

**PHILMONT PUBLIC LIBRARY**  
**POLICIES**

**6/01/2022**

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# **ESSENTIAL DOCUMENTS**

## **MISSION STATEMENT**

It is the mission of the Philmont Public Library (Library) to offer all members of our community a variety of resources and opportunities with which to further their knowledge and cultural enrichment. We especially recognize our responsibility to serve the youth of our community by fostering the excitement of learning and the joy of reading. The Library's ultimate mission is to serve and be responsive to the changing needs of our community, continually seeking to establish and promote an environment in which the personal and cultural diversity of all individuals is accepted and respected by all staff and patrons.

## **AMERICAN LIBRARY ASSOCIATION'S 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:

1. 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.
2. 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.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. 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.

Adopted June 19, 1939.

Amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

## **FREEDOM FROM CENSORSHIP**

Public libraries are not places of censorship where some people or groups can dictate what others are permitted to read about, listen to, or learn. When people target books and other public library materials because they disagree with and intend to suppress the ideas contained within them, their actions jeopardize the freedoms of everyone. The Philmont Public Library (Library) stands *for* free expression and *against* censorship. It shall remain a safe haven to protect ideas, as well as to challenge them. Censorship shall not be tolerated anywhere in or on the grounds of the Philmont Public Library.

The freedom to read is essential to our democracy. Therefore the Library shall support and enforce in their totality:

1. "American Library Association's Bill of Rights" (See "Essential Documents".)
2. "American Library Association's Freedom to Read" (See "Collection".)
3. "American Association's Freedom to View" (See "Collection".)
4. "Use of Library Materials" (See "Collection".)
5. "Collection Development – Materials Selection" (See "Collection".)
6. "Programming and Public Gatherings" (See "Patron Codes of Conduct".)

## **PHILMONT PUBLIC LIBRARY BY-LAWS**

### **Article I Name, Authority, and Government**

Section 1 The name of this organization shall be the Philmont Public Library (Library).

Section 2 The Library derives its authority from an absolute Charter issued by the University of the State of New York Education Department on March 29, 1974.

Section 3 The Library is governed by New York State Education Law, by all other applicable New York State laws, and by these By-laws.

### **Article II Mission**

It is the mission of the Library to offer all members of our community a variety of resources and opportunities with which to further their knowledge and cultural enrichment. We especially recognize our responsibility to serve the youth of our community by fostering the excitement of learning and the joy of reading. The Library's ultimate mission is to serve and be responsive to the changing needs of our diverse community.

### **Article III Board of Trustees**

Section 1 A candidate for the Library Board of Trustees (BOT) shall apply in writing to the BOT. He may be nominated during a BOT meeting as soon as his application has been received, and during the following meeting may be voted to be recommended to the Philmont Village Board for appointment to the BOT. The trustee's appointment shall take effect as soon as the Village Board approves it.

Section 2 A trustee's term of office shall be five years. Trustees may be reappointed. In the case of a trustee's resignation, a new trustee shall be elected by majority vote of the BOT and then appointed by the BOT to serve the remainder of the unfinished term. That appointment may become effective immediately. The trustee may then be elected and recommended for appointment to the Village Board for a full term.

Section 3 Any Library trustee who misses three consecutive meetings may be dismissed from the BOT.

Section 4 Trustees shall not interfere in the day-to-day operations of the Library, thereby usurping the Library Director's authority. However, all decisions made by the Director shall be subject to review by the BOT.

**Article IV Meetings**

Section 1 The BOT shall hold regular meetings at least 10 times annually. The Library Director shall attend these meetings and report on the current affairs of the Library at a time designated by the BOT.

Section 2 The dates of the regular monthly meetings of the BOT shall be published in the Library's Newspaper of Record, and shall be posted on the websites of the Library and the Village.

Section 3 The order of business for regular meetings may include, but not be limited to, the following items:

- a. Call to Order
- b. Roll Call
- c. Visitors in Attendance
- d. Public Comment
- e. Acceptance of Previous Meeting's Minutes
- f. Correspondence
- g. President's Report
- h. Finance Officer's Report
- i. Payment of Bills
- j. Village Liaison Report
- k. Director's Report
- l. Committee Reports
- m. Old Business
- n. New Business
- o. Public Comment
- p. Announcements and Future Meeting Dates
- q. Action List
- r. Adjournment

Section 4 The BOT shall hold an annual June meeting during which the BOT shall:

- a. Elect its officers for the coming year
- b. Choose the publication to be its Newspaper of Record for the coming year
- c. Choose an institution to be its official bank for the coming year

- d. Establish the number of trustees that will serve on the BOT for the coming year
- e. List standing committees, their members, and chairpersons for the coming year

**Article V Officers**

Section 1 The officers shall consist of a President, Vice President, Secretary, and Finance Officer who are elected to the office by a majority vote of the BOT. Trustees' resignations from these offices shall be communicated by letter or email, and shall be accepted by a majority vote of the BOT.

Section 2 Duties of Officers

- a. The President shall preside at all meetings of the BOT; he shall serve as an ex-officio member of all committees except for the nominating committee; he shall sign all official documents; and he shall enforce all policies authorized by the BOT. The President or his designee is the only person to speak for the BOT to the Village Board. The President may call special meetings of the BOT when necessary.
- b. The Vice-President shall assume the duties of the President in the case of the President's absence or disability.
- c. The Secretary shall keep the minutes of all meetings of the BOT and write any letters necessary for the business of the BOT.
- d. The Finance Officer shall have charge of Library funds insofar as allowed by law, keeping record of the Library's income and expenditures. The Director shall record all bills to be presented to the Village.

Section 3 All officers shall serve terms of one year beginning with their election at the annual meeting.

Section 4 In the case of an officer's resignation, the vacancy may be filled by a majority vote of the BOT.

**Article VI Committees**

Section 1 The President of the BOT shall create all standing committees necessary to carry out the business of the Library and shall appoint their members and chairpersons. The President may create ad-hoc committees at any time.

Section 2 Standing Committees

- a. Policy Advisory Committee: Faith Benson, Chairperson
- b. Arts Advisory Committees: Nathaniel Drake, Chairperson
- c. Building Advisory Committee: David Bolevice, Chairperson
- d. Planning Advisory Subcommittee (of the Building Advisory Committee): Mindy Gardner, Chairperson

**Article VII Amendments**

These By-laws may be amended when deemed necessary by a majority vote of the BOT.

**Article VIII Duties of the Library Director**

Section 1 The Library Director is responsible for the proper direction and supervision of the staff, for the care and maintenance of Library property, for an adequate and proper selection of books and other materials in keeping with the written policies of the BOT, for efficient service to the public, and for operation within the Library's budget appropriation.

Section 2 The Library Director shall be under the direction and supervision of the BOT. All decisions made by the Director shall be subject to review by the BOT.

# **BOARD OF TRUSTEES**

## **CODE OF ETHICS/CONDUCT**

### **STATEMENT OF COMMITMENT**

It is the responsibility of the Board of Trustees (BOT) of the Philmont Public Library (Library) and the individual trustees to ensure that the Library provides quality Library service to the residents of the communities it serves. The Guidelines which follow represent the BOT's commitment to the ethical standards for the Library.

### **GUIDELINES**

1. It is the responsibility of the Board of Trustees to set policies for the operation of the Library and to oversee the Director. All decisions made by the Director shall be subject to review by the Board of Trustees.
2. The BOT shall maintain its fiscal responsibilities to the taxpayers of the Library district.
3. Trustees shall observe ethical standards with absolute truth, integrity, and honor.
4. Trustees must distinguish clearly between their personal attitudes and philosophies and those of the Library, acknowledging the formal position of the BOT even if they personally disagree. After a policy or rule is adopted by a majority of the BOT, individual trustees should publicly support those decisions.
5. Trustees must respect the confidential nature of Library business while being aware of and in compliance with applicable laws governing freedom of information. Trustees must not divulge information learned during Executive Sessions of the BOT.
6. Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of the Library or its patrons.
7. It is incumbent upon any trustee to recuse himself immediately whenever the appearance of a conflict of interest exists.
8. Trustees must make decisions in the best interest of residents in all parts of the chartered service area. No preference will be given to any specific group of people.
9. Trustees must be prepared to support the Library's fullest efforts in resisting the censorship of Library materials by groups or individuals. In dealing with the public they shall support and enforce, to the best of their abilities:
  - a. "American Library Association's Bill of Rights" (See "Essential Documents".)
  - b. "American Library Association's Freedom to Read" (See "Collection".)
  - c. "American Association's Freedom to View" (See "Collection".)
  - d. "Use of Library Materials" (See "Collection".)
10. Trustees who accept Library BOT membership are expected to perform all the functions of Library trustees. If a trustee is regularly unable to attend meetings or complete work delegated to him, the trustee should resign so that an active member can be appointed.
11. Candidates for the BOT shall apply in writing to the BOT. This shall take the form of a letter of interest, and may include a resumé.

12. A candidate may be nominated during one meeting, but not voted on until the following meeting. A candidate shall be recommended to the Philmont Village Board for appointment to the BOT after being approved by a majority vote of the BOT.
13. When terminating his membership on the BOT, a trustee shall submit a letter of resignation to the BOT.

## **RESPONSIBILITIES**

1. Attend all regularly scheduled meetings of the Board of Trustees (BOT) of the Philmont Public Library (Library) if possible.
2. Notify the President of the BOT if attendance will not be possible.
3. Communicate with the Library Director (Director) and other Library trustees (trustees) reliably and promptly.
4. Read the monthly reports, minutes, and agendas before meetings to save time during meetings.
5. Prepare to participate knowledgeably in BOT meetings by studying relevant issues.
6. Stay currently informed on all Library issues in general.
7. Attend a minimum of one library training workshop per year through the MHLS.
8. Join committees when members are needed, if possible.
9. Participate in the selection and annual evaluation of the Director and Assistant Director.
10. Annually evaluate the BOT, individually and as a whole, including self-evaluation.
11. Participate in an annual evaluation of the Library's service to the community.
12. Be active and informed about all issues affecting the Library, now and in the foreseeable future.
13. Share research responsibilities with other trustees.
14. Represent the Library positively in the community.

## **VALUABLE PRACTICES**

1. Attend regularly scheduled Village Board meetings.
2. Attend regularly scheduled meetings of the Friends of the Library.
3. Volunteer at Library events.
4. Review the Library's policies, mission, and long-range goals periodically.
5. Visit other libraries.
6. Read library periodicals.
7. Read the Library's website and Facebook page to stay informed about programs and events.

## **RESPONSIBILITIES OF OFFICERS**

### **RESPONSIBILITIES OF THE PRESIDENT OF THE BOARD OF TRUSTEES**

1. Preside at all meetings of the BOT.
2. Communicate with the Director to review an upcoming meeting's agenda.
3. Present a President's Report at regular monthly meetings of the BOT.
4. Provide leadership to the entire BOT.
5. Act to assure proper conduct, effectiveness, and efficient flow of meetings.
6. Serve as an ex-officio member of all committees except for a nominating committee.
7. Sign all official Library documents.
8. Represent the Library at important meetings in the absence of the Library Director.
9. Meet regularly with the Director to stay current with Library practices, programs, and concerns.
10. Represent the BOT to the Village Board.
11. Serve as the primary liaison between the BOT and the Library Director.
12. Serve as the primary liaison between the BOT and the Friends of the Library.
13. Call special meetings of the BOT when necessary.
14. Create committees necessary to carry out Library business.
15. Create ad hoc committees when necessary.
16. Appoint committees' members and chairpersons.

### **RESPONSIBILITIES OF THE VICE PRESIDENT OF THE BOARD OF TRUSTEES**

Assume the duties of the President of the BOT in the case of his absence or disability.

### **RESPONSIBILITIES OF THE SECRETARY OF THE BOARD OF TRUSTEES**

1. Accurately record all motions and other decisions of the BOT in monthly minutes.
2. Mail or email monthly minutes to the Director, all Library trustees, and Village Liaison Representatives within two weeks of regular monthly meetings.
3. Write, record, and report to the BOT all Library correspondence.
4. Inform the public of the date and time of regularly scheduled meetings of the BOT and formal committees by posting their date, time, and place on the Library's website, in local news media, and in the Library.

5. Notify the public, to the extent that is reasonably possible, of specific BOT meetings held in addition to regularly scheduled meetings.
6. Notify local media of ongoing and future Library events.

#### **RESPONSIBILITIES OF THE FINANCE OFFICER OF THE BOARD OF TRUSTEES**

1. Accurately keep all records of the Library's income and expenditures using the Village Ledger.
2. Monitor the percent of the Library's annual budget that has been spent each month.
3. Present a Finance Officer's Report at regular meetings of the BOT.
4. Assist the Director in the formulation of the Library's Annual Budget.
5. Assist with planning involved in capital projects undertaken by Library.

The Village of Philmont has primary responsibility for the treasury function of the Library, including fiduciary control of cash accounts, annual financial statement preparation, tax preparation, and audit. The Treasurer serves in an oversight role for any financial transactions of the Library. Duties include review of monthly invoices, preparation of monthly accounting of receipts and expenditures, assisting with the annual budget, and general guidance involving financial transactions.

## **MEETING PROCEDURES**

### **DATES OF MEETINGS**

The Philmont Public Library BOT shall hold regular monthly meetings at least ten times annually at 7:00 PM on the first Wednesday of the month. If inclement weather or a holiday should occur on the first Wednesday of the month, the meeting shall be moved to the following evening.

### **AGENDA**

Call to Order  
Roll Call  
Visitors in Attendance  
Public Comment  
Acceptance of Previous Meeting's Minutes  
Correspondence  
President's Report  
Finance Officer's Report  
Payment of Bills  
Village Liaison Report  
Director's Report  
Committee Reports  
Old Business  
New Business  
Public Comment  
Dates of Future Meetings  
Adjournment

# **ADMINISTRATIVE**

## **LIBRARY HOURS**

The Philmont Public Library (Library) will be open during the following times:

Sunday: Closed  
Monday: 1:00 – 7:00  
Tuesday: Closed  
Wednesday: 1:00 – 7:00 PM  
Thursday: 10:00 AM – 2:00 PM  
Friday: 1:00 – 5:00 PM  
Saturday: 10:00 AM – 2:00 PM

The Library will be open daily except for Sundays, Tuesdays, and the following national holidays:

New Year's Day  
Martin Luther King, Jr., Day  
Presidents' Day  
Memorial Day  
Juneteenth  
Independence Day (July 4)  
Labor Day  
Veterans' Day  
Thanksgiving Day  
Christmas Day

Any holiday that falls on a Sunday will be celebrated on the following Monday, when the Library will be closed.

## **INCLEMENT WEATHER/CLOSING**

In case of inclement weather, patrons should call the Philmont Public Library (Library) at 518-672-5010 during scheduled hours or check the Library's website ([philmontlibrary.com](http://philmontlibrary.com)) to find out whether or not the Library is open.

## **EMERGENCIES**

### **BOMB THREATS**

Staff should clear the building and trigger the fire alarm on the way out of the Philmont Public Library (Library) building. Once outside, staff should use available cell phones to call 911 to report the bomb threat. Staff should move people to Main Street, but not directly in front of the building. The police will handle the actual bomb search, and no patron or staff shall reenter the building until the police have declared the Library safe.

### **FIRE**

At the first indication of smoke or flame, staff shall investigate the situation to determine the location and extent of the fire. If the fire can obviously be contained and extinguished quickly and safely by staff, staff should proceed to do so by accessing the nearest fire extinguisher. Staff shall familiarize themselves with the type, location, and application of the fire extinguishers in the building. Fire extinguishers are located at the front door, at the back door, and upstairs.

If there is any doubt whether the fire can be controlled, staff should immediately call 911, trigger fire alarms if necessary, and clear the building. Staff should move people to Main Street, but not directly in front of the building. No patron or staff shall reenter building until the Fire Department declares the Library safe.

### **HEALTH**

Staff members should exercise caution when administering first aid of even a minor nature because of the safety of the injured individual and the potential liability of the staff member and the Library. Staff with specialized training may administer assistance when needed at their discretion and comfort level, but are not required to do so. Since each case is unique, staff members should use their own judgment to do what is prudent and reasonable. The Rescue Squad/police should be called immediately by calling 911 in the event of any serious problem.

### **INCIDENT RESPONSE**

For crimes in progress or an immediate emergency, staff shall call 911. For any incidents in the Library that involve a crime, a serious problem with a patron, an illness, a fire, a health emergency, or anything that may result in an insurance claim, staff should fill out the Incident Report Form. See Appendices E, F, and G.

## **PANDEMIC**

During any period of time in which New York State is widely affected by a communicable disease that is recognized and/or designated by the national Center for Disease Control (CDC) to be a pandemic, the Philmont Public Library (Library) shall operate within the changing guidelines advised by the CDC and/or New York State. The Library's primary goal is to preserve the protection of our patrons, staff, and all members of the community. Adoption of specific pandemic policies shall be the responsibility of the Library Board of Trustees.

Before and during the implementation of any protective policies established by the Board, the degree to which normal Library activities are judged safe to be maintained shall be at the discretion of the Director, subject to review by the Board of Trustees.

## **PUBLIC ACCESS TO RECORDS: FREEDOM OF INFORMATION**

The Philmont Public Library (Library), as a New York State governmental entity, complies, as required by law, with the New York Freedom of Information Law (Public Officer Law, Article 6, Section 84-90s, Freedom of Information Law).

A person may request information and records available to the public in the following manner:

1. Use a request letter/form.
2. Direct a request to the Director.
3. Specify the records requested to be disclosed for inspection or to be copied.
4. Reimburse the Library for its actual costs of reproducing and certifying (if requested) the records at \$.10 per page for employee copied records .
5. The Director shall respond to a written request within five working days or sooner if possible. An extension of an additional fifteen working days may be necessary to respond properly, and if so, the reason for doing this shall be explained.
6. Inspect or copy records in person. An employee must be present throughout the inspection.
7. Make an appeal about the decision of the Director to the Board of Trustees (BOT).
8. Records shall be available during regular Library hours.

# **FINANCIAL CONTROLS**

## **FRIENDS OF PHILMONT PUBLIC LIBRARY**

The Friends of Philmont Public Library (Friends) is a group organized to support quality Library service through advocacy, fundraising, and volunteering in ways that promote the policies and long-range plans of the Library. To ensure clear communication between Friends and Library BOT, the two groups have agreed to a Memorandum of Understanding which has been signed by the Presidents of both Boards.

## **GIFTS AND DONATIONS**

Gifts and donations to the Philmont Public Library (Library) will be accepted at the discretion of the Director and/or Board of Trustees (BOT). Upon request, donors will be given receipts acknowledging their gifts to the Library and expressing the Library's appreciation for those gifts. The receipts will summarize the items donated, but will not estimate the monetary value of those donations. The use of gifts and donations will be at the discretion of the Director.

## **PETTY CASH**

The Director of the Philmont Public Library (Library) shall supervise the collection and storage of money received for Library fines. This money will serve as a source of petty cash to which the Director has access for the purchase of Library materials, supplies, or services requiring immediate payment. Records of these transactions shall be kept in a notebook which will be stored with the funds in a secure location in the Library.

## **PURCHASING**

The Director shall be free to choose and purchase for the Philmont Public Library (Library) individual items, the cost of which does not exceed \$1000, without prior approval of the Board of Trustees (BOT).

All financial decisions, whether for purchases or otherwise, that are made by the Director shall be subject to review by the BOT.

# **CIRCULATION**

## **LENDING RULES/PROCEDURES**

Anyone with a library card in the Mid-Hudson Library system may borrow materials from the Philmont Public Library (Library). Library cards may be obtained with a photo ID, lease agreement, or utility bill, as long as the document confirms the applicant's current address.

Temporary online cards must be verified within 30 days at the library where a permanent card will be issued.

### **LOAN PERIODS**

1. Museum passes – 3 days
2. At-home learning kits – 1 week
3. Regular DVDs – 1 week
4. Long loan DVDs – 2 weeks
5. New items – 2 weeks
6. Most other materials, including books, audio books, CDs – 3 weeks

### **RENEWALS**

1. If an item does not have any current holds, it shall be automatically renewed one time. Patrons shall be notified via email.
2. Items requested via interlibrary loan have a limit of 2 renewals each.

### **CHECKOUT LIMITS**

A maximum of 6 DVDs at a time may be borrowed from the Library's collection. There is no limit for DVDs ordered through interlibrary loan.

### **FINES ON OVERDUE MATERIALS**

The Library does not charge fines for overdue materials, but items are still expected to be returned in a timely manner.

### **LOST OR DAMAGED MATERIALS**

1. Patrons shall be charged a replacement fee and billed for items that are lost or deemed by the Director to be significantly damaged.
2. Patrons are advised to check with the Library staff or Director if a borrowed item has been lost. The staff may be able to find the book for a lower cost than is marked on the record. If so, the replacement cost shall be adjusted accordingly.
3. If the lost item is found and returned, its loss shall be taken off the patron's record and the replacement fine for that item shall be waived.

### **BOOK DROPS**

The Library has 2 drop boxes at the back entrance to the Library. Each is marked with the type of materials to be placed inside. Drop boxes are NOT to be used for donations.

### **LENDING AGREEMENT FORM**

See Appendix H.

## **USE OF TOOLS AND EQUIPMENT**

**Tools and equipment that may be borrowed from the Philmont Public Library include, but are not limited to, gardening items, laptops, and hot spots.**

1. Patrons must be age 18 or over to borrow any tools or equipment from the Philmont Public Library (Library).
2. Prior to borrowing tools or equipment, all patrons must sign the Use Agreement, Waiver and Indemnification Form. (See Appendix I.)
3. By taking possession of any item(s), patrons are certifying that they are capable of using the item(s) in a safe and proper manner.
4. Patrons borrowing the Library's tools or equipment are responsible for the safe and appropriate use of those tools and equipment by themselves or any other person(s) whom they permit to use those items while under the patrons' supervision.
5. Patrons may borrow up to two tools or pieces of equipment at a time. The Library reserves the right to make exceptions to this policy.
6. Tools and equipment may be reserved by patrons by calling the Library. Patrons will be notified when reserved tools or equipment become available and will have three (3) days to pick them up. The Library reserves the right to make exceptions to this policy.
7. Patrons agree to pay a refundable deposit of \$15 for tools or equipment whose replacement cost is between \$30.00 and \$50, and \$25 for those with a replacement cost over \$50.00.
8. All tools and equipment have a lending period of seven (7) days. The Library reserves the right to make an exception to this policy.
9. All tools and equipment borrowed are to be returned to the Library by the close of business on their due date. Tools and equipment may be returned only during the Library's open hours and may not be returned in the book drop.
10. Patrons may not renew the check-out of tools and equipment. The Library reserves the right to make exceptions to this policy.
11. If tools or pieces of equipment are returned late, the borrowers will be responsible for late fees. Late fees will be assessed at \$5.00 per day for every day the Library is open until the item is returned, and will be deducted from the refundable deposit. Fines in excess of \$10 will prevent patrons from borrowing additional items from any collection.
12. Tools or equipment shall be deemed severely overdue if not returned in two (2) weeks from the due date. The Library may replace tools and equipment that are severely overdue, holding the borrowers responsible for the full replacement cost. The Library reserves the right to use appropriate steps to retrieve unreturned tools and equipment or unpaid fines or fees. The Library also reserves the right to forgive fines and fees due to special circumstances.

13. Patrons agree that the Library is not responsible for any manufacturing defects in the materials or the quality of workmanship inherent in any borrowed tools or equipment or for any other defective conditions of the borrowed tools or equipment.
14. Patrons agree that if any borrowed tool or piece of equipment becomes unsafe or falls into a state of disrepair, they must immediately discontinue its use and notify the Library of the issue on return, if not earlier. Patrons acknowledge the importance of bringing such conditions to the prompt attention of the Library.
15. All tools and equipment are to be returned in the same (or better) condition as when issued, barring normal wear and tear. **All tools and equipment must be returned clean.**
16. Patrons agree a) to accept the Library's assessment of the condition of all returned items, b) to accept the Library's assessment of fair restitution for damage, soiled condition, or delinquency in returning the item(s), and/or loss of any item(s) in part or in total, and c) to pay for the damage to or loss of any items. This restitution amount may equal, but not exceed, the full replacement cost of the item(s).
17. Failure to comply with any of these rules may result in suspension or revocation of patrons' borrowing privileges, and/or legal action against the patrons.
18. The Library reserves the right to refuse the loan of any items at its discretion.

## LAW ENFORCEMENT INQUIRY

The Philmont Public Library (Library) recognizes and strives to follow the practices of the American Library Association Code of Ethics, Article III, "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted," to the fullest extent of our abilities. The Library also supports the rights and privacy of our patrons with "Civil Practice Laws and Rules Section 4509 Library Records."

Civil Practice Laws and Rules Section 4509 of Library Records, states "Library records, which contain names of 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 for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films of 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 of pursuant to subpoena, court order or where otherwise required by statute."

The Library Director is responsible for handling law enforcement requests. **All Library staff should understand that it is lawful to refer the agent or officer to an administrator in charge of the Library, and that they do not need to respond immediately to any request.**

### PROCEDURE DURING A VISIT

1. If anyone approaches a staff member alleging to be a law enforcement official requesting information, **do not disclose any information.**
2. Ask for identification and then immediately refer the agent or officer to the Library Director. If the Director or Assistant Director is not available, the President or the Vice President of the BOT should be contacted. Photocopy identification or take business card.
3. The Director or other Library representative will meet with the agent and ask to see the court order (for example, a search warrant, subpoena, or National Security Letter) authorizing law enforcement.
4. If the agent or officer does not have a court order compelling the production of records, the Director or officer should explain the Library's confidentiality policy and/or the state's confidentiality law (NYS 4509) and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the Library.
5. If there is no court order presented, the FBI and/or local law enforcement has no authority to compel cooperation with an investigation or require answers to questions (other than the name and address of the person speaking to him). If the agent or officer

makes an appeal to patriotism, the Director will explain that, as good citizens, the Library staff will not respond to informal requests for confidential information, in conformity with professional ethics, First Amendment freedoms, and state law.

6. If the agent or officer does present a court order, the Director should immediately refer the court order to the Library's legal counsel for review.

**COLLECTION**

## **COLLECTION DEVELOPMENT - MATERIALS SELECTION**

The word “Materials” has the widest possible meaning. It may include, but is not limited to, books, pamphlets, maps, magazines, and journals, newspapers, manuscripts, films, audio media, and digital information owned or accessed by the Philmont Public Library (Library), including the Internet.

The Library adheres to the principles contained in the American Library Association’s *Library Bill of Rights*, *Freedom to Read*, and *Freedom to View* statements, all of which can be found in this document.

It is a goal of the Philmont Public Library (Library) to develop a diverse collection of materials, and it welcomes suggestions of materials to be added to its existing collection.

The responsibility for the use of materials by minors, including use of the Internet, rests with their parents or legal guardians.

The ultimate responsibility for selection rests with the Library Director who operates within the framework of the policies approved by the Board of Trustees (BOT). The Library Director may authorize staff to apply this policy in building the collection.

## WEEDING

Weeding in the Philmont Public Library (Library) is an on-going activity necessary to maintain collections so that they offer a balance between standard classics and currently popular materials, while eliminating incorrect information and worn materials. Collections should also reflect usage patterns and trends, as topics and formats may need to be weeded based on waning customer interest.

It is important to note that weeding is always based on professional judgment. Just as in selection, the content of the current collection, resource sharing, materials available from publishers and producers, and community needs must all be considered in decision making. In weeding materials of certain sensitive or controversial subjects, such as religion or politics, the Library should strive to maintain a balance of viewpoints. The Library should also strive to provide materials on a wide range of reading levels.

For some subjects, however, such as medicine, no information is better than outdated or inaccurate information. In others, such as technology, science, finance, and the law, materials may become outdated rapidly. In most cases, out-of-date titles should not be retained even if nothing else is available in the collection.

The purpose of weeding is to:

1. Utilize available space in the best and most economical way.
2. Maintain up-to-date collections and the Library's reputation for reliability.
3. Increase speed of access and improve accuracy of retrieval.
4. Remove materials least likely to be used in the future.
5. Increase circulation.
6. Locate materials that need to be repaired, rebound, or replaced.
7. Save the expense of housing materials unnecessarily.
8. Review the collection for content, and identify areas where additional titles are needed.
9. Become aware of changes in the way the community uses the collection.

## **AMERICAN LIBRARY ASSOCIATION'S FREEDOM TO READ**

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that

publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

*A Joint Statement by:*

American Library Association  
Association of American Publishers

*Subsequently endorsed by:*

American Booksellers for Free Expression  
The Association of American University Presses  
The Children's Book Council  
Freedom to Read Foundation  
National Association of College Stores  
National Coalition Against Censorship  
National Council of Teachers of English  
The Thomas Jefferson Center for the Protection of Free Expression

## **AMERICAN LIBRARY ASSOCIATION'S FREEDOM TO VIEW**

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantees of freedom of expression
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

## **COPYRIGHT LAW**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. The Philmont Public Library is legally obliged to adhere to the copyright law. Any violation of copyright laws shall be the responsibility of the user, and patrons using public machines are liable for any infringement.

## **USE OF LIBRARY MATERIALS**

The Philmont Public Library (Library) recognizes that many materials are controversial and that any given item may offend some Library users. Selections will not be made on the basis of any anticipated approval or disapproval, but solely on the merits of the works in relation to building the collection and to serving the interests of the community.

The use of rare and scarce items of great value may be controlled to the extent required to preserve them from harm.

The choice of Library materials by patrons is an individual matter. While a person may reject materials for himself, censorship may not be exercised to restrict access to the materials by others.

Responsibility for the use of materials by minors, including use of the Internet, rests with their parents or legal guardians. Selection will not be inhibited by the possibility that materials may inadvertently come into the possession of minors.

Use of the collections and services owned and accessed by the Library for patron use must be in accordance with prevailing local, state, and federal law as well as the Patron Codes of Conduct.

Patrons shall not have more than six DVD's and/or videos which are owned by the Library checked out at any one time. Additional DVD's and/or videos from other libraries shall not be included in this number.

## **LOCAL HISTORY**

The purpose of the local history collection of the Philmont Public Library (Library) is to preserve materials that document the history of the Village of Philmont and surrounding communities, and to make these materials available to researchers and the general public, as well as for exhibition. The Library holds these materials in trust for future generations, and therefore, for preservation reasons, materials may be used only in the Library.

Donations shall be accepted only if the Library believes it can make good use of the material. The Library reserves the right to dispose of materials inappropriate to its collections in the following manner: After first offering to return materials to their donors, the Library shall have the option of offering items and/or collections to other institutions. In the event that reasonable attempts to find willing recipients should prove unsuccessful, the Library maintains the right to sell or discard those items/collections. The Library may also enter into cooperative arrangements with other organizations in order to preserve historical materials and/or make them more widely available.

# **PUBLIC SPACES**

## **THE KAREN A. GARAFALO CULTURAL CENTER**

The Karen A. Garafalo Cultural Center (CC) of the Philmont Public Library (Library) shall be reserved primarily for Library programs and any activities associated with the Library during Library hours and Friday evenings. In the event of conflicts, Library events shall take precedence over non-Library functions. When not in use for scheduled events, the CC shall be available for use by nonprofit groups and for other events and programs done for the benefit of the Library and/or the community, at the discretion of the Director, with regular oversight provided by the Board of Trustees (BOT).

Patrons using the CC must be over 12 years of age unless supervised by an adult. Exceptions may be made at the discretion of the Library staff.

Prior to using the CC, all individuals or group leaders interested in scheduling an event must fill out an Application Form (Appendix A), a Use Agreement Form (Appendix B), and then sign a Space Reservation Form (Appendix C).

Artists interested in having their work displayed in group or solo shows should coordinate their applications with the Arts Committee.

The allowance of food and drink in the CC shall be at the discretion of the Library Director.

Guidelines for donations for events in the CC can be found on the Use Agreement Form (Appendix B).

All individuals and groups using the CC shall be responsible for the removal of all items brought in and the complete clean-up of the room at the end of each use. The condition of the room and the configuration of the furniture should be the same as they were prior to that use. If the room is not left in satisfactory condition and additional clean-up is necessary, an appropriate fee shall be charged to cover the cost of the clean-up.

All individuals and groups using the CC shall be responsible for any and all damages incurred during its use.

## **THE DOT BOWES PAVILION**

The Dot Bowes Pavilion (Pavilion) and grounds of the Philmont Public Library (Library) shall be closed from dusk to dawn, unless being used as part of a Library program or an event previously approved by the Director.

The Pavilion and surrounding grounds of the Library shall be reserved primarily for Library programs and any activities associated with the Library during Library hours and Friday evenings. In the event of conflicts, Library functions shall take precedence over non-Library events. When not in use for Library events, the Pavilion may be scheduled for use by nonprofit groups and for other events and programs done for the benefit of the Library and/or the community, at the discretion of the Director, with regular oversight provided by the Board of Trustees (BOT).

Prior to using the Pavilion, all individuals or group leaders interested in scheduling an event must fill out an Application Form (Appendix A), a Use Agreement Form (Appendix B), and then sign a Space Reservation Form (Appendix C).

Guidelines for donations for events in the Pavilion can be found on the Use Agreement Form (Appendix B).

When the Pavilion and surrounding area are not being used for Library programs or other previously scheduled and approved events, they are open for public use as long as all people using the Pavilion and the surrounding area abide by all conditions of this policy.

Use of the Library's grounds and/or equipment shall be subject to the approval of the Library Director.

Patrons using the Pavilion must be over 12 years of age unless supervised by an adult. Exceptions may be made at the discretion of the Library staff.

The allowance of food and drink in and around the Pavilion shall be at the discretion of the Library Director.

The following are **not** permitted in the Pavilion or anywhere on Library grounds: alcohol, smoking, drugs, skateboards, bicycles, roller blades or skates.

Violence, bullying, and/or weapons of any kind, including children's toy weapons, are prohibited everywhere on Library grounds.

The Pavilion is a "carry-in, carry-out" facility. What is brought in should be taken out upon leaving. All individuals and groups using the Pavilion and all other areas on the Library grounds

shall be responsible for the removal of all items brought in as well as for the complete clean-up of the area at the end of each use. The condition of the Pavilion and surrounding area should be the same as they were prior to that use. If the area is not left in satisfactory condition and additional clean-up is necessary, an appropriate fee shall be charged to cover the cost of the clean-up.

Cleaning up after pets on Library grounds is always required of pet owners.

## **PATRON CODES OF CONDUCT**

## **GENERAL CONDUCT**

Appropriate behavior shall be required in the Philmont Public Library (Library) and on its grounds at all times. Reasonable quiet shall be expected, especially in designated study areas. No patron may disturb others using the Library.

Misconduct such as the use of foul, offensive, or threatening language and gestures, bullying, harassment, loud talking or laughing, running, pushing, fighting, and other violent or offensive behavior shall not be allowed on Library property. The Library has the right to prohibit groups from congregating in or around the building unless these groups are participating in Library activities or programs. Sleeping, loitering, littering, soliciting, bringing in weapons (including children's toys), and damaging property are prohibited.

A library patron who vandalizes, steals, or destroys any library material, equipment, fixture, furniture, or building component, or who uses same in a manner inconsistent with customary use, or in a destructive, disruptive, abusive or potentially damaging manner likely to cause injury to the patron or others, may be subject to forfeiture of all library privileges, will be subject to financial liability for damages, and may be subject to criminal and/or civil penalties. Parents and/or legal guardians of minors will be legally and financially responsible for damages by minors.

All patrons are expected to observe the principles stated in the Library's Mission Statement, in which we seek "to establish and promote an environment in which the personal and cultural diversity of all individuals is accepted and respected by all staff and patrons."

Any conduct or behavior not following the above on Library grounds shall, at the discretion of Library staff, result in patrons' expulsion from the Library and, if appropriate, notification of the police.

Any individuals who have been banned from any Mid-Hudson Library System of Libraries for offensive, threatening or dangerous misconduct may be requested to meet with the Director in order to be informed of the Library's Patron Codes of Conduct policies. The individuals must then sign a statement agreeing to follow those Codes of Conduct before being admitted to the Library. Individuals who refuse to agree to these stipulations in writing shall not be admitted to the Library for a length of time to be determined at the discretion of the Director. See Appendix J.

## **DRESS AND PERSONAL HYGIENE**

Patrons of the Philmont Public Library (Library) shall be fully clothed, including footwear, and shall maintain a generally acceptable standard of personal hygiene. Dress and personal hygiene which may offend other patrons or staff shall be considered inappropriate. Acceptable standards of dress and personal hygiene shall be determined by the Library staff. Violation of acceptable standards may result in the staff's request for patrons to leave the Library.

## **FOOD, BEVERAGES, SMOKING, AND DRUGS**

The consumption of food and beverages is prohibited within the Philmont Public Library (Library), with the exception of the Cultural Center. Food and beverages may be consumed on Library grounds as long as the carry-in, carry-out policy is strictly observed. This also applies to all containers, supplies, and clean-up materials.

Alcoholic beverages and illegal drugs are prohibited in all areas of the Library's building and grounds.

In accordance with New York State and local laws, the Library and its property are smoke-free areas.

At the discretion of the Library staff, violation of these policies may result in expulsion from the Library and, if appropriate, notification of the police.

## **VIDEO AND AUDIO RECORDINGS**

No one shall be allowed to make video and/or audio recordings on the property of the Philmont Public Library with the intent to publish or place them on social media without the express permission of the Director. Said permission shall be granted or denied at the discretion of the Director. This does not apply to recordings made in conformity with the New York State Open Meetings Law.

## **PHONE USE**

Philmont Public Library (Library) telephones are primarily for the use of the staff for Library business. Cell phone use in the Library shall be limited to emergencies and situations involving the personal safety of patrons and staff. Patrons' use of either type of phone shall be acceptable only at the discretion of the Library staff.

## **YOUNG PATRONS**

No children aged 12 and under may be left unattended in the Philmont Public Library (Library) or on Library grounds for periods of longer than 10 minutes, with exceptions at the discretion of the staff.

Children under the age of 16 shall not be permitted on Library property during school hours, unless accompanied by a parent, teacher, or legal guardian.

Decisions as to whether or not to require children's supervision by parents or legal guardians during Library programs, tutoring sessions, or other non-profit events will be at the discretion of the Director and/or staff.

## **VULNERABLE ADULTS**

A vulnerable adult is an individual over the age of 18 who is mentally or physically challenged to a degree that may significantly impair that person's ability to provide adequately for his personal needs and manage his behavior without assistance.

A parent, guardian or caregiver 18 years of age or older must be responsible for monitoring the activities and managing the behavior of vulnerable adults during their visits to the Philmont Public Library (Library).

Physically challenged adults who are capable of providing for their own needs are welcome to remain in the Library.

## **PATRONS WITH DISABILITIES**

The Philmont Public Library (Library) complies with the Americans with Disabilities Act of 1990, Public Law 101-336 (ADA), which prohibits discrimination on the basis of disability. The ADA, as applied to cities, counties, and other local governmental entities, requires that no qualified individual with a disability shall, on the basis of a disability, be denied the benefits of local government services, programs, or activities.

The Library offers the same services to patrons with disabilities as to all other segments of the population. In addition to those services, the Library acts as facilitator between the patron and Services to the Blind and Physically Handicapped, and welcomes service animals in the Library.

## **PETS**

Pets shall be permitted in the Philmont Public Library (Library) at the discretion of the Director and/or the Library staff. Patrons are expected to clean up after their pets.

## **PATRON COMPLAINTS**

While the Philmont Public Library (Library) strives to provide the highest levels of satisfaction and service to its patrons, the BOT recognizes that occasionally a patron may wish to make a complaint.

A Library patron may choose to start by making his complaint on an informal, oral basis to the Library's staff. If the patron chooses not to do so, or if the complaint does not lend itself to informal resolution, the patron should request and complete a Patron Complaint Form (Appendix D). The Director shall promptly review the completed Complaint Form and, where appropriate, attempt to resolve the complaint directly and provide a written response to the patron.

If the patron is not satisfied with the response provided, and/or if the Director decides that the situation warrants the input of the BOT, either or both parties may bring the written complaint to the attention of the BOT. A patron desiring to do so may also request an opportunity to address the BOT at one of its monthly meetings.

The BOT shall promptly review a complaint presented to it, provide a written response to the complainant, and take any further remedial action warranted by the particular circumstances.

The decision of the BOT with respect to a complaint will be final.

## **PROGRAMMING AND PUBLIC GATHERINGS**

The purpose of Philmont Public Library (Library) programs is to provide opportunities for information, learning, community engagement and enrichment. The Library does not allow programming or gatherings for commercial purposes. At the discretion of the Director, religious study may be allowed, but proselytizing is prohibited. Library sponsorship of any program or the allowance of any study groups, discussions, or gatherings shall not constitute an endorsement of the content or views expressed during any programs.

The Director is responsible for programming. The Library welcomes opinions from patrons regarding programming. If any patrons have concerns or questions about a program, they should discuss the matter with the Director in person or by written request.

No gathering or rally of any kind that is perceived by the Director to be a potential danger, intimidation, or threat to any person(s) on Library grounds or in the Village of Philmont shall be allowed on Library grounds.

## **POLITICAL ACTIVITIES**

1. The Philmont Public Library (Library) shall always act in a non-partisan way. As a foundational institution for an inclusive democracy, which depends upon an informed electorate, the Library plays an important role in civic dialogue.
2. While supporting the democratic process, freedom of expression, and discussion of political issues, the Library shall not support, endorse, or advocate the viewpoints or beliefs of any one candidate, political party, partisan organization or group. Our goal is to preserve the public's trust in the Library as an independent organization by being careful to avoid any perception of bias or partisanship.
3. Posting or distributing partisan election or campaign materials, canvassing, soliciting signatures, or protesting is not permitted on Library grounds. Candidates or their representatives may not use the Library's staff, facilities, equipment, supplies, services, or social media for election campaigns or campaign-related activities.
4. Elected officials, candidates for political office, representatives of political parties, or third-party advertisers may not use Library grounds to make public statements or host media events unless they are part of a Library-sponsored program such as "Meet the Candidates" in which candidates of all registered parties are invited to participate.

All decisions by the Director are subject to review by the Board of Trustees.

## **TUTORING**

Tutoring is an activity that relates to the role of the Philmont Public Library (Library) as an educational support center. The use of the Library's space is permitted for non-profit volunteer tutoring only.

Space for sanctioned tutoring activities is subject to availability. At the discretion of the Director, permission may be denied due to the Library's needs or to space constraints.

The Director has final discretion as to whether an activity qualifies as tutoring and is permissible under this policy.

Each tutor must submit a Reservation Form (Appendix A), a Use Agreement Form (Appendix B), and a Tutoring Reservation Form (Appendix C).

The Director has final discretion as to whether the tutor is reserving excessive time to the detriment of others who may wish to reserve the same space. There is no limitation to individual tutoring in other areas of the Library without a reservation.

The Library is not to be used as a classroom or office space but as a quiet and safe workspace for students to receive instruction. Conversations or instruction should not be loud enough to distract other Library users.

Tutors may not publish or distribute advertisements or letters identifying the Library as their place of doing business or imply Library sponsorship of their activities.

The Library does not sponsor, recommend or assume liability or responsibility for the work and/or activities of the tutor. All arrangements must be made between the student and the tutor. Tutors are responsible for establishing communication protocols for their students and their parents. Library staff shall not make or cancel appointments between students and tutors, nor relay messages on their behalf. Tutors and students must bring their own supplies.

Tutors and students are expected to abide by all of the Library's Patron Policies. Children under the age of 18 who are tutored in the Library are the responsibility of the tutor while on Library property until they are released to a parent, guardian, or someone providing authorized transportation.

# **TECHNOLOGY**

## **PHOTOCOPIER and PRINTER**

The Philmont Public Library (Library) copier and printer are intended for Library patrons and Library computer use. The first 3 pages are free of charge. The cost to copy additional materials is 10 cents per printed page. There shall be no charge for papers being faxed for school-related business.

In the event of paper jams, toner issues, or other malfunctions, only Library staff shall attempt to provide satisfactory assistance.

## **COMPUTER USE**

Computers are available to patrons of the Philmont Public Library (Library) on a first-come, first-served basis, but if other patrons are waiting, use will be limited to 90 minutes per person. Library business will take precedence over patrons' use. Patrons must sign in using the "Smart Accessing Manager" (SAM) system.

Library staff shall be available for general assistance in using computers. However, the staff shall not be expected to train patrons in the use of application programs.

Children aged 12 and under require permission and supervision of a parent or guardian while using the Library computers.

Devices attached to computers such as a computer mouse and USB cards must stay in place and not be removed or switched to other computers.

Computers shall not be used in a manner disruptive of other people's work. If the computer being used is equipped with sound, headphones must be used. Headphones are available to be borrowed at the front desk, and must be returned after each use.

The Library assumes no responsibility for the safety of personal equipment or its security, data files, or configurations while connected to the Library's wireless system.

Users may not change the settings of Library computers without the express permission of the Library staff.

Tampering with/disabling of the Library's computer hardware or software, or introducing viruses is strictly prohibited.

The Library's computers are to be used for lawful purposes only. In accordance with federal and state laws and regulations, patrons are not permitted to use terminals for any illegal or criminal purpose, including, but not limited to, accessing child pornography or other legally obscene materials (as defined in NYS Penal Law Section 235.00), harassment or stalking, theft, or seeking unauthorized access to computer systems. The Library expressly disclaims any liability or responsibility arising from access to or use of information obtained through electronic information systems, or which encompasses any activities by a user found to be illegal, or any consequences thereof. Serious or repeated violations of the Computer Use Policy may result in suspension of Library services.

## **INTERNET USE**

In keeping with its Mission to serve the community by providing information through various media, the Philmont Public Library (Library) offers access to the Internet via computers, as well as wireless Internet access on patrons' own devices.

The New York State Library (NYSL) provides users with access to the Internet. The Internet is a global electronic network that provides dynamic resources and facilitates communication. The Library staff cannot control access points that often change rapidly and unpredictably. Users are responsible for the choice of sites that they visit, but must follow Library rules regarding activities that are not allowed.

NYSL is not responsible for the content, timeliness, accuracy, or usefulness of information accessed via the Internet. Use of any information obtained is at the user's risk.

NYSL is not responsible for any damages resulting from information downloaded on disks.

Use of NYSL's computer systems does not provide the user with any expectation of privacy. Using interactive services such as online payment of bills or purchase of materials involves discretion on the user's part regarding the security of such information. NYSL does not accept responsibility for any personal information that is transmitted over the Internet.

Library staff may not be able to assist patrons with detailed word processing and e-mail questions.

Customers may bring in their own disks, CD's, or flash drives. Disks, CD's, and flash drives brought in by customers must be scanned for viruses.

Assignment of particular terminals for public use is at the discretion of the Library staff.

The Library shall operate in compliance with the Children's Internet Protection Act (CIPA). However, the Library does not monitor and has no control over the information accessed through the Internet, nor does the Library have complete knowledge of what is on the Internet. The Library is not responsible for the supervision of a minor's use of the Internet. As with other Library materials, a minor's use of the Internet is the responsibility of the parent/legal guardian.

Library computers with Internet access are located in public areas shared by patrons of varying ages, background and sensibilities. Individuals are asked to be considerate about accessing potentially controversial information and images.

Patrons may not use Library computers or its internet access for spamming.

All rules of copyright and personal property must be honored. Information in the form of text, graphics, music, video, software, and other media retrieved or utilized electronically should be considered protected.

Patrons may download to a flash drive. Users may not install software on Library computers.

## **WIRELESS INTERNET USE**

The internet connection of the Philmont Public Library (Library) provides patrons with free wireless (Wi-Fi) internet access. The wireless connection is a public service offered by the Library. It is not a secure form of connection.

Patrons' use of the Library's wireless connection shall constitute their agreement to abide by the Library's "Computer Use" policy, "Internet Use" policy, and the following stipulations:

1. Patrons shall refrain from using the Library's wireless service as a permanent connection.
2. Patrons shall assume all risks associated with using the connection. They shall not hold the Library or its employees responsible for any damage caused to the users' hardware or software.
3. Patrons shall accept responsibility for configuring their own equipment.
4. Patrons shall acknowledge that the Library cannot guarantee that service will be available at any specific time.

Provision of wireless internet access shall be completely at the discretion of the Library. It may be blocked, suspended, or terminated at any time for any reason including, but not limited to, violation of this policy, actions that may lead to liability for the Library, violation of applicable laws or regulations, or disruption of access to other users, networks, or third parties.

Each time patrons use the Library's wireless access, they shall be accountable for reviewing all terms of this policy.

The Library may revise these terms of service at any time.

## **FAX MACHINE**

The fax machine of the Philmont Public Library (Library) is available to patrons. The charge for the first page faxed shall be \$1.00. The second page shall be complimentary; three or more pages shall be \$.50 each. A cover sheet shall be provided at no charge. There shall be no charge for papers being faxed for school-related business.

Patrons shall ask assistance from the Library staff before using the fax machine.

## **SHREDDER**

A shredder is available to patrons for items generated in the Philmont Public Library. It will also be available for patrons' private use every Wednesday from 12:00 to 1:00 and every Saturday from 10:00 to 11:00.

***ESSENTIAL POLICIES***  
**PERSONNEL**

## **DIRECTOR**

The management of the Philmont Public Library (Library) is the responsibility of its Director. It is the Director's role to:

1. Oversee the selection, care, and maintenance of Library materials.
2. Organize the creation, selection, promotion, and running of programs.
3. Hire, direct, and delegate responsibilities to the staff.
4. Include all staff in discussion and periodic review of their responsibilities as stated in Library Policies, particularly as they relate to dealing with the public.
5. Supervise day-to-day operations of the Library.
6. Prepare, with the assistance of the President of the Library Board of Trustees (BOT), the agenda for all regularly scheduled meetings of the BOT.
7. Mail or email to all trustees, within one week of their upcoming regularly scheduled monthly meeting, the agenda, the Director's Report, the previous month's minutes, and all other reports available.
8. Attend the regular meetings of the BOT, and present a monthly Director's Report.
9. Attend the regular meetings of the Mid-Hudson Library System Directors' Association and the Columbia County Library Association.
10. Attend the regular meetings of the Friends of the Library.
11. Create the Library's yearly budget.
12. Oversee the maintenance of the building and grounds, including repairs and the updating of spaces.
13. Uphold the Library's Mission, and foster a relationship of openness, acceptance, and friendliness with the community.

All decisions made by the Director shall be subject to review by the BOT.

## **STAFF**

All members of the staff of the Philmont Public Library (Library) are under the direction of the Library Director, and shall follow all generally accepted and reasonable instructions of the Director.

Employees dealing with the public are expected to present themselves in a professional manner and dress accordingly.

In dealing with members of the public, all Library staff shall support and enforce the following policies to the best of their abilities:

1. "American Library Association's Bill of Rights" (See "Essential Documents".)
2. "American Library Association's Freedom to Read" (See "Collection".)
3. "American Association's Freedom to View" (See "Collection".)
4. "Use of Library Materials" (See "Collection".)

During interactions with staff, all patrons appropriately following the Library's "Patron Codes of Conduct" have the right to expect to receive prompt, timely, knowledgeable, and professional service from all staff members. It is the staff's responsibility to assist patrons in finding materials and information that they request, provided that those requests are reasonable and consistent with Library policies and New York State Law.

All patrons have the right to be acknowledged appropriately by staff members, to be treated courteously and respectfully, to have their privacy and confidentiality respected, and to receive the same high standard of service regardless of age, race, ethnicity, religion, gender, physical limitations, or any other criteria.

Staff members should make a conscious effort to resolve problems that may occur. If there is a policy relating to patrons' behavior or demands, it should be stated politely to the patrons in question.

Staff and patron information is confidential and should not be discussed with any person or persons outside the Library. Copying, removing, allowing unauthorized access to Library or patron documents, information, files or mailing lists, or any form of distribution of patron information is not allowed. Any breach of this confidentiality requirement is grounds for termination. The Library will deny access to these files to creditors, collection agencies and other outside sources, except where an employee has given written consent, or a subpoena has been issued. (See "Patron Confidentiality" and "Law Enforcement Inquiry".)

If an employee reports to work visibly impaired and cannot perform the required job functions, that employee shall not be allowed to work. Proper treatment of the employee, including sending the employee home, should be ascertained by the Director. In the event the employee is sent home, the employee will not be allowed to drive; the Library will provide suitable transportation.

Candidates for staff openings shall apply in writing to the BOT. This shall take the form of a letter of interest, and may include a resumé.

When terminating his employment at the Library, a staff member shall submit a letter of resignation to the BOT.

## **VOLUNTEERS**

The Philmont Public Library (Library) Board of Trustees encourages individuals and groups to volunteer their time and effort in the service of the Library.

Library volunteers are coordinated by the Director, or designee, and must be at least 15 years of age unless supervised by an adult.

Library volunteers are bound by the rules contained in all Library policies and guidelines, especially those that relate to patron privacy and confidentiality. Library volunteers are recognized by the public as representatives of the Library and will be guided by the same Code of Ethics/Conduct policies as employees. The Director has the right to terminate a volunteer's working association with the Library at any time. Volunteers working in the Library are covered by Library's Property and Liability Insurance policy.

## **VOLUNTEER CURATORS**

Volunteer Curators of the Philmont Public Library (Library) are volunteers from the community who are able to bring their experience to assist in planning and producing artistic events. They shall be appointed to serve at the discretion of the Arts Committee and the Library Director for at least one event and shall be expected to provide support as needed from the initial application by an artist or group of artists to the event itself.

## **DIVERSITY**

The Philmont Public Library (Library) recognizes, encourages, utilizes, and values people's similarities and differences.

The Board of Trustees, Director, and staff shall:

1. Treat all people with respect and dignity.
2. Create a positive environment that will promote personal and professional development and attract new talent.
3. Foster a culture that invites and values the rich diversity among employees and the community served.
4. Promote policies, collections, programs and procedures that place value on diversity and individual dignity.
5. Remove barriers that hinder progress.
6. Provide leadership that empowers all people to reach their full potential while contributing to the Library's mission.
7. Ensure, to the best of their ability, that individual actions support the spirit of this policy.

The Board of Directors (BOT) and Library Director shall provide the leadership for the development and implementation of the Library District's diverse activities and shall enforce the principles set forth in this policy in appropriate ways and in a timely manner.

## **PATRON CONFIDENTIALITY**

The Philmont Public Library (Library) supports and complies with New York State Law (New York State Civil Practice Law & Rules 4508, Chapter 112, Laws of 1988) with respect to the confidentiality of Library records.

### **New York State Civil Practice Law & Rules 4508, Chapter 112, Laws of 1988:**

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 relating to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for 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 the library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Patrons may sign a confidentiality waiver giving another individual permission to do one or both of the following: Request information about materials on loan and/or take out materials.

## **VIOLENCE AND THREATS**

The Philmont Public Library (Library) will not tolerate any aggressive behavior consisting of violence or threats of violence on Library grounds or anywhere that Library-related activities are taking place.

Such violence or threats of violence shall consist of any intentionally aggressive behavior consisting of physical contact, attempted physical contact, or threat to commit immediate or future actions with the intent to cause physical harm, against any person when said behavior either entails physical injury or would cause that person to fear bodily harm, and when said behavior occurs on Library grounds or wherever Library staff, trustees, or volunteers are performing Library-related activities.

If a Library employee, trustee, or volunteer witnesses any such violence or threat of violence, the following procedures should be followed immediately:

1. Attempt to de-escalate the situation to the extent that the witness judges such action to be safe, prudent, and effective.
2. As soon as possible, call 911 to summon medical help and/or criminal justice authorities if the staff member judges either action to be necessary or prudent.
3. Accurately document the incident or threat, using the Incidents and/or Threats of Violence Report Form (Appendix E).
4. Report the incident or threat to the Library Director in a timely manner, immediately if either medical help or authorities were called. If the Library Director cannot be reached, report the incident or threat to the President of the Library Board of Trustees.

## **SEXUAL HARASSMENT**

The Philmont Public Library (Library) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Library has a zero-tolerance policy for any form of sexual harassment, and all Library employees (employees) and Library volunteers (volunteers) are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the Library's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Library Director (Director) or with a government agency or in court under federal, state or local antidiscrimination laws.

### **POLICY**

1. The Library's Sexual Harassment policy applies to and protects all employees, applicants for employment, interns, whether paid or unpaid, volunteers, Library patrons, contractors, and persons conducting business with the Library.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Library has a zero-tolerance policy for such retaliation against anyone who in good faith complains or provides information about suspected sexual harassment. Any employee of the Library who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee<sup>1</sup> working in the Library who believes he has been subject to such retaliation should inform the Director. Any employee, paid or unpaid intern or non-employee who believes he has been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Library to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, including the Director and Library staff (staff), who engage in sexual harassment or who knowingly allow such behavior to continue, shall be penalized for such misconduct.

5. The Library shall conduct a prompt, thorough and confidential investigation that ensures due process for all parties whenever the Director receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action shall be taken whenever sexual harassment is found to have occurred. All employees, including the Director and staff, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Library shall provide all employees with a complaint form for reporting harassment and filing complaints (Appendix F).
7. All Library employees are required to report any complaint that they receive, or any harassment that they observe, to the Director or the Board of Trustees.
8. This policy applies to all employees, paid or unpaid interns, non-employees, and volunteers, and all must follow and uphold this policy. This policy shall be posted prominently in all work locations and be provided to employees upon hiring.

<sup>1</sup>A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

## **SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

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

1. 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 complaining individual is not the intended target of the sexual harassment;
2. Such conduct is made either explicitly or implicitly a term or condition of employment;  
or
3. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient’s job performance.

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

Any employee, volunteer, non-employee, or Library patron who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment:

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

1. Physical assaults of a sexual nature, such as touching, pinching, patting, grabbing, intentionally brushing against another employee’s body or poking another employee’s body
2. Rape, sexual battery, molestation or attempts to commit these assaults
3. Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments
4. Subtle or obvious pressure for unwelcome sexual activities
5. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment
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 interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job
7. Sabotaging an individual’s work
8. Bullying, yelling, name-calling

Who can be a target of sexual harassment:

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a co-worker or anyone in the workplace including an independent contractor, contract worker, vendor, volunteer, or visitor.

Where sexual harassment can 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 or not during work hours.

## **RETALIATION**

Unlawful retaliation can be any action that would keep 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 outside of work hours).

Such retaliation is unlawful under federal, state, and 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. Filed 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. Complained that another employee has been sexually harassed
5. Encouraged a fellow employee to report harassment

## **REPORTING SEXUAL HARASSMENT**

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

Reports of sexual harassment may be made verbally or in writing. The Library shall provide a form for submission of a written complaint (Appendix F), and all employees and non-employees are encouraged to use this report form. Employees who are reporting sexual harassment on behalf of other employees should use the report form and note that it is on another employee’s behalf.

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

## **SUPERVISORY RESPONSIBILITIES**

1. Any member of the staff who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior, or for any reason suspects that sexual harassment is occurring, is required to report such suspected sexual harassment to the Director.
2. In addition to being subject to discipline if they have engaged in sexually harassing conduct themselves, all members of the staff shall be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.
3. The Director and staff shall also be subject to discipline for engaging in any retaliation.

## **COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT**

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

An investigation of any complaint, information or knowledge of suspected sexual harassment shall be prompt and thorough, and should be completed within 30 days. The investigation shall be confidential to the extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators shall be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation shall not be retaliated against.

Investigations shall be done in accordance with the following steps:

1. Upon receipt of complaint, the Director shall conduct an immediate review of the allegations, and take any interim actions, as appropriate. If a complaint is oral, the Director shall encourage the individual to complete the Sexual Harassment Report Form in writing. If he or she refuses, the Director shall fill out a Report Form based on the oral reporting.
2. If documents, emails or phone records are relevant to the allegations, the Director shall take steps to obtain and preserve them.
3. Request and review all relevant documents, including all electronic communications.
4. Interview all parties involved, including any relevant witnesses.
5. 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
  - e. The final resolution of the complaint, together with any corrective actions action(s) taken
6. Keep the written documentation and associated documents in the employer's records.
  7. Promptly notify the individual who complained and the individual(s) who responded of the final determination, and implement any corrective actions identified in the written document.
  8. Inform the individual who complained of his right to file a complaint or charge externally as outlined below.

### **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by the Library, but is also prohibited by state, federal, and local law.

Aside from the internal process at the Library, employees and non-employees may also choose to pursue legal remedies with the following governmental entities at any time:

#### **NEW YORK STATE DIVISION OF HUMAN RIGHTS (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 DHR or in New York State Supreme Court.

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

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

The individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the individual's complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the individual's employer to

take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

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

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

### **UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

The 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.

If an employee believes that he has been discriminated against at work, he 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 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

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

#### Local Protections:

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which he lives to find out if such a law exists. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. In which case, he may contact the local police department.

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

# **APPENDICES**

**Appendix A**  
**Use Application Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Karen A. Garafalo Cultural Center/ Dot Bowes Pavilion/Library Grounds

Name(s) of individual/organization \_\_\_\_\_

Date of application \_\_\_\_\_

Description of proposed event and how the space would be used

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: If you intend to display artworks, please attach a detailed catalogue list.*

Requested date(s) of program(s) \_\_\_\_\_

Requested time(s) of program(s) \_\_\_\_\_

Contact information

Name of person in charge \_\_\_\_\_

Address \_\_\_\_\_

Phone(s) \_\_\_\_\_

Email \_\_\_\_\_

Website/Instagram/Other \_\_\_\_\_

## **Appendix B** **Use Agreement Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

### **Karen A. Garafalo Cultural Center/ Dot Bowes Pavilion/Library Grounds**

The following stipulations apply to any and all planned use of all parts of the structures and grounds of the Philmont Public Library (Library):

1. All posted rules must be adhered to.
2. Patrons using the Karen A. Garafalo Cultural Center (CC) or the Dot Bowes Pavilion (Pavilion) or any part of the Library grounds (grounds) for a planned event must be over 12 years of age unless supervised by an adult. Exceptions may be made at the discretion of the Library staff.
3. Immediately following each use of the CC/Pavilion/grounds, the group leader(s) shall complete a sign-up book entry noting the number of participants.
4. The allowance of food and/or drink shall be at the discretion of the Library Director.
5. Smoking, alcohol, and/or drug use is prohibited.
6. Violence, bullying, and/or weapons of any kind, including children's toys, are prohibited.
7. All individuals and/or groups using the CC/Pavilion/grounds shall be responsible for the removal of all items brought in and the complete clean-up of the space following each use. The condition of the space and the configuration of its furniture/equipment must be the same as they were prior to use. If the space is not left in satisfactory condition and additional clean-up is necessary, an appropriate fee shall be charged to cover the cost of the clean-up.
8. All individuals and/or groups using the CC/Pavilion/grounds shall be responsible for any and all damages incurred during its use.
9. All artists exhibiting in the CC shall agree to take full responsibility for the setting up and the removal of all items displayed during the duration of the event/exhibit.
10. All artists exhibiting in the CC shall agree not to hold the Library responsible for any damage to/destruction of any items displayed during the duration of the event/exhibit.
11. All individuals and/or groups using any part(s) of the structures or grounds of the Library agree to absolve the Library of all responsibility for any personal injury, illness, or harm resulting from that use.

12. Suggested donations for use of the CC/Pavilion/grounds:

a) Nonprofit organizations:

- 1) Weekly meetings: \$25 per month
- 2) Monthly or bimonthly meetings: \$10 per use
- 3) Single or occasional meetings: \$10 per use

b) Private individuals or groups: Amounts to be decided on a sliding scale

I, \_\_\_\_\_, (Please print) have read and agree to all terms of use of the Karen A. Garafalo Cultural Center/Dot Bowes Pavilion/Library grounds.

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

**Appendix C**  
**Space Reservation Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Karen A. Garafalo Cultural Center/ Dot Bowes Pavilion/Library Grounds

Name(s) of individual/organization \_\_\_\_\_

Reason for Use \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s) of program(s) \_\_\_\_\_

Time(s) of program(s) \_\_\_\_\_

Contact information

Name of person in charge \_\_\_\_\_

Address \_\_\_\_\_

Phone(s) \_\_\_\_\_

Email \_\_\_\_\_

**Appendix D**  
**Tutoring Reservation Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Name of student \_\_\_\_\_

Date(s) of tutoring session(s) \_\_\_\_\_

Time(s) of tutoring sessions(s) \_\_\_\_\_

Contact information:

Name of Tutor \_\_\_\_\_

Address \_\_\_\_\_

Phone(s) \_\_\_\_\_

Email \_\_\_\_\_

**Appendix E**  
**Patron Complaint Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Name \_\_\_\_\_

Address \_\_\_\_\_

E-mail \_\_\_\_\_

Phone(s) \_\_\_\_\_

Are you a Philmont Public Library cardholder? \_\_\_\_\_

If the answer to is "no", please state the name of any public library of which you are a cardholder. \_\_\_\_\_

Please briefly describe your complaint in the space below or on an attached sheet. If relevant, include in your description where and when the incident occurred (date and time), the full names of any Library staff or patrons involved and how they were involved, any previous efforts made by you and/or Library staff to resolve the complaint, and any other significant information.

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

**Appendix F**  
**Violence/ Threat of Violence Report Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Name or description of person who allegedly committed act(s) or threat(s) of violence:

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Address:

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Phone number(s) and e-mail:

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Name of alleged victim:

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Address:

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Phone number(s) and e-mail:

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Date, time, and place of the incident:

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All people involved in the incident:

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Parents/legal guardians of minors involved:

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Description of the incident:

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Library staff and/or authorities to whom the incident was reported, with dates and times:

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Actions taken by the Library staff, with dates and times:

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Actions taken by authorities, with dates and times:

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Resolution, with dates and times:

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Signature of the reporting person:

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Date and time:

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**Appendix G**  
**Sexual Harassment Report Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Name or description of person who allegedly committed act(s) of sexual harassment:

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Address:

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Name of alleged victim:

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Phone number(s) and e-mail:

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Date, time, and place of the incident:

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All people involved in the incident:

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Parents/legal guardians of minors involved:

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Description of the incident:

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Library staff and/or authorities to whom the incident was reported, with dates and times:

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Actions taken by the Library staff, with dates and times:

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Actions taken by authorities, with dates and times:

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Resolution, with dates and times:

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Signature of the reporting person:

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Date and time:

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**Appendix H**  
**Lending Agreement Form**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Some materials that are borrowed from the Philmont Public Library (Library) have greater monetary value than average books and DVDs. Such items include, but are not limited to, furniture such as tables and chairs, Chromebooks, mobile Hotspots, projectors, DVD players, tools, and other items that may become part of the Library's collection.

I, (Please print) \_\_\_\_\_, agree to return all items that I am borrowing in the condition in which I receive them. I understand that the repair or replacement cost of the items that I am borrowing shall be charged to me if they are lost or returned in significantly damaged condition, as deemed by the Director. I agree to pay for the needed repairs or replacement of these items.

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

## **Appendix I**

### **Use Agreement, Waiver and Indemnification Form for Tools and Equipment**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

Tools and equipment borrowed from the Philmont Public Library are for use by patrons with a valid card in good standing from any MHLS member library.

I, \_\_\_\_\_ (print name), state that I am capable and sufficiently experienced in using the tools and equipment I am borrowing, that I will use all items I am borrowing in a proper and safe manner, and that I will not allow any other person(s) to use the tools and equipment that I am borrowing without my careful supervision.

I, \_\_\_\_\_ (print name), acknowledge that there are risks of personal injury, illness, possible loss of life and risks of damages which may result from using tools and equipment borrowed from the Philmont Public Library. I voluntarily determine to accept the tool or tools borrowed and assume all of the risks associated with using the tool or tools.

I, \_\_\_\_\_ (print name), do hereby for myself, on behalf of my successors and assigns, in consideration of being permitted to borrow tools and equipment, waive any and all claims, demands, actions, and causes of action against and agree to release, indemnify and hold harmless the Philmont Public Library, its trustees, directors, employees and agents from and against any and all liability, loss, claims, and demands, actions or causes of action for the death of or injury to myself or any other person(s), and from and against any property damage or damages of any nature suffered, incurred, or caused by myself or any other person(s) which arises or may arise or be occasioned in any way from the use or misuse of tools and equipment I am borrowing from the Philmont Public Library. I am aware that the Philmont Public Library, its trustees, directors, employees and agents claim no expertise and make no representations or warranties concerning the fitness of any tool or equipment for any particular use.

I, \_\_\_\_\_ (print name), agree to pay a refundable deposit of \$15 for tools or equipment whose replacement cost is between \$30.00 and \$50, and \$25 for those with a replacement cost over \$50.00.

I affirm that I have read and fully understand both the Philmont Public Library's "Use of Tools and Equipment" policy and this Use Agreement, Waiver and Indemnification Form. I understand that failure to comply with any of these rules may result in suspension or revocation of my borrowing privileges and/or legal action against me. I hereby relinquish any and all claims,

demands, actions, and causes of action against Philmont Public Library, its trustees, directors, employees and agents.

Name (Please print) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Appendix J**

**Agreement to Adhere to the Library's Codes of Conduct**

Philmont Public Library  
101 Main Street  
Philmont, NY 12565

I, \_\_\_\_\_ (print name), have read and understand the General Conduct policy of the Philmont Public Library, and I agree to adhere to the Philmont Public Library Code of Conduct. I know that if I do not sign this document, my Library privileges may be limited or revoked.

Name (print) \_\_\_\_\_

Signature \_\_\_\_\_

Name of Parent or Guardian (Please print) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_