

Procedures and Guidelines for Brigham City Library's Online and Internet Access Policy

In creating this document, the Library hopes to give more guidance to staff in handling difficult situations which may arise in the course of delivering library internet service to the public. The Library and the Library Board realize that situations arising from policy violations are dynamic and do not meet a one-size-fits-all approach. The following document gives guidelines to assist staff in training for these situations so they can be better prepared to inform the public of Library policy and to provide a set of tools and resources for staff to draw from. The employee's best efforts in enforcement will be recognized.

When training on and reviewing the Internet Policy and Procedures, staff should also review the Library's "Freedom to Read Statement" and the "Library Bill of Rights".

The internet services offered by the library makes information available to library users that the library may not be able to house physically, in addition to the free access to information, it provides free access to ideas, viewpoints, and services available through the internet. Access to information is broadly protected and, in enforcing this policy, Library staff is conscious of and promotes the right of adults to access information, however some restrictions do apply as prohibited by law.

General Guidelines:

1. The primary purpose of electronic access is to further enhance the ability of patrons to access information and resources, and the staff's primary obligation is to assist patrons in this endeavor. Staff members should focus their efforts on helping patrons widen the options available for finding information even when that information is controversial, unpopular, or offensive to some members of the community.
2. In working with patrons using electronic resources, staff members should strive to inform and educate the patron about library policies and use of search strategies and techniques, and should engage in enforcement procedures only as a secondary choice as the situation requires.
3. Staff members should exercise some judgment in applying the guidelines established below. Staff should be cautious when they intervene in a patron's use of a resource. When they do intervene, they should be certain they have grounds for doing so based on policy.
4. In enforcing Library policies, staff members are not enforcing laws. Rather, they are enforcing library policies related to the use of electronic resources and the management of the library as a public space, drawing on state statutes and statutory definitions for guidance.

Patron Request to Exclude a Site from the Library's Internet Filtering

1. Patron requests for the exclusion of certain sites from the Library's internet filtering will be taken on the form: "Request to Exclude a Site from the Library's Internet Filtering" (see Appendix).
2. When a patron makes the request, staff should give them the form. Other than the request itself and general transaction statistics, staff members should not make any additional record of individual requests, nor should they question in any manner the purpose or intent of the patron in making the request.

3. All requests will be sent to the Network Security Administrator who will make a determination on a site-by-site basis based on what is allowed or not allowed according to laws, policy, and network security considerations.
4. Library Board members, administrators, and staff must keep in mind the rights of individuals to free speech and inquiry, as well as the community's interest in limiting the display of certain types of content in public spaces which may be deemed under law harmful to minors, or which may be deemed, by Brigham City's Network Security Administrator, a risk to the computer systems of Brigham City and Brigham City Library.

Supervision of the Library's Public Internet

1. Staff's day-to-day supervision of the Library's public internet computers should be managed with respect toward every patron's privacy. Staff may take screenshots of or further monitor a patron's workstation when staff have a reasonable suspicion of a policy violation.
2. Staff will use their best judgment in determining appropriate use. It is recommended, if doubt exists, to get a second staff opinion regarding a potential violation. If there is still doubt, the staff members should refrain from intervening and simply make note of the case, using the appropriate incident form, for future reference and discussion.
3. In enforcing policies, staff should target only access to information that is disallowed in the Internet Policy.
4. In all policy enforcement interactions, staff should ensure that the patron is fairly informed of the behavior necessary to achieve compliance. By:
 - a. informing the patron of the policy which is being violated,
 - b. the consequences of non-compliance,
 - c. limiting privileges as a response to non-compliance (as outlined in this document),
 - d. and defining the process to appeal any suspension that may be issued.
5. Staff will document any infractions with screenshots, when possible, and a written account of the policy violation using the "Staff Incident Report – Internet Policy Violation" form (see Appendix).

Patron Observations/Concerns of what is Displayed on another Patron's Screen

1. If a patron brings a complaint to staff about another patron's internet use, staff will attempt to identify if there was in fact a violation of the Internet Access Policy or not.
2. Staff should ask the patron if they would be willing to make a formal statement about what they witnessed/observed in case further investigations or action needs to be taken. Staff will then proceed to handle the situation appropriately.

Display of Information which May Be Harmful to Minors

1. "Minor" refers to any person less than 18 years of age.
2. As stated in the UCA §76-10-1201-5:
 - a. "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:
 - i. taken as a whole, appeals to the prurient interest in sex of minors;
 - ii. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

- iii. taken as a whole, does not have serious value for minors.
 - b. Serious value includes only serious literary, artistic, political or scientific value for minors.
- 3. Patrons may not display materials in the library which may be harmful to minors based on established definitions related to sexually-explicit images.
- 4. For guidance in interpreting “sexually explicit” definitions staff should refer to the terms as defined in UCA §76-10-1201.

Handling Policy Violations Generally and the Display of Information which May Be Harmful to Minors – Warnings and Suspensions

1. It should be acknowledged from the outset that interventions of this nature are uncomfortable for both the patron and the staff member. It is not easy to intervene in any situation involving patron behavior, including those involving the nature or content of a web search. However, when it is necessary to intervene, the staff member should be careful and discrete, and verbal discussion of the situation in the public area, both between staff members and between staff members and the patron involved, should be as limited as possible.
 - a. If the situation permits, it is best that two staff members observe the situation and be present when talking to a patron about these policy violations—one as the person speaking and one as a back-up. Both staff members should document the situation.
 - b. If a verbal or printed approach is needed (rather than a message directly to the patron’s screen), a staff member will approach the patron and indicate something to this effect: “I have to ask you to exit the site you are in immediately and to review this information.” The staff member will then provide the patron with a printed statement on which is printed the text appropriate to the policy violation (see examples in the appendix).
 - c. If patrons have questions or concerns about the policy or how it is enforced, they maybe be referred to the Library Director, or their representative.
2. In all situations, it is important for staff to give the patron an opportunity to offer their perspective. As with all content in library resources, staff should be respectful of the patron’s point of view and refer to policy—not personal values, morals, or beliefs—in whatever is allowed or disallowed.
3. Once staff determine that a patron’s use violated the policy, staff should:
 - a. For child pornography*:
 - i. call the police** and notify them of the situation immediately;
 - ii. attempt to keep other patrons out of the area until police arrive;
 - iii. if the patron leaves their computer pay attention to where they go in the library to alert police upon their arrival;
 - iv. prepare an “Internet and Online Access Policy - Letter of Suspension” (see Appendix) to be given to the patron by staff or the police. On the “Staff Incident Report – Internet Policy Violation” form (see Appendix) state that the letter was given to verify official notice of a suspension.
 - b. For other violations:
 - i. send a message, through the library’s computer, informing the patron of the Library’s policy and how their use is in violation. The message should include instructions for the patron to exit the site and avoid further violations

of the policy, as well as the information about the potential for suspension of privileges (as outlined below) if violations persist. For patrons not on one of the library's computers, a printed message may be handed to the patron and the patron may be asked to read the message. Staff should give the patron reasonable time to read, comprehend and comply with the policy information they've been given. If verbal discussion on the policy or how the patron's use was in violation is necessary, staff should handle this as discreetly as possible.

- ii. if the violation persists, a second message may be sent, again informing them of the policy violation and of their suspension. The note should ask them to come to the circulation desk to get a letter confirming the date their suspension will end.
 - iii. A Letter of Suspension should be given to each patron or, in the case of minors, to their parent/guardian for the suspension to be officially in place. If staff are unable to physically hand the letter of suspension to the appropriate party and the library staff do not know for certain who the patron is or how to get the letter to them via USPS, the Library may ask police for assistance, or may keep the letter on hand either until the patron comes to the library again and receives the letter or until the suspension expires.
 1. A patron will not be further suspended for additional use during a suspension until after the Letter of Suspension has been given, mailed, or delivered to them or their parent/guardian.
 2. A patron's refusal to accept a letter will be considered as the library having given the letter to the patron.
 3. Status of the letter delivery should be documented on the "Staff Incident Report – Internet Policy Violation" form (see Appendix).
4. For extreme cases, if police need to be called, staff should ensure that the information in question is not visible to the public, but, when possible, that it remains accessible to law enforcement.
 5. Staff will then fill out a "Staff Incident Report – Internet Policy Violation" form after the situation has been handled to include the nature of the material seen, and any other pertinent information, such as additional conversation with the patron. A copy should be given to the librarian in charge for that shift, the Library Director, and filed appropriately.
 6. If the patron does not comply or re-enters the same site or another of a similar nature, the staff member will work through the procedures again, using the message for the second, third, or additional observed offence, as appropriate, with the associated suspension from the library internet services, if applicable. A "Letter of Suspension" (see appendix) should be prepared to hand to the patron before they leave, as described in section 3.b.iii of "Handling Policy Violations Generally and the Display of Information which May Be Harmful to Minors – Warnings and Suspensions".
 - a. For a second, third or additional violation on a library device, the patron's session should be ended immediately when they click that they have read the message.
 - b. If a patron is on a non-library device and has received a warning or suspension and they refuse to follow staff instructions to exit the site or stop using the library's wi-fi, staff may contact police**.

- i. Staff should note the time of day the patron logged on to the wi-fi so, if necessary, the patron's device may be blocked for the period of their suspension.
 - c. If the patron is on their own internet connection in the library, rules for the library space, as indicated in the Internet Policy, still apply. If the patron refuses to exit unlawful sites, the police** may be called and the patron may be asked to leave the library for the day.
 - i. Patrons asked to leave the library for the day due to a violation of the Internet Policy on their own internet connection may return the next day, provided they abide by library policies.
 - ii. Repeated incidents on a patron's own internet connection will be discussed with the Brigham City Attorney to determine if a trespass from the library is appropriate.
- 7. Staff should inform their supervisor and the Library Director of violations and actions taken.
- 8. As stated in section 8(d) of the Policy, if patron has received a "Letter of Suspension" and still the patron comes to the library and gains access to a computer by not disclosing to staff that they are under a suspension, or by other means:
 - a. the length of their suspension may be extended. Staff will notify the Library Director, or their representative, who will consult with the Brigham City Attorney to determine any further suspension, and
 - b. if further violations of the Internet Policy occur during that usage, law enforcement may be notified.

*Upon becoming aware of patrons, regardless of the patron's age, who are observed accessing child pornography, staff will call the police. Infractions involving child pornography will result in a suspension of at least six months from library internet computers and the library's wi-fi, even on the first infraction. All suspensions involving child pornography will be reviewed by the Library Director, or their representative, and the Brigham City Attorney to determine if an extension of the six-month suspension is appropriate. After the first suspension for child pornography, if it is known that the patron has accessed child pornography on the library's computers or wi-fi again, they will be subject to an indefinite suspension.

Patrons under the age of 18 who are suspected of repeatedly accessing obscenity, pornography, or materials harmful to minors, staff will call the police and ask them to escort the child home to their parent/guardian so their parent/guardian can be made aware of the situation. A letter of any suspension, if any applies, may be sent with the officer to give to the parent/guardian.

**Upon the arrival of the police, staff should cooperate with them as fully as possible, leaving the management of the situation to them.

Minors

The Library views its relationship to minors in a somewhat different light than it does with adults in terms of internet use. The internet opens a world of information to a minor far beyond what most public libraries own in terms of both scope and content including information which communities and governments have deemed as potentially harmful for minors.

While the library cannot assume the responsibility of enforcing laws related to materials potentially harmful to minors, it can establish policies which attempt to limit the opportunities for minors to such materials. Content limitations for minors are more stringent than those for adults, and the guidelines established for staff members to intervene are accordingly broader.

1. All criteria established for adult use of the internet apply for use by minors.
2. Staff members may intervene in the use of the internet by a minor when the minor is accessing materials which are sexually explicit, in accordance with criteria stated in the section of the Policy titled: “Display of Information which May Be Harmful to Minors”.
3. Staff members may intervene a minor’s internet use when the minor is accessing materials which include graphic representation of gross bodily functions or graphic representations of extraordinary violence.
4. If a minor accesses material which requires intervention, staff members will make a judgement about the appropriate means for intervention based on the age of the individual, the nature of the material being accessed, and the opportunities the staff member sees for relaying information which will deter future difficulties. In all cases, the first intervention should be consultative and educational, focusing on what is appropriate for minors according to policy.
5. If further violations occur either the same day or over several different visits to the library, staff should document the nature of the violation and follow the steps listed in the section: “Handling Policy Violations Generally and the Display of Information which May Be Harmful to Minors.
6. As with adults, minors may appeal any suspensions with the Library Director and the Library Board of Directors.

Suspension Outline for the Display of Information which May Be Harmful to Minors and Other Policy Violations

It is the hope, in enforcing this policy, that staff will be able to inform patrons about the policy and that patrons will work with staff in bring their library use into acceptable bounds. On the occasion that this is not the case, a progressive level of warnings/suspension may be employed as follows:

Internet and Online Access Policy Violation	Suspension from Library Internet Privileges
1 st Observed – Obscene/Harmful to Minors (Library’s Internet and Online Access Policy, section 2-b).	None, policy information given and warning issued
2 nd Observed – Obscene/Harmful to Minors (Library’s Internet and Online Access Policy, section 2-b).	30-days. Adults, suspended from public workstations and indoor wi-fi; minors, suspended from all library internet privileges.
3 rd Observed – Obscene/Harmful to Minors (Library’s Internet and Online Access Policy, section 2-b).	1-year. Adults, suspended from public workstations and indoor wi-fi; minors, suspended from all library internet privileges.
Additional Observed – Obscene/Harmful to Minors (Library’s Internet and Online Access Policy, section 2-b).	Indefinite, pending reinstatement by the Library Board. Suspended from all library internet privileges regardless of age.
1 st Observed – Child Pornography* or Online Gambling (Library’s Internet and Online Access Policy, section 2-a/2-c).	6-months, minimum. Suspended from all library internet privileges regardless of age.

2 nd Observed – Child Pornography* or Online Gambling (Library’s Internet and Online Access Policy, section 2-a/2-c).	Indefinite, pending reinstatement by the Library Board. Suspended from all library internet privileges regardless of age.
Other	To be determined based on the severity and nature of the violation by the Library director or their representative, in consultation with the Brigham City Attorney. (Staff will begin with a minimum of a warning and will need to use their best judgement in applying a 7-day suspension for review of the incident, as necessary.)

Appeals

Appeal to the Library Director:

1. When a patron appeals a suspension to the Library Director or their representative, the Director will:
 - a. review the appeal, all available documentation associated with it,
 - b. discuss the grounds for suspension with the staff involved, and
 - c. consult with the Brigham City Attorney, when deemed necessary.
2. A decision shall be made and the patron will be notified.

Appeal to the Library Board of Directors:

1. When a patron requests an appeal be made to the Library Board of Directors, the Board hears the appeal at a regularly scheduled Board Meeting and will:
 - a. review the appeal, all available documentation associated with it,
 - b. discuss the grounds for suspension with the library director, and
 - c. consult with the Brigham City Attorney.
2. The Library Board will issue their decision within 30 business days.

If a suspension of internet privileges is overturned because it was determined that the content in question fell within acceptable use, the Director will discuss, with the staff members involved, the initial actions taken by staff and the reasons for the reversal.

Approved by the Brigham City Library Board May 17, 2022.

Appendix to the Procedures and Guidelines for Brigham City Library's Online and Internet Access Policy

(Approved by the Brigham City Library Board May 17, 2022.)

Messages for Patron Screens, Notes, or Script for a Verbal Warning

Staff may use an appropriate version of the following messages to send to patron screens:

(These messages are written using the violation of “graphics that may be considered . . . obscene . . . under Utah law” as an example and the actual policy violation line and any other pertinent details may need to be changed to fit the situation.)

- **First observed violation*:**

- **1st Warning:** The content displayed on your device is in violation of the Library's Internet and Online Access Policy, in “sending, receiving, or displaying any text or graphics that may be considered pornographic, obscene or harmful to minors under Utah Law” (see the Library's Internet and Online Access Policy, section 2-b).

To continue your session, please navigate away from sites that display these graphics. Failure to do so will result in the termination of your session and a suspension of Library internet privileges. (See the Library's Internet and Online Access Policy, section 8.)

If you have any questions about this policy, please ask a library staff member.

- **Second observed violation*:**

- **2nd Warning & 30-day suspension:** The content displayed on your device is in violation of the Library's Internet and Online Access Policy, in “sending, receiving, or displaying any text or graphics that may be considered pornographic, obscene or harmful to minors under Utah Law” (see the Library's Internet and Online Access Policy, section 2-b).

Your session has been terminated and your Library internet privileges have been suspended for 30-days.

Please stop by the front desk to receive a letter indicating the official date this suspension will end and where to find the appeal process related to this suspension.

Further violations of this policy will result in a longer suspension of your Internet privileges. (See the Library's Internet and Online Access Policy, section 8.)

If you have any questions about this policy, please ask a Library staff member or the Library Director.

- **Third observed violation*:**

- **3rd Warning & 1-year suspension:** The content displayed on your device is in violation of the Library's Internet and Online Access Policy, in "sending, receiving, or displaying any text or graphics that may be considered pornographic, obscene or harmful to minors under Utah Law" (see the Library's Internet and Online Access Policy, section 2-b).

Your session has been terminated and your Library Internet privileges have been suspended for 1-year because of repeated violations of the policy.

Please stop by the front desk to receive a letter indicating the official date this suspension will end and where to find the appeal process related to this suspension.

Further violations of this policy will result in a longer suspension of your Internet privileges. (See the Library's Internet and Online Access Policy, section 8.)

If you have any questions about this policy, please ask a Library staff member or the Library Director.

- **Additional observed violation*:**

- **Indefinite suspension:** The content displayed on your device is in violation of the Library's Internet and Online Access Policy, in "sending, receiving, or displaying any text or graphics that may be considered pornographic, obscene or harmful to minors under Utah Law" (see the Library's Internet and Online Access Policy, section 2-b).

Your session has been terminated, and your Library Internet privileges have been suspended indefinitely because of repeated violations of the policy.

Please stop by the front desk to receive a letter detailing the suspension and where to find the appeal process related to this suspension.

(See the Library's Internet and Online Access Policy.)

If you have any questions about this policy, please ask a Library staff member or the Library Director.

Request to Exclude a Website from the Library's Internet Filtering

Date of Request:

Site name/URL:

(You may include any information about the site that you feel is pertinent to your request or to help staff confirm that they are identifying the correct website.)

Contact Information*

Name:

Best way(s) to contact (e-mail/phone call/ mailing address):

*Contact information is only required if you would like to be notified of the decision made based on your request.

Internet and Online Access Policy - Letter of Suspension

Patron name: _____ Date: _____

The content you have displayed or the actions you have taken on your device or in your printout(s) were in violation of the Library's Internet and Online Access Policy, in that it was:

- "sending, receiving, or displaying any text or graphics that may be considered pornographic, obscene or harmful to minors under Utah Law"
- internet or online gambling
- attempting to modify or gain access to Library files, passwords, systems, hardware, or data
- other _____

Based on the Library's Internet and Online Access Policy, you are subject to a:

- 30-day suspension
- 6-month suspension
- 1-year suspension
- indefinite suspension
- 7-day suspension (for review of the incident)
- other _____

This suspension will restrict you from using:

- public computers
- wi-Fi (indoor)
- wi-Fi (outdoor)

You are still welcome to come in and use other library services. Attempting to use the above restricted services during your suspension in any way, including by not informing staff that you are under a suspension of the above services, may result in a longer suspension. If unauthorized use also results in further violation of the policy, the police may be notified.

This suspension will end:

- on _____ (**DATE**) or when an appeal receives approval.
- when you seek and receive reinstatement of privileges from the Brigham City Library Board.

At that time, you will be welcome to start using those services again, provided your use stays within acceptable boundaries as outlined in the Internet and Online Access Policies.

To view the appeal process for this suspension, please view section 14 of the Brigham City Library's Internet and Online Access Policy available on our website: bcpl.lib.ut.us.

We appreciate your cooperation in bringing your use in line with Library policies.

Signed:

Staff Incident Report – Internet Policy Violation

Date of report:						
Name of reporting employee:						
Name of patron:						
Observed policy violation number:	1	2	3	4		
Suspension issued:	None	30-day	6-month		1-year	Indefinite
Suspension ends on:						
Letter of suspension handed/delivered to patron:			Date:		By:	
Date & Time of incident:						
Location of incident (computer number or where they were using wi-fi):						
Detailed description of the incident:						
<p>[include detailed information about any website(s) and content, as available] (Continue on reverse side if needed.)</p>						
How was the incident handled/resolved? And why?						
<p>(Continue on reverse side if needed.)</p>						
Attach all documentation. Use an envelope for screenshots, if considered obscene. If no documentation is available, please explain why:						

