

## **Disruptive Behavior**

Patrick Heath Public Library resources, facilities and services are available to persons of all ages. While everyone has an equal right to access library resources, services and facilities, no person has the right to interfere with the ability of others to use and enjoy the library. The Patrick Heath Public Library Advisory Board has adopted the following Disruptive Behavior Policy to reinforce the belief that library users and staff have a right to assume that visits to the library will be free from harassment, physical discomfort, danger, and/or psychological stress.

## **Unacceptable Patron Behavior**

The policy of the Patrick Heath Public Library is to maintain the library as a pleasant environment that is conducive to serious study as well as casual use. To produce such an environment, the library considers the following acts to be examples of “Unacceptable Patron Behavior:”

- Exhibiting disruptive, uncontrolled behavior or exceeding acceptable noise levels;
- Loitering, unaccompanied by a child or teen, in areas designated for children, teens and families;
- Loitering on Library Premises<sup>1</sup> without a specific library purpose (library purpose includes reading, studying, computer use, program attendance and quiet socialization and discussions);
- Harassing patrons or staff, or attempting to engage patrons or staff in unwanted discussion;
- Bringing animals into the library (except for service animals, animals that are in training for this purpose, or animals involved in special programs);
- Running in the library;
- Entering the library without shoes or shirt;
- Using a skateboard, scooter, or skates on library premises (with the exception of scheduled library programs);
- Having personal hygiene that distracts patrons or staff to the point that it interferes with patrons’ use of library resources or with staff work;
- Making unauthorized or inappropriate use of library equipment, e.g. elevators, computers, fire alarms, emergency exit doors, etc.;
- Entering without permission any area of the library closed to the public;
- Littering;
- Placing briefcases, backpacks, book bags, or any other possessions where they block aisles or disrupt patrons or staff;
- Leaving possessions, including briefcases, backpacks, or book bags, unattended in any space;
- Soliciting, petitioning, or panhandling on library premises;
- Sleeping in the library;

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<sup>1</sup> Library Premises encompass the interior space of the Library building plus the surrounding facilities and grounds.

- Smoking on library premises except in designated area;
- Leaving children aged ten years old, or younger, unattended; and/or

This list of Unacceptable Patron Behavior is not exhaustive and may be amended from time to time as the Patrick Heath Public Library Advisory Board sees fit. The Library Director and staff are responsible for monitoring patron conduct on Library Premises. Anyone interfering with another's use and enjoyment of the library will be asked to stop that behavior or activity. If after one verbal warning no improvement is made, the staff member will ask the individual to leave the library premises for the remainder of the business day. If the individual refuses to leave, the Boerne Police Department will be called for assistance.

These and other chronic patron behavioral issues will be addressed through the library's "three-strike" policy applicable towards both adults and children. Being requested to leave the library premises will be considered as a "strike" under this policy. Consequences of chronic Unacceptable Patron Behavior may result in the expulsion from the library after which the offender may be reinstated only after a successful appeal. Please see the Revocation of Library Privileges Procedure below.

### **Zero-Tolerance Patron Behavior**

A zero-tolerance policy will be enforced on Library Premises for behavior that is deemed to be threatening, illegal, dangerous, and/or harmful to patrons or staff. If such behavior is witnessed by the library staff or patrons, the Boerne Police Department will be contacted immediately and without warning.

- Stealing, destroying, or defacing any library property including, but not limited to, Library materials, equipment, and furniture;
- Carrying or brandishing illegal weapons, including handguns without a handgun license;<sup>2</sup>

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<sup>2</sup> An illegal weapon under the Texas Penal Code includes:

- (1) an explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.;
- (2) a machine gun;
- (3) a short-barrel firearm;
- (4) a firearm silencer;
- (5) knuckles;
- (6) armor-piercing ammunition;
- (7) a chemical dispensing device;
- (8) a zip gun;
- (9) a tire deflation device;
- (10) club (blackjack; nightstick; mace; tomahawk);
- (11) illegal knife (knife with a blade over five and one-half inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear).

- Exhibiting inappropriate or indecent behavior, or using profane language, particularly in the presence of minors;
- Exhibiting any behavior that threatens the physical safety of other patrons and staff or creates a threatening and intimidating environment. (e.g., cursing at patrons or staff; approaching patrons or staff and engaging in unwanted or inappropriate interaction; threats to personal safety of patrons or staff; the transmission of threatening, harassing, malicious, or abusive language and/or images, etc.);
- Publicly displaying obscene materials, especially in the presence of minors. (e.g., displaying sexually explicit sites from the Internet, etc.); and/or
- Possessing alcohol or any illegal drugs and/or narcotics or being intoxicated to the point of impairment of mental or physical abilities.

This list of Zero-Tolerance Behaviors is not exhaustive and may be amended from time to time as the Patrick Heath Public Library Advisory Board sees fit. The Library Director and staff are responsible for monitoring patron conduct on Library Premises. Anyone exhibiting any of the Zero-Tolerance Behaviors listed above will be asked to immediately leave the Library Premises. There is no “three-strike” policy towards Zero-Tolerance Behaviors. Consequences of Zero-Tolerance Behavior may result in the immediate and possible permanent expulsion from the library after which the offender may be reinstated only after a successful appeal. Please see the Permanent Revocation of Library Privileges Procedure below.

### **Consequences for Disruptive Behavior:**

Unacceptable and Zero-Tolerance Patron Behavior is outlined in this policy. Consequences for Disruptive Behavior are applicable to adults and children equally.

#### ***I. Consequences for Unacceptable Patron Behavior***

Unacceptable Patron Behavioral issues will be addressed through a “three-strike” policy for all library patrons regardless of their age. This policy will be reviewed with all children 11-14 years of age when they sign the behavior pledge each school year. .

Chronic Unacceptable Patron Behavior could lead to the revocation of library privileges. Revocation of library privileges is within the sole discretion of the Library Director. An administrative appeal may be made if revocation is disputed. See procedures outlined below.

If Unacceptable Patron Behavior is exhibited by a child (person 14 years of age or younger), the following procedure will occur:

#### **When a responsible person <sup>3</sup> is present with the child:**

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<sup>3</sup> Defined as a responsible parent, guardian, teacher or assigned caregiver who is at least 16 years of age.

1. If a Library staff member identifies behavior that is violating the Library's Unacceptable Patron Behavior Policy, the library staff member will ask the child to stop.
2. If the behavior continues, the library staff member will locate the responsible person and the child will immediately be redirected toward such person.
3. If the responsible person refuses or is unable to control the child, the entire party will be asked to leave the Library Premises for the remainder of the business day.
4. If the entire party refuses to leave, the Boerne Police Department will be called for assistance with removing the party from the Library Premises.

**When the child is unattended:**

1. A library staff member will identify the behavior that is violating library policy and ask the child to stop.
2. If the behavior continues after ONE verbal warning, the library staff member will take the following measures:
  - Attempt to locate the person responsible for the child on the library premises via the library's public announcement system which is audible within the interior of the library building. Once the responsible person is located, the library staff member will follow the above referenced procedure. If library staff is unable to locate the person responsible for the child, library staff will attempt to contact the child's parent/guardian by phone. If a parent/guardian is contacted, he/she will be informed of the library rules and be required to make supervisory arrangements within a reasonable amount of time. The child will be retained within administrative offices until a parent/guardian comes to the library for the child.
  - If library staff is unable to contact a parent/guardian or if such parent/guardian fails to make supervisory arrangements within a reasonable amount of time, the library staff member will contact the Boerne Police Department.

Disruptive patrons 15 years of age and older will be asked to leave the library premises for the remainder of the business day.

***II. Consequences for Zero-Tolerance Patron Behavior***

Exhibition of Zero-Tolerance Behavioral problems will result in immediate revocation of library privileges. It is within the sole discretion of the Library Director, or designee, to call the Boerne Police Department to report the patron exhibiting the Zero-Tolerance Behavior. The Library Director may choose to permanently revoke all library privileges.

An administrative appeal may be made if this permanent revocation is disputed. See procedures outlined below. This policy will be reviewed with all children 11-14 years of age when they sign the behavior pledge.

If Zero-Tolerance Behavior is exhibited by a child (person 14 years or of age or younger), the Library Director may choose to follow the procedure listed below:

**When a responsible person is present with the child:**

1. If a Library staff member identifies behavior that is violating the library's Zero-Tolerance Behavior Policy, the Library staff member will locate the responsible person and both the responsible party and the child will be asked to leave the Library Premises for the remainder of the business day.
  
2. If the entire party refuses to leave, the Boerne Police Department will be called for assistance with removing the party from the Library Premises.

**When the child is unattended:**

1. A Library staff member will take the following measures:
  - Attempt to locate the person responsible for the child on the library premises via the library's public announcement system which is audible within the interior of the library building. Once the responsible person is located, the library staff member will follow the above referenced procedure. If library staff is unable to locate the person responsible for the child, library staff will attempt to contact the child's parent/guardian by phone. If a parent/guardian is contacted, he/she will be informed of the library rules and be required to make supervisory arrangements within a reasonable amount of time. The child will be retained within administrative offices until a parent/guardian comes to the library for the child.
  - If library staff is unable to contact a parent/guardian or if the library staff believes that the child is a danger to him/herself or others, the library staff member will immediately contact the Boerne Police Department.
  
2. Disruptive patrons 15 years of age and older will be asked to leave the Library premises for the remainder of the business day. If the disruptive patron refuses to leave, the Boerne Police Department will be called for assistance with removing the patron from the Library Premises.

## **Revocation of Library Privileges Appeals Process**

When a Library patron (or a parent/guardian in the case of a child) wishes to dispute revocation of library privileges, he or she has sixty (60) days, from the date of revocation, to complete and return to the Library Director the "Request for Appeal of Revocation of Library Privileges" form. This form is available at any of the service desks in the library. The library patron (or a parent/guardian in the case of a child) should provide as much written information on the nature of and justification for the reversal of the revocation. The following procedure will apply:

- a. The form is sent to the Library Director within sixty (60) days of the revocation.
- b. The Library Advisory Board will receive a copy of the appeals form in their packet at the following Advisory Board meeting. The Library Advisory Board will receive documentation on the behavior in question and the resulting actions taken.
- c. The Library Advisory Board will review the form and documentation and make a decision regarding the revocation.

### **If the Library Advisory Board decides to uphold the Library Director's revocation decision:**

- a. The Library Director will notify the patron (or the parent/guardian in the case of a child) in writing.
- b. If the patron (or the parent/guardian in the case of a child) is not satisfied with the decision, such person may request in writing that the Library Advisory Board further review the revocation within thirty (30) days from the date the Library Advisory Board issues its opinion. The Library Advisory Board's decision will be made final if no appeal is taken within thirty (30) days.
- c. The chair of the Library Advisory Board will request a committee of at least three board members to review the revocation. Any board member may serve on the review committee upon request. The chair of the board will set a deadline for completion of the committee's review.
- d. The members of the board committee will report to and make a recommendation to the full Library Advisory Board at the earliest possible Library Advisory Board meeting following the committee's determination.
- e. The Library Advisory Board will make a decision following the committee's report and recommendation.
- f. The Chair of the Library Advisory Board will notify the patron in writing.
- g. If the patron (or the parent/guardian in the case of a child) is not satisfied with the decision of the Library Advisory Board, such person may request in writing that the Boerne City Council further review the revocation within fifteen (15) days from the date the Library Advisory Board issues its opinion.
- h. The Boerne City Council will review the revocation at the next regularly scheduled City Council meeting. The decision of the Boerne City Council is final.

**If the Library Advisory Board decides to rescind the permanent revocation:**

- a. The Library Director will notify the patron (or the parent/guardian in the case of a child) in writing with conditions concerning the return to the library.

**Requesting Reconsideration of Revocation**

When a library patron (or a parent/guardian in the case of a child) wishes to request a reconsideration of the revocation of library privileges, he or she may file a new appeal two years from the date of the final revocation decision.

Last revision: June 9, 2016

Initially adopted: September 8, 2003 (as Unattended Children and Disruptive Behavior)  
and February 8, 2001 (as Customer Conduct)

## Request for Appeal of Revocation of Library Privileges

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

Name of Parent or Legal Guardian (if person appealing the decision is a minor): \_\_\_\_\_

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

Phone numbers: \_\_\_\_\_

1. Are you appealing this revocation of Library privileges on behalf of any individual or group? If so, who or which group?
2. Explain why you object to the revocation of Library privileges. What do you feel might be the result if Library privileges are re-instituted?
3. Do you understand the reasoning behind the revocation? If so, please explain why your privileges were revoked.
4. Please provide any information to the Library Advisory Board that may assist them with reviewing your request for re-instatement of Library privileges. Such information may include letters of reference, proof of work in and around the community, and/or any other character information.

*Entire form must be completed to be considered.*

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

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