

AURORA TOWN PUBLIC LIBRARY
550 Main Street, East Aurora, New York 14052
Agenda of the Board
Regular Monthly Meeting
January 25, 2022, 1:00 p.m.

1. Comments from the audience: Councilmen & Library Liaisons, Luke Wochensky & James Granville
2. Minutes of the Meetings: December 14, 2021
3. Treasurer's Report: Monthly Financial Statements & Internal Auditor Report: December 2021
4. Director's Report: December 2021
5. Reports of Interest
 - a. ATPL's partnership with Revive Wesleyan East Aurora Campus to support the ROC Squad with the Holiday Giving Tree Program helped more than 100 gifts reach children in need.
 - b. In celebration of the latest title being published in the Outlander series, ATPL is holding a free raffle from December 15, 2021 – January 31, 2022. The winner will be selected on February 1. To enter, patrons get one ticket for every five items they check out.
 - c. Erie County was designated B&ECPL locations as distribution centers for KN-95 masks. ATPL's first shipment of KN-95 masks were gone within 40 minutes of their arrival.
 - d. The non-financial section of the State Report, along with the Report to the Community is due to B&ECPL by February 28, 2022.
 - e. The Friends of the Aurora Town Public Library will hold their Specials Sale in the Library's community room starting Thursday, April 7 from 10:00 a.m.–6:00 p.m. On Friday, April 7, the sale will continue from 10:00 a.m.–4:00 p.m. Then on Saturday, April 9, 10:00 a.m.–2:00 p.m.
 - f. The Aurora Town Public Library will hold its Annual Discard Sale for gently used library materials from Friday, May 6 through Friday, May 27. The sale will take during regular business hours except on Friday, May 27 when the sale hours will be 10 a.m.–4 p.m.
 - g. Other
6. Personnel
 - a. Page Wages Adjusted to \$13.20 per hr/ Sr. Page Wages Increased \$1.20 per hr (\$14.20)
 - b. Board May Enter Executive Session
 - c. Other
7. Old Business
 - a. ACT Meeting, Saturday, January 8, 2022—Held via Zoom
 - b. Other
8. New Business
 - a. Town vs. County Role
 - b. 2021 Contract Extension and 2022 Budget Schedules
 - c. Incidents—Rules of Conduct for Review, Central's Photography and Filming Guidelines & Approval Form, Confidentiality of Library Records, ALA Bill of Rights, & ALA Articles
 - d. Other

Next regularly scheduled meeting: February 22, 2022 at 1:00 p.m.

AURORA TOWN PUBLIC LIBRARY
550 Main Street, East Aurora, New York 14052

Minutes

Board of Trustees

Regular Monthly Meeting

December 14, 2021, 1:00 p.m.

Present: Alice Askew (via GoToMeeting), Martha Buyer, Elaine Chow, Kara Spencer-Ching, Richard Wiesen, Paula Klocek, Director and Guest: Adam Zaremski

President Alice Askew called the meeting to order at 1:05 p.m.

1. There were no questions from the audience.
2. A motion (MB, EC) to approve the minutes, as amended, of the meeting of November 16, 2021 carried by a voice vote.
3. A motion (MB, EC) to approve the Treasurer's Report, November 2021 Financial Statements, and the Internal Auditor Report carried by a voice vote.
4. Director's Report: November 2021
 - a. The New Year is likely to see changes in e-services. Freegal Music will be discontinued starting January 1, 2022, after the current term expires. A team of System staff members is currently evaluating vendor proposals for additional digital/online content services. Unfortunately, the circulation of downloadable Music and Music videos has declined in usage while other areas have large increases.
 - b. The Director distributed statistics reflecting monthly circulation, patron count, computer use, and Wi-Fi use at ATPL for 2021. The data shows a consistent increase and stabilization across all categories since the beginning of the year. July, August, October, and November were our statistically strongest months.

The Board approved the Director's report by a voice vote.

5. Reports of Interest
 - a. The FY-2022 Erie County Budget as proposed by County Executive, Mark Poloncarz, has been approved by the Legislature. There were not any changes to the Library System's submitted budget, which recommended a funding increase of \$518,347 (2.0%).
 - b. ATPL patrons turned in 275 hardcopy letters (not including electronic submissions) to Legislator Lorigo in support of the proposed 2022 Erie County Budget. Our patrons showed exceptionally strong support in this initiative.
 - c. The Baubles & Bling Friends of the Library Fundraiser Sale raised \$2,042.17 and the raffle raised \$560.00 for a total of \$2,602.17. A very good result.
 - d. November 22-December 23, 2021, the community is welcomed to select an ornament from the Rural Outreach Center Squad holiday tree at ATPL to purchase a toy with a QR code from an Amazon registry. ROC will distribute the gifts to children in need.
6. Personnel
 - a. The Trustees reviewed the Payroll Report for Pay Period 24 for 2021.
 - b. The Board entered into Executive Session at 1:34 p.m. to discuss a matter of a disruptive dispute involving two of the staff. Adam Zaremski was excused. The Board returned from Executive Session at 1:50 p.m. and Mr. Zaremski returned to the meeting.

7. Old Business

- a. The Director distributed the approved Schedule of Library Board Meetings for 2022 prior to its release to the public.

8. New Business

- a. The Board reviewed the "System Paid" Budget for 2021 (as of 9/30/21). This is staff wages and benefits plus utilities. At this time, ATPL is within budget, and therefore is not responsible to reimburse the System for any overages.
- b. The Board reviewed a proposed schedule for Board Reviewing and Adopting Policies
A motion (KSC, RW) to adopt the Contract Library Boards of Trustees Personnel Policies and Procedures for ATPL carried by a voice vote.
- c. The Director presented a summary of data showing the number patrons who have listed ATPL as their "Home Library." The listing was first by zip code and then summarized by towns and counties. Texas, Utah and Virginia were among the states listed. Within NY the counties listed were Allegany, Cattaraugus, Chautauqua, Genesee, Monroe, Niagara, Tompkins, Wayne, Wyoming, and Erie.
- d. Martha Buyer, will serve as interim Internal Auditor from January 1 until the Annual Meeting in April 2022 and Elaine Chow will serve as Interim Secretary for the same period.
- e. President Askew has been notified by Supervisor James Bach that Adam Zaremski will be appointed as a Trustee for a five year term beginning January 1, 2022 at the upcoming Town of Aurora Board meeting.

A motion (RW, EC) to adjourn the meeting was carried by a voice vote. President Alice Askew adjourned the meeting at 2:25 p.m. The next regularly scheduled meeting: January 25, 2022 at 1:00 p.m.

Respectfully submitted,

Richard Wiesen
Secretary

AURORA TOWN PUBLIC LIBRARY

Treasurer's Report

31-Dec-21

LOCAL CHECKING ACCOUNT

Beginning Balance:	1-Dec-21		\$33,646.88
Plus Receipts/Deposits		Total:	\$500.00
Less Checks/Debits		Total:	\$0.00
Ending Balance:	31-Dec-21		\$34,146.88

Transaction Details

Receipts:

Constance Maloney I/H of Alice Askew		\$500.00
	Total:	\$500.00

DISBURSEMENTS:

None

Total: \$0.00

Volker Funds

Balance Forward	1-Dec-21	\$2,132.25
Receipts:	None	\$0.00
Disbursements:	None	\$0.00
Balance	31-Dec-21	\$2,132.25

Gallivan Funds

Balance Forward	1-Dec-21	\$0.00
Receipts:	None	\$0.00
Disbursements:	None	\$0.00
Balance	31-Dec-21	\$0.00

Facility Improvements

Balance Forward	1-Dec-21	\$7,088.00
Receipts:	None	\$0.00
Disbursements:	None	\$0.00
Balance	31-Dec-21	\$7,088.00

Internal Auditor's Report Richard Wiesen

Voucher#	Amount	Approved	Check #	Reason
----------	--------	----------	---------	--------

Friends Ongoing Book Sale December \$339.00 YTD \$1,558.00

Contingency Funds Counted On 12/17/2021 Total \$294.72

Savings Account

Balance Forward	1-Dec-21	\$50,593.68
Interest Earned		0.86
Balance	31-Dec-21	\$50,594.54

CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: AURORA TOWN PUBLIC LIBRARY

MONTH: DEC

SAP Acct.	Description	Adopted Budget	Budget Transfers	Year-to-Date Expenditures	Available Budget	Projected Utilization at 12/31	Projected Variance at 12/31	Comments
500000	Salaries - Full-time	0	0	0	0		0	
502000	Fringe Benefits	0	0	0	0		0	
Utility Charges:								
515000	Water	550	0	371	179	371	179	
515000	Sewer	850	38	888	0	888	0	
515000	Telephone - Maintenance	0	264	264	(0)	264	0	Rel Comm
510200	Dues and Fees	20	0	20	0	20	0	
510200	Professional Services	0	435	435	0	435	0	All American Security
545000	Rental Charges	0	0	0	0		0	
506200	Repairs & Maintenance Chgs.	2,100	(447)	1,734	(81)	1,734	(81)	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	400	(290)	124	(14)	124	(14)	
530000	Other Expenses & Charges	600	0	604	(4)	604	(4)	
530000	Contingency (Bullet Aid)	0	2,120	2,120	0	0	2,120	Bullet Aid - In Local
TOTAL EXPENSES		4,520	2,120	6,561	79	4,440	2,200	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	11,490	0	6,120	5,370	6,120	(5,370)	
Copy Machines	606	0	401	205	401	(205)	
Print Cost Recovery	2,333	0	1,620	713	1,620	(713)	
Other Income	304	0	0	304	0	(304)	Recording Under Fines, Lost
State Funding	0	0	0	0		0	
Municipal Support	0	0	0	0		0	
Donations (priv. persons/foundations)	0	0	0	0		0	
Fundraising (events/booksales)	0	0	0	0		0	
Interest Income	0	0	0	0		0	
Misc Income	0	2,120	0	2,120		(2,120)	Bullet Aid - In Local
Use of Fund Balance	0	0	0	0		0	
TOTAL DIRECT INCOME	14,733	2,120	8,141	8,712	8,141	(8,712)	

AURORA TOWN PUBLIC LIBRARY

COUNTY LEDGER

COUNTY CHECKING ACCOUNT

31-Dec-21

Beginning Balance:	1-Dec-21		\$10,279.57
Plus Receipts/Deposits		Total:	\$741.54
Less Checks/Debits		Total:	\$111.46
Ending Balance:	31-Dec-21		\$10,909.65

Transaction Details

Receipts:

Fines	\$249.50
Fines	\$185.60
Fines	\$289.39
Copier	\$17.05
Total:	\$741.54

Disbursements:

Kathleen Brogan (Travel)	\$9.02
Julia Gelsomino (Travel)	\$2.78
Village of East Aurora (Water Bill)	\$99.66
Total:	\$111.46

Internal Auditor's Report

Richard Wiesen, Internal Auditor

Voucher#	Amount	Approved	Check #	Reason
C94	\$9.02	12/22/2021	5852	Kathleen Brogan (Travel)
C95	\$2.78	12/22/2021	5853	Julia Gelsomino (Travel)
C96	\$99.66	12/22/2021	5854	Water Bill

**AURORA TOWN PUBLIC LIBRARY
550 MAIN STREET
EAST AURORA, NEW YORK 14052
716-652-4440/fax 716-655-5875**

**DIRECTOR'S REPORT
December 2021**

CIRCULATION	Total-month	Average/day	Average/hr	YTD Total
2021	6,461*	269.21	31.83	83,949**
2020	2,395	114.0	15.4	71,353
2019	9,512	396.3	47.0	141,463
2018	10,584	441.0	56.9	157,067
2017	10,425	417.0	58.6	163,969

80.6%* (5,207) via self-checkout

72.9%** (61,199) via self-checkout YTD

Note: Circulation for the contracting libraries is 131.5% this month (EAU was at 169.8%) and 25.4% YTD (EAU is at 17.7%).

Library of Things	2021
Monthly	5
Year-to-date	40

SYSTEM e-BRANCH	Month 2021	Month 2020	Change	Month 2019	YTD 2021	YTD 2020	Change	YTD 2019
Online Renewals	74,987	6,913	984.7%	103,145	929,586	688,686	35.0%	1,259,480
Interlibrary Loans	818	814	0.5%	1,089	12,549	8,056	55.8%	12,167
D-Loadable Audio Books	40,628	35,303	15.1%	29,621	468,831	397,370	18.0%	320,269
D-loadable Streaming Videos	74	127	-41.7%	20	1,176	609	93.1%	317
eBooks	74,350	79,191	-6.1%	56,754	913,868	880,424	3.8%	648,337
Downloadable Music/Music Videos	27,458	31,440	-12.7%	30,393	291,372	337,142	-13.7%	333,761

Year	2021	2020	2019	2018	2017
DAYS/HOURS OPEN	24/203	21/156	24/203	24/186	25/178

COMPUTER USE	2021	2020	% Change
Monthly	294	13	2,161%
Year-to-date	3,125	3,298	-5.2%

Note: Computer use for the contracting libraries is 636.9% this month and 15.6% YTD.

**AURORA TOWN PUBLIC LIBRARY
550 MAIN STREET
EAST AURORA, NEW YORK 14052
716-652-4440/fax 716-655-5875**

**DIRECTOR'S REPORT
December 2021**

WIFI USE	2021	2020	% Change
Monthly	2,032	771	163.6%
Year-to-date	19,929	10,055	98.2%

Note: Wifi use for the contracting libraries is 156.0% this month and 69.4% YTD.

NEW LIBRARY CARD MEMBERSHIP	Total-month	YTD
Adults	11	278
Children	4	140

Patron Counter	2021	2020	% Change
Monthly	3,960	1,223	223.8%
Year-to-date	45,048	35,766	26.0%

Note: Door counts for the contracting libraries were 167.6% this month and 27.8% YTD.

Friends Ongoing Book Sale	Month	YTD
Dollar Amount	\$339.00	\$1,558.00

Programs Name / Number of Sessions / Sponsor	Age Group	Attendance
Read-To-A-Dog (SPCA) (6)	All	13
Snow Gnomes	All	20
Lego Club (Friends)	6-12 years	12
Reading Club (Friends)	6-12 years	8
Elf Academy Story Time (Friends)	6-12 years	15
"L" is for Library (12)	0-2 ½ years	12
Story Time – To Go (40) (Friends)	3-5 years	40
Holiday Craft to Go (40) (B&ECPL)	5-12 years	40
Unwind & Design: Embroidered Snowflakes (25) (Friends)	Adult	25
Create-a-Card (Friends) (12)	Adult	12
Read Down Your Fines (0)	0-5	0 min
Read Down Your Fines (3)	6-12 years	4485 min
Read Down Your Fines (1)	13-16 years	280 min
Tutor (3)	0-12 years	3
Tutor (0)	13-16 years	0

**AURORA TOWN PUBLIC LIBRARY
550 MAIN STREET
EAST AURORA, NEW YORK 14052
716-652-4440/fax 716-655-5875**

**DIRECTOR'S REPORT
December 2021**

Display Case: East Aurora Art Society

Community Room Exhibits: East Aurora Art Society

Building condition: Waiting for National Fuel to repair gas line and replace parking lot exit apron.

Meeting Room Uses: 7

Professional Development

Director's Meeting-12/8/2021, B&ECPL

TechKnowLab: Microsoft Excel-12/13/2021, B&ECPL (Kaysi Dulak)

Programs: January 2022

Unwind & Design To-Go Kit: Marbled Paper - Adults, 17+ - January 11 - Participants will be called to pick-up their take-home kit the week of the program.

Find the Snowman Game - Families with Children 12 & Under - January 11 through February 11 - Participants May Play Anytime During Regular Open Hours Inside of the Library

Let It Snow! – Wall Hanging - Children, 6-12 - January 13 @ 4:00 p.m.

Aurora Book Club - Adults, 17+ - January 20 @ 6:30 p.m.

Create-a-Card Club - Adults, 17+ - 1/20, 2/17, 3/17, 4/7 - Participants will be called to pick-up their kit the week of the program. ****Sorry Program Registration is Full****

LEGO Club – Children, 6-12 – 1/20, 2/17, 3/17, 4/7, 5/12 @ 4:00 p.m. ****Sorry Program Registration is Full****

Programs: February 2022

Postage Stamp Art - Children, 6-12 – February 3 @ 4:00 p.m.

Snowy Winter Tree Craft To Go - 4-12 - February 3 - Participants will be called to pick-up their take-home kit the week of the program

Story Time To Go - Children, 3 - 5 - 2/2, 2/16, 3/2, 3/16, 4/6, 4/20 - Participants will be called to pick-up their take-home kit the week of the program.

Postage Stamp Art – Adults, 17+ – February 3 @ 6:30 p.m.

Unwind & Design To-Go Kit: Collaged Bird Art - Adults, 17+ - February 8 - Participants will be called to pick-up their take-home kit the week of the program.

Reading Club - Children - 6 - 12 - February 9 @ 3:45 p.m.

"L" is for Library - Children, Birth - 2 ½ - February 16 - Participants will be called to pick-up their take-home kit the week of the program.

Create-a-Card Club - Adults, 17+ - 1/20, 2/17, 3/17, 4/7 - Participants will be called to pick-up their kit the week of the program. ****Sorry Program Registration is Full****

LEGO Club – Children, 6-12 – 1/20, 2/17, 3/17, 4/7, 5/12 @ 4:00 p.m. ****Sorry Program Registration is Full****

Read to a Dog - Children and their Families, All Ages – February 26 @ 11:00 a.m., 11:20 a.m., 11:40 a.m.

**AURORA TOWN PUBLIC LIBRARY
550 MAIN STREET
EAST AURORA, NEW YORK 14052
716-652-4440/fax 716-655-5875**

**DIRECTOR'S REPORT
December 2021**

ATPL Months at a Glance: 2021


Month of 2021	Circulation	Patron Count	Computer Use	Wi-Fi
January	4,688	2,009	120	1,187
February	6,481	2,670	184	1,231
March	7,364	3,540	250	1,492
April	7,031	3,512	232	1,486
May	7,049	3,158	249	1,655
June	6,803	4,220	260	1,678
July	8,091	4,512	308	1,785
August	7,709	4,273	320	1,711
September	7,407	4,113	297	1,777
October	7,334	4,570	283	1,931
November	7,534	4,511	328	1,964
December	6,461	3,960	294	2,032
YEAR TOTAL	71,353	35,766	3,125	19,929

At year's end, out of all B&ECPL locations, ATPL ranks:

12 out of 37 in circulation of materials
13 out of 37 in patron visits
5 out of 37 in WI-FI
20 out of 37 in computer use



MEMORANDUM

TO: Contract Library Directors
FROM: Kenneth H. Stone, Deputy Director - CFO 
SUBJECT: 2021 Contract Extension and 2022 Budget Schedules
DATE: December 22, 2021

Enclosed please find a copy of Buffalo & Erie County Public Library (B&ECPL) Board Resolution 2021-42, implementing the contract extension provision, and your 2022 budget schedules based upon this resolution. As you may recall, the 2021 contract contains an automatic extension provision that extends the current contract into 2022.

The extension will be in force until final 2022 contracts are adopted, although not to extend past July 31, 2022. Budget amounts are based upon the 2022 System budget as adopted on December 16, 2021. The Library's 2022 adopted budget may be viewed at: <https://www.buffalolib.org/content/library-system/budget-information>

Items to note:

1. 2022 Page wages are adjusted to reflect the 12/31/2021 New York State minimum wage \$0.70 per hour increase (to \$13.20 per hour), while Sr. Page wages are increased by \$1.20 per hour (to \$14.20 per hour), also effective 12/31/2021, increasing the differential between Page and Sr Page rates from \$0.50 per hour to \$1.00 per hour.
2. Two system-wide policies have been enacted/updated in 2021, specifically:
 1. Internet Safety & Acceptable Use Policy - Amended 7/15/2021;
 2. Equal Employment Opportunity and Anti - Harassment Policy - Reviewed 11/18/2021 - No changes

Current versions of the above policies may be viewed/downloaded at: <https://www.buffalolib.org/content/policies>

Please call me 716-858-7170 if you have any questions.

/ma; Enclosures;
cc: K. Stone

**BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: December 16, 2021**

AGENDA ITEM NUMBER: E.2.c.

**RESOLUTION: 2021-42
Implementing 2021 Contracting
Library Contract Extension
Provision**

BACKGROUND:

On June 17, 2021, the Board adopted Resolution 2021-14 which authorized executing 2021 contracting member library contracts. That resolution and the resulting 2021 contracts incorporated items to simplify 2022 start-up. They include the ability to extend the 2021 contract into 2022, avoiding the November-December rush to adopt new contracts.

The extension capability recognized many years' recurring pattern of final budget allocations, particularly from New York State, being in flux at the normal contract adoption time. The contract extension provides for allocations based upon the 2022 requested budget amount as may be amended by the Board (for example by adopting the 2022 System budget) until such time as a final 2022 contract is adopted, not to exceed July 31, 2022.

The option to implement the contract extension provision may be made by Board-adopted resolution notifying contracting member libraries of said extension. This resolution would provide the needed notification.

ACTION REQUIRED:

Motion to approve Resolution 2021-42.

RESOLUTION 2021-42

WHEREAS, on June 17, 2021, the Board of Trustees of the Buffalo & Erie County Public Library adopted Resolution 2021-14, which authorized executing 2021 contracting member library contracts, and

WHEREAS, the resolution and the resulting 2021 contracts incorporated a provision to extend the 2021 contract into 2022, thus avoiding the November-December rush to adopt new contracts given many years' recurring pattern of final budget allocations, particularly from New York State, being in flux at the normal contract adoption time, and

WHEREAS, budgetary allocations from Erie County and New York State to the B&ECPL constitute over 90% of the financial resources supporting the contract with each contracting member library, and

WHEREAS, Erie County's 2022 budget allocation was not finalized until December 2, 2021 and New York State's allocation likely will not be finalized before April 2022, and

WHEREAS, this makes it difficult for the B&ECPL and the contracting member libraries to develop, consider and approve a full contract prior to the beginning of the 2022 fiscal year on January 1, 2022, and

WHEREAS, the contract extension provision provides for allocations based upon the 2022 requested budget except that, should the local funds for library services be modified from those projected in the budget request, the allocation shall be based upon the modified estimate, and

WHEREAS, the extension provision will remain in effect until such time as a final 2022 contract is adopted, not to exceed July 31, 2022, and

WHEREAS, implementing the contract extension provision may be made by Board adopted resolution notifying contracting member libraries of said extension, now therefore be it

RESOLVED, that the Board of Trustees of the Buffalo & Erie County Public Library authorizes implementing the 2021 contract extension as described above, with budgetary amounts based upon the 2022 Board-adopted budget and any subsequent modifications thereof, and be it further

RESOLVED, that the Library Director or her designee is authorized to transmit this resolution to each contracting library.

**Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on December 16, 2021.**

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: AURORA TOWN PUBLIC LIBRARY

DESCRIPTION	As per Res 2021-20			As per Res 2021-42		
	2021	2021	2021	2022	2022	2022
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
PERSONAL SERVICES						
SALARIES & WAGES, FULL TIME	-	152,696	152,696	-	162,606	162,606
WAGES, REGULAR PART-TIME			-			-
WAGES, PART TIME		149,667	149,667		156,770	156,770
OVERTIME (Sunday)			-			-
OTHER (Vacation Buyout)			-			-
TOTAL SALARIES & WAGES	-	302,363	302,363	-	319,376	319,376
REDUCTION FRM PERS. SVCS ACCT			-		(7,484)	(7,484)
CONTRACTUAL SALARY RESERVES		3,785	3,785			-
FRINGE BENEFITS						
EMPLOYER FICA		23,132	23,132		24,433	24,433
EMPLOYEE HEALTH INSURANCE		34,020	34,020		31,560	31,560
DENTAL PLAN		1,174	1,174		1,174	1,174
WORKERS COMPENSATION		1,421	1,421		1,501	1,501
UNEMPLOYMENT INSURANCE		717	717		757	757
HOSPITAL & MEDICAL - RETIREES		19,850	19,850		20,277	20,277
HEALTH INSURANCE WAIVER			-			-
RETIREMENT		24,901	24,901		23,329	23,329
TOTAL FRINGE BENEFITS	-	105,215	105,215	-	103,031	103,031
OFFICE SUPPLIES	-	3,068	3,068	-	2,518	2,518
REPAIRS & MAINTENANCE CHARGES						
OTHER SUPPLIES & MATERIALS	1,450	-	1,450	1,350	-	1,350
EQUIPMENT MAINTENANCE	50		50	50		50
REPAIRS & MAINT - MISC SYS	-	1,872	1,872	-	2,017	2,017
TOTAL REPAIRS & MAINTENANCE CHARGES	1,500	1,872	3,372	1,400	2,017	3,417
TRAVEL & MILEAGE EXPENSES	400		400	200		200
DUES & FEES						
MEMBERSHIP & DUES	20	-	20	20	-	20
TRAINING & EDUCATION (NYSALB, etc.)		1,088	1,088		859	859
TOTAL DUES & FEES	20	1,088	1,108	20	859	879
UTILITY CHARGES						
WATER	550		550	500		500
SEWER	850		850	900		900
TELECOMMUNICATIONS			-			-
- DATA LINES	-	336	336	-	336	336
- INTERNET - Internet access	-	47	47	-	51	51
- EQUIPMENT MAINT	-		-	250		250
- LOCAL AND LD PHONE SERVICE	-	895	895	-	914	914
TELEPHONE SUB-TOTAL	-	1,278	1,278	250	1,301	1,551
TOTAL UTILITY CHARGES	1,400	1,278	2,678	1,650	1,301	2,951
PROFESSIONAL SERVICE CONTRACT & FEES						
ADVERTISING & PROMOTION		1,770	1,770		2,213	2,213
MOVIE LICENSING AGREEMENT		232	232		235	235
OVERDRIVE DOWNLOADABLE LICENSE	-	324	324	-	324	324
SIRSI SOFTWARE MAINTENANCE	-	2,726	2,726	-	2,806	2,806
RFID EQUIPMENT MAINTENANCE		840	840		870	870
COLLECTIONS AGENCY FEES	-	1,004	1,004	-	879	879
EAP SERVICES	-	178	178	-	195	195
ONLINE CATALOG (OCLC)	-	2,596	2,596	-	2,655	2,655
VITEC SOLUTIONS/COMPUTER SUPPORT	-	2,026	2,026	-	1,932	1,932
LEGAL FEES	-	1,490	1,490	-	1,566	1,566
RFID/OCR LABELS		1,328	1,328		1,180	1,180
OTHER PRINTED SUPPLIES	-	34	34	-	34	34
CONTRACT PROFESSIONAL SERVICES (DIRECT)			-			-
TOTAL PROFESSIONAL SERVICE CONTRACTS	-	14,548	14,548	-	14,889	14,889

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: AURORA TOWN PUBLIC LIBRARY

DESCRIPTION	As per Res 2021-20			As per Res 2021-42		
	2021	2021	2021	2022	2022	2022
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
MAINTENANCE CONTRACTS						
OTHER SUP & MTLs - CONTRACT	500	-	500	950	-	950
EQUIPMENT CONTRACTS	100	-	100	100	-	100
MAINT CONTRACTS - SYS	-	248	248	-	238	238
TOTAL MAINTENANCE CONTRACTS	600	248	848	1,050	238	1,288
OTHER EXPENSES & CHARGES						
LIBRARY MATERIALS PROCESSING SUPPLIES	-	685	685	-	183	183
RESALE ITEMS (BAGS, DISK, HEADPHONES)	-	288	288	-	346	346
LIBRARY CARDS	-	34	34	-	34	34
DVD REPAIR	-	53	53	-	53	53
MISC PROGRAM EXPENSES	500	-	500	500	-	500
NYS DISABILITY	-	-	-	-	-	-
POSTAGE	100	-	100	100	-	100
PRINTING	-	-	-	-	-	-
ADVERTISING	-	-	-	-	-	-
TRAINING	-	-	-	-	-	-
REFUSE PICKUP	-	-	-	-	-	-
BANK CHARGES	-	-	-	-	-	-
JANITORIAL SERVICES	-	-	-	-	-	-
OTHER EXPENSES	-	-	-	-	-	-
TOTAL OTHER EXPENSES & CHARGES	600	1,060	1,660	600	616	1,216
CONTINGENCY						
MISCELLANEOUS-Additional System Aid	7,875	-	7,875	-	-	-
TOTAL CONTINGENCY	7,875	-	7,875	-	-	-
RENTAL CHARGES						
EQUIPMENT	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL RENTAL CHARGES	-	-	-	-	-	-
INSURANCE CHARGES						
INSURANCE	-	-	-	-	-	-
GENERAL LIABILITY INSURANCE - SYS	-	3,123	3,123	-	3,318	3,318
TOTAL INSURANCE CHARGES	-	3,123	3,123	-	3,318	3,318
LAB & TECHNICAL EQUIP.	-	1,138	1,138	-	6,038	6,038
LIBRARY BOOKS & MEDIA						
Serials (Magazines, Newspapers, Journals, Etc.)	-	4,773	4,773	-	3,878	3,878
On-line Databases (News, Health, Literary, Homework, Business, Etc.)	-	7,491	7,491	-	5,180	5,180
E-Content	-	28,946	28,946	-	46,624	46,624
Centrally Ordered Materials	-	38,084	38,084	-	33,576	33,576
Specialized Titles / Individual Orders	-	8,009	8,009	-	7,718	7,718
TOTAL LIBRARY BOOKS & MEDIA	-	87,303	87,303	-	96,976	96,976
INTERFUND UTILITY EXPENDITURES						
NATURAL GAS	-	4,546	4,546	-	4,150	4,150
ELECTRICITY	-	9,226	9,226	-	9,272	9,272
TOTAL INTERFUND UTILITY EXPENDITURES	-	13,772	13,772	-	13,422	13,422
TOTAL INTERFUND EXP - COUNTY	-	1,031	1,031	-	1,983	1,983

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: AURORA TOWN PUBLIC LIBRARY

DESCRIPTION	As per Res 2021-20			As per Res 2021-42		
	2021	2021	2021	2022	2022	2022
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
TOTAL OPERATING EXPENSES	12,395	540,892	553,287	4,920	559,098	564,018
REVENUE SOURCES						
COUNTY SHARE	7,875	536,414	544,289		554,601	554,601
STATE AID (Member Aid)						
STATE AID (Pass through System)		3,937	3,937		3,937	3,937
SUB-TOTAL: SYSTEM APPROPRIATION	7,875	540,351	548,226	-	558,538	558,538
DIRECT LOCAL INCOME						
	Contract Library Direct	Return to System (CHR Share)	TOTAL	Contract Library Direct	Return to System (CHR Share)	TOTAL
FINES, LOST BOOKS, ETC	2,715	324	3,039	3,142	358	3,500
COPY MACHINES	339	41	380	341	39	380
PRINT COST RECOVERY	1,358	163	1,521	1,347	153	1,500
OTHER REVENUES	108	13	121	90	10	100
MUNICIPAL SUPPORT	-	-	-	-	-	-
DONATIONS	-	-	-	-	-	-
FUNDRAISING	-	-	-	-	-	-
INTEREST INCOME	-	-	-	-	-	-
USE OF FUND BALANCE	-	-	-	-	-	-
OTHER INCOME	-	-	-	-	-	-
TOTAL DIRECT INCOME	4,520	541	5,061	4,920	560	5,480
TOTAL REVENUE SOURCES	12,395	540,892	553,287	4,920	559,098	564,018

COUNTY SHARE vs OTHER REVENUE						
COUNTY SHARE	7,875	536,414	544,289	-	554,601	554,601
STATE AID	-	3,937	3,937	-	3,937	3,937
DIRECT INCOME	4,520	541	5,061	4,920	560	5,480
SUBTOTAL OTHER REVENUE	4,520	4,478	8,998	4,920	4,497	9,417
TOTAL REVENUE	12,395	540,892	553,287	4,920	559,098	564,018

NOTE: Libraries participating in the Centralized Human Resources (CHR) program have their employees' salaries/wages and fringe benefits paid through the system, using Erie County's payroll system. Amounts paid by the contracting library directly are correspondingly reduced. This results in state aid and local revenues collected exceeding local expenses paid. The excess revenues over local expenses is returned to the system to help meet the contract library's payroll needs.

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY
Aurora Town Public Library**

EEGroup	Current Count	Job Title	Hours	Hours per week	Salary	Total Fringes	Total Cost
	1	LIBRARY DIRECTOR I Total	2,080	40	59,280	25,638	84,918
	1	LIBRARIAN I Total	2,080	40	63,361	27,147	90,508
	1	SENIOR LIBRARY CLERK CL Total	2,080	40	39,965	32,906	72,871
FT Total	3		6,240	120	162,606	85,691	248,297
	1	SENIOR PAGE PT Total	4,030	78	57,227	1,172	15,202
	4	PAGE (P.T.) Total	1,456	28	19,220	2,394	21,554
	2	LIBRARIAN I PT Total	1,248	24	28,104	3,998	32,102
	1	CARETAKER (PT) CL Total	832	16	14,068	1,175	15,243
	1	CLEANER (PT) CL Total	676	13	9,493	795	10,290
	2	CLERK-TYPIST (P.T.) CL Total	1,976	38	28,656	2,394	31,050
PT Total	11		7,176	138	113,573	11,668	125,441
Grand Total	19		16,458	317	319,376	103,031	422,407
		FTE and Average Cost per FTE	7.91				53,402
		Full Time Salaries			\$162,606		
		RPT Wages			\$0		
		Part Time Wages			\$113,573		
		Total Salaries & Wages			\$276,179		
		Grand Total			\$276,179	\$103,031	\$422,407

**BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: October 21, 2021**

AGENDA ITEM NUMBER: I.1.

**RESOLUTION: 2021-34
Librarians' Association
Contract**

BACKGROUND:

The collective bargaining agreement for the Librarians Association of the Buffalo & Erie County Public Library expired December 31, 2020.

Representatives of Library Administration and the negotiating team of the Librarians' Association reached a tentative agreement on or about September 17, 2021. The membership of the Librarians Association ratified the tentative agreement on October 1, 2021. It provides economic increases effective January 1 of 2021, 2022, 2023, and 2024.

**ACTION REQUIRED:
Motion to adopt Resolution 2021-34.**

RESOLUTION 2021-34

WHEREAS, the Board of Trustees of the Buffalo & Erie County Public Library has statutory authority to manage its budget and has sole authority to negotiate fair settlement of labor agreements with its employees, and

WHEREAS, Librarians employed by the Buffalo & Erie County Public Library are represented by the Librarians' Association of the Buffalo & Erie County Public Library, and

WHEREAS, the current labor agreement between the Buffalo & Erie County Public Library and the Librarians' Association expired December 31, 2020, and

WHEREAS, representatives of the Buffalo & Erie County Public Library and the Librarians' Association have negotiated the terms of a successor agreement for the years 2021 through 2024, and

WHEREAS, the Board of Trustees and Library Administration have consistently expressed a need to achieve sustainability in the future while ensuring the level of service which our patrons demand and recognize the hard work and dedication of our employees who provide such service, and

WHEREAS, the tentative Agreement includes salary increases for librarians effective January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, and

WHEREAS, the tentative Agreement provides for changes to several provisions relating to employee leave and hours of work; and

WHEREAS, the members of the Librarians' Association ratified the tentative Agreement on October 1, 2021, and

WHEREAS, the Board of Trustees has been briefed on the Agreement, now therefore be it

RESOLVED, that the Board of Trustees of the Buffalo & Erie County Public Library endorses the Agreement under the terms and conditions discussed and authorizes the Library Director and/or her designee to execute the Agreement.

**Approved unanimously as amended at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on October 21, 2021.**

Librarians Association Pay Scale
Effective 1/1/2022

	1	2	3	4	5	A	B	C	D	E	F
Grp 7	40,591	42,709	44,812	46,914	49,021	50,165	51,320	52,453	53,608	54,750	55,902
	1,561.20	1,642.64	1,723.52	1,804.40	1,885.44	1,929.44	1,973.84	2,017.44	2,061.84	2,105.76	2,150.08
	19.515	20.533	21.544	22.555	23.568	24.118	24.673	25.218	25.773	26.322	26.876
Grp 9	46,840	49,602	52,356	55,105	57,864	59,232	60,624	61,984	63,361	64,734	66,109
	1,801.52	1,907.76	2,013.68	2,119.44	2,225.52	2,278.16	2,331.68	2,384.00	2,436.96	2,489.76	2,542.64
	22.519	23.847	25.171	26.493	27.819	28.477	29.146	29.800	30.462	31.122	31.783
Grp 10	50,282	53,285	56,285	59,280	62,294	63,800	65,287	66,791	68,295	69,790	71,290
	1,933.92	2,049.44	2,164.80	2,280.00	2,395.92	2,453.84	2,511.04	2,568.88	2,626.72	2,684.24	2,741.92
	24.174	25.618	27.060	28.500	29.949	30.673	31.388	32.111	32.834	33.553	34.274
Grp 11	57,379	60,476	63,868	67,107	70,358	71,983	73,607	75,221	76,844	78,464	80,088
	2,206.88	2,326.00	2,456.48	2,581.04	2,706.08	2,768.56	2,831.04	2,893.12	2,955.52	3,017.84	3,080.32
	27.586	29.075	30.706	32.263	33.826	34.607	35.388	36.164	36.944	37.723	38.504
Grp 12	61,364	64,958	68,569	72,147	75,747	77,551	79,333	81,147	82,952	84,750	86,551
	2,360.16	2,498.40	2,637.28	2,774.88	2,913.36	2,982.72	3,051.28	3,121.04	3,190.48	3,259.60	3,328.88
	29.502	31.230	32.966	34.686	36.417	37.284	38.141	39.013	39.881	40.745	41.611
Grp 13	66,991	70,916	74,876	78,824	82,742	84,731	86,699	88,689	90,673	92,662	94,644
	2,576.56	2,727.52	2,879.84	3,031.68	3,182.40	3,258.88	3,334.56	3,411.12	3,487.44	3,563.92	3,640.16
	32.207	34.094	35.998	37.896	39.780	40.736	41.682	42.639	43.593	44.549	45.502
Grp 14	74,668	79,121	83,524	87,953	92,383	94,598	96,830	99,064	101,286	103,507	105,728
	2,871.84	3,043.12	3,212.48	3,382.80	3,553.20	3,638.40	3,724.24	3,810.16	3,895.60	3,981.04	4,066.48
	35.898	38.039	40.156	42.285	44.415	45.480	46.553	47.627	48.695	49.763	50.831
Sunday in Charge	38.427		Sunday Reference	33.779		PT in Charge	25.618				

**BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: December 16, 2021**

AGENDA ITEM NUMBER: E.2.a.

**RESOLUTION: 2021-40
Minimum Wage Increase Impact
Adjustments**

BACKGROUND:

On September 22, 2021, the New York State Commissioner of Labor, subsequent to receiving an analysis of the state of the economy in each region and the effect of the minimum wage conducted by the New York State Division of the Budget, issued an order increasing the Upstate minimum wage by \$0.70 per hour, from the current \$12.50 to \$13.20 per hour. This 5.6% increase is effective December 31, 2021.

This increase directly impacts Part-time Page and Senior Page wages, presently \$12.50 and \$13.00 per hour respectively, as well as the 3-step wage scale for the Technical Specialist Computer - Library Part-time title, which presently ranges from \$13.00 to \$14.00 per hour. It also impacts a number of other classifications whose wages are near the new \$13.20 hourly amount. Those positions are represented by bargaining units whose 2022 wage rates are the subject of negotiations still under way.

Part-time Page, Senior Page, and Technical Specialist Computer - Library positions are not represented by a bargaining unit. As non-bargaining unit employees, they are not eligible to receive wage scale adjustments without approval by the System Board of Trustees, which can occur as part of the budget process or via individual resolution. Additionally, the relative value of the \$0.50 hourly wage differential between the Page and Senior Page classifications has diminished, as the minimum wage has grown from \$8.00 per hour as of December 31, 2013 to \$13.20 per hour as of December 31, 2021.

In preparing the 2022 Proposed Budget, staff was aware that a minimum wage increase was likely to occur. However, on August 16, when the Library submitted its budget request, the amount of that increase was unknown, so the wage rates for impacted positions were not changed. Rather, an estimated amount of the total impact was included in the 2022 Proposed Budget's SAP Account #504992, Contractual Salary Reserves and would be available to support the adjustments recommended in this resolution.

This resolution would adjust the wages of the three impacted unrepresented classifications to address minimum wage impacts, effective December 31, 2021, including increasing the Page/Senior Page differential from \$0.50 to \$1.00 per hour.

ACTION REQUIRED:

Motion to adopt Resolution 2021-40.

RESOLUTION 2021-40

WHEREAS, on September 22, 2021, the New York State Commissioner of Labor issued an order increasing the Upstate minimum wage by \$0.70 per hour (5.6%) from the current \$12.50 to \$13.20 per hour effective December 31, 2021, and

WHEREAS, this increase directly impacts Part-time Page and Senior Page wages, presently \$12.50 and \$13.00 per hour respectively, as well as the 3-step wage scale for the Technical Specialist Computer - Library Part-time title, which presently ranges from \$13.00 to \$14.00 per hour, and

WHEREAS, the relative value of the \$0.50 hourly wage differential between the Page and Senior Page classifications has diminished as the minimum wage has grown from \$8.00 per hour as of December 31, 2013 to \$13.20 per hour as of December 31, 2021, and

WHEREAS, given this increase was finalized after the Library submitted its 2022 budget request, the wage rates for impacted positions in the 2022 proposed budget were not changed, however an estimated amount of the total impact was included in the 2022 Proposed Budget's SAP Account #504992, Contractual Salary Reserves and is available to support needed adjustments, and

WHEREAS, being non-bargaining unit employees, the Buffalo & Erie County Public Library Board of Trustees must approve their wage scales, which can occur as part of the budget process or via individual resolution, now therefore be it

RESOLVED, the Buffalo & Erie County Public Library Board of Trustees approves wage scale adjustments effective December 31, 2021 as follows:

PAGE PT: FROM \$12.50 per hour TO \$13.20 per hour

SENIOR PAGE PT: FROM \$13.00 per hour TO \$14.20 per hour

TECHNICAL SPECIALIST COMPUTER - LIBRARY PT:

FROM Step 1 \$13.00, Step 2 \$13.50, and Step 3 \$14.00 per hour

TO Step 1 \$15.00, Step 2 \$15.50, and Step 3 \$16.00 per hour, and be it finally

RESOLVED, the Buffalo & Erie County Public Library Board of Trustees authorizes the Interim Library Director or her designee to execute the steps and documents needed to effectuate the above adjustments.

**Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on December 16, 2021.**

**BUFFALO & ERIE COUNTY PUBLIC LIBRARY
PAGE & SR. PAGE HOURLY WAGE RATES**

EFFECTIVE DATE: DECEMBER 31, 2021

**PAGE and SENIOR PAGE WAGE SCALES
December 31, 2021 - December 30, 2022**

PAGE

Step 1
\$13.20

SENIOR PAGE

Step 1
\$14.20

NOTES:

Wage scales reflect rates approved as part of the 2021 Adopted Budget.

Page rates are consistent with mandated increases in the New York State Minimum Wage Law and Sr. Page rates are budgeted at \$0.50 above the minimum wage.

**BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: July 15, 2021**

AGENDA ITEM NUMBER: E.3.a.

**RESOLUTION: 2021-24
Amend Internet Safety and
Acceptable Use Policy**

BACKGROUND:

The Buffalo & Erie County Public Library's (B&ECPL) Board of Trustees adopted an Internet Safety and Acceptable Use Policy on June 20, 2002 to govern internet access and public computer use at all libraries of the B&ECPL System. The Policy has been reviewed and amended periodically, most recently on November 19, 2020.

The Library has a structure for process and review of standing policies to ensure that they remain timely and effective. This procedure was used in the process to review the Internet Safety and Acceptable Use Policy.

The Board's Policy Committee met on June 17, 2021 to review the attached proposed amended Internet Safety and Acceptable Use Policy. Changes were recommended due to a new B&ECPL program that allows for lending of Wi-Fi hotspots and Chromebooks. Language has been updated to clarify the policy applies on library-owned devices used outside of library buildings. Recommendations for change and new language are shaded; strike-throughs are deleted text.

The Policy Committee recommends the proposed amended Internet Safety and Acceptable Use Policy for approval by the full Board.

ACTION REQUIRED:

Motion to adopt Resolution 2021-24.

RESOLUTION 2021-24

WHEREAS, the Buffalo & Erie County Public Library (B&ECPL) has a structure for process and review of standing policies to ensure that they remain timely and effective, and

WHEREAS, the Policy Committee used this process to review and make recommendations which are reflected in the attached draft amended Internet Safety and Acceptable Use Policy which has been vetted by B&ECPL legal counsel, and

WHEREAS, recommended changes include updating language to clarify the policy applies on library-owned devices used outside of library buildings, and

WHEREAS, the Policy Committee recommends the attached proposed amended Internet Safety and Acceptable Use Policy for approval by the full Board, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's Internet Safety and Acceptable Use Policy to supersede and replace the prevailing policy last reviewed November 19, 2020, and be it further

RESOLVED, that the amended Internet Safety and Acceptable Use Policy replace the existing policy in each Contract Library's annual agreement, Exhibit H, and be it finally

RESOLVED, that a copy of the approved Internet Safety and Acceptable Use Policy be distributed to all B&ECPL libraries, Contract Libraries and Contract Library Trustees as well as posted on the B&ECPL's website.

**Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on July 15, 2021.**

Internet Safety and Acceptable Use Policy

This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.

I. GENERAL STATEMENT OF POLICY

1. As part of its mission, the Buffalo & Erie County Public Library (B&ECPL) System provides internet access and computing resources for public use.
2. All internet access and computing resources provided by the B&ECPL are subject to the terms of this policy.
3. The B&ECPL provides wireless access at all locations, enabling patrons who visit local libraries to use their privately owned computer equipment or Wi-Fi-enabled devices to access the internet. Wireless access does require user acceptance of the B&ECPL's *Internet Safety and Acceptable Use Policy*. All wireless access at any B&ECPL location or on a library-owned computing device is filtered.
4. Consistent with B&ECPL Circulation Policy, with the exception of the United States Government Publishing Office (GPO), parental permission for internet access using Library equipment is required for individuals who have not attained the age of 17. Individuals who have not attained the age of 17 may access the GPO website, and materials available on this site, from all B&ECPL public access computers. Restrictions have been put in place to prevent further access to the internet.
5. The B&ECPL assumes no responsibility for any loss or damages, direct, indirect, incidental, or consequential, arising from patron use of the B&ECPL's internet connections or any other use of its computing resources.
6. The B&ECPL does not monitor and has no control over the information on the internet and does not warrant or guarantee the reliability or truthfulness of information obtained from the internet. As with all B&ECPL resources, patrons are advised to exercise their own critical judgment when evaluating the validity and appropriateness of information found on the internet. Certain information may be inaccurate, misleading or offensive to some individuals.
7. As a limited public forum under the First Amendment of the United States Constitution, the B&ECPL enforces reasonable "time, place and manner" restrictions on the public display of content, to ensure constitutionally protected access to information (including images) by users, while limiting unwanted exposure of that information to others.

8. Unauthorized access to B&ECPL's computer resources, including hacking and all other unlawful computer activity, is strictly prohibited.
9. To comply with the Children's Internet Protection Act (CIPA) and restrict access to online content that may be considered harmful to minors or offensive to adults, the B&ECPL employs technology protection measures (including filters) on all Library-owned computing devices offering internet access. As required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed to be obscene, child pornography, or harmful to minors. Users are cautioned that filters are not foolproof and due to technological limitations cannot obstruct access to all potentially harmful or offensive content. In addition, filters may block access to some legitimate or constitutionally protected material found on the internet. By law, individuals who have attained the age of 17 have the right to unfiltered internet access for bona fide research or other lawful purposes.

II. CHILDREN, PARENTS AND THE INTERNET

1. Parents/guardians have the sole right and responsibility to decide what is appropriate for their child. The B&ECPL does not act *in loco parentis* (i.e., in the place or role of the parent). Parents/guardians are responsible for the supervision of their child's internet activity. Children who use the internet unsupervised may be exposed to inappropriate or disturbing information and images.
2. The B&ECPL has taken the following measures designed to assist in the safe and effective use of these resources by all minors (individuals who have not attained the age of 17). The B&ECPL:
 - a. Employs technology protection measures (including filters) on all Library-owned computing devices offering internet access;
 - b. Develops and maintains special web pages for children and teens;
 - c. Develops and provides training programs on safe and effective internet use; and
 - d. Provides online and printed information about child safety and information on educational or recreational uses of the internet.
3. To address the issue of the safety and security of minors when using email, social networking sites, or other forms of direct electronic communications, the B&ECPL advises parents and guardians to encourage minors to:
 - a. Never give out identifying information such as their full name, address, telephone number, or school name;
 - b. Let parents/guardians decide if personal information such as first name or age should be revealed;

- c. Always tell their parents or another adult they trust if they see something online that is frightening or that they do not understand, or if they observe or experience something that might be cyberbullying;
- d. Never respond to messages that make them feel uncomfortable or uneasy;
- e. Never arrange to meet in person someone they have met online unless they discuss it with their parents/guardians and an adult accompanies them;
- f. Have parents/guardians report an incident to the National Center for Missing & Exploited Children at 1-800-843-5678 or CyberTipline.org if one becomes aware of the transmission of child pornography;
- g. Remember that people online may not be who they say they are; and
- h. Remember some things they read on the internet may not be true.

III. USER RESPONSIBILITIES

1. All patrons must abide by the Rules of Conduct in effect at the library they are visiting and are expected to use internet and/or computing resources in a responsible and orderly manner. Failure to comply with the policies and regulations that govern the use of the B&ECPL's internet access and personal computing resources may result in immediate suspension of library privileges including but not limited to eviction from library buildings and notification of disciplinary process and, where necessary, civil liability and/or criminal prosecution. The following are prohibited:
 - a. Damaging equipment, software, or data;
 - b. Violating system security;
 - c. Violating any legal agreement (e.g., software licenses);
 - d. Using the internet for any illegal activity, criminal purposes or violating any federal, state or local law (e.g., copyright, child pornography);
 - e. Using or installing personal software on B&ECPL equipment;
 - f. Engaging in any activity that is cyberbullying, harassing or defamatory; and
 - g. Engaging in activities that may be judged as disruptive by library staff or patrons.

User responsibilities are not limited to the above and may be subject to change.

Adopted by the B&ECPL Board of Trustees at a public meeting, following normal public notice, on June 20, 2002.

Amended, July 18, 2002, December 18, 2003, February 16, 2006, September 28, 2006, July 19, 2012, May 21, 2015 and December 17, 2015.

Reviewed by Policy Committee September 22, 2016 - no changes.

Amended September 21, 2017.

Amended October 18, 2018.

Amended November 21, 2019.

Reviewed by Policy Committee November 19, 2020 - no changes.

Amended July 15, 2021.

**BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: December 16, 2021**

AGENDA ITEM NUMBER: E.3.a.

**RESOLUTION: 2021-44
Amend Sexual Harassment
Prevention Policy**

BACKGROUND:

The Buffalo & Erie County Public Library Board of Trustees adopted a Sexual Harassment Prevention Policy on December 20, 2018. The Policy has been reviewed and amended periodically, most recently on August 12, 2020.

The Library has a structure for process and review of standing policies to ensure that they remain timely and effective. This procedure was used to review the Sexual Harassment Prevention Policy.

The Board's Policy Committee met on November 18, 2021 to review the attached proposed amended Sexual Harassment Prevention Policy. The revisions to the Sexual Harassment Prevention Policy are minor housekeeping changes, to update a title and an address. Recommendations for change and new language are shaded; strike-throughs are deleted text.

The Policy Committee recommends the proposed amended Sexual Harassment Prevention Policy for approval by the full Board.

ACTION REQUIRED:

Motion to adopt Resolution 2021-44.

RESOLUTION 2021-44

WHEREAS, the Buffalo & Erie County Public Library has a structure for process and review of standing policies to ensure that they remain timely and effective, and

WHEREAS, the Policy Committee used this process to review and make recommendations which are reflected in the attached draft amended Sexual Harassment Prevention Policy which has been vetted by B&ECPL legal counsel, and

WHEREAS, recommended changes are minor, including updating a title and an address, and

WHEREAS, the Policy Committee recommends the attached proposed amended Sexual Harassment Prevention Policy for approval by the full Board, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's Sexual Harassment Prevention Policy to supersede and replace the prevailing policy last revised August 12, 2020, and be it further

RESOLVED, that copies of the approved amended Sexual Harassment Prevention Policy replace the existing policy in the B&ECPL Personnel Policies and Procedures Manual as Chapter 8, Section 2, and be it further

RESOLVED, that the amended Sexual Harassment Prevention Policy replace the existing policy in each Contract Library's annual agreement, Exhibit I, and be it finally

RESOLVED, that the Board of Trustees of the B&ECPL authorizes this policy be transmitted to all B&ECPL libraries, Contract Library Directors, and Contract Library Trustees and authorizes public posting on the Library's website.

**Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on December 16, 2021.**



Sexual Harassment Prevention Policy

This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.

This policy is also part of the *Buffalo & Erie County Public Library Personnel Policies and Procedures Manual*.

I. Statement of Policy

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining an environment free from sexual harassment. Sexual harassment is a form of workplace discrimination and it is against the law. This policy is one component of B&ECPL's commitment to a discrimination-free environment. Everyone has a legal right to a workplace free from sexual harassment. All employees working in B&ECPL locations are required to work in a manner that prevents sexual harassment and are urged to report sexual harassment by filing a complaint internally with the B&ECPL. Complaints may also be filed with a government agency or in court under federal, state or local antidiscrimination laws.

A. Applicability

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with B&ECPL, without regard to immigration status.
2. All employees, paid or unpaid interns, and non-employees are expected to 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 and be provided to employees upon hiring.
3. 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).
4. 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. Sexual harassment may subject B&ECPL to liability for harm to targets of sexual harassment; and harassers may also be individually subject to liability.

B. 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.

- 1. 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:
 - a. 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;**
 - b. Such conduct is made either explicitly or implicitly a term or condition of employment; or**
 - c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.****
- 2. 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, or cause the recipient discomfort or humiliation, or interfere with the recipient's job performance.**
- 3. 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.**

Anyone covered by this policy 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, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims.

C. Examples of Sexual Harassment

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

1. **Physical acts of a sexual nature, such as:**
 - a. **Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;**
 - b. **Rape, sexual battery, molestation or attempts to commit these assaults.**
2. **Unwanted sexual advances or propositions, such as:**
 - a. **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;**
 - b. **Subtle or obvious pressure for unwelcome sexual activities.**
3. **Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.**
4. **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.**
5. **Sexual or discriminatory displays or publications anywhere in the workplace, such as:**
 - a. **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.**
6. **Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:**
 - a. **Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;**
 - b. **Sabotaging an individual's work;**
 - c. **Bullying, yelling, name-calling.**

D. 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.

E. 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.

II. Prohibition Against Retaliation

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. B&ECPL will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of B&ECPL 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 working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager or the Human Resources Officer. 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 under Section 5 Legal Protections.

A. What is 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:

1. Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
2. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
3. Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
4. Reported that another employee has been sexually harassed; or
5. Encouraged a fellow employee to report harassment.

B. Good faith claims

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.

III. Reporting Sexual Harassment

A. Who Should Report

Preventing sexual harassment is everyone's responsibility. B&ECPL 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 Human Resources Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Officer.

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 another person should use the complaint form and note that it is on another person's behalf.

B. 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 Human Resources Officer.

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.

IV. Complaint and Investigation of Sexual Harassment

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.

A. Complaint

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form.

B. Witnesses

All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment. B&ECPL will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this Policy.

C. Investigation Process

While the process may vary from case to case, the following steps of the investigation process will ensure a thorough and complete investigation:

1. Upon receipt of complaint, the Human Resources Officer will conduct an immediate review of the allegations, and take any interim actions, as appropriate.
2. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, the Human Resources Officer will prepare a Complaint Form based on the verbal complaint.
3. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
4. Request and review all relevant documents, including all electronic communications.
5. Interview all parties involved, including any relevant witnesses.
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
7. Keep the written documentation and associated documents in a secure and confidential location.

8. 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.
9. Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

V. Legal Protections and External Remedies

Sexual harassment is not only prohibited by B&ECPL but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at B&ECPL, 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.

A. 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.

Effective August 12, 2020, complaints may be filed with the DHR any time within 3 years 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 B&ECPL 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, Main Place Tower, 350 Main Street 10th Fl. Suite 1000B, Buffalo, New York 14202. You may call (716) 847-7632 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit 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.

B. 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 or via email at 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.

C. 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.

D. 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 December 20, 2018 per Resolution 2018-41.
Amended November 21, 2019 per Resolution 2019-44.
Amended August 12, 2020 per Resolution 2019-44.
Amended December 16, 2021 per Resolution 2021-44.



Buffalo & Erie County Public
LIBRARY

**COMPLAINT OF
HARASSMENT, DISCRIMINATION, OR RETALIATION**

The Buffalo & Erie County Public Library prohibits harassment or discrimination because of gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law. The B&ECPL acknowledges its legal and ethical obligation to protect the right of all persons to an environment free from discrimination, harassment, and retaliation. If you believe you have been harassed, discriminated against, or retaliated against in violation of B&ECPL policy, please complete this complaint form.

General Information:

Date:		
Name:		
Address:		
City:	State:	Zip:
Home Phone No.:	Work Phone No.:	
Department:		
Supervisor's Name:		
Supervisor's Phone No.:		

Specific Information about Your Complaint:

1. WHO IS HARASSING YOU, DISCRIMINATING AGAINST YOU, AND/OR RETALIATING AGAINST YOU? (Include name(s) and job title(s))

2. WHAT HAPPENED TO YOU TO PROMPT THIS COMPLAINT? (Be as specific as possible in describing the harassment/discrimination/retaliation. Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)

3. DID ANYONE WITNESS THE INCIDENT(S) DESCRIBED ABOVE? IF SO, STATE THE NAME OF THE INDIVIDUAL WHO WITNESSED EACH INCIDENT.

4. WITH WHOM (if anyone) HAVE YOU DISCUSSED THE INCIDENT(S)?

5. HAVE YOU PREVIOUSLY BEEN SUBJECTED TO HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE INDIVIDUALS IDENTIFIED IN YOUR RESPONSE TO QUESTION 1? IF SO, PLEASE DESCRIBE EACH PRIOR INCIDENT IN DETAIL. (Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)

6. DO YOU HAVE WRITTEN DOCUMENTATION (e.g. cards, letters, text messages, or journals) RELEVANT TO YOUR COMPLAINT? IF SO, DESCRIBE THE DOCUMENT(S).

7. ARE YOU AWARE OF OTHER PERSONS WHO HAVE EXPERIENCED HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE PERSON HARASSING, DISCRIMINATING, OR RETALIATING AGAINST YOU? IF SO, STATE THE NAME AND THE DETAILS OF THEIR EXPERIENCES, IF KNOWN TO YOU.

8. HOW DO YOU SUGGEST OR PREFER THAT YOUR COMPLAINT BE RESOLVED?



Equal Employment Opportunity and Anti-Harassment Policy

This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.

This policy is also part of the *Buffalo & Erie County Public Library Personnel Policies and Procedures Manual*.

I. Statement of Policy

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining an environment free of discrimination and unlawful harassment.

A. Equal Employment Opportunity

It is the policy of the B&ECPL to provide Equal Employment Opportunity in every aspect of employment to all applicants and employees without regard to gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law.

The B&ECPL will take affirmative action as called for by all applicable federal, state and local laws and executive orders to ensure that underrepresented groups are introduced into the workforce and provided promotional opportunities. Employment decisions will be made without regard to unlawful considerations.

B. Unlawful Harassment

The B&ECPL will not tolerate unlawful harassment of its employees by any supervisor, coworker, volunteer, patron, or any other person with whom employees may come into contact during work. Similarly, the B&ECPL will not tolerate its employees engaging in unlawful harassment of co-workers or of non-employees with whom they come into contact during work, including but not limited to job applicants, vendors, contractors, patrons and volunteers.

The B&ECPL prohibits all forms of unlawful harassment. Generally, unlawful harassment includes any unwelcome conduct, whether verbal, written, physical

or visual, that is based upon a person's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law. Such conduct is unlawful and prohibited whenever it:

1. Subjects an individual to inferior terms, conditions or privileges of employment,
2. Unreasonably interferes with an individual's work performance, or
3. Creates an intimidating, hostile or offensive working environment.

C. Examples of Harassment

1. Offensive comments such as racial or ethnic slurs, jokes, epithets and innuendo;
2. Verbal or physical kidding, teasing or practical jokes based on a person's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law;
3. Harassing conduct based on gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment; or
4. Any action taken because of an individual's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law that alters the terms, conditions and/or privileges of employment.

D. Sexual Harassment - See Sexual Harassment Prevention Policy.

E. Applicability of Policy

1. The prohibition against discrimination and unlawful harassment applies to everyone: managers, supervisors, salaried and hourly employees, temporary employees, volunteers, contractors, trustees,

public officials, appointed administrative officers, patrons or any other non-employee.

2. The B&ECPL will not allow unlawful harassment of any kind by anyone. This policy will be reviewed with all staff. It is the responsibility of each supervisor to ensure affirmative implementation of this policy to avoid discrimination, unlawful harassment or retaliation in employment and to report all violations they may become aware of. All employees are expected to be cognizant of this policy and cooperate with its implementation.
3. The B&ECPL has zero tolerance for the types of conduct described in this policy. The B&ECPL may treat instances of inappropriate conduct as a violation of this policy, regardless of the specific wording of this policy or technical definitions in the applicable laws; and the B&ECPL may deal with such conduct with disciplinary action or other forms of corrective action as deemed appropriate.
4. Any harassment based on a protected class violates this policy regardless of whether such harassment would be considered severe or pervasive under legal precedent applied to harassment claims.

II. Procedure

A. Reporting Discrimination, Harassment or Other Violations of This Policy

All employees, volunteers, patrons and other persons utilizing or working in B&ECPL facilities and services are encouraged to promptly report any conduct that they are subject to, or that they witness, which may violate this policy. If the B&ECPL does not know about the discriminatory or harassing conduct, it cannot act.

Prior to making a report, individuals who believe they have been discriminated against or harassed may choose to firmly and promptly notify the offender that his/her behavior is unwelcome. However, the B&ECPL recognizes that such a confrontation may be uncomfortable or even impossible. Therefore, notifying the offender is not required.

To make a report, individuals should follow the steps set forth below:

1. **Notify Appropriate Staff**
 - a. Employees, supervisors and managers must report any incident of discrimination, retaliation, sexual harassment or other harassment.
 - b. Employees who believe they have been subject to or witnessed conduct which violates this policy should immediately report the incident to their direct supervisor.

- c. If the supervisor is the alleged offender or the employee is uncomfortable reporting the incident of discrimination, harassment or retaliation to the supervisor, the incident should be reported directly to the Department Head.
- d. In the event that the circumstances of the situation make it inappropriate to report the incident to the individual's supervisor or to their Department Head, or in the event the individual is not an employee and does not have a supervisor or Department Head, the incident should be reported directly to the Human Resources Officer at (716)858-6103.
- e. Supervisors and managers must immediately report any incident or report of discrimination, retaliation, sexual harassment or unlawful harassment even if they are not the target or victim of such harassment to the Human Resources Officer.

2. Promptly Report Complaint

- a. B&ECPL encourages the prompt reporting of complaints so that a rapid response and appropriate action may be taken.
- b. Failure to promptly report a complaint can hinder an effective investigation.
- c. A prompt report not only aids the complainant but also helps to maintain an environment free from discrimination for all employees.
- d. Reports of 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 harassment on behalf of another person should use the complaint form and note that it is on another person's behalf.

3. Prepare Written Report of Misconduct

- a. An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of discrimination, retaliation and/or harassment.
- b. Any and all verbal and written reports must be submitted to the Human Resources Officer for investigation.
- c. Upon receipt of a complaint under this policy, Human Resources will complete a formal written report of the complaint, if not already done by the complainant or their supervisor.
- d. Individuals who believe they have been or are currently being subjected to discrimination, retaliation or harassment should maintain a record of objectionable conduct in order to prepare effectively for the investigation.

B. Investigating the Complaint

1. Confidentiality

Any allegation of discrimination, retaliation or unlawful harassment received by Human Resources will be investigated promptly. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

2. Investigation Process

- a. The B&ECPL will investigate thoroughly and quickly any incident of discrimination, retaliation or harassment and will make every effort to take the wishes of the complainant into consideration, keeping the complainant informed as to the status of the investigation.**
- b. Depending on the circumstances of the complaint, Human Resources will determine if the investigation will be completed internally by the Human Resources Officer or if it is more appropriate to forward the complaint to a third party for investigation.**

C. Corrective Action

1. Employees

The B&ECPL will impose appropriate discipline or other corrective action, depending on the nature and seriousness of the offense, up to and including termination, against any manager, supervisor or employee found to have violated this policy, regardless of whether such conduct is considered under the law to constitute unlawful discrimination or harassment or retaliation.

2. Non-employees

When a patron, volunteer or other person not employed by the B&ECPL is found to have engaged in unlawful harassment, discrimination or retaliation against a B&ECPL employee, the Human Resources Office will advise the person of the B&ECPL's policy against such conduct, and will take such other actions as are appropriate under the circumstances, up to and including suspension of library privileges.

III. Protection Against Retaliation

The B&ECPL will not, in any way, retaliate against an individual who makes a complaint of discrimination or harassment or against any participant in the investigation; nor will it permit any manager, supervisor or employee to do so. Retaliation is defined as discriminating against an employee or applicant because they opposed discrimination and/or harassment; made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing related to prohibited conduct under this policy; or exercised any other legal right protected by federal, state or local law requiring equal opportunity.

Retaliation is a serious violation of this policy and should be reported immediately by following the reporting procedure set forth above. Depending on the nature and seriousness of the offense, the B&ECPL will impose appropriate discipline, up to and including termination, against any manager, supervisor or employee found to have retaliated against another individual for reporting discrimination and/or harassment.

A. Examples of Retaliation:

1. Treating someone who has reported an incident of discrimination and/or harassment or participated in an investigation differently from other employees (e.g. cold shoulder).
2. Making negative comments or unreasonably disciplining, reducing responsibility, denying a transfer, giving unfavorable evaluations, or scrutinizing the work, etc. of an individual because that individual has reported an incident of discrimination and/or harassment or participated in an investigation.
3. Subjecting an individual to any adverse employment action for reporting an incident of discrimination and/or harassment or participating in an investigation.
4. Encouraging or ordering other staff to retaliate against an individual who has reported an incident of discrimination and/or harassment or participated in an investigation.
5. Engaging in other behavior that can reasonably be construed to be retaliatory.

IV. Legal Remedies

Employees or job applicants who believe they have been discriminated against, harassed or retaliated against in violation of this policy should first file an internal complaint with the B&ECPL's Human Resources Officer, as described above. If an employee or job applicant is dissatisfied with the response, they may file a complaint with the Equal Employment Opportunity Commission (EEOC) at (716)551-4441 and/or the New York State Division of Human Rights at (716)847-7632, which are authorized to investigate the allegations in the complaint. Employees or job applicants also may

contact a private attorney or union representative should they believe they have been subjected to any form of discrimination, harassment or retaliation.

Adopted April 20, 2017 per Resolution 2017-11 (supersedes independently adopted EEO Policy contained in the B&ECPL Employee Handbook and Personnel Policies and Procedures Manual on December 18, 2014 and the Anti-Harassment Policy last amended March 17, 2016). (Administration Revised July 2018 - updated phone number Section II.A.1.d).

Amended December 20, 2018 per Resolution 2018-40.

Amended November 21, 2019 per Resolution 2019-43.

Reviewed by Policy Committee November 19, 2020 - no changes.

Reviewed by Policy Committee November 18, 2021 - no changes.



Buffalo & Erie County Public
LIBRARY

**COMPLAINT OF
HARASSMENT, DISCRIMINATION, OR RETALIATION**

The Buffalo & Erie County Public Library prohibits harassment or discrimination because of gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law. The B&ECPL acknowledges its legal and ethical obligation to protect the right of all persons to an environment free from discrimination, harassment, and retaliation. If you believe you have been harassed, discriminated against, or retaliated against in violation of B&ECPL policy, please complete this complaint form.

General Information:

Date:		
Name:		
Address:		
City:	State:	Zip:
Home Phone No.:	Work Phone No.:	
Department:		
Supervisor's Name:		
Supervisor's Phone No.:		

Specific Information about Your Complaint:

1. WHO IS HARASSING YOU, DISCRIMINATING AGAINST YOU, AND/OR RETALIATING AGAINST YOU? (Include name(s) and job title(s))

2. WHAT HAPPENED TO YOU TO PROMPT THIS COMPLAINT? (Be as specific as possible in describing the harassment/discrimination/retaliation. Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)

3. DID ANYONE WITNESS THE INCIDENT(S) DESCRIBED ABOVE? IF SO, STATE THE NAME OF THE INDIVIDUAL WHO WITNESSED EACH INCIDENT.

4. WITH WHOM (if anyone) HAVE YOU DISCUSSED THE INCIDENT(S)?

5. HAVE YOU PREVIOUSLY BEEN SUBJECTED TO HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE INDIVIDUALS IDENTIFIED IN YOUR RESPONSE TO QUESTION 1? IF SO, PLEASE DESCRIBE EACH PRIOR INCIDENT IN DETAIL. (Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)

6. DO YOU HAVE WRITTEN DOCUMENTATION (e.g. cards, letters, text messages, or journals) RELEVANT TO YOUR COMPLAINT? IF SO, DESCRIBE THE DOCUMENT(S).

7. ARE YOU AWARE OF OTHER PERSONS WHO HAVE EXPERIENCED HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE PERSON HARASSING, DISCRIMINATING, OR RETALIATING AGAINST YOU? IF SO, STATE THE NAME AND THE DETAILS OF THEIR EXPERIENCES, IF KNOWN TO YOU.

8. HOW DO YOU SUGGEST OR PREFER THAT YOUR COMPLAINT BE RESOLVED?



WORKPLACE VIOLENCE INCIDENT REPORT

This form should be completed the same or next work day, signed by you and your department head, and distributed to the Human Resources Department.

In case of an incident or injury, please follow your Department's emergency procedures.

Date of Incident:		12/29/2021	Time of Incident:		3:50-4:45 pm
Location of Incident:		Aurora Town Public Library			
Victim	Victim Name:		Title:		
	Department:		Supervisor:		
	Work Address:		Phone:		
Suspect	Suspect Name:				
	Suspect Address:				
	Suspect's Actions:				
	<input type="checkbox"/> Biting <input type="checkbox"/> Choking <input type="checkbox"/> Destroying Property <input type="checkbox"/> Forcible Restraint <input type="checkbox"/> Grabbing <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Kicking <input type="checkbox"/> Punching <input type="checkbox"/> Pushing <input type="checkbox"/> Slapping <input type="checkbox"/> Threatening with Weapon(s) <input type="checkbox"/> Throwing Items <input type="checkbox"/> Using Weapon(s) <input type="checkbox"/> Verbal Abuse <input checked="" type="checkbox"/> Other:				
Narrative of the Incident:					
<p>Librarian Jan Siebold said that a potential domestic was happening in the Community Room. I came out right away to assess the situation. The gentleman who was involved, seemed to be looking at paintings. The woman who was previously speaking with a raised voice to the man, was sitting in the main library. Since they were apart and I did not hear what had happened, I instructed staff to inform me if there were any further problems. Not long after, Jan told me that they were arguing again in the main library. —Continued on additional sheet.</p>					
Witnesses:					
Jan Siebold, Jennifer Lewis-Drew, Kathleen Brogan					
Describe Personal Injury Sustained:					
Violation of Rules of Conduct--1.Engaging in disorderly conduct, fighting or challenging to fight, or using offensive words likely to provoke violence or using language that offends others.					

Describe Property Damage/Stolen:	
N/A	
If appropriate, were others notified? (i.e. law enforcement agency, friends, coworkers)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If so, who was notified?	EA Police Dept
When did the notification take place?	12/29/2021 around 4:30 p.m.
How did the notification take place?	Via phone call

Employee Name/Signature: Paula Klocek _____
Print Name Signature

Department Head/Signature: Paula Klocek _____
Print Name Signature

***Note:** This form should be used to report acts or threats of violence, intentional property damage or theft. Workplace accidents (for example, slipping and falling) should be reported on the "Employee Incident and Accident" form, which is located on the Intranet under HR forms.

The identities of victims of violence are protected in **Privacy Concern Cases**. Upon their request, the victim's name will be removed from copies of this report if the following injuries/illnesses are sustained: injury or illness to an intimate body part or reproductive system; injury or illness as a result of a sexual assault; mental illness; HIV infection; needle stick injuries and cuts from objects that may be contaminated with blood or potentially infectious material; other injuries or illness for which the employee requests his or her name not be entered on the report.

Protection from Retaliation: The County of Erie will not in any way retaliate against an individual who files a Workplace Violence incident report or makes a complaint of Workplace Violence, or against any participant in any investigation, nor will it permit any supervisor/manager or employee to do so.

Distribution:

- _____ Human Resources
- _____ Commissioner of Erie County Department of Personnel

ATPL Domestic Incident Report 12/29/21—Additional Information

I instructed staff to stay by the phone and slowly approached them to say excuse me is there a problem, there is no yelling allowed inside of the library. I asked if I could help. The man walked away and went to go read a newspaper. The woman explained that she needed a ride, referencing family issues and a physical altercation last night (not with the man).

The man was giving the woman a ride, but she did not like how he was driving and which way he was taking because of her jaw. She needed to get home to Olean. I offered for her to use the Library's phone to call someone for a ride. She said she had one last person to try. While she was on the phone, I waited for her, deciding what to do. Ultimately, I requested that Kathy Brogan call the police.

When the woman got off the phone, she told me that she decided that she did not want a ride from that person either because they would be anxious and that would be bad for her jaw. I tried to keep her engaged in a conversation while waiting for the police to arrive.

At first, one officer entered the Library. I said, "Hello, Officer" to get his attention. He came over and asked the woman what was going on. I told her maybe he can help you. The officer asked her to chat in the Community Room, but she refused because talking in there would hurt her jaw. He then invited her into the foyer. Then another officer showed up.

The man walked over to the front entrance to see what was going on. He turned around and asked me if I had called the police. I shrugged and told him that I did not. The man went into the foyer. The police spoke to both of them there, then moved out to the front library steps, and then everyone was gone.



This form should be completed the same or next work day, signed by you and your department head, and distributed to the Human Resources Department.

In case of an incident or injury, please follow your Department's emergency procedures.

Date of Incident:		12/27/2021	Time of Incident:		12:15 p.m.
Location of Incident:		Aurora Town Public Library			
Victim	Victim Name:	Paula Klocek	Title:	Director	
	Department:	ATPL	Supervisor:		
	Work Address:	550 Main Street East Aurora, NY 14052	Phone:	(716) 652-4440	
Suspect	Suspect Name:				
	Suspect Address:				
	Suspect's Actions:	Yelling, Causing a Scene, and Abusive Phone Call			
	<input type="checkbox"/> Biting <input type="checkbox"/> Choking <input type="checkbox"/> Destroying Property <input type="checkbox"/> Forcible Restraint <input type="checkbox"/> Grabbing <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Kicking <input type="checkbox"/> Punching <input type="checkbox"/> Pushing <input type="checkbox"/> Slapping <input type="checkbox"/> Threatening with Weapon(s) <input type="checkbox"/> Throwing Items <input type="checkbox"/> Using Weapon(s) <input checked="" type="checkbox"/> Verbal Abuse <input type="checkbox"/> Other:				
Narrative of the Incident:					
<p>We had a patron come into the Library with her child on 12/27/2021 around noon. She was wearing a mask, the child was not. The little one was on the borderline, so I had to find out her age due to the current NYS mask mandate. Our Senior Library Clerk, Kathleen Brogan exchanged pleasantries with her. I quietly reminded Kathy to ask how old the child was. The mother said that she just turned two.--Continued on additional sheet.</p>					
Witnesses:					
Kathleen Brogan, Sr. Library Clerk and Kaysi Dulak, Senior Page					
Describe Personal Injury Sustained:					
None. Verbally personally attacked.					

Describe Property Damage/Stolen:	
None.	
If appropriate, were others notified? (i.e. law enforcement agency, friends, coworkers)	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No
If so, who was notified?	Library Board & System Admin
When did the notification take place?	12/27/2021
How did the notification take place?	e-mail

Employee Name/Signature: Paula Klocek
Print Name Signature

Department Head/Signature: Paula Klocek
Print Name Signature

***Note:** This form should be used to report acts or threats of violence, intentional property damage or theft. Workplace accidents (for example, slipping and falling) should be reported on the "Employee Incident and Accident" form, which is located on the Intranet under HR forms.

The identities of victims of violence are protected in **Privacy Concern Cases**. Upon their request, the victim's name will be removed from copies of this report if the following injuries/illnesses are sustained: injury or illness to an intimate body part or reproductive system; injury or illness as a result of a sexual assault; mental illness; HIV infection; needle stick injuries and cuts from objects that may be contaminated with blood or potentially infectious material; other injuries or illness for which the employee requests his or her name not be entered on the report.

Protection from Retaliation: The County of Erie will not in any way retaliate against an individual who files a Workplace Violence incident report or makes a complaint of Workplace Violence, or against any participant in any investigation, nor will it permit any supervisor/manager or employee to do so.

Distribution:

_____ Human Resources

_____ Commissioner of Erie County Department of Personnel

ATPL Mask Incident Report—12/27/2021

I politely chimed in and explained that a child over the age of two is required to wear a mask and that we have some at the front desk. The patron told me that she'll just go to another library and to tell my supervisor that I am doing her daughter a disservice. I informed her that I am the Director of the Library and unfortunately, it is a State mandate and all B&ECPL locations are following this law. On her way out, she reiterated for me to tell my supervisor that I am doing her child a disservice by turning her away. I responded that I am not turning the child away, it is her choice. She yelled "shame on you" and left the building.

A few minutes later, a man called the Library, and asked if I just turned his daughter away from the Library. I explained that I did not turn the child away and only told the mother that according to the NYS mandate, anyone over the age of two is required to wear a mask.

He told me that he used to volunteer at the Library and that I'll never get an ounce of energy from him again. Also, that I should enjoy looking at myself in the mirror, seeing how filthy I am. Then, he hung up.

Library Accident/Incident Report

(For instruction, see reverse)

Source of information Paula Klocek

Date of Accident/Incident 1/4/22 Time 4:30 pm

Injured Party or owner of damaged property:

Name N/A D/O/B _____

Address N/A Phone _____

City N/A State N/A Zip Code _____

Location of Accident/Incident: (Library Name and Location Within Library Property)

Aurora Town Public Library 550 Main Street East Aurora, NY 14052

Description (How & Why):

A gentleman came into the Library and started recording without permission. Karen Ercolano and Julia Gelsomino came to the back office to let me know what was going on. I approached him as he was taking video in the fireplace area of the newspaper rack. I said excuse me, taking video or pictures in the Library without permission is against our Rules of Conduct and we are a limited public forum. Would you please tell me what you are videoing so that I am aware? He explained that he was doing a story on the Library and wanted people to know what was available to them. I responded that is great, thank you, and it is okay now that I know. Then, I left him to record inanimate objects. Then he came back, right before my shift was over and asked to speak to me about first ammendment rights and that he should not have to ask permission, confused about the Library being a limited public forum. Continued on Attached Page.

(Use reverse side or separate piece of paper for diagrams, and additional information)

Witness:

Name Alison Lawrence

Address _____

City & State _____

Phone _____

Witness:

Name Julia Gelsomino

Address _____

City & State _____

Phone _____

(List additional witnesses on the reverse side or sheet of paper)

Signature of employee making this report

Print name Paula Klocek Library/Work Area ATPL Director Phone _____

Print Name/Sig.-Immediate Supervisor _____ Phone _____ Date _____

Print Name/Signature-Dept. Head Paula Klocek Phone _____ Date 1/4/22

Send completed form immediately to: Your Library Building Owner's Representative

Send a copy of completed form to:

Chief Operating Officer Jeannine Doyle
doylejm@buffalolib.org

Use this space for additional information:

Instructions

1) Use this form to report all accidents, incidents and occurrences resulting in injuries to and/or damage to property owned by others. Report “just the facts” do not editorialize. Document conditions present at the time of the incident (describe and, if possible, include photographs). If a reported incident was not witnessed by staff, clearly indicate this in your description.

Exceptions: 1) Motor vehicle accidents and incidents involving library vehicles and equipment licensed for road use. Use New York State Form MV-104 “Report of Motor Vehicle Accident”
2) Employees, who are injured on the job, complete the Employee Incident and Accident Report (located at intranet.buffalolib.org/sites/default/files/pdf/forms/hr/Incident_Report_COE.pdf).

2) In addition to #1 above, use this form to report all damage and loss (by whatever means) caused by others to library property such as guard rails, guide posts, signs, buildings, lawns, trees equipment, etc. This will make it possible to seek reimbursement for these damages.

3) Others (“..to others,” “..owned by others,” “..caused by others”) means other than library personnel.

4) “Source of information” Examples:

- Complaint called
- Claimant came in to office
- Notified by Police
- I witnessed accident

5) If injuries are of serious nature, and/or, physical evidence at scene must be viewed immediately, and/or, there is any doubt as to what action should be taken, call your building owner’s representative.

6) After reporting this, when necessary, to the appropriate police jurisdiction, and your building owner’s representative, please do not discuss this matter with anyone other than a duly identified representative of your building owner or the library designated to investigate this matter further.

Journalist Incident Report – 1/4/2022

I told him that it is against the Library's Rules of Conduct to take photos or videos without the Library's permission to protect the rights of other people, who may feel uncomfortable being recorded. He thought that was against his first amendment rights and freedom of the press in a public building. Then, he asked if I believed if the Library's limitation of his rights was constitutional. I responded that I am not allowed to express a political opinion and I do not want to get into arguing legalities, but I do know that I have the responsibility in this public forum to protect everyone's rights, which means I need to be asked permission if someone is taking videos or photographs inside of the Library. (The government limits access to a designated public forum to certain classes or types of speech). He seemed fairly respectful that I did not want to debate with him further, though he did not agree. I thanked him for what he is doing to promote the Library, he just needed to speak to me before embarking on the project.



AURORA TOWN PUBLIC LIBRARY

Rules of Conduct

The Buffalo & Erie County Public Library (B&ECPL) serves as a center for information, education and entertainment. Under Article 5, Section 262 of New York State Education Law, the Board of Trustees of the Aurora Town Public Library has adopted the following rules to ensure an atmosphere conducive to appropriate use of the services and facilities of the Aurora Town Public Library. Library users are required to comply with these Rules and Regulations.

The following conduct is prohibited:

1. Engaging in disorderly conduct, fighting or challenging to fight, or using offensive words likely to provoke violence or using language that offends others;
2. Disturbing other patrons, staff or volunteers including but not limited to disruptive behavior such as any loud, unreasonable and/or bothersome noises created by persons or devices; interfering with staff or volunteers in the performance of their duties and persistent, unwelcome attention; obscene or threatening gestures such as staring at another person; or following another person on or around the premises;
3. Carrying weapons of any kind;
4. Possessing, distributing or consuming alcohol or illegal drugs or being under the influence of alcohol or drugs;
5. Engaging in sexual conduct and/or lewd behavior (e.g., exposure, offensive or inappropriate touching, or sexual harassment of other patrons, staff or volunteers);
6. Damaging, destroying, or stealing any Library property or the property of another patron, staff or volunteer;
7. Bringing animals or pets into the library except those required to assist persons with disabilities or those involved in library programs;
8. Selling and/or soliciting; petitioning;
9. Distributing or posting materials/literature that have not been approved by the Library;
10. Vaping, smoking cigarettes, cigars, pipes, smokeless electronic cigarettes or using tobacco products inside of the Library, **on the Library steps as well as ramps, or within one hundred (100) feet of any entrances, exits or outdoor areas of the Library (in accordance with New York State Public Health Law Section 1399-O). and no closer than 100 feet to the side of any point of entry to Library property.**
11. Eating or drinking in designated restricted areas;
12. Making unreasonable use of the restrooms including bathing;
13. Sleeping **or lying down**;
14. Photography or recording on Library premises without Library permission; and,
15. Absence of **appropriate clothing, including shirts and shoes shirts and / or shoes.**

No children under six years of age may be left unattended in any library at any time. Library staff will not be responsible for children who have been left without adult supervision. Adult patrons who are not engaged in library activities that require materials from the children's area shall be asked to relocate to other areas of the library. The staff reserves the right to seek the intervention of appropriate law enforcement or social services agencies, as required by individual circumstances.

People who violate these rules will be advised of their infraction(s). Failure to comply with the Library's established policies, rules and regulations or violations of local, state or federal law may result in immediate suspension of library privileges and, where necessary, civil liability and/or criminal prosecution.

Adopted by Aurora Town Public Library Board September 11, 2012. Amended by the Aurora Town Public Library Board Nov. 24, 2015. Amended January 23, 2018 and confirmed February 27, 2018. Amended March 14, 2019 and confirmed on March 26, 2019. **Amended January 25, 2022.**



Photography and Filming Guidelines & Approval Form

Open configuration options

Filming and Photography Guidelines

Introduction

The Buffalo & Erie County Public Library System (B&ECPL) provides library services to the Western New York community. Fulfilling the Library's mission is the first priority of the B&ECPL, herein referred to as "Library", and the filming and photography described below is permitted so long as it is consistent with the Library's Mission Statement and Rules of Conduct.

News Media Photography

B&ECPL has an open door policy for news media photographers and reporters who are doing stories or projects that directly involve the Library and its programs. Advance authorization for such photography may be obtained from the B&ECPL's Development & Communications Office at 858-7182. Media outlets filming or photographing on Library premises have sole responsibility for gaining all necessary releases and permissions from persons who are filmed or photographed. The Library undertakes no responsibility in obtaining these releases.

News media may use Library facilities for stories or projects directly related to the Library or when the Library is used as a resource to support a story or project; however, research photography of the Library's materials and resources are permitted within certain limitations (see "Research Photography" section below). Using Library facilities as interview venues for unrelated stories, opinion polls or "man on the street" interviews within its facilities is not permitted.

Documentary-Type Photography For Publication Or Broadcast

The B&ECPL permits photography of its premises and activities when the use of the photographs involves the Library directly, ie. books, articles, or videos about the Library, the Library's position in Erie County as a tourist or learning destination, or as part of a piece used to describe our county's environs. Advance authorization must be obtained from the Library's Development & Communications Department 716-858-7182.

Commercial Photography

The B&ECPL does not permit commercial photography on or in its facilities. This includes, but is not limited to, using Library buildings, grounds or interiors as a stageset for portraiture, model photography, product photography, or photography or filming used to advertise goods or services unrelated to the B&ECPL for commercial sale or promotion.

Research Photography

The B&ECPL permits research photography of its materials and resources within certain limitations. Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the Library. Additional permissions must be obtained from the Central Library's Grosvenor Room to photograph materials or items in its special collections because of proprietary rights and preservation issues in these areas. Permission is required to reproduce

materials and, in some cases, a fee may be charged. Please discuss your needs with a Grosvenor Room staff member before planning your project to obtain advance authorization. These limitations may also apply to some materials in other departments of the Central Library.

Amateur Photography

Casual amateur photography and videotaping is permitted in the Library. A permission slip must be obtained from the Development Communications Officer or designee prior to taking photos. The name and contact information of the photographer will be kept on file in the B&ECPL Development & Communications Office. Photos/videos are limited to the Library buildings and/or inanimate objects for personal use. Photography of materials in B&ECPL collections*, taking photos of other patrons or the use of additional equipment such as lighting is not permitted.

*Permission to photograph individual book pages, maps and other items in the Library collection for artistic or educational purposes may be granted. In some cases, this may involve a fee.

Movie Industry

B&ECPL will permit use of its facilities by the movie or music industry for filming major entertainment projects where a Library setting is called for, if the project is in accordance with the rest of these guidelines. Filming can not create a link between the Library and political campaigns, religious affiliation or partisan issues. Projects such as these must be approved in advance through the B&ECPL Development & Communications Office and are subject to legal review, with logistics planned in advance with the Library. Filming done outside of the Library's normal operating hours and involving Library personnel such as are necessary to open, secure, and remain on the premises during a shoot must be paid at overtime rates by the production company.

Photography for Groups and/or Non-Library Events in the Library Meeting Rooms or Auditorium

Groups arranging meetings in the B&ECPL meeting facilities may arrange for photographers and news media during the event. Photography for such events is restricted to the space reserved by the group and may not take place in other areas of the Library.

Photography by library staff for internal and promotional purposes

B&ECPL staff must have the consent of each individual photographed. Permission forms will be kept on file in the Development & Communications Office.

Contact info; 716-858-7182, communications@buffalolib.org

Click this link to download [Photography and Filming Approval Form](#).



**Buffalo & Erie County Public Library
Amateur Filming & Photography Guidelines**

I understand that casual amateur photography and videotaping is permitted in the Library provided I follow the following guidelines:

1. I certify that I have read the two page guideline policy and have received permission from the Development & Communications Office (or designee) prior to taking photos. My name and contact information is on file in the Buffalo & Erie County Public Library System Development & Communication's office.
2. I understand that photos/videos are limited to the Library buildings and/or inanimate objects for personal use. I also understand that photography of materials in B&ECPL collections*, taking photos of other patrons or the use of additional equipment such as lighting is not permitted.

*Permission to photograph individual book pages, maps and other items in the Library collection for artistic or educational purposes may be granted. In some cases, this may involve a fee.

Print Name: _____ Phone # _____

Signature: _____ Date: _____ Approved by: _____



**Buffalo & Erie County Public Library
Amateur Filming & Photography Guidelines**

I understand that casual amateur photography and videotaping is permitted in the Library provided I follow the following guidelines:

1. I certify that I have read the two page guideline policy and have received permission from the Development & Communications Office (or designee) prior to taking photos. My name and contact information is on file in the Buffalo & Erie County Public Library System Development & Communication's office.
2. I understand that photos/videos are limited to the Library buildings and/or inanimate objects for personal use. I also understand that photography of materials in B&ECPL collections*, taking photos of other patrons or the use of additional equipment such as lighting is not permitted.

*Permission to photograph individual book pages, maps and other items in the Library collection for artistic or educational purposes may be granted. In some cases, this may involve a fee.

Print Name: _____ Phone # _____

Signature: _____ Date: _____ Approved by: _____



CONFIDENTIALITY OF LIBRARY RECORDS

This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.

1. The Buffalo & Erie County Public Library is committed to user privacy and confidentiality. The Library observes the terms of the Code of Ethics of the American Library Association, which provides in part that "We protect each library's user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted."
2. In New York State, the confidentiality of library records is governed by Sections 2307 and 4509 of the New York State Civil Practice Law and Rules (CPLR). Section 2307 requires that a subpoena served on a library must be issued by a Justice of the Supreme Court in the library's district, and Section 4509 provides as follows:

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

3. Pursuant to these CPLR Sections, library records will not be released except pursuant to a proper judicial subpoena or court order which specifically identifies the information requested and the purpose for the request, or where otherwise required by law.
4. This confidentiality policy extends to information sought or received, and materials consulted, borrowed, acquired or transmitted, and includes database search records, circulation records, interlibrary loan records, video footage and other personally identifiable uses of library materials, facilities or services.

5. Throughout the year, the Library may issue surveys or conduct educational, fundraising and marketing campaigns to inform the community of library services, programs and events. At those times, the Library may use patron email or postal addresses from the Library's internal mailing lists. The Library does not sell, lease or disclose the patron name, email, address, postal address, telephone number or other personal information for the benefit of outside parties.

Approved June 17, 1993.

Amended June 17, 2010 per Res. 2010-24.

Amended September 19, 2013 per Res. 2013-32.

Amended December 15, 2016 per Res. 2016-51.

Amended November 21, 2019 per Res. 2019-40.

Library Bill of Rights

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

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

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

Although the Articles of the *Library Bill of Rights* are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>).

Uptick in First Amendment Audits

Public libraries report recent rise of encounters

By Cass Balzer (<https://americanlibrariesmagazine.org/authors/cass-balzer/>) | January 3, 2022

[\(/#facebook\)](#)
[\(/#print\)](#)

[\(/#twitter\)](#)

[\(/#email\)](#)



Photo: illustration by Rebecca Lomax/*American Libraries*, ©puhimec/Adobe Stock (person with camera), ©photok/Adobe Stock (person in library)

Ryan*, a librarian working in New England, was confused when she received an email from library administration about a man who had been banned from the building. When she asked a colleague what had happened, she learned there had been a “First Amendment audit.”

“My heart sank,” Ryan says. She had learned about these encounters in 2020 and knew what they entailed. In First Amendment audits, individuals arm themselves with video cameras, proclaim themselves “auditors,” and enter public buildings, like police precincts and libraries, to record alleged Constitutional violations. “I know what these people do, so when I heard it was a First Amendment audit, I thought, ‘Oh, no.’”

Libraries have been experiencing First Amendment audits for several years, but there has been an uptick in reported cases in 2021, according to the American Library Association’s (ALA) Office for Intellectual Freedom (OIF). And while the format of these audits is familiar, libraries are reporting more aggressive, targeted, and organized operations than in years past.

“We have seen a greater number [of First Amendment audits in 2021], and there could be many reasons for it,” says Deborah Caldwell-Stone, director of OIF. There is now a clearer mechanism for First Amendment auditors to profit from their videos, either through monetizing YouTube channels or using crowdfunding tools like Patreon and GoFundMe. Caldwell-Stone also notes the potential impact of pandemic-induced shutdowns. “We’re living in a time where there is a little more contention over politics, and some of it may be coming from that,” she says. “But there may also be a relationship to the fact that libraries are open again.”

Latest Library Links

<https://americanlibrariesmagazine.org/latest-links/>

12s Sallyann Price writes: “When the coronavirus first arrived in New York City in early 2020 and theaters went dark, actor and playwright Harvey Fierstein—a self-described hermit, though some would say he’s synonymous with Manhattan’s Midtown theater district—retreated to his home in Connecticut and started work on a memoir. *I Was Better Last Night* (Knopf, March 1) traces his legendary Broadway career as well as his LGBTQ+ activism and some of the key relationships in what he calls his ‘small circle of a thousand friends.’ He spoke with *American Libraries* about his librarian mother, what he’s learned from playwriting, and his recent \$2.5 million gift to the New York Public Library for the Performing Arts campus at Lincoln Center, which will fund a new laboratory space.”



AL Live



<http://americanlibrarieslive.org/>



<https://americanlibrariesmagazine.org/al-live/>

OIF collects and analyzes data on an annual basis, Caldwell-Stone says, and the 2021 numbers should be available in spring 2022. A few trends have already emerged: Anecdotally, there has been an increasing number of reports “coming in from the Northeast in particular,” she says, and reports are up compared with 2020. More recently, auditors appear to be targeting smaller libraries whose staff might not have the resources and experience to de-escalate a volatile encounter.

What’s still uncertain is how 2021 numbers compare with those from before the COVID-19 pandemic, when more libraries were open. And as these cases see a resurgence, library staffers are split on whether they feel prepared—for the audits themselves or their aftermath.

Getting prepared

In October 2019, OIF published a blog post (<http://bit.ly/AL-1AAudit>) that several library directors have used to better understand their legal grounds for interacting with auditors (see sidebar). Caldwell-Stone advises that staff refrain from intervening unless an auditor is violating behavior policies or harassing staff members or patrons. She also encourages library workers to revisit their behavior and social media policies and any rules concerning photography.

Stacy Wittmann, director of Eisenhower Public Library District (EPLD) in Harwood Heights, Illinois, took this advice when she heard some libraries were experiencing First Amendment audits. Wittmann met with department heads to collaborate on a strategy to prepare staff.

“The public-facing departments did go over all our policies with their staff,” she says. “As long as people aren’t violating our behavior policy, they have the right to photograph and record within the library.” Though EPLD has not experienced an audit, Wittmann says she feels reasonably ready for an encounter.

Don’t Go Viral

Preparing for a First Amendment audit is often a library’s best defense against a viral outcome. Library workers should take steps to limit an auditor’s ability to cause harm. The below tips are adapted from the ALA Office for Intellectual Freedom (OIF) blog post “[Auditing the First Amendment at Your Public Library](http://bit.ly/AL-1AAudit)” (<http://bit.ly/AL-1AAudit>) by OIF Director Deborah Caldwell-Stone.

Understand the library’s role as a limited public forum. In limited public forums, staffers are only obligated to allow free speech that is consistent with the nature of that forum. In other words, library behavior and privacy policies can often supersede an individual’s right to film or photograph the space. As is the case in many courthouses, a library can regulate photography or filming inside the building even if the facility is open to the public.

Adopt or review written policies. Written policies can help staff members regulate behavior in a manner that respects every person’s right to privacy and safety. Staffers should be familiar with these policies to mitigate behavioral violations that may occur during an audit. As always, staff training and consultation with your state library or legal counsel are important parts of this process.

Know your rights and responsibilities. Public library workers are public employees. Several US Courts of Appeals have upheld a private citizen’s right to record audio and video of public employees carrying out their duties in a public space regardless of their consent. However, this does not include the right to harass or interfere with public employees as they carry out those duties.

Label all private spaces. Libraries should clearly identify all nonpublic spaces inside the building, such as bathrooms, offices, break rooms, work areas, and reservable private study spaces. Creating this identification can provide clearer guidance when a First Amendment auditor violates library policy.



PLA 2022
Portland
Oregon
MARCH 23-25

Don't miss the premier event for public libraries—the PLA 2022 Conference! PLA 2022 features over 100 educational sessions, trend-setting exhibitors, and inspiring speakers. Register before Feb. 18 to save!

FEATURING CLOSING SPEAKER *Kal Penn*



REGISTER

<http://bit.ly/2oRcBvq>



START YOUR
NEXT CHAPTER

EARN AN MLIS
100% ONLINE

THE UNIVERSITY OF ALABAMA
ONLINE

GET STARTED

PART OF THE University of Alabama System

https://online.ua.edu/landing/slis/index.php?utm_source=ala&utm_medium=banner&utm_campaign=slis&utm_term=october-2021&utm_content=300x250-2



CHAMPION THE SCRIPPS
NATIONAL SPELLING BEE
IN YOUR COMMUNITY!

FIND OUT HOW

Learn more at
spellingbee.com



https://spellingbee.com?utm_source=ala&utm_medium=banner&utm_campaign=AL-online

Know when to engage. If a First Amendment auditor is not violating any behavior policies, avoid engaging. Most auditors enter these situations with a goal of getting a rise out of employees. If staffers do not give them that opportunity, auditors are more likely to leave without incident.

Jennifer Brown, executive director of The Field Library in Peekskill, New York, used OIF's blog post to prepare herself and her staff after receiving a warning from her town's police department to plan for a potential audit. The caution came after an encounter at a nearby library resulted in a viral video.

When the so-called auditor arrived 10 days later, Brown says she felt ready. "We knew what to expect, what this guy would try to do, what the policies from ALA are, and what our own policies were," she says. The auditor stayed in the building for only six minutes. "He didn't get a rise out of anybody, so he was kind of deflated and left. It doesn't make for an interesting video if nobody stops you or tries to argue with you over your right to video."

Brown notes that, in preparation for the audit, some library staff took off their name tags to help preserve personal privacy. She also says staff would have protested the man's filming had he attempted to record minors or patrons using computers.

She credits her local police department with her ability to ready herself and her team for the encounter: "My advice is to already have that established relationship with the police department and make sure everybody is on the same page."

The question of police intervention

Police presence in libraries remains a difficult topic, especially when staff and patron safety may be at risk; not all libraries can rely on local police to help them prepare for First Amendment audits. "I don't think working with police is a scalable way of addressing this issue," says Alison Macrina, director of the Library Freedom Project. "In fact, I could see very easily how they could make those situations worse."

For Ryan in New England, police involvement escalated tension during her library's audit, she says. The police were called shortly after the auditor's arrival at the building. A now-viral video shows a heated exchange between police and the man, who has filed a lawsuit against the city (he was also charged with a misdemeanor). Library staff involved in the incident are not named in the lawsuit, but Ryan remains upset by the response from law enforcement.

"Having watched the video and seen how the police engaged with him, it's really frustrating. I feel like they made it worse," she says. "The way that they came in, itching for a fight, is everything that this guy wanted."

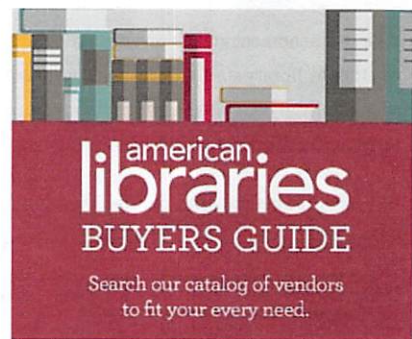
While staffers are not featured in the viral video, the library has been the target of harassment through Facebook, Google reviews, and phone calls. Hostile messages have been posted on their children's storytime videos as well, she says. Additionally, every time the so-called auditor updates his YouTube channel, the calls and comments begin again.

"What we're all so exhausted by is the fact that this is not going to go away. The internet is forever, and any time this guy decides to post an update, it's going to refresh the vitriol," Ryan says. "It's just so annoying that we're going to have to be dealing with this in some fashion for ages."

In the months since the First Amendment audit, Ryan's library has continued to receive phone calls and one-star Google reviews from people outside of her community. The library has since eliminated the ability to comment on its Facebook posts, which has quelled some of the harassment. Still, Ryan says these interactions remain a consistent part of her workday.

"If I schedule something [on Facebook], and it posts, and I forget to go in and turn off commenting, they jump right on that," she says. "Anytime we leave an opening, they find it."

A murky path forward



american libraries
BUYERS GUIDE

Search our catalog of vendors to fit your every need.

<http://americanlibrariesbuyersguide.com/>



OXFORD
UNIVERSITY PRESS

SAVE UP TO 70%*
ON OUR ONLINE PRODUCTS

NOW AVAILABLE
FOR ONE-TIME PURCHASE

*Terms and Conditions Apply

http://pages.oup.com/im/140697770297334494/american-libraries?utm_campaign=oupac-campaign:1406750277428938825&utm_source=third%20party&utm_medium=



OverDrive

Libby Extras:
Databases and Streaming Media

LEARN MORE

Craftsy LawDepot
Method Learning ArtIsWorks.com

https://resources.overdrive.com/library/apps-features/databases-streaming-media/?utm_medium=paid&utm_source=american-libraries&utm_campaign=undefined&



Simmons UNIVERSITY

MS in Library & Information Science

- Merit scholarships available
- Online and on-campus programs
- Fall priority deadline: February 1

PhD in Library & Information Science

- Fall deadline: February 1

APPLY TODAY

<https://simmons.edu/slis>

A First Amendment audit's severity and virality appear to hinge on the response to the auditor, whether by library staff, security, or police. But it can be difficult to predict just how aggressive an auditor can be, as well as when they may arrive. Macrina says that library workers should use their own networks to prepare for encounters.

"We have our mailing lists, our Facebook groups, we have all kinds of ways that we talk to fellow library workers," she says. "What we're missing is the plan of action."

Caldwell-Stone says her office has helped individual libraries develop policies and make improvements to existing ones. She notes that adapting OIF's blog post into a set of guidelines is on the Intellectual Freedom Committee's agenda.

And while some library workers believe this trend will fade if auditors don't get the viral responses they seek, others are less hopeful. "I feel very cynical about it," says Macrina. "I think we, as library workers, really need to prepare ourselves."

**Name changed at source's request.*

A version of [this article](#) first appeared

(<https://americanlibrariesmagazine.org/2021/08/26/uptick-in-first-amendment-audits/>) on americanlibraries.org on August 26, 2021. ■



CASS BALZER is a writer in Chicago.

Share

[./#facebook](#), [./#twitter](#),
[./#email](#), [./#print](#)

Tagged Under

[FREE SPEECH \(HTTPS://AMERICANLIBRARIESMAGAZINE.ORG/TAG/FREE-SPEECH/\)](https://americanlibrariesmagazine.org/tag/free-speech/)

[OFFICE FOR INTELLECTUAL FREEDOM
\(HTTPS://AMERICANLIBRARIESMAGAZINE.ORG/TAG/OFFICE-FOR-INTELLECTUAL-FREEDOM/\)](https://americanlibrariesmagazine.org/tag/office-for-intellectual-freedom/)

[PRIVACY \(HTTPS://AMERICANLIBRARIESMAGAZINE.ORG/TAG/PRIVACY/\)](https://americanlibrariesmagazine.org/tag/privacy/)

[SOCIAL MEDIA \(HTTPS://AMERICANLIBRARIESMAGAZINE.ORG/TAG/SOCIAL-MEDIA/\)](https://americanlibrariesmagazine.org/tag/social-media/)

RELATED ARTICLES:



<https://americanlibrariesmagazine.org/2020/01/02/free-speech-free-for-all-first-amendment-audits/>

[Free Speech—or Free-for-All?](#)

(<https://americanlibrariesmagazine.org/2020/01/02/free-speech-free-for-all-first-amendment-audits/>)

"First Amendment audits" push privacy limits

Auditing the First Amendment at Your Public Library

October 2, 2019

Deborah Caldwell-Stone

Access, First Amendment, Policies, Privacy, Security

By: [Deborah Caldwell-Stone](#), Director, Office of Intellectual Freedom

A loosely organized social media campaign to “audit” government spaces and agencies for alleged First Amendment violations has begun to target public libraries. The individuals and groups undertaking these self-described “First Amendment audits” claim a right to film in any space accessible to the public, arguing that they’re entitled to do so as taxpayers and citizen journalists. Based on their output, their goal is to create videos of their encounters with police, security officers, and public officials that document a claimed violation of the camera person’s First Amendment rights. The video is then posted to YouTube or other social media, and used as evidence for [a legal claim against the targeted agency](#) or its [officers and officials](#).



Now, a growing number of public libraries are reporting that these individuals are visiting their buildings to film and photograph library staff and library users, on the grounds that libraries are “public spaces.”

What does the law say?

The law distinguishes between a traditional public forum, or public square, and facilities opened to the public for a particular use or purpose, like a library or a courthouse. Facilities like libraries and courthouses are considered to be limited public forums or non-public forums¹ for purposes of the First Amendment. In limited or non-public forums, the government agency administering the space is only obligated to allow those First Amendment activities that are consistent with the nature of the forum, even if the facility is open to the public.

For example, [a courthouse is considered a non-public forum](#), and many courthouses forbid photography or filming inside courtrooms or the courthouse itself, even though the public may enter and view activities in the building. (The Supreme Court famously forbids cameras in its chambers, even during public hearings and oral arguments.) So while the First Amendment does protect the right to film or take photos when the person filming is located on a public street, a public sidewalk, a public square, or a public park, it only provides full constitutional protection to expressive activities in a limited or non-public forum when those activities are consistent with the mission or purpose of the facility, or are expressly allowed by the facility.

In *Kreimer v. Board of Police of Morristown, NJ*, an important court opinion addressing a library user’s right to enter and use the library, the court held that because public libraries are a limited public forum, constitutional protection is afforded only to those expressive activities that are consistent with the mission and purpose of the library. A public library is only obligated to permit the public to exercise rights that are consistent with the government’s intent in establishing the library as a limited public forum for the purpose of receiving information and accessing the library’s books, programs, and online resources. According to the [Kreimer opinion](#), other activities, including activities such as photography, filming, petition-gathering, assemblies, and public speeches, may be regulated by the library using reasonable, viewpoint neutral, [time, place, and manner rules](#).

Filming in the library

Given the possible chilling effect on individuals' library usage, the threat to the library user's right to privacy, and potential threat of harassment posed by third-party photography or recording, it is reasonable for the library to regulate that behavior in a manner that preserves the individual patron's right to receive information free from harassment, intimidation, or threats to their safety, well-being, and privacy rights, using policies and procedures developed in accordance with the Intellectual Freedom Committee's [Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage](#). Of course, the means of achieving this is determined by each library board, in light of the applicable local, state, and federal law and as appropriate to the library's and the community's needs and circumstances.

Here are additional guidance and resources for libraries developing or amending their policies to address filming or photography in the library:

- Even though libraries are public places, libraries, and those who work for libraries, should strive to protect users' privacy when they are using library resources in the library, in accordance with the *Library Bill of Rights*, the *ALA Code of Ethics*, and state laws protecting the privacy and confidentiality of library users' records and information.
- The act of photographing or filming the activities of library users by a third party has generally been addressed as a behavior issue or a media relations issue by libraries. Here are some examples of how libraries have addressed these issues:
 - Chicago Public Library specifically bars the photography or recording of library users in its "[Library Use Guidelines](#)."
 - St. Louis Public Library's more detailed "[Photography, Filming and Videography Policy](#)" bars photographers from taking identifiable images of other library users and establishes rules for media.
 - The Shaker Heights Public Library maintains a [Media Relations Policy](#) that addresses both photography and newsgathering in the library.
 - Saint Paul Public Library's "[Photography and Videography Policy](#)" requires those who wish to use cameras and/or recording equipment to obtain advance approval from a supervisor, in order to "protect library users who may be endangered or inconvenienced by having their photo or video image taken in the library."
- Consider policies that allow for photography and filming of the library building and collections that does not invade the privacy of library users. Many people visit libraries to view the architecture, evaluate the collection, or see historic documents or artifacts, and wish to have a photographic souvenir or record of their visit.
- All libraries should take care to clearly identify non-public spaces in the library that are not open to the public or where users have an expectation of privacy, such as washrooms, reservable private study spaces, offices, break rooms, and work areas.
- Carrels, stacks, and computer stations should be arranged in a manner that discourages or prevents someone reading over a user's shoulder without the user being aware of the activity.
- Avoid practices and procedures that place library users' personally identifiable information on public view.
- Best practice: Do not engage with First Amendment auditors who are filming in accordance with policy and are not violating library policies that protect library users' privacy or that prohibit behaviors that constitute harassment of users and staff. Allowing them to film without incident means that they will not obtain the videos that support their social media accounts.
- Different rules may apply to the filming and photography of public library employees. The Digital Media Law Project discusses the right of the public and the press to film public officials carrying out their duties in a public space in [this online blog post](#), "[Recording Police Officers and Public Officials](#)."
- While some "audits" are unobtrusive and do not interfere with the activities of staff or patrons, many library workers are describing a pattern of behavior on the part of some First Amendment auditors that often rises to the level of harassment of staff and library users. This can include a claimed right to interrogate and demand

A designated or limited public forum is a place purposefully opened by the government for designated expressive activity by part or all of the public.

A nonpublic forum is a place that is neither traditionally used for expressive activities nor set aside or opened up in a substantial way for expressive activities.

See the Intellectual Freedom Committee's [Meeting Room Q & A](#).

answers from any individual inside the library or invading the privacy of library users by filming and recording their reading or browsing activity in the library. Harassment and abusive behaviors should be addressed as provided in the library's behavior or use policy.

The Office for Intellectual Freedom encourages libraries to report such incidents using this [online reporting form](#) so that we can track their location and their frequency, and offer support.

(Please note that this post provides legal information but does not constitute a legal opinion. It should not be treated as legal advice. Please consult with your own legal counsel for legal advice regarding your particular situation.)



www.ala.org/challengereporting



Deborah Caldwell-Stone is Director of the American Library Association's Office for Intellectual Freedom and Executive Director of the Freedom to Read Foundation. She is a recovering attorney and former appellate litigator who now works closely with librarians, library trustees and educators on a wide range of intellectual freedom and privacy issues, including book challenges, Internet filtering, meeting room policies, government surveillance, and the impact of new technologies on library patrons' privacy and confidentiality. She has served on the faculty of the ALA-sponsored Lawyers for Libraries and Law for Librarians workshops and speaks frequently to librarians and library organizations around the country about intellectual freedom and privacy in libraries.