshold.

Items or services costing at least \$10,000 will be brought to the attention of the full Board of Trustees for discussion and approval.

The Director may authorize the purchase of items or services costing less than \$ 10,000. For purchases that exceed \$5,000 the Director should get at least two bids. For any purchase that exceeds \$7,500 the Director should get at least three bids.

In the event of a serious emergency that threatens safety or the ability of the Library to stay open to the public the Director is authorized to take necessary action, the cost of which shall not to exceed \$25,000, if calling an emergency meeting of the Board of Trustees beforehand is not practical.

*Adopted 7/17/2014*

## SURPLUS ITEMS

The Director may dispose of surplus items in any legal manner. All disposals of individual items that cost more than \$1,000 to purchase should be reported to the Board. Any disposal of individual items that cost more than \$5,000 should be approved by the Board prior to disposition.

*Adopted 7/17/2014*

# Library Service Policies

## ACCESS TO LIBRARY PREMISES

The Director has responsibility for maintaining the security of the Library facility. No one may visit or use the Library facility outside of official operations without the specific authorization of the Director.

Only the Director, full time Library staff members (who have responsibility for opening and closing the Library) and authorized vendors will be given keys to the Library and alarm access codes.

The Director will maintain a list of people with keys and access codes.

*Adopted September 17, 2015*

## BULLETIN BOARDS

The library may permit leaflets, newsletters, or flyers to be posted on its bulletin board and displayed in literature racks for distribution to the public.

The library will post and/or display:

1. Official Government Announcements and Communications.
2. Listings of cultural and educational events to be held in the area
3. Announcements of public meetings and other events sponsored by non-profit community organizations.

Literature may not include the following:

- commercial announcements
- advocacy messages
- endorsement of any political candidate or party
- personal notices
- "For Sale" notices
- anything defamatory or slanderous in nature

All materials to be posted must first be approved by the Director or his/her designee.

The library assumes no responsibility for the preservation, protection or possible damage to or theft of any notices displayed.

Requests for display of materials are subject to the availability of space. The library also reserves the right to restrict the size poster and announcements and the time span in which materials will be kept on exhibit.

*Adopted 1/22/04*

## CIRCULATION POLICY

All residents of the Elwood School District are eligible to receive an Elwood Public Library Card. A patron must be present at the Library to apply for a card, except in cases where the patron will be registering for homebound library service. A single valid photo identification listing local residency is sufficient to prove residency. These can include a driver's license, state issued identification card or passport. If the local street address is not listed on the document, a second item listing local residency must also be provided. Those can be a current utility bill (which lists street address) or a current lease. Other items may be accepted at the Director's discretion.

- There is no charge or fee to apply for a library card. On the day a patron applies for a card they may take out items. Replacement cards are \$1. Replacement cards will only be issued once the previous card is free of replacement costs.
- Cards are valid for 3 years. Staff will update expired cards after the patron has confirmed that all the information on the card and on the patron's registration is correct and has shown identification as stated above.
- Parents or guardians may put restrictions on children's cards who are under 18.
- A patron must have their library card or a picture ID with them when taking out items.
- Books, audio books on CD, and nonfiction DVDs, circulate for 28 days. Musical CDs and TV series circulate for 2 weeks. Magazines and entertainment DVD's circulate for 7 days. Reference materials never circulate. Elwood Public Library will circulate new books (except those that have holds for district residents) to Direct Access cardholders. All other regulations, including fees, apply to Direct Access cardholders in the same manner as district residents. Materials that are checked out to a patron will automatically renew up to 6 times as long as the patron's record remains in good standing and the item is not on reserve for another patron.
- A patron may reserve any item that circulates. Reserves may be placed in person, online or over the phone. Staff will alert patrons by phone or email when the item(s) they have on hold is available for pick up. Once the patron has been contacted they will have 7 days to pick up their reserved items. After that time the item will go to the next patron on the reserve list or back on the shelf.
- Patrons may have 50 items checked out on their library card at any given time. Of those 50 items there is a limit of 15 DVDs.
- Elwood Public Library does not charge late fees, with the exception of items in the Library of Things and Museum Passes. If a patron loses, damages or fails to return items they will be charged a materials fee. That fee will equal the cost of having the item repurchased, reprocessed and returned to the shelves. If the item is one the library cannot or chooses not to replace the fee will be equal to the original cost of the item.
- Elwood Public Library will attempt to inter-library loan materials that are not available in our collection. All loan periods, in the case of inter-library loans, are determined by the lending library. Our patrons will be expected to abide by those rules.

*Updated March 18, 2021*

## COMPUTER USE RULES

Elwood Public Library offers access to electronic resources, including Internet access for education and recreational uses. Access is a privilege, not a right, and requires responsibility on the part of the user, and adherence to this Policy.

The Internet offers unlimited global access to all types of information. Not all sources are accurate, complete, current, legal or philosophically acceptable to all people. Some information may be offensive, inappropriate, controversial, illegal, erroneous, etc. It is the responsibility of the user to select or reject online information based on good judgment and discretion.

Elwood Public Library cannot fully monitor or control the content of the materials on the Internet, which changes rapidly and unpredictably. With respect to minor children's use of the computers and Internet, it is the sole responsibility of the parent(s) and/or guardian(s) to monitor their use.

Prior to gaining access to the Internet, Library computer users, and those accessing the Internet via the Library's wireless network, must agree to accept and abide by this Policy. While there may be a reasonable expectation of privacy when viewing the Internet in a private setting, Library computer users should not have a similar expectation of privacy, particularly when the computer screen and/or printout could be viewed by others. Library computer users are responsible for using the Internet appropriately, and **must not**:

1. Violate applicable federal, state, or local laws including copyright, harassment and defamation laws;
2. Access, upload, download, transmit or distribute pornographic, obscene, or sexually explicit language or material. Obscene or sexually explicit material is defined as text, pictures or sound which the average adult applying contemporary community standards would find primarily appeals to a prurient interest in sex and lacks serious literary, artistic, political or scientific value;
3. Interfere with or disrupting other Library computer users, services, or equipment.
4. Attempt to modify or gain access to files, passwords or data belonging to others. Seeking unauthorized access to any computer, damaging or altering software components of any network or database is prohibited.
5. Use malicious, threatening, harassing, or obscene behavior or language.
6. Participate in activities that could cause congestion and disruption of networks and systems.
7. Conduct unsolicited advertising.

Violation of this Policy may result in penalties up to and including the termination of one's right to access the Library's Internet and/or suspension of other Library privileges.

In no event will Elwood Public Library have any liability for lost profits or for any direct or indirect special, punitive, or consequential damages, or any liability to a third party, even if the Library is advised of the possibility of such damages, arising from the use of its computers or Internet. Users assume all associated risks and agree to hold harmless the Library for any personal information that is compromised, or any damage caused to users' hardware or software due to electric surges, security issues, viruses, hacking or otherwise. *Adopted 1/22/04 Revised 9/15/16*

## INTERNET POLICY

The Board of Trustees of the Elwood Public Library recognizes that computers and the Internet are essential research and educational tools. The Library, therefore, offers Internet access as an extension of the Library's reference and research functions.

Patrons should be aware; however, that information on the Internet might be inaccurate, incomplete, dated or offensive to some individuals. The Board strongly recommends that patrons evaluate the validity and appropriateness of information obtained via the Internet. In an effort to assist its users, the Library provides training to help the public in using the Internet in a safe, effective and efficient manner.

The Board of Trustees recognizes the rights of parents/guardians to decide which library resources are appropriate for their minor children. Accordingly, the Elwood Public Library urges minors and their parents or guardians to keep in mind the following safety guidelines:

- Never give out identifying information such as home address, school name, or telephone number
- Let parents or guardians decide whether personal information such as age, marital status, or financial information should be revealed
- Never arrange a face-to-face meeting with someone via the computer without a parent's or guardian's approval
- Never respond to messages that are suggestive, obscene, threatening, or make one uncomfortable and tell a parent or guardian if you receive such a message
- Remember that people online may not be who they say they are
- Remember that not everything one reads is true

Patrons are responsible at all times for using the Internet appropriately. The Board expects parents/guardians to supervise their children's Internet sessions to ensure appropriate and safe access. Use of the Internet for unlawful purposes including, but not limited to, the production or distribution of threatening material; expressions of bigotry, racism or hate; cyber-bullying; obscene or sexually explicit material; and material protected by trade secret is prohibited. The harassment of other Internet users is also prohibited.

The New York State Legislature (in enacting New York's obscenity laws) and numerous courts (in interpreting such laws), have recognized the existence of community standards when defining obscene or sexually offensive materials. The Board of Trustees seeks to place reasonable restraints on the public display or distribution of certain materials that lack literary, artistic, political or scientific value. The Elwood Public Library fully complies with the provisions of the Children's Internet Protection Act. The Library utilizes filtering technologies.

*Adopted September 17, 2015*

## MATERIALS SELECTION POLICY

The Library will provide an extensive collection of materials in all appropriate formats for the information, education, enrichment and recreation of the community.

The Library recognizes its obligation as a public institution serving the needs of a large group of people with varied backgrounds, abilities, tastes, interests and purposes; thus, the Library will endeavor to assemble a collection sufficient to make it a dependable source of materials for most of the people, most of the time. Materials selected should conform to the interest of the community without being restricted by them.

Library materials will be selected for values of interest and information. There should be the fullest practical provision of materials presenting diverse points of views concerning the problems and issues of our times and the past.

Materials shall not be proscribed or removed because of partisan, doctrinal or moral views. The only materials that ipso facto should not be in the Library's collection are those judged by the appropriate court or courts to be illegal. The Library shall not be the political, religious, moral or cultural arbiter of the community.

The Library will provide materials for users of all ages.

The Director is responsible for the selection of materials and the development of the collection. Selection, however, is a two way process. The users of the Library indicate their interests and needs and then the staff executes critical judgment in anticipating demands and in selecting the best materials with which to satisfy the users.

The selection of materials may be limited by the following factors,

- 1) physical limitation of the facilities
- 2) suitability of the format for Library purposes
- 3) budgetary considerations
- 4) availability of special materials in more comprehensive library collections in the area
- 5) inexpensive accessibility in other locations

No attempt will be made to purchase textbooks used in the schools and colleges in the area. However, a book is not to be excluded only because it is a textbook.

Suggestions for items should be made in writing to the appropriate Library staff member and they are welcome from any Elwood Public Library cardholder.

*Adopted 7/17/03*

## MEETING SPACE

The Elwood Public Library welcomes the public use of its meeting facilities for activities in keeping with the library's mission to "...provide the community with a center for information, education, culture, recreation, and social interaction."

The use of library meeting and quiet rooms must be for the holding of educational, social, civic or recreational meetings and entertainments, civic forums and other uses pertaining to the welfare of the Elwood community. Permission to use the library meeting rooms is in no way an endorsement of that group's views, objectives or beliefs.

The following regulations govern the reservation of library meeting space from outside groups or organizations:

- 1) Applications for use of a meeting room shall be made on the appropriate library form, available in the Library.
- 2) All completed applications, with the Library's legal agreement governing meeting room use, must be submitted to Library administration at least TWO (2) WEEKS prior to the first date of use.
- 3) The person signing the application shall be a resident of the Elwood Public Library District, and is responsible for the supervision and conduct of the group while using Library meeting space (please refer to the legal agreement for full terms and conditions in this regard)
- 4) Library sponsored programs take precedent over any other uses of the meeting rooms.
- 5) Priority is then given to groups and organizations having a majority of their members who reside within the library district.
- 6) The Library Director has the sole discretion for approving and scheduling the use of library facilities and meeting space.
- 7) Meetings may be scheduled no more than three (3) months in advance.
- 8) The use of staff space is not permitted.
- 9) All uses of the Library meeting rooms must be open to the public.
- 10) Organizations should notify the Library and any expected attendees in the event a meeting is cancelled or postponed. If an organization cancels two meetings without notifying the Library, the Library reserves the right to revoke that organization's privilege of reserving meeting room space.

The following regulations govern the use of library meeting space when a reservation was not made:

- 1) Priority for both the meeting and quiet rooms goes to any library sponsored program or approved group that has followed proper reservation procedure to secure them.
- 2) Users without a reservation must sign in and out at the reference desk, making note of the time of their sign in.

- 3) If a room is not reserved or in use, walk ins are welcome and each room will be made available to patrons on a first come, first served basis.
- 4) In order to accommodate multiple users, an individual or group may use the available room for up to one hour. This time may be extended in half hour increments if no one is waiting.
- 5) The meeting room may be shared once a patron's designated hour is up and there is a patron waiting to use the room who also agrees to share. If either patron declines to share, the room goes to the next patron waiting.
- 6) A vacated room is considered abandoned after 15 minutes and may be assigned to another individual or group.

*Adopted 9/18/14*

*Updated 2/13/19*

**MUSEUM PASS LENDING POLICY & AGREEMENT  
BORROWING POLICY**

Elwood Public Library has museum passes available for loan to EPL cardholders 18 years of age and older, with library cards in good standing.

Museum passes are loaned for a time period of three (3) days and must be returned to a librarian at the reference desk by closing time on the third day. Passes are not to be returned in the library's book drop.

A \$10 per day late fee will be attached to the borrower's library record.

If the pass is lost, stolen, or damaged a replacement fee will be charged to the patron's record in lieu of any late fees. The replacement fee varies with each museum.

**BORROWING AGREEMENT**

By signing below, I attest that I am 18 years of age or older and I agree to the following statements:

I have read and understand the Elwood Public Library's policy for borrowing a Museum Pass as stated above.

I understand that the replacement cost for each pass varies for each museum and that I will be responsible for the pass and/or its accessories if it is lost, stolen, or damaged while checked out in my name.

**Signature** \_\_\_\_\_  
**Date** \_\_\_\_\_

**Print Name clearly** \_\_\_\_\_

**Patron Barcode**  
\_\_\_\_\_

**For Library Use**

Check out time \_\_\_\_\_ By \_\_\_\_\_ Check in time \_\_\_\_\_ By \_\_\_\_\_

*Adopted 10/20/14*

## NON DISTRICT CIRCULATION

The Elwood Public Library is a member of the Suffolk Cooperative Library System (SCLS) and follows the SCLS Resource Sharing Code as established by SCLS and its member libraries. It is the intent of the Elwood Public Library to make as much of its collection as possible available for borrowing by director access and interlibrary loan.

Any borrower possessing a valid full service borrower's card, in good standing, issued by any member library of SCLS may utilize the resources of the Elwood Public Library and borrow most of the items available to an Elwood Public Library cardholder through direct access and interlibrary loan.

The only materials that are not for borrowing by non-district residents through direct access and interlibrary loan are the Rosetta Stone Language materials, which are non-print materials that may be restricted according to the SCLS Resource Sharing Code.

*Adopted May 20, 2010*

## NOTARY SERVICES

Elwood Public Library employees who hold a valid New York State Notary license are available on-site to provide notary services to patrons who visit the library.

Library notary publics are required to follow all New York State laws governing notary services.

The library will pay the cost of training for library staff to become a notary public and to maintain his or her license.

Notary services are available to individuals who visit Elwood Public Library subject to the parameters set forth herein:

- Notary services are offered during regular library hours. Appointments are recommended, but walk-ins are welcome, subject to the availability of on-site notaries.
- An individual may be limited to 10 notarizations per day. A notarization consists of one signature, one stamp and one seal.
- The library does not charge for a notarization.
- The individual utilizing the library's notary services must personally appear, present a valid New York State driver's license or other government-issued photo identification and sign before the notary public.
- The library's notary service is not available for deeds, and other real estate documents (i.e. mortgages and satisfactions of mortgages), wills, living wills, trusts, codicils, powers of attorney or depositions.
- The library will not provide witnesses, and witnesses may not be solicited from other staff members or patrons using the library. In order to serve as a witness, the witness must personally know the person whose document is being notarized and must be in

possession of valid New York State driver's license or other government-issued photo identification.

- Documents in any language other than English will not be notarized at the library.
- An individual seeking to utilize this service must be able to communicate clearly with the notary. The use of translators is not permitted.
- Library notary publics are not attorneys licensed to practice law, and he/she may not give legal advice.
- In its discretion, the library reserves its right to decline to provide notary services to a patron.

*Adopted June 20, 2019*

#### **PUBLIC PARTICIPATION**

The Elwood Public Library shall provide a variety of mechanisms for members of the public to present their questions and concerns about its programs, services, and other library-related matters.

At any regular meeting of the Board of Trustees of The Elwood Public Library, members of the general public shall be given an opportunity to present their questions and concerns during a Period for Public Expression. Individual presentations shall be limited to no more than five (5) minutes, and the total time for all such presentations may be limited. Members of the Board of Trustees are not obligated to respond to questions or comments from the public, but may do so at their own discretion. The Library reserves the right to take all necessary measures to prevent any conduct that interferes with the orderly administration and conduct of meetings or prevents those in attendance from observing or hearing the deliberative process.

Questions and concerns may also be referred to the Director for his or her further study, attention, and resolution.

*Adopted 7/17/03*

## RULES GOVERNING USE OF THE LIBRARY

Patrons shall engage in reading, studying, using Library materials or similar activities commonly associated with the use of a Public Library. Any persons not so engaged may be required to leave the Library premises.

These Rules are posted for the comfort and protection of all who use the facilities of this Library  
**THE FOLLOWING ARE PROHIBITED BOTH WITHIN THE LIBRARY BUILDING AND ANYWHERE ON LIBRARY GROUNDS.**

- a. Disruptive behavior: Interfering with other's use of the Library.
- b. Disturbing others by arguing, propagandizing, distributing literature or preaching.
- c. Soliciting and/or circulation of petitions.
- d. Loud, abusive or threatening language.
- e. Possession of alcoholic beverages, controlled substances (without a prescription), weapons or other dangerous objects.
- f. Loitering, congregating, hanging around, or sleeping.
- g. Smoking within the Library building
- h. Defacing or destroying Library material and property.
- i. Use of audio equipment without headphones or at a volume level that is audible to others.
- j. Eating or drinking within the Library building (except by personnel within the employee lounge or when authorized by the Board of Trustees or Director or their assignee.)
- k. Rearranging furniture, more than one person per chair.
- l. Sitting on or putting feet on tables.
- m. Inappropriate dress; Bare feet or shirtless.
- n. Bringing animals into the building, other than service animals.
- o. Leaving children unattended.
- p. Use of Library facilities for commercial purposes.
- q. Cell phone use within public areas of the library building.

**LIBRARY PERSONNEL WILL ENFORCE THESE RULES. PATRONS NOT COMPLYING WITH THESE RULES WILL BE ASKED TO LEAVE. LIBRARY PERSONNEL ARE AUTHORIZED TO CALL THE POLICE IF NECESSARY.**

*Adopted 1/22/04*

## SOLICITATION & DISTRIBUTION

Organizations and individuals are prohibited from canvassing, distributing literature, circulating petitions or selling merchandise to employees or patrons on Library premises. Solicitation is not permitted on Library property at any time.

*Adopted 5/19/05*

## SURVEILLANCE CAMERA POLICY

The Elwood Public Library strives to take reasonable precautions to assure a safe and secure environment for its staff and patrons. Because the library staff is unable to provide direct supervision over all areas of the library and library grounds, surveillance cameras have been placed at selected locations. Surveillance cameras are positioned to monitor security-sensitive areas including building entrances and exits, and high-traffic areas within and outside the buildings. Surveillance cameras are also positioned to monitor areas where specialized and/or costly equipment is installed or stored.

Cameras are installed in locations where staff and patrons would not have a reasonable expectation of privacy such as entrances, seating areas, circulation, information desk areas and the parking lot. The goal of the camera installation program is to provide for safety and security of staff, patrons and library assets.

Real time images will be viewable from the Director's office. Recorded image downloading will be available from the Library Director or designee. Cameras will not be monitored at all times, but may be viewed at random times. Where real time or recorded images include identifiable persons requesting information or checking out items, such images will be treated as confidential as provided by N.Y. Civil Practice Law and Rules 4509. The Board of Trustees authorizes the Library Director to designate library staff members who are authorized to view recorded images.

A DVR unit is designed to digitally record images onto electronic storage media which will be retained for up to 21 days. Selected digital images may be saved for as long as required. Such stored digital images are considered a library record. Stored digital images may be used to provide tangible evidence as a means of identification.

All requests to view real time or recorded images by law enforcement officials must be presented to the Library Director or designee with a proper, valid court order or judicial subpoena. Requests for public disclosure of digitally recorded images must be made in writing to the Library Director or designee in accordance with the Freedom of Information Act and Open Meetings Law. All recordings are the sole property of the Elwood Public Library. Release of recordings shall be made only as permissible pursuant to applicable law.

Requests without a subpoena or court order may be honored only for emergencies and require approval by both the Library Director and one Board Member. If the Library Director is unavailable, approval by two Board Members is required.

Questions regarding the Surveillance Camera program may be directed to the Library Director.  
*Adopted 3/21/19*

## TABLET LOAN

### **Borrowing Requirements:**

Elwood Public Library has tablets available for in-house loan and are available on a first come, first served basis. Tablets are preloaded with Children's and Young Adult Apps; or adult periodicals and databases. Tablets will be available at the Information Desk.

Current adult EPL cardholders who meet and agree to the following criteria will be able to borrow a tablet for in-library use only.

- EPL patrons who have fines under \$5 on their library account
- EPL patrons who are 18 and over (EPL staff will hold a license and library card)
- Tablets may to be used in all areas of the library except kitchen and bathroom areas
- Tablets may be borrowed for a period of 60 minutes
- Tablet borrower may request a 60 minute extension if there are no other borrowers waiting
- Patrons will acknowledge in writing that they are responsible for the tablet and all components checked out to them.
- **Tablets may not be left unattended.** The borrower must report any problems with the tablet to the Library staff when it is returned
- **Patrons will be billed for any damage** to the tablet or accessories which occur during the time in a borrower's possession
- **Patrons will be billed if the tablet is lost or stolen** while in their possession
- Printing is not available from the tablets
- Tablets must be returned to the Information Desk 15 minutes prior to closing or after one hour of use.
- Tablets cannot be borrowed after 45 minutes prior to closing

*Adopted September 19, 2013*

## UNATTENDED CHILDREN

Elwood Public Library welcomes children and strives to provide a warm and pleasant atmosphere for them. Young children left alone while at the library, even for a short time, often become frightened or anxious. Please safeguard your children by insuring that they are properly supervised, and by following the policy outlined below:

1. While in the library, children aged 10 or younger shall at all times, be accompanied and adequately supervised by a responsible person (parent, caregiver, or mature adolescent).
2. Children who are 11 years of age or older may be unaccompanied, but must observe library rules.
3. Parents, not library staff, are responsible for the behavior of their children. Disruptive behavior cannot be tolerated.
4. When the safety of an unattended child is in doubt, the library staff will attempt to contact the parents. If the parents are unavailable, the library will reserve the right to contact the proper authorities.
5. Violations of this policy are grounds for suspension of library privileges.

*Adopted February 26, 2004*

*Updated April 17, 2019*