



United for Libraries

Association of Library Trustees,
Advocates, Friends and Foundations
A division of the American Library Association



Short Takes for Trustees

Library Policies

Resource Guide

TABLE OF CONTENTS

Library Policies 1

Creating and Approving Excellent Policies 2

Tip Sheet #13: Protecting Your Library’s Collection 3

Library Policies

An important role for the board of trustees is to ensure that there is a set of policies in place that will guide the practice and decision making of library staff and ensure the rights and responsibilities of library users. Fundamentally, good library policies will ensure that library users are treated equitably and within a framework that best meets the needs of community members and maximizes the library's resources for the shared use of all patrons.

Another set of policies will govern the treatment of library staff members. If the library is a department of the town, city or county where it resides, it could well be that all personnel policies come from the municipality's human resources department. They will include policies for hiring and termination, grievance procedures, benefits, etc. If your library is a separate entity from the city or county, you will develop your own policies. It will be helpful to look at the municipality's personnel policies as a model for developing your own. Equitable treatment of library staff with other city employees is important for maintaining goodwill on the part of the library staff and the city's staff.

While the director may initially draft policies (or draft updates of existing policies) the trustees will ultimately have to stand behind them. For this reason, each board member should understand clearly the underlying purpose for each policy, understand how it is implemented, and read any new proposed or updates very carefully.

When considering a new policy or an update, the director should provide a rationale along with the draft or update to the board members at least two weeks prior to the meeting where the policy will be discussed. Even though governing boards have the legal responsibility and authority to make policy, the quality and effectiveness of the policies usually depends on the staff who have the experience to understand the impacts of various policies (good and bad), and can research options and prepare drafts.¹

¹ Reed, Sally Gardner, and Jillian Kalonick. Chapter 5, *The Complete Library Trustee Handbook*. New York: Neal-Schuman, 2010.

Creating and Approving Excellent Policies

A good policy will begin with a statement of purpose. Why does the library enforce this policy – what is the reasoning behind it? A good statement of purpose will help those who might challenge a policy better understand why it exists in the first place. In addition, it will underline the library's value for equitable access and ease of use by all patrons. All policies should be contained in a single manual and all should be easily available to the public both online and in hard copy.

It is often easier to create new policies or benchmark your existing policies when you have samples of what other libraries are doing. Examples of library policies can be found:

- United for Libraries has compiled links to sample policies:
<http://www.ala.org/united/trustees/orgtools>
- New York Library Trustee Association has gathered a number of policies that they freely share: www.librarytrustees.org
- Join the United for Libraries Trustee Electronic Discussion Group to request sample policies from other libraries around the country (discussion topics not limited to policies):
<http://www.ala.org/united/trustees/electronic-discussion-group>

tip sheet #13

Tools for Trustees

PROTECTING YOUR LIBRARY'S COLLECTION

Libraries are often challenged by individuals and groups concerned about the availability of a wide variety of library materials to everyone. Addressing these challenges requires a balance of carefully crafted library policy, knowledge, and understanding of intellectual freedom principles, and sensitivity to community needs and concerns. It also requires effective communication. This tip sheet has been excerpted by a more comprehensive guide prepared by the Office of Intellectual Freedom of the American Library Association (ALA) to help you plan for and deal with such challenges.

When responding to a challenge, you will want to focus on three key points:

- Libraries provide ideas and information across the spectrum of social and political views.
- Libraries are one of our great democratic institutions. They provide freedom of choice for all people.
- Parents are responsible for supervising their own children's library use.

Further tips:

- First, remember your role. As a library Trustee, you have a responsibility to speak your mind, and to argue forcibly for your point of view within the forum of the board. Once the board has made a decision, it is your responsibility to support the decision of the majority. If you disagree for whatever reason, do not speak out publicly. If, for reasons of conscience, you feel you cannot be silent, it is best to resign from the board before making your opposition public.
- Work with your library director to ensure that the necessary policies are in place and that they are reviewed regularly and thoroughly. Review and affirm your library's selection policy annually and make sure it is followed carefully.
- Insist that the entire board understands the library's collection policy and that it be involved in reviewing and reaffirming this policy annually.
- Be an effective advocate for the library. Use your contacts in the community to educate and mobilize others in support of the library.
- Bring what you hear back to the library director. Your roots in the community may be much deeper and of longer duration than those of the director. The things that people will tell you what they won't tell a director can provide valuable feedback.
- Be involved with the professional state and national organizations serving library Trustees.

continued

Remember the roots of the word “Trustee.” The community has placed its trust in you to act as an effective steward for the library. This means representing the interests of the entire community, not just a vocal minority.

For more information visit www.ala.org/bbooks/challengedmaterials/support/strategies.

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Developing Essential Library Policies

10

Policies guide the daily operation of the library and the decision-making of the library director and staff. Essentially, policies provide the framework for library operations and services. Carefully developed policies can help ensure high-quality library service that provides for community needs, wise use of library resources, and fair treatment of library staff and library users.

Library boards should approve policies to cover many issues, including the services offered by the library (such as the hours the library is open to the public), circulation of materials, selection of books and other resources, confidentiality of patron records, and use of electronic resources. The library personnel policy (see *Trustee Essential #7: The Library Board and Library Personnel*) and the board bylaws (see *Trustee Essential #3: Bylaws—Organizing the Board for Effective Action*) are two essential statements of policy relating to library and library board internal operations.

Wisconsin Statutes authorize the library board to establish both “external policies” (policies that determine how the library serves the public) and “internal policies” (policies that govern library board operations and library management). Wisconsin Statutes Section 43.52(2) provides that “[e]very public library shall be . . . subject to such reasonable regulations as the library board prescribes in order to render its use most beneficial to the greatest number. The library board may exclude from the use of the public library all persons who willfully violate such regulations.” Additional broad authority is granted by Section 43.58(4): “... [T]he library board shall supervise the administration of the public library and shall appoint a librarian... and prescribe [library employee] duties and compensation.”

Policy Development Steps

The following basic steps provide for careful development and review of library policies:

1. Director, with staff (and maybe public) input, develops recommended policies.
2. Board discusses, revises (if necessary), and approves policies.
3. Director makes sure staff and public are aware of policies.
4. Board reviews policies on a regular cycle so all policies are reviewed at least every three years (perhaps one or two policies could be reviewed per meeting until all of the policies have been reviewed, and revised if necessary).

The library board must approve all policies in properly noticed public meetings (see *Trustee Essential #14: The Library Board and the Open Meetings Law* for details).

In This Trustee Essential

- Who is responsible for developing and approving library policies?
- How do you develop good (and legal) policies?
- Who carries out policies?

In consideration of policy matters, it is important that you give adequate time and attention to the many complex issues that may be involved. All library policies should promote the best interests of the community and be consistent with the library's mission and strategic plan. You should be satisfied that a policy is legal, clear, and reasonable, and that all ramifications (including the effects on the public image of the library) are understood.

After a new policy is established, it is important that the policy be clearly documented and available to staff and public. It is helpful for a library to gather all library policies into a policy manual available to all staff and readily available to all library users. Many libraries are now posting their policies on their websites (see <http://dpi.wi.gov/pld/boards-directors/policy-resources> for examples) to help make the public more aware of the library's services and policies.

Although disagreements during the development of policies are natural, each board member should support staff in implementation of policies once they are established. Challenges to policies are most common on the topics of material selection and public Internet access (see *Trustee Essential #23: Dealing with Challenges to Materials or Policies*).

Legally Defensible Policies

It is important for policies to be legal. Illegal policies can open the municipality to liability. (See *Trustee Essential #25: Liability Issues*, for more information.) Below are four tests of a legally defensible policy:

Test #1: Policies must comply with current statutes and case law. For example:

- A library policy charging patrons for use of computers in the library would be contrary to Wisconsin Statutes Section 43.52(2), which requires that public library services be provided free of charge.
- A policy that says the library's public meeting room cannot be used for religious purposes would be unconstitutional under a Wisconsin federal district court decision.

Test #2: Policies must be reasonable (and all penalties must be reasonable). For example:

- A library policy that says, "All talking in the library is prohibited, and anyone who talks in the library will permanently lose library use privileges," is clearly an unreasonable rule with an unreasonably harsh penalty.

Test #3: Policies must be clear (not ambiguous or vague). For example:

- A policy that says, "Library use privileges will be revoked if a patron has too many overdue books," is too vague to be fairly administered.

Test #4: Policies must be applied without discrimination. For example:

- If a library charges fines, it cannot give preferential treatment to some individual patrons. For example, if the library sometimes waives fines, that waiver must be available to all patrons on an equal basis—not just to friends of library staff or to politically important people.

Many libraries find that it is helpful when developing or revising policies to review the policies of other libraries. Many examples of Wisconsin public library policies and other resources are available from the [*Wisconsin Public Library Policy Resources*](#) page.

Policies vs. Procedures

In addition to a policy manual, many libraries find it helpful to write up procedure manuals, especially for covering complex activities like the selection, ordering, and processing of new materials. Procedure manuals outline the steps necessary to accomplish various tasks and therefore are especially valuable to new staff.

Procedures must conform to the policies approved by the library board. While it is true that the library board is responsible for the entire administration of the library, your library will operate most effectively if the board delegates responsibility for the development of procedures and the day-to-day supervision of library operations to the library director. A properly trained library director is well equipped to handle this responsibility. “Micro-management” of library operations by the board is, in almost all cases, an unnecessary use of the board’s time and a practice that can undermine the authority of the library director. (See [*Trustee Essential #6: Evaluating the Director*](#) for recommended procedures for handling any concerns about the director’s performance.)

Discussion Questions

1. What steps can be taken to help a library develop good policies?
2. What would be an example of a “bad” library policy, and why would it be bad?
3. What should a library trustee do if he/she disagrees with a library policy?
4. Who is responsible for carrying out library policies?

Sources of Additional Information

- [*Wisconsin Trustee Training Module #2: Development of Essential Policies for Public Libraries*](#)
- Your library system staff (See [*Trustee Tool B: Library System Map and Contact Information*](#).)
- Your municipal or county attorney
- [*Wisconsin Public Library Policy Resources*](#)

Liability Issues

25

Generally, library trustees need fear no personal loss or liability for the honest performance of their official duties and exercise of powers granted by law. Wisconsin Statutes (Section 893.80(4)) and court cases generally provide that public officials are immune from individual liability for actions performed within the scope of their office.

But personal liability is still possible for intentional or careless injuries or damages, illegal use of public funds or authority, ethics and conflict-of-interest law violations, public records law violations, and open meetings law violations. In the case of open meetings law violations, an individual board member who is found to be in violation of the law may be fined and must pay the fine personally, without reimbursement from the library or municipality.

Library boards must also avoid taking actions that violate rights guaranteed by the federal constitution or federal law. Special care must be exercised in actions that concern discrimination laws, employment laws, and First Amendment rights. Before taking any actions that may jeopardize these rights, it is strongly recommended that the board seek the advice of the municipal attorney (or county corporation counsel in the case of a consolidated county public library board).

Wisconsin Statutes provide that if a claim is brought against the library board because of an act or omission of the library board and the claim is disallowed by the library board, the claimant may bring action against the municipality or county (Section 43.58(3)). Because the municipality or county is ultimately liable for any legal missteps by the library board, municipal and county attorneys are very willing to assist the library board with any legal questions.

Under most circumstances, municipalities have a legal responsibility to provide legal counsel to officers and employees (including library officers and employees) in proceedings brought because of actions taken while carrying out the duties of the office or position. Generally, under these circumstances, the municipality must also indemnify or pay for judgments for damages as well as other costs and legal fees. (See Wisconsin Statutes Section 895.46(1)(a) for the details, including the limitations, of this law.)

Protections from Liability

You can greatly lessen the possibility of liability if you, and your fellow board members, do all of the following:

- Become knowledgeable about the various laws that apply to library board actions and library operations (such as the state open meetings and public records laws, state and local ethics laws and state and federal employment laws). See *Trustee Essential* #7, #14, #15, and #16 for more information about these laws.

In This Trustee Essential

- Basic issues concerning trustee and municipal liability
- Actions you can take to limit liability

- Adopt written policies for operating the library and review all library policies on a regular cycle, ensuring that all policies (including the personnel policy) are reviewed at least every three years. See *Trustee Essentials #7* and *#10* for more information.
- Exercise care and diligence in board consideration of new or revised policies. Review each policy in light of the “four tests of a legally defensible policy” from *Trustee Essential #10: Developing Essential Library Policies*.
- Vote against any proposed board action that you believe is illegal or improper. Vote to table an issue if you believe insufficient information has been provided on which to base an informed opinion. Make sure the minutes reflect your vote.
- Act and speak for the library only when authorized to do so by the full board.
- Avoid even the appearance of conflict of interest. (See *Trustee Essential #16: Ethics and Conflict of Interest Laws Applying to Trustees* for more information.)
- Consult with library system staff and/or the municipal or county attorney if you have concerns about the legality of any action or failure to take an action.

Sources of Additional Information

- Your library system staff (See *Trustee Tool B: Library System Map and Contact Information*.)
- Division for Libraries and Technology staff (See *Trustee Tool C: Division for Libraries and Technology Contact Information*.)

Trustee Essentials: A Handbook for Wisconsin Public Library Trustees was prepared by the DLT with the assistance of the Trustee Handbook Revision Task Force.

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This Trustee Essential provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion.

Getting Your Board On Board

Policy Development with the Library Board

Tracy Vreeke (NFLS, Kristie Hauer (Shawano County Library) and Hannah Good Zima (NFLS)

The Importance of Library Policies

An important role for the Library Board is to ensure that there are a set of policies in place that will guide the library's director and staff in the operation of the library. Policies bring order, logic and stability to a library's operation, ensuring that the delivery of library services to the community is done in a fair, equitable, and non-discriminatory manner. The policies also help explain the reasons for procedures and clarify confusing situations for staff and patrons. Policies may not prevent problems, but having policies equips staff with the tools they need to face questions when they arise.

Well-written, board-approved policies, and up-to-date procedures based on those policies, achieve several things:

- They encourage stability and continuity in the library's operations while reducing ambiguity and confusion about ongoing practice and procedure.
- Inform the community about the library's intent, goals, and aspirations.
- Give the public a means to evaluate library performance and show that the library is willing to be held accountable for its decisions.
- Dispel unfounded claims of bias or arbitrary selection when the library's operations are based on policies and procedures that reflect thorough research, sound judgment, and careful planning.
- Serve as evidence of the library's normal practices, which can be helpful if the library is sued for enforcing reasonable policies.

Timing

It is highly recommended that all libraries have policies in place, even if the policy needs review or revision. Developing, adopting, and maintaining your policies should be a high priority for the Library Board every year.

It is also recommended the Board create a schedule for a policy audit every three to five years. It can be especially helpful when current policies may not be collected in a uniform format or where procedural inconsistencies may exist in executing the policies. An audit will help to determine what version of policies are in use, where they are kept, and what procedures are being used to carry them out. Then the most recent versions can be compiled into a single volume with a table of contents. As the board reviews, updates, or adds policies, they can be put into a standard format for consistency and ease-of-use. Be sure to indicate on each policy when it was first adopted, when it was last reviewed, and when the most recent revisions were made.

Additionally, as the library world changes, be on the lookout for additional policies that may need to be added as the library adapts to new technologies and community needs.

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Board Investment in Developing Policies

Developing library policies isn't easy. Trustees need to think about the ideas and understand their impact. Policymaking through the Board process, however, can result in a greater consensus about and more cohesive philosophy of service for the library. Encouraging debate and public involvement during this process is vital.

Once the Board officially adopts a policy, all trustees and staff must support it publicly and answer questions about it in a positive manner. Work out differing views before the policy is put into place to avoid future disagreement. More importantly, requiring the Board to become invested in creating a unified philosophy of service and the policies to back it up, ensures they will be invested in and supportive of the policies they created.

Drafting Tips

What makes a well-written policy? A few suggestions include:

- Use active voice
- Positive statements, not merely no statements
- Clear, simple language free from library jargon

Additionally, the focus of the policy should be the intent. Before drafting a policy, the Board should look at what the purpose of the policy will be. For example, if the purpose of a policy is to keep the library clean, the policy would not simply provide a blanket prohibition of food and drink. Rather, the policy would prohibit behavior that can cause a mess because it prevents others from enjoying the library.

Policy Development Steps

The following basic steps provide for careful development and review of library policies:

1. The Library Director, with staff input, develops recommended policies.
 - a. Be open to input from staff – they will have to uphold the policies daily. Take their feedback into consideration. Can their input help to craft the policy so that it can be enforced with the least resistance?
2. The Library Board discusses, revises (if necessary), and approves policies in properly noticed public meetings.
3. The Library Director makes sure staff and public are aware of policies.
4. The Library Board reviews policies on a regular cycle, so all policies are reviewed at least every three years.
 - a. Perhaps one or two policies could be reviewed per meeting until all the policies have been reviewed and revised, if necessary.

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Legal Policies

It is important for policies to be legal. Illegal policies can open the municipality to liability. Below are the **four tests** of a legally defensible policy:

- **Test #1: Policies must comply with current statutes and case law.** For example:
 - A library policy charging for use of computers in the library would be contrary to Wisconsin Statutes Section 43.52(2), which requires that essential public library services be provided free of charge.
 - A policy that says the library's public meeting room cannot be used for religious purposes would be unconstitutional under a Wisconsin Federal District Court decision.
- **Test #2: Policies must be reasonable (and all penalties must be reasonable).** For example:
 - A library policy that says, "All talking in the library is prohibited, and anyone who talks in the library will permanently lose library use privileges," is clearly an unreasonable rule with an unreasonably harsh penalty.
- **Test #3: Policies must be clear (not ambiguous or vague).** For example:
 - A policy that says, "Library use privileges will be revoked if a patron has too many overdue books," is too vague to be fairly administered.
- **Test #4: Policies must be applied without discrimination.** For example:
 - If a library charges fines, it cannot give preferential treatment to some individual patrons. If the library sometimes waives fines, that waiver must be available to all patrons on an equal basis—not just to friends of library staff or to politically important people.

If the option is available, and there are unresolved questions or issues, request that Corporate Counsel, the City Attorney, a qualified Board member or an outside attorney review the policy to ensure it is legal. However, this review is not required if the above four tests are followed.

Policies vs. Procedures

It is critical that Trustees and library staff understand the differences between policy and procedure.

A **policy** is a generic term used for the policy statement, regulation, procedure, or guideline that applies to a specific issue. **Policy statements** describe *why* the library has the policy. **Policy manuals** are a collection of library policy statements.

Procedures are written, step-by-step descriptions of *how* the staff will carry out the policy.

Practice is the way things are done in your library and may or may not align with your policies and/or procedures.

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Procedure Manuals

In addition to a policy manual that contains the library's adopted policies, many find it helpful to write up procedure manuals, especially for covering complex activities like the selection, ordering, and processing of new materials. Procedure manuals outline the steps necessary to accomplish various tasks and therefore are especially valuable for new staff. A combined policy and procedure manual can provide an organized, single reference point for library policies and the procedures staff needs to carry them out.

Procedures must conform to the policies approved by the Library Board. While it is true that the Library Board is responsible for adopting policies, the library director's role is to develop the procedures which carry out the policies.

Policies should be readily available to all library users. If the policy will alter or affect the public's use of the library, consider posting the change prominently or issuing a press release to publicize the change. Posting policies on the library website is also recommended so the public may access them at any time.

After a new policy is established, it is important that the policy also be clearly documented and disseminated to the Library Board and library staff. It is likely a Board member may be approached in public by a patron concerned about a book or program at the library. Board members need to understand that it is not their role to solve the issue at that moment. However, they should be prepared to remain neutral and explain that there is a process for handling complaints or concerns that the patron must follow.

Sample statements for Board members:

- "Thanks for sharing your concern about X with me. I can't remember off the top of my head who would handle this concern at the library. Can you give me your contact information and I will follow up with you?"
- "Thank you for sharing your concern about X with me. Our very capable library director would be the best person to address this issue. Let me know if I can help connect you to them."

Sample statements for Library staff:

- "I understand you are concerned about this book/program. Our collection development policy, which was approved by our Board, has guidelines as to how we select materials and programs. My supervisor, X, is available to discuss the policy and our selection of that material with you if you would like."
- "I understand you are concerned about (homeless people/loud children, etc.) in the library. Our library is for everyone to use regardless of status. However, our Behavior Policy does prohibit disruptive behavior. If there is a specific issue you are having, please let me know and I can try to resolve it."

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Sample Policies

Below you will find the top ten recommended policies every library should adopt. The policies below are samples compiled from a variety of different sources and libraries. They have been reviewed and approved by other Library Boards and legal counsel.

The sample policies below are a good starting point; however, depending on the size of your library, you may need to scale up or down depending on your needs. Feel free to copy verbatim or modify as you see fit.

Additionally, it can be very helpful to review other similarly situated libraries' policies to compare to your own. This can give you an idea of what issues they address and what considerations your policy might be missing. Factors to take into consideration when looking through policy templates include size of the library and community, community demographics, community culture, municipal support, staff culture and staff coachability.

Getting Your Board On Board

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Sample Policies

Mission and Goals	8
Patron Rights & Responsibilities	9
Who May Use the Library.....	9
Unaccompanied Minors:	9
Disruptive children:	9
Behavior Policy	9
Equipment Use Policy.....	11
Internet Use Policy	11
Use of Wi-Fi (Wireless Access to the Internet)	12
Privacy of Library Records and Library Use	14
Confidentiality of Library Records	14
Confidentiality Statement	14
Collection Development.....	15
Objectives	15
Responsibility for Selection	15
Criteria for Selection	15
Interlibrary Loan	16
Gifts and Donations.....	16
Weeding	16
Request for Reconsideration.....	16
Circulation Policy.....	18
Registration	18
Lost or forgotten cards.....	18
Loan periods	18
Holds.....	19
Fines	19
Fees	19
Lost Items	20
Damaged materials	20
Programming Policy	21

Getting Your Board On Board

Policy Development with the Library Board

Tracy Vreeke (NFLS, Kristie Hauer (Shawano County Library) and Hannah Good Zima (NFLS)

Public Relations Policy.....	22
Social Media	22
Meeting Room Policy.....	26
Closure Policy	28
Donations & Gifts	31
Volunteers and Friends	33
Form: Request for Reconsideration	34
Appendix:	35
Library Bill of Rights.....	35
The Freedom to Read Statement	36
Core Values of Librarianship	40
Sources:	43

