

# **Bloomington Public Library**

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## **Bloomington Public Library**

205 East Olive Street

Bloomington, IL 61701-5218

(309) 828-6091

[www.BloomingtonLibrary.org](http://www.BloomingtonLibrary.org)

## ***Bloomington Public Library***

### ***Policies Manual***

# Bloomington Public Library

## Policies Manual

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# 1. Organization

## 1.1 Library Mission Statement

*Approved 04/10/12*

We provide our diverse community with a helpful and welcoming place that offers equal access to the world of ideas and information and supports lifelong learning.

## 1.2 Library Vision Statement

Bloomington Public Library is a vital community resource. The Library is passionate about what it is and what it does.

The mission of the library is to provide access to the world of information, support lifelong learning and be a partner in coping with change.

The library provides outstanding collections and the latest technologies in relaxed and inviting atmospheres. In addition, the library offers relevant services and inspiring programs to meet diverse individual needs.

Through the friendly and knowledgeable staff, the library provides exceptional service to all of our citizens.

The library and staff take an involved role in the community by partnering with organizations to enrich the quality of community life.

The library uses technology to build upon traditional library and civic values to create an enduring sense of place.

To meet our community's expectations, the library embraces its responsibility to thrive and grow. Mirroring the exponential development of the community, the library will expand its locations, services, collections, and programs. The main library, located downtown, provides the full range of services and will be enhanced by branches and other access points, both physical and virtual.

The Bloomington Public Library provides a quiet space in a hectic world for interaction, communication, study, and reflection. The Library is a destination that cannot be visited often enough.

## 1.3 Library Bylaws

*Approved 09/20/16*

- 1.3.1. The regular meeting of the Board of Trustees of the Bloomington Public Library shall be held each month, the date and hour to be set by the Board at the first regular meeting of the Board each fiscal year. All meetings of the Board of Trustees are open to the public as provided in Illinois Open Meetings Act (5 ILCS 120).
- 1.3.2. Special meetings may be held at any time at the call of the President, the Vice-President, or any two members of the Board, provided that it complies with the Illinois Open Meetings Act (5 ILCS 120).
- 1.3.3. A quorum at any meeting shall consist of a majority of the members of the Board.
- 1.3.4. The Officers of the Board of Trustees shall be a President, a Vice-President, a Secretary, and a Treasurer. Each fiscal year, they shall be elected at the last regular meeting of the Board of Trustees and shall serve one year terms, or until their successors are elected.
- 1.3.5. The President shall preside at all meetings of the Board, appoint all committees, serve as ex-officio on all committees, serve as the only board spokesperson to staff, and perform such other duties as are normally associated with the office or may be assigned by the Board. The President may ask the Mayor to declare a Board Member's seat vacant if such Board member has three consecutive unexcused absences from regularly scheduled Board meetings.

In the absence of the President, Trustees shall preside in the following order: Vice-President, Secretary, Treasurer, and finally the Trustee with the most seniority. The Secretary, or designee, shall create the written minutes of the Board meetings including closed session and committees, call the roll and record votes.

The Treasurer shall serve as the chair of the Budget and Personnel Committee, review the budget and shall have such other duties as may be assigned by the Board.

- 1.3.6. The Library Director shall issue notice of all meetings, to include minutes of the prior meeting, the agenda to be discussed at the proposed meeting, and any reports essential to consideration of the agenda.
- 1.3.7. Committees: The President shall appoint such committees before the first regular meeting of the Board each fiscal year and as needs arise, charging them with such responsibilities as are deemed appropriate. The three standing committees are the Budget and Personnel Committee, the Planning, Policy and Programs Committee (3 P's) Committee, and the Nominating Committee. Ad hoc committees may be formed as needs arise.

- The Budget and Personnel Committee is chaired by the treasurer and is charged with 1) reviewing the Library's annual budget; and 2) evaluating the Library Director, annually.

- The 3 P's Committee is charged to work with staff 1) to develop the short-term and long-term plans for the Library; 2) to periodically review Library policies; and 3) to review and assess the Library's balance of programs.

- The Nominating Committee is charged with preparing and presenting the slate of officers, in consultation with all Trustees, including seeking self-nominations.

Committees shall meet and discuss at the direction of the Board.

- 1.3.8. The Board is responsible for hiring and employing a Library Director who oversees the operations of the Library. Six affirmative votes shall be required to hire and/or fire the Library Director.
- 1.3.9. Order of Business: the order of business at all regular meetings of the Board shall be determined by the Board.
- 1.3.10. Robert's Rules of Order Revised shall govern the parliamentary procedure of the Board except as specified herein.
- 1.3.11. All regular and special meetings of the Board shall comply with the Illinois Open Meetings Act (5 ILCS 120/2(c)).

All proceedings of a closed session shall be kept in strict confidence by all those in attendance.

Trustees may attend and participate in meetings of the Board by telephone subject to the following limitations:

- 1) The minimum qualifications specified by the Open Meetings Act are met.
- 2) The Trustee notifies the appropriate Library Staff at least two hours prior to the scheduled meeting start time.

Closed sessions shall be recorded and such recordings shall be preserved for at least eighteen months after the meeting and shall only be destroyed after the Board has approved the written minutes of the closed session and the destruction of the particular recordings.

- 1.3.12. Library Board Trustees are expected to adhere to the following ethical precepts (originally created as the ALA Ethics Statement for Public Library Trustees):
  - 1) Trustees in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity and honor.
  - 2) Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the situation.
  - 3) It is incumbent upon any trustee to disqualify himself/herself immediately whenever the appearance or a conflict of interest exists.
  - 4) Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.
  - 5) A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.
  - 6) Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.

- 7) Trustees who accept library board responsibilities are expected to perform all of the functions of library trustees.

1.3.13. Amendments to the bylaws may be proposed by any member of the Board of Trustees. Amendments shall be presented to the Board of Trustees in writing at least thirty days prior to a vote being taken for their adoption. Amendments to these bylaws shall become effective upon the affirmation of a two-thirds majority of those present and entitled to vote at a properly convened meeting of the Board of Trustees.

## **1.4 Library Board Officers and Committees Procedures**

### **Nomination of Officers**

*Approved 09/20/16*

The Bylaws specify that there “shall be a President, a Vice-President, a Secretary and a Treasurer,” and that “the Nominating Committee is charged with preparing and presenting the slate of officers, in consultation with all Trustees, including self-nominations.”

The following procedures are in place to satisfy the requirements of the Bylaws.

1. The President shall select a Nominating Committee of three members from the Board of Trustees at least two months prior to the end of the fiscal year.
2. The Nominating Committee shall solicit interested Trustees for the officers of the Board.
3. The Nominating Committee shall present a slate of officers at the April meeting. The Board will vote to elect the slate of officers at that meeting.
4. The new officers will take office at the first meeting of the new fiscal year.

### **Committee Appointments**

*Approved 09/20/16*

Each trustee will be asked to serve on one or more of the Board committees. The President will review and make appointments annually. Trustees may volunteer to serve on the committee/committees that interest them. The President will select and announce the Chair and members of each committee at the first meeting of the fiscal year.

Ad hoc committees may be created by the President at any time and charged with such responsibilities as the President deems appropriate. These ad hoc committees will be reviewed by the President annually to evaluate if they have accomplished their charge and if they are still needed.

### **Committee Operations**

*Approved 09/20/16*



Each Committee Chair will contact the Library Director or their designee one week prior to setting a committee meeting date to prepare a Committee Meeting Agenda. Each Committee Chair will approve the Committee Meeting Agenda and all supporting documents no later than three business days prior to the Committee Meeting Date. The Director or designee will send the agenda and supporting documents to all Committee Members and the President, and make proper notice of the Committee Meeting as required by the Illinois Open Meetings Act (5 ILCS 120).

Any Trustee may attend any Committee Meeting, but nonmembers of the committee may not vote and may participate in discussion with recognition of the chair.

The Director or designee will record minutes of each Committee Meeting, which shall be subject to approval at a subsequent Committee Meeting. Minutes approved by a Committee will be placed in a subsequent meeting packet of the Board of Trustees for information and to be placed on file.

Each Committee Chair will provide a written or verbal report on the work of their respective committee at each meeting of the Board of Trustees.

### **Public Comment Guidelines**

*Approved 08/16/16*

The following guidelines are in place to facilitate public comments during Bloomington Public Library Board (hereinafter "Library Board") meetings:

1. A public comment period not to exceed thirty (30) minutes will be held during all regularly scheduled Library Board meetings, meetings of committees and/or task forces (hereinafter "committees") created by the Library Board, work sessions, and special meetings of the Library Board. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.
2. Comments are limited to three (3) minutes per speaker. A speaker cannot give his or her allotted minutes to another speaker to increase that person's allotted time.
3. Speakers will be acknowledged by the Chair and shall address the Library Board Trustees or Committee members. Speakers will begin their statement by first stating their name for the record.
4. Public comment is not intended to require the Library Board Trustees or Committee members to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.
5. After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.

### **1.5 Illinois Freedom of Information Act**

*Approved 01/21/14*

The Illinois Freedom of Information Act (FOIA) declared that all persons are entitled to full and complete information regarding affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Act.

A brief description of the Library public body is as follows:

1. The Library's purpose is to provide materials and services for the recreational, social, informational, and educational needs of the community.
2. An organizational chart is attached, Appendix A
3. The total amount of our operating budget for FY14 is \$5,347,925.
  - a. Funding sources are property taxes, fees, personal property replacement taxes, state and federal grants, fines, charges, and donations
4. The library is located at: 205 East Olive Street, Bloomington, Illinois 61701
5. We have the following number of persons employed:
  - a. Full-time: 42
  - b. Part-time: 35
6. The following organization exercises control over our Policies and Procedures:
  - a. The Bloomington Public Library Board of Trustees; meets monthly on the third Tuesday of each month at 4:30 p.m. in the Library Board Room located at 205 East Olive Street, Bloomington, Illinois.
  - b. The officers are:
    - Narendra Jaggi, President
    - Patsy Bowles, Vice-President
    - Jan Kibler, Secretary
    - Cathy Pratt, Treasurer
7. The following organization operates in an advisory capacity regarding The Library's operation:
  - a. RAILS Library System; Dee Brennan, Executive Director
8. We are required to report and be answerable for our operations to:  
Illinois State Library  
Anne Craig, State Librarian  
300 S. 2<sup>nd</sup> Street  
Springfield, Illinois 62701

The City Clerk's Office is the central contact of all FOIA's for the City of Bloomington, including the Bloomington Public Library.

1. FOIA Officer is:  
Tracey Covert, City Clerk  
Email: [tcovert@cityblm.org](mailto:tcovert@cityblm.org)  
Phone: (309) 434-2240  
Fax: (309) 434-2628

2. FOIA Requests may be submitted:
  - a. In person or mailed to 109 East Olive Street, Bloomington, Illinois 61701
  - b. Emailed to: [cityclerk@cityblm.org](mailto:cityclerk@cityblm.org)
  - c. Faxed to: (309) 434-2628

Requests for information can be made from the FOIA Request for Public Records form, or at the City Clerk's office at 109 East Olive Street, Bloomington, Illinois. The office hours are Monday – Friday 8:00AM to 5:00PM. Records may be inspected, copied or provided electronically. If inspected, an employee must be present throughout the inspection.

FOIA Timeline and fees can be accessed at the City of Bloomington's website: [www.cityblm.org](http://www.cityblm.org).

Certain types of information maintained by us are exempt from inspection and copying. However, the following types or categories or records are maintained under our control:

1. Ordinances and Resolutions
2. Board Policies
3. Administrative Procedures
4. Monthly Financial Statements
5. Annual Receipts and Disbursements Reports
6. Budget and Appropriation Ordinances
7. Levy Ordinances
8. Annual Audits
9. Operating Budgets
10. Minutes of the Board of Trustees and Committees
11. Job Descriptions
12. Annual Reports to the State Comptroller

Records which are stored in electronic data processing will usually be printed out on paper for use by requesters, unless other arrangements are expressly made with the FOIA officer at the times the request is made.

**(5 ILCS 140/)** Illinois Freedom of Information Act, Appendix B.

## **1.6 Investment Policy**

*Approved 02/10/10*

The purpose of this policy statement is to outline the responsibilities, general objectives, and specific guidelines for gifts to the library and management of public funds by the Bloomington Public Library.

All investment policies and procedures of the Bloomington Public Library will be in accordance with Illinois law. The authority of the Library Board of Trustees to control and invest public funds is defined in the Illinois Public Funds Investment Act, and the investments permitted are described therein. Management responsibility for the Library's funds is delegated to the City of Bloomington and investment of the Library funds is governed by the City of Bloomington Investment Policy.

## **1.7 Gift Acceptance Policy**

*Approved 2/16/2010*

The Library Director shall be authorized to accept gifts of cash or marketable securities, unrestricted donations of books and other library materials, and in-kind donations specifically designated or solicited for existing projects. A designated gift of less than \$10,000 will be accepted directly by the Library. Bequests and designated or undesignated gifts in excess of \$10,000 will be channeled through the Library Foundation.

Donors may place restrictions on gifts under the following conditions:

- The restriction must be one considered compatible with the overall mission of the Library.
- The restriction shall not impede the ability of the Library to acquire gifts from other sources.
- The restriction shall not place undue burden on the Library's resources.
- The restriction shall not subject the Library to adverse publicity.

Board consideration and majority vote approval is required for the following types of gifts:

- Gifts of art or other valuables that will encumber the Library either financially or administratively.
- Securities that are not readily marketable. These may include closely held stock, limited partnership interests, joint venture interests and other forms of investments that may not fall into the marketable securities category.
- Real estate. Every proposed gift of real estate must be examined on its individual merits, including, but not limited to, the title to the property and its insurability, the results of environmental investigations, and marketability. A current appraisal completed by a qualified appraiser must be provided by the donor.
- Gift annuities.
- Charitable Remainder or Lead trusts.
- Named endowment funds.

Gifts that may encumber the Library either financially or administratively require approval of the Library Board before acceptance. Examples are gifts of books given under the condition that

they be placed in the collection, gifts of art given on the condition that it be displayed in the library, or cash given to create a new library program. The Library reserves the right to decline any gift that interferes with its ability to fulfill its mission or that unduly encumbers either the Foundation or the Library.

The Library retains full and unconditional ownership of all gifts. The Library makes the final decision on the use, display, housing, access, withdrawal, or other disposition of all gifts.

The criteria for acceptance of donations of materials to the Library are covered under the Material Selection and Collection Development Policy. Materials donated or funds to purchase materials are considered in the same manner as purchased material. Gifts not added to the collection will be donated to the Friends of the Library for sale.

## **1.8 Purchasing Policy**

*Approved 4/17/18*

These purchasing policies are to be followed in the purchasing of materials, supplies, construction, and services for Bloomington Public Library.

Purchases of the Bloomington Public Library are governed by the State of Illinois statutes. Further, it is the policy that all purchases, contracts, and expenditure of funds shall be awarded to the lowest responsible bidder or supplier considering conformity with specifications, terms of delivery, quality, and serviceability.

The Library, like the City of Bloomington, is required by Federal law to engage in a policy of strict nondiscrimination in employment without consideration of race, color, religion, sex, age, national origin, marital status, veteran status, and/or physical or mental disability unrelated to ability. Federal law also requires the use of provisions in every contract or purchase order that require contractors and subcontractors to conform to strict nondiscrimination practices.

All employees shall be responsible for adherence to these purchasing policies and to the National Institute of Government Purchasing Code of Ethics.

All purchases of goods and services should be made within the parameters of the approved working budget and shall be approved by the Library Board of Trustees in the form of a monthly bills list.

## **PROCEDURES**

For Purchase Amounts of:	Description of Purchase:	Proper Procedure to make the purchase:
Up to \$4,999.99	eResources (typically purchased from the Public Access Software budget line)	Complete the EResource Evaluation Form and Column 1 of the Resources Comparison Form (i.e. evaluation of only one source is required).
Up to \$4,999.99 (continued)	Any purchase not described above	May be purchased at the Department's discretion and submitted via direct invoice. Staff should obtain the best value under the circumstances.
\$5,000 - \$9,999.99	<ul style="list-style-type: none"> <li>• Travel advances</li> <li>• Employee reimbursements</li> <li>• Utilities</li> <li>• Postage</li> <li>• Advertising, as mandated</li> <li>• Employment related memberships &amp; dues</li> <li>• Insurance premiums</li> <li>• Temporary employment services</li> <li>• Artist fees</li> <li>• Payments to instructors and other independent contractors</li> <li>• Resale or concessions</li> </ul>	<p>May be purchased at the Department's discretion and submitted via direct invoice. Staff should obtain the best value under the circumstances.</p> <p>These purchases shall be highlighted in Business Manager's monthly board report.</p>
\$5,000 - \$9,999.99 (continued)	<ul style="list-style-type: none"> <li>• Construction/building repairs</li> <li>• Professional services, such as architectural &amp; engineering, land surveying consulting, etc.</li> <li>• Annual Building Maintenance Contracts, e.g., elevator, HVAC, etc.</li> </ul>	<p>Requires a signed purchasing memo and the Library Director's approval.</p> <p>These purchases shall be highlighted in Business Manager's monthly board report.</p>

	<ul style="list-style-type: none"> <li>• Software licensing and maintenance contracts</li> </ul>	
\$5,000 - \$9,999.99 (continued)	Any purchase, excluding eResources, with three quotes not described above	Requires a quote comparison form and the Library Director's approval.  These purchases shall be highlighted in Business Manager's monthly board report.
\$5,000 - \$9,999.99 (continued)	Any purchase, excluding eResources, without three quotes not described above	Requires a written memo, the Library Director's approval, and the Library Board of Trustees' approval.
\$5,000 - \$24,999.99	Any eResources (typically purchased from the Public Access Software budget line) with three quotes	Complete the EResource Evaluation Form and the Resources Comparison Form (i.e. evaluation of at least three sources is required).  Purchases over \$5,000 in this category shall be highlighted in Business Manager's monthly board report.
\$5,000 - \$24,999.99	Any eResources (typically purchased from the Public Access Software budget line) with one of the following documented exemptions: <ul style="list-style-type: none"> <li>• Sole Source*</li> <li>• Limited Source*</li> <li>Per State/Federal Statute*</li> </ul>	Complete the EResource Evaluation Form, Column 1 of the Resources Comparison Form, and attach documentation of the exemption.  Purchases over \$5,000 in this category shall be highlighted in Business Manager's monthly board report.
\$10,000 - \$24,999.99	Any purchase procured through a joint/co-op purchase agreement	Requires a written memo, the Library Director's approval, and the Library Board of Trustees' approval.
\$10,000 - \$24,999.99 (continued)	Any purchase with three quotes not described above	Requires a written memo, the Library Director's approval, and the Library Board of Trustees' approval.

\$10,000 - \$24,999.99 (continued)	Any purchase without three quotes, not described above, and with one of the following exemptions: <ul style="list-style-type: none"> <li>• Sole Source*</li> <li>• Limited Source*</li> </ul>	Requires a written memo including documentation of the exemption, the Library Director's approval, and the Library Board of Trustees' approval.
\$25,000.00+	Any purchase with one of the following documented exemptions: <ul style="list-style-type: none"> <li>• Sole Source*</li> <li>• Limited Source*</li> <li>• Per State/Federal Statute*</li> </ul>	Requires a written memo including documentation of the exemption, the Library Director's approval, and the Library Board of Trustees' approval.
\$25,000.00+	Any other purchase	Requires a competitive bid.
Any	Any purchase during emergencies involving public health or safety	The Director is authorized to waive the requirements of the purchasing policies, including the bid process, without the prior approval of the Board of Trustees.
Any	Multi-year agreements	For the first year of the agreement, follows the appropriate purchasing policy guidelines listed above. The Director is authorized to approve the subsequent payments for the remainder of the agreement period.

*Once the proper procedure to make a purchase has been completed, staff making the purchase recommendation may work with the vendor to finalize the purchase and sign any applicable vendor contracts.*

**\*Explanations of exemptions:**

- Sole Source: Only one sole vendor exists. If there is truly one vendor, then the transaction being considered is non-biddable and a bid exemption can be granted. This rarely occurs. A signed quote from the vendor must be obtained.
- Limited Source: A much more common exemption may be granted if a good or service provided by a specialized supplier meets or exceeds the Library's specifications, or for improved public service or long term operations needs of the Library based on security, patents, copyrights, critical need for responsiveness, proximity, Federal, State or other regulations, necessary replacement parts and/or compatibility, warranty.



- A good example: The Library uses Dell computers and Microsoft software products and licensing and has invested years of money and training into these purchases. Therefore creating a limited source for operational reasons.
- Per State/Federal Statute: Explicit Bid Exemptions exist within the law for legal and employment related services (testing, occupational, employment contracts), collection agencies, employment related trade and professional organizations, and lobbying groups.

## PROCUREMENT CARDS (P CARDS)

Procurement cards (P cards) are essentially credit cards and are issued to employees who are responsible for making purchases or paying bills on behalf of the Library.

- Library P card holders will follow the City policies and guidelines for P cards unless specified otherwise in this policy.
- The purchasing procedures listed above also apply to any purchase made with a P card.
- P cards are not to be used for personal purchases under any circumstances.
- While it is preferred that P cards are not used if the vendor attaches a processing fee, a P card purchase with a processing fee is acceptable if it is the only accepted method of payment or the only method of payment that will meet a payment deadline. Most P Card holders have a monthly maximum of \$1,000; those with higher than a monthly maximum of \$1,000 must be justified and approved by the Director.

## FIXED ASSETS

The procedures listed above also apply to the purchase of fixed assets. The Library maintains a fixed asset replacement schedule which is revised annually to reflect the addition of new items. A dollar amount is transferred each year from the operating budget to the fixed asset replacement fund to plan for the replacement of fixed assets, such as furniture and equipment. The threshold for determining if an item is a fixed asset is:

1. The item is not consumable and has a useful life expectancy of greater than one year.
2. The cost of the item, which includes delivery and set-up charges, is greater than \$5,000.
3. Individual parts that cannot stand alone or be used individually may be grouped together to be considered a fixed asset. For example, the individual components of a desk may not cost \$5,000 each, but the sum of the parts together, if over \$5,000, make the item a fixed asset.

### **1.10 Disposal of Surplus Property Policy**

*Approved 04/18/17*

The Library may from time to time have property or equipment that is no longer needed for its operations. For purposes of this policy, “surplus” is defined as any tangible, personal property owned by the Library that is not needed at present or in the foreseeable future or that is no longer of value or use to the Library.

The Library Director shall coordinate the disposition of surplus property and shall aid the Library Board of Trustees in determining what should be declared surplus and the best method of disposal. Items determined to have been purchased with a value of less than \$5,000 may be disposed of in an appropriate method determined by the Library Director. Items that were purchased with a cost of \$5,000 or over will be declared surplus by the Library Board of Trustees and disposed of in one of the permissible methods listed below. A list of items to be declared surplus will be compiled, reviewed, and voted on by the Library Board of Trustees before any action will be taken.

Permissible methods of disposing of surplus property include: public auction, solicitation of written bids, trade-in on new equipment, transfer to another agency of the City at or below reasonable market value, donation to a non-profit, garage sale, or sold for scrap. If the property has been offered in one of the above manners and not been able to be sold, the property may be given away or disposed of.

Surplus property sold by the Library is sold in “as is, where is” condition without warranty, either express or implied, with payment on delivery expected.

### **1.11 Equal Employment Opportunity Policy**

*Approved 05/2007*

#### **Discrimination**

We value diversity and the many contributions that are made to our organization by people from all walks of life. Therefore, it is our policy not to discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law. The policy not to discriminate in employment includes, but is not limited to, the following:

- The Library will employ those applicants who possess necessary skills, education, and experience, without regard to race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law.
- The Library will promote, upgrade, transfer, demote, recruit, advertise, and solicit for employment without regard to race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law.
- The Library will provide for training during employment, and select for training and apprenticeship programs, without regard to race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law.

- No employee will aid, abet, compel, coerce, or conspire to discharge or cause another employee to resign because of race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law.
- The Library will establish rates of pay and terms, conditions, and privileges of employment without regard to race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law.

### **Reporting and Investigation**

Any employee who experiences discrimination as a result of their race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law must promptly report the matter to the Human Resources Manager or the City Human Resources Department. If the complaint involves the Human Resources Manager, prompt notification should be made to the Library Director.

Any supervisor who becomes aware of possible discrimination as a result of race, color, religion, age, sex, national origin, disability, sexual orientation or any other attribute or characteristic protected by law, or to whom a report of discrimination is made, must promptly notify the Human Resources Manager or the City Human Resources Department. If the complaint involves the Human Resources Manager, prompt notification should be made to the Library Director.

Any employee who witnesses an act of discrimination should promptly notify the Human Resources Manager or the City Human Resources Department. If the complaint involves the Human Resources Manager, prompt notification should be made to the Library Director.

The Bloomington Public Library does not tolerate any form of retaliation against employees availing themselves of this procedure in good faith.

The procedure should not be construed as preventing, limiting or delaying the Bloomington Public Library from taking disciplinary action against any individual, up to and including termination, in circumstances where the Library deems disciplinary action appropriate.

Any Library employee found to have engaged in unlawful discrimination or retaliation is subject to discipline, up to and including immediate termination.

### **Harassment**

The Bloomington Public Library is committed to providing our employees a work environment that is free of discrimination and unlawful harassment. The term “harassment” includes, but is not limited to, slurs, jokes, and other verbal, graphic or physical conduct based on or relating to any legally protected characteristic, including race, color, religion, age, sex national origin, disability, sexual orientation and any other legally protected category (both overt and subtle). Comments based on any legally protected characteristic will not be tolerated and employees are strictly prohibited from engaging in such behavior.

Examples of harassment include, but are in no way limited to:

- Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching;
- Sexually suggestive jokes, gestures or sounds;
- Degrading comments about a person's race, color, religion, age, sex, national origin, disability or sexual orientation;
- The open display of sexually oriented pictures, posters, or other material offensive to others;
- The use or display of racial or ethnic slurs.

Any employee who experiences an incident of sexual or other unlawful harassment must promptly report the matter to the Human Resources Manager or the City Human Resources Department. If the complaint involves the Human Resources Manager, prompt notification should be made to the Library Director.

Any supervisor who becomes aware of possible sexual or other unlawful harassment, or to whom a report of discrimination is made, must promptly notify the Human Resources Manager or the City Human Resources Department. If the complaint involves the Human Resources Manager, prompt notification should be made to the Library Director.

Any employee who witnesses an incident of sexual or other unlawful harassment should promptly notify the Human Resources Manager or the City Human Resources Department. If the complaint involves the Human Resources Manager, prompt notification should be made to the Library Director.

The Bloomington Public Library does not tolerate any form of retaliation against employees availing themselves of this procedure in good faith.

This procedure should not be construed, however, as preventing, limiting or delaying the Library from taking disciplinary action against any individual, up to and including termination, in circumstances where the Library deems disciplinary action appropriate.

Any Library employee found to have engaged in sexual or other unlawful harassment or retaliation is subject to disciplinary action, up to and including immediate termination.

## 2. Personnel

### 2.1 Personnel Code

*March 20, 1973 and April 17, 1973; Revised September 1976; Revised March 1982; Revised November 1987; Revised 1989; Revised June 1992; Revised January 1993; May 1993; Revised February 2004; Revised May 2009*

#### **ARTICLE 1. COVERAGE**

- 1.1. Personnel and Union Coverage.** All employees of the Library are subject to the provisions of this **Personnel Code** (hereinafter referred to as the “Personnel Code”), unless specifically superseded by the Agreement between the City of Bloomington, Bloomington, Illinois; the Bloomington Public Library Board of Trustees; and Local 699 American Federation of State, County and Municipal Employees, AFL-CIO, Bloomington Public Library Employees (hereinafter referred to as the “**Union Contract**”).
- 1.2. The Library Director.** The Library Director (herein after referred to as the Director) is hired by the Bloomington Public Library Board of Trustees and is the administrator of the institution. The Director acts in an advisory capacity as a professional expert to the Bloomington Public Library Board of Trustees. The Director is in charge of library personnel and is responsible for the formulation and administration of personnel policies, including assignment of duties, service standards and staff development, and for creating an environment conducive to high staff morale.
  - 1.2.3. Authority of Director.** The Director maintains full staffing, makes promotions, transfers and approves salary increments in accordance with Article 6 of the **Union Contract** and the Personnel Code. The Director has the authority to dismiss staff members, subject to procedures established for dismissal in accordance with Articles 7 and 9 of the **Union Contract** and the Personnel Code.
  - 1.2.4. Library Representative.** The Director is the representative and spokesperson of the staff to the Board of Trustees. The Director welcomes communication from individual staff members which may improve library operations, personnel relationships, and/or employment conditions. After discussion with staff, the Director presents staff recommendations to the Board of Trustees.
- 1.3. The Department Manager.** The Department Manager (hereinafter referred to as Manager) is hired by the Director. The Manager is responsible for the work of a department and, in turn, hires, delegates, and assigns responsibilities and duties to the staff. The Manager must establish lines of supervision.
- 1.4. Types of Appointments.**
  - 1.4.3. Permanent --** A permanent employee is one who has completed the probationary period.

- 1.4.4. Full-time** -- A full-time employee works thirty-eight (38) hours per week, or forty (40) hours per week for Operations staff, and is a salaried employee. A full-time employee is subject to all library rules and regulations and receives benefits and rights as provided by the Union Contract and/or Personnel Code.
  - 1.4.5. Part-time** -- A part-time employee is paid on an hourly basis and works less than 38 hours per week. A part-time employee is subject to all library rules and regulations and receives benefits and rights as provided by the Union Contract and/or Personnel Code.
  - 1.4.6. Temporary Employees** -- A temporary employee works to complete a special project, to fill a position for an employee on a leave of absence, or for a defined time period on either a salaried or hourly paid basis. A temporary employee is not a part of the bargaining unit.
- 1.5. Conflict of Interest.** No employee of the Library shall personally profit directly or indirectly from any contract, purchase, sale or service between the Library and any person or company.

**ARTICLE 2.           UNION COVERAGE**

- 2.1. Coverage Under the Union Contract.** The terms and provisions of the Union Contract describe the categories of personnel and circumstances that are covered by the Union Contract. Employees covered under the terms and provisions of the Union Contract are referred to as “bargaining unit” employees in this Personnel Code and employees who are not covered under the Union Contract are referred to as “non-bargaining unit” employees.

**ARTICLE 3.           HOURS OF WORK AND OVERTIME**

- 3.1. Hours of Work Necessary for Library Operation.** Work schedules are established by the Director and/or Manager to meet the needs of Library patrons and may require that any and all employees work evenings, weekends, and split days.
- 3.2. Workweek.** The workweek for all employees is Sunday through Saturday. All full-time employees, other than custodians, work a thirty-eight (38) hour week. The workweek of full-time Operations staff consists of a forty (40) hour week. The workweek for the Director and Managers is thirty-eight (38) hours; however, the Director and the Managers are responsible for high quality service and/or production levels in their departments and are not restricted to a fixed number of hours per week.
- 3.3. Scheduling.** Work schedules will be posted two weeks in advance, but are subject to change due to the Library’s needs and/or unforeseen staffing shortages. All employees will be notified of such changes as much in advance as possible. Work on Sundays by employees is essential if the Library is to serve the needs of its patrons. Full-time staff who work four or more hours on Sunday will receive the following Friday and Saturday off within the same workweek.

- 3.4. Rest Break.** Employees who work six (6) hours or more in any workday shall be entitled to two (2) fifteen (15) minute uninterrupted breaks. Employees who work more than two (2) hours but less than six (6) hours in any workday shall be entitled to one (1) fifteen (15) minute uninterrupted break. The time of such break(s) shall be arranged by the employee and the employee's Department Manager, at a time convenient to the Library.
- 3.5. Meal Periods.** All employees shall be granted a one (1) hour unpaid, uninterrupted meal period during each work shift of six (6) or more consecutive hours. The meal period should be taken in full and approximately midway in the shift. The lunch or dinner hour must be scheduled at a time convenient to the Library.

#### **ARTICLE 4. HOLIDAYS**

- 4.1. Holidays.** The following days are recognized as 8-hour holidays: New Year's Day, Martin Luther King, Jr. Day (library will be open), Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Eve.
- 4.2. Floating Holidays.** When a holiday falls on a full-time employee's regularly scheduled day off, he/she will receive a floating holiday which may be taken within 30 days prior or 30 days after the holiday. The exception is MLK Jr. Day, which may be taken on or within 60 days after the actual observance of the holiday.
- 4.3. Eligibility Requirements.** Full-time employees shall be eligible for pay for any holiday, provided compensation has been paid for the last scheduled workday before and the first scheduled workday after the holiday.
- 4.4. Holiday Pay.** Full-time employees who perform no work on a holiday shall suffer no loss of pay. Full-time bargaining unit employees who work on a holiday on which the library is closed shall refer to Article 4, Section 4.4 of the Union Contract.
- 4.4.3. Part-time Accrual.** Part-time employees, after two (2) years of continuous service, will receive holiday pay on a pro rata basis. Eligible part-time employees will receive holiday pay for the actual holiday, whether they are working that day or not; therefore, they are not eligible for floating holidays.

#### **ARTICLE 5. VACATION**

- 5.1. Accrual and Eligibility of Vacation.**
- 5.1.3. Bargaining Unit Employees.** Bargaining Unit employees shall refer to Article 5, Section 5.1 of the Union Contract.
- 5.1.2 Management**  
The Director and Department Managers are granted twenty-five (25) paid vacation days annually.

- 5.1.3 Non-Bargaining Unit Employees.** All other non-bargaining unit employees are granted vacation according to the same schedule as the Bargaining Unit Employees.
- 5.1.4 Part-Time Employees.** Part-time employees, after two (2) years of continuous service, will accrue vacation on a pro rata basis.
- 5.2. Vacation Scheduling.**
- 5.2.3 Bargaining Unit Employees.** Bargaining Unit employees shall refer to Article 5, Section 5.2 of the Union Contract.
- 5.2.4 Non-Bargaining Unit Employees.** Vacation is an earned privilege and must be taken at a time convenient to the employee's department and to the Library. Vacations of one week or longer should be scheduled at least a month in advance if possible and must be approved by the Director and/or Manager. Vacation requests must be submitted before leave time has been taken.
- 5.2.5 Probationary Period.** After the completion of a new employee's probationary period, up to half (1/2) of the annual allotment of paid vacation may be taken.
- 5.2.6 Approval for Deviations.** The Director must approve any deviation from vacation leave policy in writing in advance.
- 5.2.7 Vacation Carry-Over.** Vacations must be taken within the vacation year in which they are due unless an exception is granted by the Library Director. Full-time employees may carry over up to but no more than twenty-four (24) hours of vacation time annually. Part-time employees may carry over up to but no more than twelve (12) hours of vacation time annually. Written requests for carry-over must be made to the Director sufficiently in advance of the annual vacation date.
- 5.2.8 Increments.** Vacation leave can be taken in fifteen (15) minute increments after the first half hour. Example: .5 hour; .75 hour; 1 hour; 1.25 hours; 1.5 hours; 1.75 hours, etc.
- 5.3. Holidays During Vacation.** In the event a paid holiday falls during an employee's vacation period, an employee eligible for holiday pay will receive holiday pay for the day.
- 5.4. Vacation Rights in Case of Separation or Layoff.** Unused vacation leave shall not be compensated by a cash settlement except upon separation of employment. Employees shall be paid for their accrued, unused vacation at separation of employment or in the event the employee is laid off.

## **ARTICLE 6. WAGES**

- 6.1. Positions.** All positions in the Library are grouped into classifications based on complexity and difficulty of duties, responsibilities, and qualifications required, including education, technical training, and experience.



- 6.2. Pay Plan.** The pay plan of the Library for positions not covered by the Union Contract consists of a range for each position title, with the rates of pay adjusted, within budget, to reflect the level of difficulty and responsibility of each position. The non-bargaining unit salary range for each position should ensure pay compared with that received by persons doing comparable work either in the Bloomington Public Library and similar-sized public libraries in the Midwest, or in a public service organization in the community.
- 6.3. Salary Range.** Each salary range gives the minimum or starting rate and the maximum rate. Salary ranges for non-bargaining unit staff are intended to furnish administrative flexibility in recognizing individual differences among positions of the same title, in providing employee incentive, and rewarding employees for meritorious service.
- 6.4. Non-Bargaining Rate.** The Director may approve a hiring rate above the minimum rate for non-bargaining unit positions when an employee's qualifications or experience merit it.
- 6.5. Non-Bargaining Unit Increase.** A non-bargaining unit employee will be considered for a salary increase upon satisfactory completion of probation. Thereafter, salary increases will be considered at the start of each fiscal year.
- 6.6. Salary Increases.** Additional salary increases (other than the annual across-the-board increases) are merit increases and are reserved to reward non-bargaining unit employees for excellence or dedication. These increases may be recommended by the Manager and approved by the Director at any time during the year.

## **ARTICLE 7. DISCIPLINE AND TERMINATION**

- 7.1. Disciplinary Action.** The Employer agrees with the tenets of progressive and corrective discipline. Discipline shall be imposed within a reasonable time after the Employer is aware of the event or action giving rise to the discipline and has a reasonable period of time to investigate the matter. If the Employer has reason to discipline an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public. Disciplinary actions must be related to job performance, and measures shall include only the following: Warnings, Reprimands, Suspension, Demotion, and Termination in the following manner:
- 7.2. Warnings.** Warnings may be verbal or written and may or may not be placed in the employee's personnel file. The warning is a statement that serves to admonish an employee for certain acts that are not acceptable to the Library. It gives notice to the employee that such actions will not be tolerated and that further action will be taken if they recur.
  - 7.2.3.** If the warning is presented in writing it must be succinctly written, stating exactly what the offending action was, what disciplinary action is being taken, if any, and what action will be taken in the future should a similar incident occur.

- 7.2.4. The Director and/or Manager may use personal judgment about placing the written warning in the employee's personnel file. A copy may be sent to the Director.
- 7.2.5. If warnings are presented verbally, a memorandum should follow restating the facts (Section 7.2.1) to the employee. A copy is not placed in the personnel file.
- 7.3. **Reprimands.** Reprimands are always presented to the employee in writing. They are an official admonishment for severe violations in conduct or work performance, or for gross negligence. The reprimand must include:
  - 7.3.3. An explicit statement of the offense.
  - 7.3.4. An account of other incidences of similar nature, if any, for which the employee has received warnings or reprimands.
  - 7.3.5. Actions that must be taken by the employee to correct the offense.
  - 7.3.6. The disciplinary action to be taken for the offense.
  - 7.3.7. The disciplinary action that will be taken in the future should the employee repeat the offense or not show improvement in work performance.
  - 7.3.8. The statement that a copy of the reprimand is being placed in the employee's personnel file.
- 7.4. **Warning and Reprimand Appeals.** The employee has the right to appeal a warning or reprimand and must do so in writing within three (3) working days following receipt of the warning or reprimand. If the appeal cannot be resolved on the supervisory level, it shall be submitted to the Director. If not satisfactorily resolved, the employee may opt for the appeal process in accordance with Article 8 of the Personnel Code.
- 7.5. **Suspensions.** Suspension is the removal of an employee from the worksite for a specified period of time, usually from one (1) day to several weeks. A suspension cannot be recommended unless there have been attempts to correct an employee's deficiencies through discussions with the Manager, appraisal reports, and verbal and/or written warnings or reprimands. Thus, there must be documentation in the employee's personnel file to justify the action. When a serious incident has occurred, disciplinary action may immediately go directly to suspension or termination.
  - 7.5.3. **Suspension Due to Criminal Offense.** A staff member charged with a criminal offense may be suspended without pay pending the outcome of the hearing. If the employee is cleared by investigation, restitution of unpaid salary will be made.
- 7.6. **Demotion.** Demotion is the assignment of an employee to a lower-grade position, which carries with it compensation within that lower pay schedule. The Employer does not bestow this method as a means of discipline for persons who have violated the rules of conduct; however, it is used for employees who have demonstrated an inability to perform their assignments in a competent and effective manner, but do have potential for performing an acceptable job in a lower rank. Prior to demotion the employee must have

received written warning in which it was specified how performance could be improved to a satisfactory level. Demotion must be supported by the supervisory chain of command and sanctioned by the Director.

- 7.7. Termination.** Termination is the removal and discharge of an employee from employment. A termination action bars the employee from any future employment with the library. Although this action may be taken for a one-time severe and intolerable infraction of library rules or policies, it is normally the culmination of a continuing serious problem that has not been resolved by other methods and in which the employee is not amenable or capable of altering behavior or performance. Terminations are made by the Director and/or Manager and Human Resources Manager. See also: 9.6.2.

Employees shall receive a written notice of termination. Such notice shall present the reason(s) for the action and what steps have been taken by the Library in the past to resolve the problem. The employee may be asked to leave the library immediately. The employee has the right to appeal the decision.

## **ARTICLE 8. EMPLOYEE APPEAL**

- 8.1. Appeal.** When an employee wishes to express dissatisfaction with some action that has been taken against him/her, several steps must be taken before a formal hearing with the Board of Trustees can be requested. The employee's failure to respond within time limits will be treated as withdrawn appeals. The Employer's failure to respond within time limits shall automatically advance the appeal to the next step. Time limits in any step may be extended by mutual agreement of the parties involved in that particular step. Appeals may be withdrawn at any step of the process.

### **8.2. Employee Appeal Step One:**

- 8.2.3.** The employee shall present the appeal verbally to the Manager.
- 8.2.4.** The Manager must reach a decision regarding the appeal within seven (7) working days of being informed of the appeal.
- 8.2.5.** The decision must be in writing and presented to the employee.
- 8.2.6.** If the employee is satisfied with the decision, no further action is required.
- 8.2.7.** If the employee is dissatisfied with the decision, the employee has seven (7) working days to present an appeal in writing, to the Director.

### **8.3. Employee Appeal Step Two:**

- 8.3.3.** The Director reviews the appeal and submits a response to the employee within seven (7) working days of receipt of the request for an appeal.
- 8.3.4.** If the employee is satisfied with the decision, no further action is required.
- 8.3.5.** If the employee is dissatisfied with the decision, the employee has 7 days to request a hearing with the Library Board of Trustees.

**8.4. Employee Appeal Step Three:**

**8.4.3.** The review hearing must be held within fifteen (15) working days following the date the appeal is received by the Board of Trustees. The employee and the Director must receive notification from the Library Board President of the date, time, and place for the review five (5) working days before the hearing is conducted.

**8.5. Conduct of the Hearing.**

**8.5.3.** The parties to the hearing shall be permitted to examine all documents and evidence introduced into the hearing.

**8.5.4.** The parties and their representatives and witnesses, while testifying, shall be the only authorized persons in the hearing room.

**8.5.5.** All testimony shall be recorded.

**8.5.6.** All documents and evidence become a part of the record.

**8.5.7.** Continuance for additional evidence or witnesses shall be permitted, if necessary, for proper determination of the validity of the appeal. The hearing may be continued for a period not to exceed seven (7) working days.

**8.6. Decision of the Hearing.**

**8.6.3.** Within five (5) working days following the hearing, the Board of Trustees must render a written decision.

**8.6.4.** The decision shall be rendered by mail to the Director and to the employee.

**8.6.5.** The decision shall be based only on the evidence, written and verbal, presented at the hearing.

**8.6.6.** The decision shall contain a summary statement of facts, issues, findings, and basis for decision.

**8.6.7.** The decision shall be final. There is no further recourse for either party.

**ARTICLE 9. INTERNAL MOVEMENT AND TERMINATION**

**9.1. Tenure.** The employee is assured tenure after satisfactorily completing probation (unless the appointment is for a temporary position) as long as the employee performs competently and in accordance with Library policies and practices, and as long as the financial conditions of the Library, as determined by the Board of Trustees, allow continued employment.

**9.2. Promotion.** Promotion is the shifting of an employee to a position of higher grade with a higher salary. Promotion is based upon evidence of above satisfactory performance, superior performance evaluation, and evident promise of future development, as well as marked educational, technical, and personal qualification. Length of service,

unaccompanied by superior performance or acquisition of new skills, is a reason against promotion, rather than in favor of it.

**9.3. Longevity.** Longevity is only a determining factor when candidates have equal qualifications.

**9.4. Lateral.** Lateral is shifting an employee to a position of the same grade in another department, without a salary increase or decrease. Lateral transfers are made whenever feasible or necessary to meet the needs of the Library and the welfare of the staff. Lateral transfers can be made as an aid in proper placement, to provide additional or wider experience, or to achieve more effective use of staff.

**9.5. Probationary Period.** The first six (6) months of service for all original appointments shall constitute the probationary period. This may be extended for an additional six (6) months for non-bargaining staff, and for three (3) months for employees covered by the union contract, for good cause by notifying the affected employee in writing. During this probationary period, any original employee may be dismissed by the Director for any reason not prohibited by law, without right of appeal or hearing in any manner.

**9.6. Termination of Service.** Service will be terminated when an employee resigns or is terminated.

**9.6.3. Resignations.** Resignations are submitted in writing to the Director. Four weeks' notice is requested for management positions and librarians, and two weeks' notice for all other positions. The Director may request that the Human Resources Manager conduct an exit interview with a resigning employee and to submit a written report.

**9.6.4. Terminations.** Terminations are made by the Director in conjunction with the Manager and Human Resources Manager. The advice and counsel of the Library Board, the legal representative hired by the Board, or the City of Bloomington Corporate Attorney may be obtained when advisable. No termination shall be arbitrary. Since staff members are evaluated during the probationary period, it is expected that cause for termination shall be well documented and termination used as a last recourse when progressive and corrective discipline has failed. Termination for incompetence, insubordination, or inability to perform the required tasks may be made for the good of the Library.

If termination is required, employees shall receive a written notice of termination. Such notice shall present the reason(s) for the action and what steps have been taken by the Library in the past to resolve the problem. The employee may be asked to leave the library immediately.

**9.6.5. Termination Due to Criminal Conduct.** A staff member found guilty of a criminal offense may be subject to immediate termination.

**ARTICLE 10. FILLING OF VACANCIES**

- 10.1. Recruitment.** Bargaining unit positions are filled in accordance with the Union Contract. The Employer recruits primarily at the entry level of each position. The Employer actively seeks applicants from within at all levels. Candidates from outside the library may also be considered for vacant positions. Residency in Bloomington is not a prerequisite for initial or continued employment.
- 10.2. Posting.** Bargaining unit positions are posted in accordance with Article 10 of the Union Contract. Non bargaining unit positions will be advertised in the best manner as determined by the Employer.
- 10.3. Selection.** Filling of vacancies is based on the requirements of the position, with due attention to educational and technical qualifications, as well as intellectual ability and general aptitude of the applicant for the position to be filled. The Library is an equal opportunity employer in accordance with Article 22 of the Union Contract and the Personnel Code.
- 10.4. Appointment.** An appointment is made by the Director and/or Manager in writing and specifically describes the position to which the person is appointed, including the job classification and working title, terms of salary, and probationary period.
- 10.5. Medical Examination.** All newly hired custodians must receive a required medical examination scheduled and paid for by the Library prior to the start date of employment.
- 10.6. Nepotism.** The Library shall not employ relatives of supervisory staff, Managers, Director, Trustees, Friends Board members, Foundation Board members, or City Officials. The Library shall not employ relatives of current employees to work in the same department.
- 10.7. Probation on Promotion.** Any employee who accepts a promotion will be on probation in that position for ninety (90) calendar days. During the probationary period, if the employee fails to demonstrate his/her ability to perform the work involved, he/she shall be transferred back to the position he/she vacated, displacing the employee, if any, who replaced him/her. During the probationary period, the employee may voluntarily return to the position which he/she vacated, displacing the employee, if any, who replaced him/her.
- 10.8. Probation Review.** A review of the employee's work performance will be made midway and at the end of the probationary period. The Director and/or Manager will discuss this review with the employee.

## **ARTICLE 11. TRAINING AND EDUCATION**

- 11.1. Library Conferences, Workshops, Seminars, and Conventions.** Every effort is made by the Director and/or Manager to allow as many staff members as possible to attend library conferences, workshops, seminars, and conventions on a regular basis. The Director and/or Manager must approve attendance, subject to availability of funds within each departmental budget. Employees will be granted a paid leave of absence for the period necessary for event attendance. Travel time shall be considered as time worked to the

extent required by the Fair Labor Standards Act. Provisions of the Article are in accordance with the Library's Travel/Training Guidelines.

### **11.1.3. Guidelines for Staff Attendance.**

#### **Priority of Staff.**

1. Staff members who have a job directly related to the subject of the conference or agenda of the meeting;
2. Staff who are members of and active in professional organizations;
3. Staff who are members of professional organizations;
4. Staff attending at the request of the Director and/or Manager;
5. All others.

#### **Priority of Meetings and Conferences.**

1. Local and regional meetings sponsored by public libraries and public library systems;
2. Illinois Library Association—Annual Conference;
3. American Library Association—Annual Conference and meeting of ALA Divisions;
4. All others.

### **11.1.4. Out-of-Town Library Conferences, Workshops, Seminars, and Conventions.**

Staff traveling out of town to attend training may have travel, meals, registration, parking and other direct expenses paid by the Library.

**Travel time.** Travel time to the event shall be considered as time worked to the extent required by the Fair Labor Standards Act.

**Library vehicles.** Library vehicles must be used, if available, as determined by the Manager or Director.

**Travel allowance.** Official travel allowance will be at the current IRS rate per mile for personal automobiles used. Travel by other than personal automobile (airfare, train, etc.) will be paid at actual cost.

**Meals.** The per diem rate for meals for large metropolitan areas is breakfast--\$13.00, lunch--\$17, and dinner--\$25.00. The per diem rate for meals for small, more rural areas is breakfast--\$10.00, lunch--\$15.00, and dinner--\$20.00.

### **11.1.5. In-Town Library Conferences, Workshops, Seminars, and Conventions.**

Staff attending training in town will pay their own expenses as part of a normal work day.

**Travel Time.** Travel to the event is not considered part of the paid workday.

**Travel Allowance.** There is no allowance for travel.

**Meals.** Reimbursement is not offered for meals. If, however, a meal is part of the event, it is paid for by the Library and is considered work time.

**11.1.6. Reimbursement to the Library.** Other than in emergency situations, individuals not attending a scheduled and prepaid event will be required to reimburse all costs.

**11.1.7. Availability of Funds.** All payments provided for in this Article are subject to availability of funds. Nothing in this Article requires the Library to provide any particular level of funding for training or education or shall be construed as a guarantee of the right to attend any programs, conferences, workshops, seminars or conventions.

**11.2. Tuition Reimbursement.** Subject to the availability of funds, the Library may pay the tuition of permanent full-time employees who have at least one (1) year of continuous service for job or library related course work. Employees must receive the Director's approval in advance or enrollment. Such approval shall not be unreasonably withheld. Tuition may be paid in advance with Director approval. Students who do not finish a course or who finish with the following grades will be required to reimburse the Library according to the following schedule:

0% for a grade of "A"

25% for a grade of "B"

50% for a grade of "C"

100% for a grade of "D" or lower

**11.3. Separation of Employment.** Any employee who leaves the Library within one (1) year of completing a course will refund the Library the amount paid for the course or reimbursed by the Library. This sum may be withheld from the final paycheck.

**11.4. Leave for Library Related Course Work.** After completing six (6) months of service, a full-time employee may request use of leave time to attend library related course work for academic credit which, even after work schedules are rearranged by mutual agreement, cannot be scheduled during non-work time. The time off shall be charged to earned leave time in the following order:

1. Compensatory time;

2. Vacation time;

3. Personal time.

**11.4.1. Approval for Leave.** Approval for this leave will be at the discretion of the Director and/or Manager. Such approval will not be unreasonably withheld.

**11.5 Non Credit Classes.** All employees shall be given the opportunity to take job related non-credit classes ( eg. Heartland Community Education, Alliance Library System continuing education classes) subject to the availability of funds and arrangements of work schedules. Employees must receive approval from the



Director or their Department Manager. If an employee does not complete the class, he/she will be required to reimburse the library for the cost of the class.

**ARTICLE 12. SICK LEAVE**

**12.1. Sick Leave Accrual.** Sick leave shall accrue for all new full-time management and other non-bargaining unit employees at the following rate:

**First twelve months.** Two and one half days (20 hours) per month for the first twelve (12) months of employment, which shall be paid at full pay during time of illness.

**After the first year.** The accrual rate will be one day (8 hours) per month up to a total of one hundred twenty (120) days (960 hours) less sick leave used.

**Leave Taken in Increments.** Sick leave can be taken in fifteen (15) minute increments after the first half hour. Example: .5 hour, .75 hour, 1 hour; 1.25 hours; 1.5 hours; 1.75, etc.

**Serious Health Conditions.** An illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, residential medical care facility, or continuing treatment by a physician is considered a serious health condition.

**Sick Leave Accrual After Serious Illness.** After the employee has returned to work and has depleted all but eighty (80) hours of sick leave, by reason of one or more serious health conditions, the employee will accrue sick leave at the rate of two and one-half (2½) days (20 hours) per month until his/her sick leave returns to the level maintained before the serious health condition(s).

**Sick Leave Accrual Eligibility After Serious Illness.** In order to be eligible to receive sick leave benefits as above specified, an employee returning to work must present to his/her Department Manager or Director a certificate from a reputable physician licensed in the state where medical treatment was provided that he/she personally treated said employee for the sickness which kept him/her from work and that the physician personally knew the employee was unable to perform the duties of his/her employment during the entire absence from work.

**Sick Leave Pay During Serious Illness.** An employee shall be entitled to sick leave pay during the time of absence if the absence is certified by the attending physician as being the result of an incapacitation and if it is so recognized in writing by the Department Manager and/or Director.

**Reporting Illness.** An employee who is unable to report to work because of illness shall contact his/her Director and/or Department Manager as soon as practical. An employee who is unable to report to work for a period of three consecutive days may be required to bring a certificate of treatment from a reputable physician licensed in the state where medical treatment was provided stating that he/she personally treated said employee for the sickness which kept him/her from work and that the physician personally knew the employee was unable to perform the duties of his/her employment during the entire absence

from work. In cases of inordinate use or possible abuse of sick time the three-day period can be waived, requiring the employee to bring certification for each day of missed work.

**Employee Accessibility During Illness.** The Director or designee shall have the right to contact any employee during the course of the first day of absence or any subsequent days of absence due to illness. Any employee who cannot be contacted by the Director or designee during his/her absence, and after diligent effort on the Library's part, will have to show to the Director due reason for the inaccessibility before the days of absence will be compensated.

**Library Record Keeping.** The Library will maintain complete and up-to-date records on all employees as regards to their health, sick leave record, job injury record, or any other information as deemed appropriate by the Director.

**Notification of Sick Leave Benefits.** Employees will be notified not less than once per month of the amount of sick leave accumulated.

**12.2. Sick Leave Buy Back Program.** All employees hired prior to May 1, 1997 will be grandfathered to the current City of Bloomington language as regards to Sick Leave Buy Back. Employees who retire or leave the employment of the Library under honorable circumstances and with 20 or more continuous years of service and at age 55 may choose to be paid at their final rate of pay for all accumulated unused sick leave according to the following schedule:

<u>Total Hours Available</u>	<u>Percentage</u>
Less than 400	0%
400-499	50%
500-599	55%
600-699	60%
700-799	65%
800 or more	70%

All employees hired May 1, 1997 and thereafter, who are at least 55 years of age with twenty (20) years of service as a Library employee, may choose to be paid at their final hourly rate for all accumulated unused sick leave according to the following schedule:

<u>Total Hours Available</u>	<u>Percentage</u>
Less than 400	0%
Next 100 Hours (400-499)	50%
Next 100 Hours (500-599)	55%
Next 100 Hours (600-699)	60%
Next 100 Hours (700-799)	65%
Next 161 Hours (800-960)	70%

**12.3. IMRF Creditable Service.** The Library and the City agree that IMRF Creditable Service Credits shall be retroactive to March 1995.

**Sick Leave Creditable Service Days.** Employees who have accumulated the maximum sick leave accrual of one hundred twenty (120) days (960 hours) may continue to accrue, for Illinois Municipal Retirement Fund creditable service purposes only, additional sick leave up to a maximum of two hundred forty (240) sick days. It is understood between the parties that such additional accrual over one hundred twenty (120) days (960 hours) shall be used for IMRF creditable service purposes only, and may never be used for any form of paid sick leave.

**Sick Leave Accrual.** If an employee who has accrued unused sick leave in excess of one hundred twenty (120) days (960 hours) is required to use sick leave which reduces the one hundred twenty (120) day (960 hours) amount, the amount of sick leave available for IMRF purposes shall not be reduced, but shall not begin accruing again until such point as the employee has again accrued one hundred twenty (120) days (960 hours) of sick leave.

### **ARTICLE 13. LEAVES OF ABSENCE**

**13.1. Leave Without Pay for up to One Year.** The Director may grant a full-time employee who has completed his/her probationary period, or a part-time employee with five (5) or more years of continuous service, a leave without pay for a period not to exceed one (1) year when it is in the interest of the Library to do so. During the employee's approved leave of absence, his/her position may be filled by a limited term appointment, temporary promotion, or temporary reassignment of an employee. At the expiration of the leave without pay, the employee has the right to and shall be reinstated to the position he/she vacated if the position still exists; or if not, to any other vacant position in the same class.

**Application for Reinstatement.** Written application for reinstatement must be made within one (1) year from the beginning day of such leave without pay.

**Leave Without Pay for Seven Days.** A leave without pay up to seven (7) days shall be granted if prior request is made to the Director and/or Manager by the employee at least five (5) working days in advance and the employee's absence would not disrupt operations.

**Written Requests.** All requests for leaves of absence without pay shall be made in writing and submitted to the Director for approval.

**13.2. Funeral Leave.** It is the intent of the Library to provide continuity of income for employees who suffer the loss of someone close to them through death. Employees are reimbursed full straight time earnings for time lost to attend or prepare for the funeral of a member of the immediate family.

**Employee Judgment.** The Library intends to exercise the greatest degree of understanding and anticipates employees applying their best judgment in such situations.

**Individual Basis.** While an immediate family member is normally thought to be an employee's mother, father, significant other, child, brother, sister, grandparent, grandchild, mother-in-law or father-in-law, the Library Director realizes that individuals may be deeply affected by the loss of someone other than these relatives and will consider each request for bereavement leave on an individual basis.

- 13.3. Personal Leave.** All eligible employees shall be authorized three (3) personal days (24 hours) each fiscal year without loss of pay. This amount is prorated for eligible part time employees. The employee is authorized to take personal leave after notifying, and in concurrence with, the Director and/or Manager. Personal leave shall not be cumulative. This benefit shall run concurrent with the fiscal year. Employees hired after May 1 will receive a pro-rated amount of personal time. Unused personal time will not be paid upon termination. Personal leave can be taken in fifteen (15) minute increments after the first half hour. Example: .5 hour; .75 hour; 1 hour; 1.25 hours; 1.5 hours, 1.75 hours, etc.
- 13.4. Emergency Leave.** In all cases where there is an emergency situation and/or illness which requires the presence of an employee, that employee may be granted enough time off duty, at the discretion of the Director and/or Manager, so he/she may leave and make arrangements to get help to stay with his/her family, or otherwise arrange to alleviate the emergency situation. When the emergency situation extends beyond one (1) twenty-four (24) hour period of time, permission to be absent from work will have to be secured from the Director for every twenty-four (24) hour period thereafter. In any case where an employee has taken more than three (3) emergency leave days in any given fiscal year, the fourth (4<sup>th</sup>) and all subsequent day(s) will be deducted from the employee's accrued sick, personal, or vacation leave. Emergency leave is not cumulative.
- 13.5. Civil Leave.** Employees shall be given time off without loss of pay when performing jury duty, performing emergency civilian duty in connection with a national or local emergency, and for the purpose of voting.
- 13.5.1. Jury Duty.** Employees duly summoned for Jury Duty, if excused before the end of their scheduled work shift, are expected to report back to work. Otherwise, the employee should report back at the beginning of his/her next work shift. All fees received other than meal or travel allowances shall be returned to the Library.
- 13.5.2. Voting.** Employees shall be given time off without loss of pay for the purpose of voting when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work.
- 13.5.3. Military Leave.** Military leave shall be granted to all employees for participation in the National Guard or the U. S. Armed Forced Reserves.
- 13.5.4. Required Duty.** Military leave for required duty or training for a period not exceeding fifteen (15) calendar days per year shall be granted without loss of pay when the returning employee submits to the Director a pay voucher for the

military duty performed. The Library will then compensate the employee's regular pay less the amount of the voucher for the time absent from the Library.

**13.5.5. Additional Military Leave.** Additional military leave without loss of pay shall be extended to ninety (90) days that would be renewable in thirty (30) day increments at the option of the Director.

**13.6. Leave for Service Connected Injury.** An employee who suffers an on-the-job injury shall be allowed full pay during the first three (3) working days without the utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave. In the event such service-connected injury becomes the subject of an award by the Industrial Commission, the employee shall reimburse the employer the dollar equivalent which duplicates payment received as sick leave days, and the employee's sick leave account shall be credited with the number of sick leave days used. An employee who suffers an on-the-job injury shall not be required to utilize any accumulated sick days prior to being granted an injury leave under Section 13.7 of the Union Contract and the Personnel Code.

**13.6.3. On the Job Injury.** If an employee has an accident, sustains an injury, or becomes seriously ill, a Form 45 Employer's First Report of Injury or Illness will be filled out by the employee or another staff member or security officer witnessing the event, on behalf of the employee. The report will be given to the Business Manager or put in his/her mailbox if he/she is not at work at the time of the incident. The Business Manager will keep the original and provide a copy to the Library's insurance company, the employee's Manager, and the Chair of the Safety Committee.

**13.7. Illness or Injury Leave.** All eligible employees who have utilized all their accumulated sick leave days, except as provided in Section 13.6 of the Union Contract and the Personnel Code, and are unable to report back to work because of the start of or continuance of their sickness or injury, including pregnancy-related leave, may receive a leave not to exceed one (1) year from the onset of the event with prior approval of the Director. At the discretion of the Director, library keys will be returned to the library and the employee will not have library computer or email access.

**13.7.3. Verification.** During Illness or Injury Leave, the employee shall provide written verification by a person licensed under the Illinois Medical Practice Act or under similar laws of another state. Such verification shall show the diagnosis, prognosis and expected duration of illness. Such verification shall be made no less than every thirty (30) days during a period of illness unless the nature of the illness precludes the need for such frequency.

**13.7.4. Written Request.** Prior to requesting Illness or Injury Leave, the employee shall inform the Library in writing of the nature of the illness and approximate length of time needed for leave. The written statement shall be provided by the attending physician. The Library will not arbitrarily deny such leave requests.

- 13.8. Break in Service and Benefits.** When an employee is on leave without pay, it shall not constitute a break in service. However, the employee shall not accrue or receive any benefits.
- 13.9. Employee Rights After Leave.** At the expiration of any leave provided for in this Article, the employee has the right to and shall be reinstated to the position he/she vacated if the position still exists, or if not, to any other vacant position in the same classification.
- 13.10. Failure to Return From Leave.** Failure to return from a leave of absence within three (3) days after the expiration date thereof may be cause for discharge unless the Library Director, in his/her discretion, determines that it was impossible for the employee to so return.
- 13.11. Notification of Leave.** Notification of balances of vacation, personal, and sick leave shall be provided to the employee once per month.
- 13.12. Political Activity.** Employees who seek a City of Bloomington political office shall, at least thirty (30) days prior to a primary and again thirty (30) days prior to a regular election, be required to take a leave of absence. If elected, the employee must resign from the Library immediately. If an employee receives an appointment by the Mayor, where a conflict of interest is present (e.g. appointment to the Library Board of Trustees), the employee must resign from the Library immediately.

#### **ARTICLE 14. INSURANCE AND EMPLOYEE BENEFITS**

- 14.1. Insurance.** Full-time permanent, non-bargaining unit employees are eligible for insurance as offered by the City of Bloomington Employee's Health Care Plan. Dependent, vision, and dental coverage may also be obtained according to provisions set forth in the plan.
- 14.2. Credit Union.** All library employees are eligible to join the Bloomington Municipal Credit Union for investment of funds or borrowing within the rules established by the credit union.
- 14.3. Health Club.** Four Seasons Health Club memberships may be obtained at a reduced rate as offered through the City of Bloomington's Compensation & Benefits department.
- 14.4. Retirement Plan.** Eligible employees must participate in the Illinois Municipal Retirement Fund. Specific details regarding eligibility and amounts withheld may be obtained from the City of Bloomington's Human Resources Department.
- 14.5. Social Security, Medicare, Federal, and State Income Taxes.** In accordance with state and federal law, Social Security (FICA), Medicare, federal, and state income taxes are withheld from all employees' paychecks.
- 14.6. Worker's Compensation.** All employees are covered by the State Worker's Compensation Act.

#### **ARTICLE 15. UNIFORMS**

- 15.1. Clothing.** Uniform requirements are set forth in accordance with Article 15 of the Union Contract. Personal Appearance and Image guidelines are provided to each employee upon hire. The Manager for each department may provide additional guidelines for their employees. Employees are expected to wear their library issued nametag during working hours. Security Officers will be required to wear a uniform shirt with proper identification. The Library will furnish the uniform shirt.

**ARTICLE 16. NO STRIKE AND NO LOCKOUT**

- 16.1. No Strike.** In accordance with Section 16.1 of the Union Contract, there shall be no strikes, work stoppages, sympathy strikes, or slowdowns.
- 16.2. No Lockout.** In accordance with Section 16.2 of the Union Contract, no lockout of employees shall be instituted by the Employer during the term of the Union Contract.

**ARTICLE 17. PERFORMANCE REVIEWS**

- 17.1. Informal Conferences.** Periodic informal performance review conferences between the employee and the Director and/or Manager to discuss work performance, job satisfaction, work-related problems, and the work environment are encouraged.
- 17.2. Written Performance Reviews.** The written performance review represents a formal record of an appraisal interview between the Director and/or Manager and the employee. In order to evaluate the abilities, performance, and potentialities of staff, a Director and/or Manager is required annually, but not later than the employee's anniversary date of employment in current position, to complete a performance review. The review shall be discussed with the employee, and the employee shall be given a copy of the review, have the opportunity to add comments, and shall then sign the review as recognition of having read it. Such signature shall not constitute agreement with the Performance Review. Performance reviews for new or probationary employees are made midway and at the end of the probationary period with additional reviews required if the probationary period is extended.
- 17.3. Discussion.** In case the Director and/or Manager finds serious fault with an employee during the probationary period, the matter will be frankly discussed with the employee during the evaluation. The employee may be given a chance to improve, or an opportunity in another assignment of similar grade when such arrangements can be made.
- 17.4. Poor Performance Reviews**  
Multiple poor performance reviews will result in discipline, up to and including termination.
- 17.5. Personnel File.** Individual performance evaluations are kept in a secure personnel file and may be seen by the employee within seven (7) days of making a written request to the Human Resources Manager for access to the file. The Director and/or Manager concerned shall have access to the files.

**ARTICLE 18. PERSONNEL RECORDS**

**18.1. Personnel Records.** The official personnel record shall be maintained at the Library. The personnel record shall be made available to an employee during regular business hours. However, the record shall not be removed from the Library, nor shall any documents in the record be altered or removed from the file. Employees may contribute documents to their record that relate to their performance and accomplishments.

**18.2. Right of Inspection and Copies.** Employees will be granted the right to inspect their personnel records under the following procedures:

1. Any employee who wishes to inspect his/her personnel record must submit, in writing, his/her request to the person in charge of the record; the request shall not be unduly repetitious.
2. The inspection shall be granted to the employee with seven (7) working days from the receipt of the request.
3. The employee may make a copy of any material contained in his/her file upon request.

**18.3. Disciplinary Records.** Written notice will be mailed to the employee's last address on or before the day a disciplinary report, letter, reprimand or other documentation is released to an external third party. This requirement will be waived if:

1. The disclosure is ordered in a legal action;
2. Information is requested by a government agency to substantiate an employee's claim or complaint;
3. The employee waives this right in writing.

**18.4. Disagreement with Content; to Comment.** If an employee disagrees with the information contained in the personnel record, it will be modified or removed by mutual agreement, or the employee may submit a written statement explaining his/her position, to be attached to the disputed portion of the record. This statement will be included whenever the disputed portion of the record is released to a third party.

**ARTICLE 19. LABOR MANAGEMENT COMMITTEE**

**19.1. Labor Management.** Provisions related to the Labor Management Committee are set forth in accordance with Article 19 of the Union Contract.

**ARTICLE 20. UNION RIGHTS**

**20.1. Union Rights.** Provisions related to Union Rights are set forth in accordance with Article 20 of the Union Contract.

**ARTICLE 21. MANAGEMENT RIGHTS**



**21.1. Management Rights.** The Library has and will continue to retain the rights and responsibilities to direct the affairs of the Library in all of its various aspects. Among the rights retained by the Library are the Library's rights to direct the working forces; to plan, direct, and control all the operations and services of the Library; to determine the methods, means, organization, and number of personnel by which such operations and services are to be conducted; to determine whether goods or services shall be made or purchased; to relieve employees due to lack of work or for other legitimate reasons; to make and enforce reasonable rules and regulations; to change or eliminate existing methods, equipment or facilities provided, however, that the exercise of any of the above rights shall not conflict with any of the express written provisions of the Union Contract.

**ARTICLE 22. NON-DISCRIMINATION**

**22.1. Non-Discrimination.** The Library and employees of the Library shall not discriminate against any employee on the basis of race, sex, creed, religion, color, age, national origin, disability, political affiliation and/or beliefs, sexual orientation, or other non-merit factors as provided by law.

**ARTICLE 23. CDL POLICY**

**23.1. CDL Policy.** The Library will pay for the difference in the cost of obtaining a Commercial Driver's License and a Class D License. This amount, net of the regular renewal rate, will be paid each time a new or renewed CDL is required. The Library will not demand reimbursement of these amounts from CDL employees who cease employment with the Library.

A new employee in the Outreach Department will have 45 working days in which to successfully obtain a CDL. If the license is not obtained within 45 working days, this may be cause for termination of a newly hired employee. Extensions may be granted at the discretion of the Director. An in-house employee who does not receive their CDL in 45 working days will be able to return to their previous position as governed by the union contract, Section 10.5. Section 10.5 will be adhered to with the additional stipulation of the 45 day requirement to obtain a CDL.

Employees who possess a required CDL for their job will be subject to random drug and alcohol testing as required by the City of Bloomington. Pursuant to the City Drug Test procedure, employees who fail to pass a drug or alcohol test will be terminated.

### 3. Services

#### 3.1 Policy on Confidentiality of Records

*Approved 07/16/13*

Bloomington Public Library complies with the Library Records Confidentiality Act of the Illinois Statutes (75 ILCS 70/1) which states that the registration and circulation records of a library are confidential information. The statute follows:

#### LIBRARIES

(75 ILCS 70/) Library Records Confidentiality Act.

(75 ILCS 70/1) (from Ch. 81, par. 1201)

#### Section 1.

(a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

(1) required to do so under a court order; or

(2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

(b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 95-40, eff. 1-1-08.)

(75 ILCS 70/2) (from Ch. 81, par. 1202)

Sec. 2. This Act may be cited as the Library Records Confidentiality Act.

(Source: P.A. 86-1475.)

### **Procedures Related to the Library Records Confidentiality Act**

The Library does not share information about customer transactions regarding materials borrowed, resources reviewed, or services used. Examples are whether a particular customer has a library card, what materials are or have been charged to a customer's library card, or a customer's use of library public access computers.

A customer must present his/her barcode number and personal identification number (PIN) either in person or on the telephone before any information will be given concerning: specific items charged out or specific items overdue. General information may be given to the customer such as the total fines on the account or how many items are checked out. If a person other than the customer requests information, staff will inform the person that library staff are only permitted to discuss specific information with the customer. If a person other than the customer has the library card and knows the PIN number for the account, staff will provide the information asked for or allow use of the customer's card. On the rare occasion that the customer has not set up or does not remember their pin, staff may use other information or identification for verification to allow access to the account.

Confidentiality applies to all, regardless of age. While the parent is asked to sign for financial responsibility on the library card application, this does not give the parent the right to information covered under the Library Records Confidentiality Act. BPL staff shall assume, if the parent knows the PIN associated with the account, it is permissible to share information with the parent.

Staff has access to confidential information from Library user accounts because of the nature of their work. This information is to be kept confidential. Employees hold positions of public trust. All employees must respect the sometimes private and sensitive nature of information to which they are privy, or to which they may have access. To assure confidentiality of information, employees may not disclose, use, remove, record, or copy confidential information unless required to do so in the course of Library business or by law.

Employees may not use information obtained through their employment with the Library for their personal gain or profit, or for the profit of others, during or after their employment with the Library.

## **3.1 Library Card Registration**

### **Library Card Registration Policy**

*Approved 01/21/14*

Library cards are available to all residents of the City of Bloomington. Any resident, 17 years of age and older may receive an adult library card upon completion of an application and provision of a valid photo id and current address. Acceptable forms of identification include valid Illinois driver's license or other government-issued photo ID with current address, a recent utility bill, signed lease agreement, personalized check, or recent mail with postmark.

The Bloomington Public Library reserves the right not to issue a library card to anyone who cannot provide identification and/or address verification. The library also reserves the right to restrict the borrowing privileges of any person who has overdue materials and/or accumulated fines or charges.

#### **Minors**

A parent or legal guardian's signature is required for anyone under the age of 17 to obtain a library card. The child and the parent must both be present. By signing the registration form, parents/guardians acknowledge responsibility for the items borrowed, fees incurred, and their child's selection of materials.

Emancipated minors who have proof of their court ordered emancipation may receive an adult card without parental consent.

#### **Non-residents**

Non-residents of Bloomington may purchase a library card with full borrowing privileges by completing the above steps and paying the annual non-resident fee set by the Library Board each year. Any resident of another library in the state of Illinois may register their card and use it at the Bloomington Public Library.

If during the course of the year, a customer moves from a Bloomington address to an out-of-area address, the customer will be required to pay the out-of-area fee if he/she wishes to retain Bloomington Public Library borrowing privileges, or register a local library card from a reciprocal library with the Bloomington Public Library.

#### **Renewal of Library Cards**

All library cards are valid for three years. At the end of that period, customers will be asked to verify their contact information by providing a valid photo id and an item verifying the current address.

### **Lost Cards**

Lost or stolen library cards must be reported immediately. There is a minimal charge to replace a library card.

### **Borrowing Privileges**

Borrowing privileges, in-house computer use and remote access to databases will be suspended when accrued fines and fees equal or exceed ten dollars (\$10.00). These privileges will be restored when the amount owed is below ten dollars (\$10.00).

Interlibrary loan service is available only to residents of the City of Bloomington and the Golden Prairie Library District. Charges for lost or damaged material provided through interlibrary loan is determined by the lending library and will include, but not be limited to, replacement cost, fines and processing fees.

### **Lost or Damaged Materials**

Cardholders are responsible for loss or damage to materials they borrow, including cases and supplemental contents. Current replacement cost will be charged for materials that are lost or too badly damaged to remain in the library collection.

## **3.3 Loan Periods**

Check out lengths of Library materials is as follows:

- Books, Audiobooks, CD's, Bookmobile items: 3 Weeks
- New Fiction, Magazines: 2 Weeks
- DVDs, Videos, Video Games 1 Week

## **3.4 Fines and Fees**

The Bloomington Public Library charges fines as an incentive for customers to return materials in a timely manner so that other customers can have access to the items. The Bloomington Public Library charges fees to offset the cost of recovering and replacing lost and damaged library materials.

## **Overdue Fines:**

Items not returned by the due date will be charge as follows:

- DVDs, Videos, Video Games, Art Prints                      \$0.50 Daily/Maximum \$10.00
- Books, Audiobooks, Magazines, CDs                              \$0.10 Daily/Maximum \$5.00

No fines are charged on the days the Library is closed.

Borrowing privileges will be suspended when the amount of money owed reaches or exceeds \$10.00 in fines/fees. Staff will inform customers of money owed each time the customer borrows materials.

## **3.5 Fines and Fees Forgiveness Policy**

*Approved 04/17/12*

### Definitions

- Fines: overdue charges incurred by returning items to the Library after the due date
- Fees: charges that are incurred by losing an item, damaging an item, returning an item missing parts, collection referral fees, and other charges not considered fines.

### Forgiving Fines

- The staff member is authorized to exercise judgment and forgive up to \$20 in fines.
- When they choose to do so they must include notation on the account indicating
  - Date
  - Amount forgiven
  - Reason
  - First name, last initial
  - For amounts above \$20 the staff member must seek the approval of the Manager or Supervisor on duty.
- Staff applies the three strikes rule. Account notations track history of forgiveness. After three strikes, customers are no longer allowed fine forgiveness.
- Fine Forgiveness programs – The Library administration may permit fines to be forgiven according to specific rules as part of an organized promotional program (i.e. Food For Fines Program).

### Waiving Fees

- Staff or system error: all fees associated with staff or system errors shall be routinely waived
- Fees associated with lost items, damaged items, collection referral fees, purchased merchandise shall only be waived by a Manager or Supervisor.

A Manager or Supervisor may forgive or waive a disputed charge to resolve a difficult situation with a customer. These guidelines apply to one on one transactions with individual customers only.

Across the board fine and fee forgiveness involving multiple accounts must be approved by the Executive Committee.

### **3.6 Interlibrary Loan Policy**

*Approved 08/16/11*

When a Bloomington Public Library cardholder wants material that is not available within Bloomington Public Library, we ask other agencies to provide it. This is the process of interlibrary loan.

Bloomington Public Library follows state and national interlibrary loan procedures and protocols wherever applicable. The library initiates and responds to loan requests via OCLC and fax. The library requests items through interlibrary loan for Bloomington Public Library cardholders only. Those who are not Bloomington or Golden Prairie residents, are referred to their home library for service. All Illinois libraries offer interlibrary loan service, as mandated by the Illinois State Library.

The Bloomington Public Library will borrow and loan materials to libraries in the United States. These items include books, magazine article photocopies, audio books on cassette, CD or MP3 that are older than one year, music on CD older than one year, and VHS tapes. DVDs and Blue Rays older than one year will be loaned in-state only. The library will also borrow microfilm on your request. Some items are difficult to borrow or lend; these include, but are not limited to: new books, reference materials, entire issues of magazines, and rare or fragile items. At this time, the library does not borrow or lend System Games and some local history items. DVD and Blue Ray have a “no renewal” policy.

Materials borrowed through interlibrary loan have a circulation period which is determined by the lending library, not Bloomington Public Library, and most interlibrary loan items are checked out to customers for two weeks. The ability to renew interlibrary loan items is also determined by the lending library. When a renewal is requested by the customer, the interlibrary loan coordinator seeks the lending library’s approval prior to granting the renewal.

The service is free, but some libraries charge a fee to loan their materials. If that’s the case, the customer is notified before obtaining the item. Bloomington Public Library is a member of LVIS (Libraries Very Interested In Sharing), a cooperative agreement between libraries to loan without charges.



Just as with regular library materials, customers are financially responsible for any damage or loss of interlibrary loan items, including fines when items are kept overdue. When Bloomington Public Library is lax in returning materials borrowed through interlibrary loan, the library can lose the privilege of borrowing materials for any of its customers. It is crucial, therefore, that materials borrowed through interlibrary loan be returned in a timely manner and in the same condition. Habitual failure to do so may result in individual loss of the privilege in order to preserve the privilege for other library customers. Interlibrary loan requests are treated as holds and count within the established hold limit on all library materials.

Manager, in conjunction with the Home Delivery coordinator, will consider the circumstances of the situation and may charge the customer for the items.

***\*\*The library reserves the right to cease the sending of certain materials or to discontinue a customer's service altogether, should lost or damaged items become an ongoing issue.\*\****

### **3.7 Reference Service Policy**

*Approved 09/21/10*

#### **Definitions**

“A reference question is a request for information or referral by a library patron in contract with a library staff member who facilitates answering the patron’s inquiry through the use of information sources (e.g. the library’s collection, databases, the Internet, other persons, other agencies). Reference questions are received in person; via fax, e-mail, phone; or virtual/networked reference services.” State of Illinois Annual Report

Non-mediated reference service is the use of the Library’s reference collection by customers without a librarian’s assistance. It is stated here as a separate entity in order to note its existence, extent of use, and importance as a factor to consider in the development of reference collections and services.

#### **Ethics Statement**

The conduct of all Library staff, including those who provide information services shall be governed by the American Library Association’s Code of Ethics. See Appendix A.

#### **Purpose**

The Library serves as an information consultant: guiding, instructing, and connecting our customers and information.

Our customers have the opportunity to communicate with an information professional 24/7.

The Library seeks to provide our customers with complete, accurate answers to their information queries regardless of the complexity of those queries.

Reference service and access to reference materials is available to all persons regardless of age, race, sex, or social or economic status. With few exceptions, our customers do not need to be a registered Bloomington Public Library cardholder to use Library facilities or our materials and services. A current Bloomington Public Library card is required for remote access to our online collections.

This policy recognizes the need to maintain flexibility in the delivery of our reference services. It is appropriate to adapt our services to meet individual customer needs. Bloomington Public Library reference services should satisfy our customer's information needs either by using sources on hand or by referral to resources located elsewhere.

Every reference transaction will conclude with verification that the information need has been met.

### **Guidelines for desk service**

Service to the public receives priority over any other duty. Our customers should be made aware that the primary purpose of information services staff is to assist them. Priority will be given to the needs of our customers on-site.

Maximum time to be accorded in-person customers will be determined by the pace of the activity in the reference area, the number of available staff, and the staff member's discretion as to the customer's needs. When the demands of service exceed the available staff's resources, telephone inquiries shall receive a taped message asking that the customer call again at another time.

Telephone reference should be used for short, factual information questions. If callers must wait, they should be given the option to remain on hold or to have their calls returned. When a staff member must transfer a call to another department, the caller should be told where the call is being transferred and why.

Information services staff use professional judgment in supplying reliable sources, but they do not provide personal interpretations and recommendations, especially in the subject areas of law, medicine, consumer information, personal finance, and tax information.

Since particular kinds of questions are often problematical and place unusual demands on reference service, general guidelines are here stated in order to clarify for both staff and our customers the level of assistance that can reasonably be expected in these areas:

**Book, Antique, and Art appraisals:** Customers seeking appraisals will be referred to standard print or online price guides and/or encouraged to consult appropriate professional services.

Customers' Equipment: Information services staff are not able to troubleshoot our customers' personal equipment, such as laptops, digital cameras, cell phones, and other devices.

Genealogical Questions: Information services staff will provide general assistance in genealogical research, guidance in locating items in the collection, both in print and electronically, and instruction in the effective use of our resources. Information services staff do not engage in actual genealogical research for customers.

Translations: Full text translations of documents will not be provided by the Library. Translations of individual words or phrases, as available in foreign language dictionaries or from the expertise of individual staff members, will be provided.

School Assignments: School assignments will be treated within the same parameters of service stated above.

In supplying information services, staff comply with copyright law and other applicable restrictions on the use of library materials. Standard copyright guidelines/notice will be attached to any pages faxed or mailed to a customer.

When unable to supply information from onsite or online resources, information services staff utilize interlibrary loan services or provide referrals to appropriate agencies or to other libraries.

#### **Loan of reference materials**

Reference materials, regardless of format, may not be removed from the Library, unless unusual circumstances warrant the loan and is specifically approved by the Director, a department manager, or authorized designee. Loan of reference material will not exceed 2 days in length.

#### **Fee Based Services**

The Library's fee-based service shall offer the alternative of staff conducted research for customers who prefer such service when time, distance or inconvenience precludes their on-site use of the Library.

A search is initiated by completing a Research Request form (see below, 2.9.1), located on our website, or through our information services staff. The customer must provide name, mailing address, and a phone number or email.

The charge is \$5 for each 30 minutes of research, plus the cost of any copies made (15 cents per page). This charge shall not apply to educators or home bound residents of the Bloomington/Normal area or to Bloomington residents.

The Library reserves the right to limit or refuse research requests.

The Library disclaims any liability or responsibility for damages or untoward consequences arising from a person's use of library information sources or information services.

### 3.7.1 Research Request Form

Bloomington Public Library  
Box 3308, 205 East Olive Street, Bloomington, IL 61702-3308  
(309) 828-6091

<http://www.bloomingtonlibrary.org>

Hello,

We have conducted a search in response to your research request. The research fee is \$5.00 for each 30 minutes of searching, plus the cost of copies (\$0.15/page). For additional research requests, please call the Reference Desk, (309) 557-8941 or (309) 557-8942. Or email us: [reference@bloomingtonlibrary.org](mailto:reference@bloomingtonlibrary.org).

\_\_\_\_\_ Microfilm copies totaling \$ \_\_\_\_\_

\_\_\_\_\_ Photocopies totaling \$ \_\_\_\_\_

\_\_\_\_\_ We checked the resources of our collection and/or several issues of *The Pantagraph*, and found no information.

\_\_\_\_\_ If you would like to pursue a genealogy search, please contact:

McLean County Genealogical Society

P. O. Box 488

Normal, IL 61761-0488

<http://www.mcgs.org/Resources.htm>

or

Lexington Genealogical & Historical Society

318 W. Main Street

Lexington, IL 61753

<http://www.lexingtonillinois.org/fort/>

Please advise them of your search through our services.

\_\_\_\_\_ If you would like to pursue a McLean County history search, please contact:

McLean County Museum of History

200 N. Main Street

Bloomington, IL 61701

[http://www.mchistory.org/mcmh\\_research\\_si\\_library.html](http://www.mchistory.org/mcmh_research_si_library.html)

Please advise them of your search through our services.

\_\_\_\_\_ If you would like to pursue historical records from Illinois, please use the following website:

<http://www.cyberdriveillinois.com/departments/archives>

Research fee	\$ _____
Microfilm copies	\$ _____
Photocopies	\$ _____
Total Amount Due	\$ _____

Please send your check made payable to:

Bloomington Public Library  
Business Office – Research Fee Payment

### **3.8 Programming**

*Approved 02/18/03*

A public library can reach out to the entire community through programming. Programs publicize the public library, introduce special groups to library materials and services, and provide information and recreation. The primary function of providing programs for adults and young adults at Bloomington Public Library is to support Bloomington Public Library's mission statement and to supplement the community's informational, educational, and cultural offerings and resources. BPL will strive to provide the very finest in programs, whether these are created and provided by library staff, members of the Bloomington-Normal or Golden Prairie communities, or contracted from outside sources.

The primary goals of programming are:

- To support lifelong learning;
- To acknowledge community expertise, past and present, and to encourage future inquiry;
- To showcase and encourage special unique or alternative topics for exploration and investigation, especially with local relevance;
- To educate the public about alternative formats of information;
- To raise awareness about and advance library services and collections;
- And to simply enjoy life and have fun.

In addition, programming at BPL strives:

- To encourage cooperation and collaboration in our community and beyond;
- To provide aesthetic pleasure and develop/heighten the aesthetic sense of our community;
- To reach underserved residents in the community;
- And to enhance the community's perception of the Library.

Guiding principles:

- The Library provides uniformly gracious and friendly services to all users.
- Library programs are provided free of charge.
- Library programs are located in a physically accessible location. Provisions are made, as needed, to enable persons with disabilities to participate in programs. Customers are requested to allow sufficient time to arrange the accommodation. The availability of these provisions is noted with other information about the program.
- The Library considers community demographics, special populations, and the availability of programming from other social cultural and recreational organizations in the community when planning and evaluating programs.

Bloomington Public Library adheres to the ALA “Library Initiated Programs as a Resource” interpretation of the ALA Library Bill of Rights.

## 4. Materials

### 4.1 Material Selection and Collection Development Policy

*Approved 08/16/11*

This policy has been adopted by the Bloomington Public Library to guide collection decisions and to make information about the library collection available to library staff and customers. The Material Selection Policy is approved and endorsed as the official policy of the Bloomington Public Library and the Board of Trustees and is reviewed biennially.

#### 1. Mission

The primary objective is to select material that supports the Library's mission statement. *We provide our diverse community with a helpful and welcoming place that offers equal access to the world of ideas and information and supports lifelong learning.*

#### 2. Responsibility for Selection

Authority and responsibility for selecting library material is delegated to the Library Director by the Library Board of Trustees and is, in turn, delegated to the librarians on staff. Any material so selected shall be held to be selected by the Board of Trustees.

The Bloomington Public Library Board of Trustees endorses and accepts as part of the Materials Selection Policy the following documents:

- Library Bill of Rights\*
- Access for Children and Young Adults to Nonprint Materials\*
- Access to Digital Information, Services and Networks\*
- Access to Library Resources and Services Regardless of Gender or Sexual Orientation\*
- Challenged Materials\*
- Diversity in Collection Development\*
- Evaluating Library Collections\*
- Expurgation of Library Materials\*
- Free Access to Libraries for Minors\*
- Restricted Access to Library Materials\*
- Labeling and Rating System\*
- Universal Right to Free Expression\*
- Freedom to Read\*
- Freedom to View\*\*

These documents are available on the American Library Association website, [www.ALA.org](http://www.ALA.org).

\*These documents are promulgated, adopted and interpreted by the American Library Association.



**\*\*This document is adopted by the American Film and Video Association and endorsed by the American Library Association.**

The Library seeks to meet or exceed the IL Standards for Public Libraries for a growing community. For the population category of 75,000 -99,999, this requires a base of 150,000 items plus 1.75 items per capita or 281,250 items for a population of 75,000.

### **3. Material Selection Process & Considerations**

The Library seeks to maintain a current collection with an emphasis on popular materials, but with enough depth to meet the needs of our community.

The Library is guided by a sense of responsibility to the past, the present, and the future in adding materials that enrich the collections and maintain an overall balance. The library seeks to provide, within its financial limitations, a general collection of materials embracing broad areas of knowledge which meet the following collection development objectives:

1. To provide a broadly based collection that supports recreational reading.
2. To provide resources that increase an individual's ability to function effectively as a productive member of society by encouraging lifelong learning.
3. To provide a collection that is wide ranging and represents multiple viewpoints on various subjects.
4. To provide a collection that fosters an aesthetic experience, stimulates the imagination and might increase individual creative potential.
5. To provide materials that meet the customers' interests and needs in a timely manner.
6. To provide materials to preschool, elementary school, middle school, and high school age customers to encourage and promote continued use of the library.
7. To purchase materials in quantities proportionate to levels of demand, the library tries to maintain an appropriate hold ratio (the number of holds on an item before additional copies are purchased).
8. To practice ongoing collection management using output measures, reports available from the online system, and other data for continuous collection evaluation.
9. To keep current with technological changes that affect the development of the collection.

The selection of materials requires knowledge of broad subject areas, standard bibliographies, selection tools and review sources, the present development of the collection, and an understanding of the wants and needs of the community. Reviews in professionally recognized periodicals, standard bibliographies, booklists by recognized authorities (including bestseller lists), and the advice of competent people in specific subject areas may be used.

It is possible that as technology and formats change, entire collections may be eliminated.

Selection criteria and purchasing levels vary by area, but in general all materials are selected based on the following guidelines:

1. Individual merit of each item
2. Existing library holdings
3. Suitability to the community
4. Budget
5. Popular appeal and customer demand
6. Critics' and staff reviews
7. Timeliness of the material
8. Availability and suitability of format

Selections will not be made on the basis of any anticipated approval or disapproval, but on the merits of the material in relation to the building of the Library's collections and in support of its stated mission. Purchase suggestions from customers are welcome and are given serious consideration.

A library cannot provide all materials that are requested. Therefore, interlibrary loan is used to obtain from other libraries those materials that are beyond the scope of this library's collection.

#### **4. Gifts**

A gift to the Library may consist of material or funds for the purchase of material. In order to be added to the Library's collections, gift material must meet the same criteria as purchased material. Gifts not added to the collection will be donated to the Friends of the Library for sale. The Library accepts restricted funds only if the material to be purchased has been jointly approved by the donor and the Library.

Gifts are accepted subject to the following limitations:

1. The Library retains full and unconditional ownership of all gifts.
2. The Library makes the final decision on the use, display, housing, access, withdrawal, or other disposition of all gifts.

#### **5. Areas of the Collection**

The collection is organized into three broad areas: Adult, Children's and Outreach. Responsibility for the selection of materials for each department is further divided and delegated. Using Section 3 of this policy as their guide, the librarians determine the appropriate parameters, objectives, and criteria for the material selections in their assigned areas. Collection development paragraphs, written by the librarians/selectors, elaborate the detail of the selection approach for what is purchased for each collection area. These paragraphs are available upon request.

##### **Adult Collection**

Materials are collected in many formats. Collections are grouped to allow customers to browse and to find items easily using a call number; collections are grouped by format, by genre and/or by topic.

Selection resources used vary widely, but include professional journals, awards lists and customer requests.

### **Children's Collection**

Providing current, popular, educational, and notable materials for preschoolers through middle school students as well as for parents, teachers, and others interested in children's literature, the children's collection consists of recreational and informational materials that foster a love of reading. The library tries to anticipate and to meet the diverse skills and interests of readers at all ages from the preschooler to the beginning reader to the child ready for more advanced resources.

Materials are selected in response to the needs and interests of young people by recognizing their diverse tastes, backgrounds, abilities, and potential. Each item must be individually considered for its intended audience and is evaluated according to previously stated selection criteria with particular attention paid to reading level and age-appropriateness of content. Children's materials are purchased in a wide variety of formats. As a general rule, the library does not acquire textbooks used in school as these materials are available elsewhere, curriculums are revised every year, and the required textbooks change frequently.

Selection resources vary widely, but include professional journals, awards lists and customer requests.

### **Outreach**

Materials in the Outreach (OTR) collections are available to all library users. They are housed in and near the OTR Department. Holdings are listed in the library's catalog and may be borrowed through the Bookmobile, the Check Out Desk, by placing Holds, and through other OTR services. Specifically, the OTR collections support the Bookmobile (BKM), Home Delivery, Deposit collections, and Books-By-Mail.

OTR collections tend to contain new, popular items. The nature of OTR services is to provide popular reading, viewing, and listening materials. Items from the Main library collections are borrowed to fill customer requests that are outside the realm of OTR's holdings. Interlibrary loan is also available to OTR customers.

Items are selected based on reviews in professional resources, circulation of other items by the same author/performer, high initial print runs or large box office takes, and customer requests.

## **6. Collection Maintenance**

The collection needs continuous evaluation to ensure that the library is fulfilling its mission. Systematic weeding or de-acquisition of library materials is needed in order to maintain a vital, useful and up-to date-collection. This task takes skill, care, time and knowledge of the materials. Each selector is responsible for ensuring properly maintained collections. Bloomington Public Library follows the CREW (Continuous Review, Evaluation & Weeding) method of weeding and augments it with weeding reports and other reports generated for specific areas.

Most areas of the collection are reviewed annually for de-selection. Items are withdrawn from the collection based on the MUSTIE formula:

M = Misleading or inaccurate

U = Ugly (worn or damaged)

S = Superseded (by a new edition or better book on the subject)

T = Trivial ( of no literary or scientific merit)

I = Irrelevant to the needs and interests of the community

E = Expeditiously obtained Elsewhere

Because of current space limitations, the Library is forced to withdraw almost as many items as it adds each year.

Obsolete formats may no longer be purchased and will be withdrawn as technologies and access change.

Consideration is given to ensure that a core collection of definitive works in a given subject area are retained regardless of condition or circulation. Worn or damaged items are identified for weeding on a continual basis. While items are replaced, the library's policy is not to automatically replace titles discarded, lost, or withdrawn. In each case, the need for replacement is based on the existence of adequate coverage of the subject, the timeliness of the title in question, the demand for the specific title, and the availability of the item. Important works in poor condition may be repaired, if possible.

WorldCat, Public Library Catalog, Fiction Catalog, Children's Catalog and other similar sources are consulted before the last copy of a title in the library is withdrawn. The collection is not, however, archival and is reviewed and revised on an ongoing basis to meet current needs.

Titles in some areas of the collection go Lost Assumed or Missing frequently due to theft or customers keeping them. A title is replaced up to 3 times.

Materials which have been withdrawn and are in good condition will be given to the Friends of the Library for its book sale. No items can be held for or given to individuals for personal use.

### **Adult Services**

Using the CREW Method mentioned above, Adult Services staff weed material from the adult and teen collections in the Main library.

Each selector follows a monthly weeding schedule to assure that collections are reviewed – shelf by shelf – on a rotating and regular basis. Smaller collections are reviewed each year. Larger collections (such as Nonfiction) are reviewed every three years. Reports generated by the integrated library system [SIRSI] support weeding.

In addition, staff in Circulation and shelveers review items for condition when checking in and when shelving. Items in poor condition are set aside for immediate review by the selector.

The Illinois Collection, while reviewed, has very limited, if any, deselection. Items may be offered to the McLean County Historical Museum Library or the Friends of the Bloomington Public Library for special sale.

Titles remain in the Most Wanted collection for approximately 9 months. If the shelves become crowded, prolific authors may be weeded so that only the most recent title is included. Copies

that are removed from the Most Wanted collection are either added to the fiction collection or are removed from the collection altogether based on the condition of the item and demand for the title.

Statistics from our website (“click throughs”) and from the vendor (number of searches and other statistics) are used to determine if the cost per use is reasonable and viable to renew or cancel the online resource.

### **Children’s Services**

Books for the youngest customers are reviewed and replaced at least annually and often more frequently because of their heavy use. Picture book and beginning reader titles may be replaced many times over the years because of condition. Fiction books for older readers will be evaluated every three years. Condition, circulation figures, and literary merit are considered. All fiction titles that have not been checked out in three years may be weeded.

Nonfiction is weeded at least every three years to update information. Items not checked out in five years may be withdrawn from the collection.

Magazines are weeded once a year in August. The circulation and condition of the magazines are considered. Magazines that are damaged or lost during the year are not replaced. The AV collection is evaluated once a year. Condition, circulation statistics, and literary merit are considered.

### **Outreach**

There are three primary considerations for OTR weeding:

- Maintain a current, popular collection
- Condition
- Shelf space

Many withdrawn OTR items are added to Main’s collections. Often, OTR items become replacement copies or additional copies in Main’s holdings. The appropriate selector is notified when there are withdrawn items to review. So weeding materials out of OTR does not necessarily mean they are no longer available in the library.

## **7. Reconsideration of Library Material**

The Board of Trustees of Bloomington Public Library recognizes that all individuals have the right to choose which library material they will use. No one individual, however, has the right to restrict access to library material by others. No material is automatically removed from the collections because of an objection to it. Library material will not be marked or identified to show approval or disapproval of the contents, nor will they be sequestered. The Library assures free access to its holdings for all customers who are free to select or reject for themselves any item in the collections. Children are not limited to material in the juvenile collections although juvenile collections are kept together to facilitate use. Responsibility for material accessed by children and adolescents rests solely with their parents or legal guardians.

It is an obligation of the public library to reflect within its collection differing points of view. The Bloomington Public Library does not endorse any particular belief or view nor does the selection of an item indicate an endorsement of any viewpoint. All circulating material will be made available to the public in the manner that best facilitates access by the public. Materials are evaluated as complete works and not on the basis of a particular passage or passages. A work will not be excluded from the library's collection solely because it represents a particular aspect of life, because of frankness of expression, or because it is controversial.

Bloomington Public Library recognizes that a diverse collection of material may result in some requests for reconsideration. A "Complaint about Library Material" form and a "Request for Reconsideration of Library Material" form are available to all Bloomington Public Library cardholders for comments concerning the presence or absence of any library material. See Appendix A and B. Procedures for handling complaints about or requests for reconsideration of library material have been established and approved by the Board of Trustees.

The Bloomington Public Library Board of Trustees endorses and accepts as part of the Materials Selection Policy the following documents:

- Library Bill of Rights\*
- Access for Children and Young Adults to Nonprint Materials\*
- Access to Digital Information, Services and Networks\*
- Access to Library Resources and Services Regardless of Gender or Sexual Orientation\*
- Challenged Materials\*
- Diversity in Collection Development\*
- Evaluating Library Collections\*
- Expurgation of Library Materials\*
- Free Access to Libraries for Minors\*
- Restricted Access to Library Materials\*
- Labeling and Rating Systems\*
- Universal Right to Free Expression\*
- Freedom to Read\*
- Freedom to View\*\*

These documents are available on the American Library Association website, [www.ALA.org](http://www.ALA.org).

\*These documents are promulgated, adopted and interpreted by the American Library Association.

\*\*This document is adopted by the American Film and Video Association and endorsed by the American Library Association.

#### *PROCEDURES:*

#### *FORM I, "COMPLAINT ABOUT LIBRARY MATERIAL"*

*FORM II, "REQUEST FOR RECONSIDERATION OF LIBRARY MATERIAL"*

If Bloomington Public Library (BPL) users wish to file a complaint about library material, Form I, "Complaint about Library Material," should be completed. This form stays on file with the Department Manager; a copy of the form will be submitted to the Director. The Department Manager may examine the material, as well as critical reviews of the material.

If Bloomington and Golden Prairie residents wish to have materials reconsidered (as opposed to filing a complaint without definite action), they may fill out Form II, "Request for Reconsideration of Library Materials."

When Form II is completely filled out and returned to the Library, it will be submitted to the Library Director. The Director will initiate the review process. The Director, the appropriate Department Manager and other staff designated by the Director will review the completed form and the material to determine whether the material should remain or be removed from the collection.

The Director will write a letter to the Bloomington or Golden Prairie resident who initiated the request for reconsideration, outlining the above procedures and announcing the disposition of the material in question.

**4.1.1 Request For Reconsideration of Library Material Form**

FORM II: REQUEST FOR RECONSIDERATION OF LIBRARY MATERIAL

Author/Performer of Material:

\_\_\_\_\_

Material Title: \_\_\_\_\_

Publisher/Distributor of Material:

\_\_\_\_\_

Library Call Number: \_\_\_\_\_ Date of Material: \_\_\_\_\_

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

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

Telephone: \_\_\_\_\_

Are you a BPL cardholder? \_\_\_\_\_

Request Represents:

\_\_\_\_\_ Individual



\_\_\_\_\_ Organization; list name: \_\_\_\_\_

\_\_\_\_\_ Other; list name \_\_\_\_\_

Have you read or viewed the entire work? Circle one:                    YES                    NO

If your answer is NO, what parts have you read or viewed?

To what in the material do you object? Please be specific; cite pages or sections.

What good or valuable features do you find in the material?

What do you believe is the theme of this work?

What do you feel might be the result of reading or viewing this material?

Have you read any reviews of this material? Circle one: YES NO

If your answer is YES, please specify:

What would you like the library to do about this material?

Can you recommend other material that would convey as valuable a picture and/or perspective of the subject treated? If yes, please specify:

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

**FOR OFFICE USE ONLY**

Date Form II received: \_\_\_\_\_ Staff initials: \_\_\_\_\_

Decision: \_\_\_\_\_ Decision date: \_\_\_\_\_

Date requestor was notified of decision: \_\_\_\_\_

Dept. Manager signature: \_\_\_\_\_

Attachments:

## 5. Facilities

### 5.1 Hours of Operation

The Library is open the following hours:

- Monday through Thursday, 9:00AM to 9:00PM
- Friday and Saturday, 9:00AM to 5:00PM
- Sunday, 1:00PM to 5:00PM

The Library is closed for the following holidays:

- New Year's Day
- Easter Sunday
- Sunday Before Memorial Day
- Memorial Day
- Independence Day
- Sunday Before Labor Day
- Labor Day
- Thanksgiving Day\*
- Christmas Eve
- Christmas Day
- New Year's Day

\* The library will close at 5:00PM the Wednesday before Thanksgiving.

### 5.2 Library Patron Conduct Policy

*Approved 04/18/17*

A person who engages in any activity which disrupts the use of library facilities, collections, programs, or services by its customers or disrupts the ability of the staff to perform its duties shall cease such activity immediately upon request by security officers or library personnel. Security officers or library personnel may request identification of any person involved in disruptive behavior, to include name, address, phone, and date of birth. Security officers will write an incident report detailing what occurred to include resulting consequences, and any subsequent suspensions. These reports will be maintained in a database by security officers and also will be emailed to all staff.

In such instances involving minors, identification of the child and the parent/guardian will be requested, and the incident may be reported to the parent or guardian.

## **INITIAL SUSPENSIONS**

If, following a request for behavior modification, the customer fails or refuses to comply or responds abusively to the request, he or she will be required to leave the library premises immediately for the balance of that calendar day. If such incident occurs after 6 p.m. the customer will be required to leave for the remainder of the day and for the following full calendar day. If he or she fails to leave, the police will be summoned. Examples of such behavior resulting in a one-day suspension would include, but are not limited to, sleeping, on-going loud/unruly behavior of an individual or group, misuse of cell phones, entering without shoes or shirt, inappropriate language or gestures, argumentative behavior with staff or other customers, etc.

For incidents of computer/Internet abuse or other incidents of a more serious nature, the customer will immediately be suspended for a length of time to be determined by Security personnel. Any incident that results in law enforcement being called, results in a one year suspension. Examples of more serious offenses include, but are not limited to, public urination or exposure, stalking of customers or staff, physical altercations with customers or staff, threatening behavior towards customers or staff, display of a weapon, intoxication or under the influence of drugs, etc. Computer/Internet abuse incidents involving children (up through age 11) will have the suspension period determined on a case-by-case basis, taking into consideration any prior offenses and the ability of the child to understand the nature of the offense.

## **REPEAT OFFENSES**

The library's security officers will record instances in which customers are required to leave the library in a database maintained by the library for that purpose.

- Upon the SECOND recorded instance in which a person is required to leave the library premises within a thirty-day period, the security officer, on behalf of the Director and Board of Library Trustees, shall suspend the customer from use of library premises for a period of thirty days or more, depending upon the situation. A written notice stating the period of suspension will be given to the customer at this time. Parents or guardians of minors will be notified in writing after the SECOND recorded instance in which a minor is required to leave the library and advised of the consequences of any further recorded instances.
- If a THIRD incident occurs during the thirty-day suspension period or during the subsequent thirty days after the end of the suspension period, the customer will be suspended for one year and will be given written notice of the suspension period.
- Exceptions to these standard progressive periods of suspension will be determined by the security officers in consult with the Support Services Manager and/or the Director, based on the seriousness of the offense, and on a case-by-case basis. For example, if the offense constituted a crime or violation of a City ordinance, the suspension period could be longer. One year suspensions may be extended, depending upon the seriousness of the incident or if law enforcement had to be summoned at the time of the incident.

## **APPEALS**

Customers wishing to appeal suspensions of a month or more may do so upon written request to the Director or the Director's Designee, and parents wishing to appeal such action on behalf of their children may do so upon written request to the Director or the Director's Designee. Appeal forms may be obtained from Security Staff at the time of the incident or by calling the Support Services Manager, and asking that a form be mailed to them. Completed forms should be mailed to the Director. After review, a notice of the disposition of the complaint will be mailed to the customer within seven (7) business days.

## **VIOLATION OF SUSPENSIONS**

In the event a person suspended from the use of the library attempts entry to the library during any such period of exclusion, the police will be summoned and informed of the prior action. All incidents involving criminal activities will be reported to the police. In the case of minors, who may have difficulty understanding or remembering the inclusive date of a suspension, a reminder may be given by security officers instead of calling Police. Such decisions will be at the discretion of the officer, taking into consideration the seriousness of the minor's previous offense or the number of recorded prior offenses, and will be evaluated on a case-by-case basis in such circumstances. If a customer knowingly violates the period of suspension, an additional month will be added to the original exclusion period and a new written notice, stating when the customer may return to the library will be issued to the person.

## **5.3 Customer Expectations Guidelines**

*Approved 04/18/17*

Bloomington Public Library has established the following guidelines with the intention of providing a safe and enjoyable experience for all library users.

While in the library, please...

- Treat people and property in a respectful manner.
- Monitor your personal belongings.
- Supervise dependent persons and children at all times.
- Talk in moderate tones.
- Wear appropriate attire. Shoes and shirts are required.
- Use designated areas to consume snacks and beverages in covered containers.
- Follow library computer policies including always using headphones when listening to audio.
- Use the lobbies to conduct cell phone conversations.
- Park bicycles in the bike rack.
- Adhere to acceptable standards of personal hygiene.

The following are not permitted in the library or on library property:

- tobacco and smoking of any kind, including the use of electronic cigarettes and any other devices that simulate tobacco smoking by producing an aerosol that resembles smoke.
- pets or animals, other than authorized service animals
- extensive personal grooming
- solicitation of any kind
- persons under the influence of alcohol or illegal drugs
- disorderly, disruptive, or boisterous conduct
- threatening, harassing, or intimidating language or behavior
- dozing, sleeping, or loitering
- weapons or other items the general public views to be threatening

Failure to abide by these rules of conduct may lead to a suspension of your Library privileges.

The library reserves the right to respond to any and all conduct not expressly set forth herein.

## **5.4 Health & Safety Policy**

*Approved 08/16/16*

It is the responsibility of the Bloomington Public Library to maintain a healthy and clean environment for all Library users and to protect the taxpayer's investment in Library collections, equipment and property. In order to fulfill this responsibility, the Library may restrict a user's ability to borrow materials and/or to visit Library facilities when such use may jeopardize the health and cleanliness of Library facilities, collections and users.

Examples of situations where borrowing of materials may be suspended include, but are not limited to:

- Evidence that items on loan to a customer may have been returned with insects that are known to be damaging to library materials, e.g. roaches, silverfish and some types of beetles
- Evidence that items on loan to a customer may have been returned with insects that can result in pest infestations in library facilities, e.g. bed bugs or roaches

Examples of situations where access to Library facilities may be suspended include, but not be limited to:

- Customers or customer possessions with fleas or lice
- Customers with clothing that is stained with urine or feces

Should it become necessary to suspend Library privileges of a customer in order to protect Library collections, facilities or other users, notification of the suspension will be made. Access to facilities and borrowing will be restored when the suspended customer demonstrates that the situation that caused the loss of privileges has been remediated.

## **5.5 Unattended Child Policy**

*Approved 8/19/08*

The Bloomington Public Library is committed to helping all children with activities related to the Library. However, it is not the responsibility of staff to serve as caregivers, disciplinarians or teachers. Children, just as all library customers, are subject to all Library rules and policies concerning behavior, conduct, and demeanor. And it is the responsibility of *parents/caregivers*, by monitoring and regulating the behavior of their children, to assure that their children abide by these policies at all times.

Therefore, the staff will try to notify the parent/caregiver of an unattended child whenever:

The child is not meeting the Library's Patron Expectations.  
The child's behavior disturbs other users of the library.  
The child's health or safety may be in danger.  
The child is frightened or anxious while alone at the library.

If the parent /caregiver cannot be reached, then the Library will contact the Bloomington Police Department or Child Protective Services as deemed appropriate by the staff.

In the event that a young person is still at the Library 15 minutes after the Library closes to the public and an attempt has been made to contact the parents, the security guard will contact the police. In no instance will staff take the young person home.

## **5.6 Policy Regarding Display Space**

*Approved 02/19/19*

Bloomington Public Library adheres to the American Library Association (ALA) Library Bill of Rights and the ALA's interpretation of the Library Bill of Rights entitled, "Exhibit Spaces and Bulletin Boards."

The Library's display spaces are open to organizations engaged in educational, cultural, intellectual, or charitable activities. The library provides a community bulletin board and a display rack for brochures and flyers.

All materials to be posted on the bulletin board and in the display rack must be brought to the Adult Services Information Desk. Library staff will date and initial materials to be posted on the bulletin board. Material on the bulletin board that does not display Library staff initial will be removed. Information will be posted for one month, unless there is a specific date provided on the material. The library is unable to guarantee the return of posted or displayed material.

Acceptable material for the bulletin board and display rack includes non-profit organization and governmental activities, notices, programming information, and fund raising information. Unacceptable material for the bulletin board and display rack includes personal items for sale, commercial items for sale, and individual political candidate information. Items in the display cases need to be suitable for all ages to view.

The library reserves the right to use the bulletin board and display racks as needed to promote its programs and activities.

## **5.7 Meeting Room Usage Policy**

*Approved 09/18/18*

The Community Room and the Study Rooms in the Library are available to groups and organizations for events and activities that are in accord with the mission of the library, “To provide our diverse community with a helpful and welcoming place that offers equal access to the world of ideas and information and supports lifelong learning.” The Library reserves the right to deny reservations based on its compatibility with the library’s mission.

Failure to abide by the following policies will jeopardize future meeting room use.

### **General Meeting Room Policies:**

**(Applies to all rooms)**

- Use of Library meeting rooms does not constitute Library endorsement of viewpoints expressed by participants in the program.
- The Library and its affiliates have first priority on use of the meeting rooms. Other requests will be considered in the order in which they are received. The Library reserves the right to cancel prior reservations when the Community Room is needed for Library or City of Bloomington purposes.
- Groups/organizations using the meetings rooms must comply with all applicable local, state, and federal laws, such as hiring an interpreter or providing auxiliary aids required under the Americans with Disabilities Act when requested by the public.
- There shall be no admission charges, no solicitation for donations, or selling of products or services at the meetings. However, if the room is reserved for a presentation by an author, they may sell their own published works.
- All groups/organizations are responsible for reimbursing the Library for any damages, unusual cleaning expenses, or security measures related to the meeting. The meeting rooms should be left in the same condition in which they were found.
- Group/organization attendees are subject to all Bloomington Public Library Policies including the Conduct Policy.



- Candles, any open flames, smoking, and alcohol are prohibited.
- No tacks, nails, or tape are to be placed in or on doors, walls, windows, or furniture. The Library will allow use of its bulletin boards or easels, if requested.
- The group/organization is responsible for the supervision of all children who may accompany its members. Children should remain with the group or be supervised by an adult who must remain with them.
- The Library assumes no responsibility for private/personal belongings.
- The Library assumes no responsibility for personal injury to any person or damage to the property of others.
- The meeting rooms are not available for private parties or social events.
- Groups/organizations are not allowed to use the Library as their official mailing address or phone number. When issuing posters, press releases, or other publicity, groups should make clear that their programs are not sponsored, co-sponsored, or approved by the library.
- The Library reserves the right to cancel a meeting because of weather related or building emergencies.
- The Library staff or security personnel will monitor the use of the meeting rooms and enforce all policies.
- Meetings that may become disruptive to normal Library operations must end immediately.

**Community Room Use:**

- Refreshments must be approved by the Library’s Meeting Room Coordinator. Meals are not allowed.
- Fees for usage:

	Meetings intended for the Public	Private meetings, workshops, trainings
For Profit Groups	\$40 per hour	\$40 per hour
Non-Profit Groups	No Charge	\$15 per hour

- 
- Payment of the usage fee must be made prior to or on the day of the reservation. An invoice is available upon request.
- The room can be reserved for a maximum of 6 hours per day by any one group/organization.
- Groups/organizations may use the Community Room up to twice per month.

- Groups/organizations may reserve the Community Room no more than 90 days prior to date of the meeting and no less than the day before the meeting. The Community Room is not considered reserved until Library staff has confirmed the reservation.
- Reservation changes and cancellations must be made no later than 24 hours prior to the reservation. Consistent failure to cancel and not notify the Library will jeopardize future meeting room use.

### **Group Study Room Use:**

- Groups may reserve the Study Room up to one week in advance for up to two hours per group per day.
- Individuals are not eligible to make advance reservations, but they may use the Study Room for up to two hours per day when there are no reservations scheduled.
- Only covered beverages are allowed in the study room.

### **Digital Media Lab (DML) Use:**

- Regular library cardholders, age 12 and up, in good standing are eligible to use the DML. Regular library cardholders in good standing may also accompany children under the age of 12 that are capable of appropriately using the DML equipment.
- Individuals and Groups may reserve the DML up to one week in advance for up to two hours per day.
- No food or drink may be brought into the DML.
- If the group study room is occupied and there are no reservations for the DML, Library staff may allow use of the DML for group study purposes. All other DML policies shall still apply in these instances.

## **5.8 Video Surveillance Policy**

*Approved 02/18/14*

The Library uses security cameras to help document events involving the safety and security of Library users and property. The security camera installation consists of dedicated cameras which may provide real-time surveillance through a video management system. The primary use of security cameras is to discourage inappropriate and illegal behavior and to enhance the opportunity to apprehend offenders.

### **Signage**

The Library has a sign posted at the public entrance to the building giving notice of the use of security cameras for monitoring and recording activity in public areas of the Library property.

### **Camera Location**

Cameras are installed and located in areas that are prone to theft or other activities that violate Library policy or criminal law. Cameras monitor all public entrances and exits to the Library.

### **Access to Digital Images**

Video data is recorded and stored digitally on a network attached storage array. Recorded data is considered confidential and secure. Access to the recorded archival data is limited to the following authorized individuals: Library Director, Information Technology Manager, Support Services Manager and Security Staff and others at the discretion of the Library Director. Periodic checks are made by the Information Technology Manager and Support Services Manager to ensure proper operations of the system.

### **Access by Law Enforcement**

Video data will be made available to law enforcement officials or agencies upon presentation of a valid subpoena or pursuant to court order. The Library shall retain a copy of the subpoena or court order.

### **Patron Privacy**

Recorded data will be accorded the same level of confidentiality and protection provided to library users by Illinois state law and the Library's policies. Video surveillance records are not to be used directly or indirectly to identify the activities of individual Library patrons except as viewed in relation to a specific event of suspected criminal activity, suspected violation of Library policy, or incidents where there is reasonable basis to believe a claim may be made against the Library for civil liability.

### **Retention of Digital Images**

Recordings are kept for 31 days. The only recordings that exceed this limit are either image captures or partial recordings that involve ongoing investigations or to enforce suspensions from the Library.

### **Disclaimer of Liability**

Any patron shall be given a copy of this policy regarding use of the security cameras upon request. The Library disclaims any liability for use of the video data in accordance with the terms of this policy, given that the Library is a public facility and the security cameras shall be limited to those areas where patrons and/or staff have no reasonable expectations of privacy.

## **5.9 Active Shooter Event Policy**

*Approved 02/18/1*

An Active Shooter is described as an individual actively engaged in killing or attempting to kill people in a confined and populated area.

Customers and visitors will look to employees to direct them to safety, as they are familiar with the building and workspace. Managers and uniformed personnel should be prepared to take immediate action, remain calm and professional, and be prepared to lead.

Bloomington Public Library encourages staff to react to an Active Shooter Event in three possible ways: Run. Hide. As a last resort, only if your life is in danger, Fight.

#### Run

- If there is an escape path, attempt to evacuate
- Evacuate whether others agree or not
- Leave your belongings behind
- Help others escape if possible
- Prevent others from entering the area
- Call 911 when you are safe

#### Hide

- If you cannot escape, find a place to hide
- Lock and/or blockade the door; turn off lights
- Silence your cell phone
- Hide behind large objects
- Remain very quiet

Your hiding place should:

- Be out of the shooter's view
- Provide protection if shots are fired in your direction
- Not trap or restrict your options for movement

#### Fight

- As a last resort, only if your life is in danger, attempt to incapacitate the shooter
- Act with physical aggression
- Improvise weapons
- Commit to your actions

#### 911 – When Law Enforcement Arrives

- Remain calm and follow instructions
- Keep your hands visible at all times
- Avoid pointing or yelling
- Know that help for the injured is on its way



## 6. Technology

### 6.1 Technology Plan 2010-2013

#### Technology vision statement

The Bloomington Public Library staff will actively seek out new technology with the intention of providing better access to information both residing locally and globally, while maintaining a user-friendly and safe environment for its customers.

#### Current state of technology

The Bloomington Public Library currently has 106 PCs, 24 available for adult customers, 13 for children, and 8 for teens. There are currently 5 laptops available to checkout by anyone over the age of 17 with a valid library card. In order for everyone to get an opportunity to use the available public PCs, the library uses a software package called PC reservation which allows customers with a valid library card 90 minutes of computer usage per day. During the 90 minutes customers have access to several programs provided by the library and they have access to the Internet. The internet connection is filtered and the customers are restricted from browsing sites that contain inappropriate content. The public Internet is provided by a cable connection through Comcast.

The library currently subscribes to over 80 databases. These databases are available to anyone inside the library and are available to library card holders from home. There are 13 public access computers that allow customers to search both the library catalog and the on-line databases without a time limit.

There are three high quality printers available to the public. They are located in the Children's area, the public access area in Adult Services and in the Teen Lab. There is also a copier located on the second floor between Children's and Adult Services. Each of the locations allows the patrons to copy and print for a fee. The library uses LPTone by Envisionware to manage customer payments for printing.

The second network located within the library is the staff network with a connection provided by Illinois Century Network (ICN). The network bandwidth is limited to two bonded T1 lines speeds generally in the neighborhood of 2.1 mbps. With the upgrades that are taking place within the library this is quickly becoming the bottle neck of the network. The library maintains 26 servers, 24 of which are located on the staff network. The majority of these servers run Microsoft Server 2003 and 2008 software for such things as email, file storage, and the circulation system. We are working on migrating some of these servers to an open source environment with three servers currently running Linux.

Both the public and staff networks are connected over a gigabit network to the desktop internally. This network is state of the art and the fastest that we can provide for the staff and customers. The network will allow for us to expand bandwidth capacity with our current or new Internet providers.

## Services

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## **Public Services**

Goal: Expand and enhance public access through technology

Action:

Upgrade Public and staff computers as determine by the replacement schedule. Move computer replacement to a 3 year cycle.

Expand the use to laptops throughout the library to offer the customers more mobility within the library. The library currently has 5 laptops to loan to the public. This number should be expanded and the number of stationary PCs should decline over time.

Expand the use of self-checks by adding one in the Childrens and Adult Services areas on the second floor. Expanding the use of self-checks on the second floor will help reduce the lines at the circulation desk and will better serve customers with small children.

Look into a software solution that resolves issues with updates not being able to be installed while maintaining PC security.

Look at technology to improve the ease of using the community room. A new projector will allow for easier connectivity with laptops which will make it easier for staff to be able to setup programs. The Receiver often overheats and causes the sound to distort and randomly shuts down.

Look into technology that allows patrons to keep money on account with the library in order to pay fines or use the printing services. This would be helpful to allow for patrons to keep money available for themselves and for their family for printing and paying small fines. With the credit card payments system there will be a minimum amount that will be allowed to be charged, this system will allow them to pay their fines and keep the amount up to the minimum on account.

## **Staff Services**

Goal: Provide the staff with the necessary technological tools to provide the very best service experience for the customer.

Actions:

Upgrade the Staff PCs and printers per the designated replacements schedule. The PCs should be upgraded every three years and the printers should be upgraded every 6 years. By doing this the equipment should all remain under maintenance.

Look for opportunities to increase the bandwidth that is provided by the Illinois Century Network. The biggest bottleneck for the staff network is the ICN connection. This connection needs to be a fiber optic connection within the next three years.

Perform one major upgrade and 4 minor upgrades to the SirsiDynix ILS during the course of the year. This is important to be able to take advantage of newer features and software available third party vendors.

Look into a fire prevention system for the data center. Currently the data center does not have a fire prevention system.

Look into an environmental monitoring system for data center. This monitoring system would monitor temperature, electrical power, and other environmental systems and send out messages when thresholds were met.

## **Networking Services**

Goal: To provide a secure, stable, and organized system for connecting to resources both within the library and globally.

Actions:

Look into networking monitoring software to ensure the stability of the network. This software is key in being able to identify problems and to monitor activity and for planning network expansion in the future.

Organize data closet wiring through color coding to aid in troubleshooting problems. This will allow IT personnel to identify problems more easily.

Explore and plan the replacement of the Cat 5e cabling with category 6 wiring throughout the building. While Cat 5e cabling will support Gigabit networking in the next three years Cat 6 wiring will become the standard wiring.

## **Wireless Services**

Goal: Expand our current wireless services inside the library to allow greater network utilization throughout the physical building.

Actions:

Look at replacing or upgrading the current wireless network. The current wireless network will not support a plan to allow for more customer laptop mobility within the library. The current wireless system has an outage at least twice a month.

Purchase and install an internal staff user wireless network to allow staff to easy access information in areas that hard wiring isn't available. The board room, the community room, and the children's area that contains the peek-a-book are just a few of the areas that would benefit to having a staff wireless network.

Ensure that both wireless networks (staff and public) tie into the monitoring software to ensure that we are alerted when there are outages.



## **Web Services**

Goal: Make more services available to the patrons through the Internet.

Actions:

Explore the use of apps to search the catalog.

Explore the use of SMS or text messages to send notices to customers. With technology shifting to mobile phones it is becoming more important to be able to notify customers through a medium that is becoming more common place.

Allow for more interaction with their library account through the web site. Make it easy for customers to be able to change their email address on their library account.

Allow customers to be able to pay for their fines online. This is a necessary addition to the self-check machines.

Organize the web site into an easy to use tool to gain access to information.

Allow customers to register for library cards over the internet.

## **6.2 Computer Usage Policy**

*Approved 08/16/11*

The Bloomington Public Library provides both a wireless internet and dedicated computers to allow customers access to resources that reside both locally and remotely. The library employs the latest antivirus, monitoring, and filtering technology in order to provide an experience that is positive, productive, and safe for all customers. This document is meant as a guide to ensure that all customers have equal access to all the information that technology can provide.

### **Access and Areas**

There are several different public computer access areas within the library. Each area has software and technology that is appropriate for each age group. To find which area has technology best suited for you or your children, please refer to the Bloomington Public Library age usage guide.

To ensure that everyone gets an opportunity to use the computers, the library utilizes reservation software. This software assigns an available time slot either immediately or at a future time when a computer will be available for use. The reservation system requires that you have a valid library card. If you do not have a card or are not eligible for a Bloomington Public Library card please consult with one of the librarians about getting a library card or Ecard.

The library also provides catalog computers. The catalog computers provide access to the BPL online catalog and a large collection of online databases to which the library subscribes. The catalog computers do not have time limits and are available to all library customers.

There are several printing stations located throughout the library. These stations allow customers to print on a per cost basis. Printing is available from any library computer regardless of location.

### **Filter and Monitoring**

All computers connecting to the Bloomington Public Library network are filtered. This filter is designed to restrict access to materials that are not appropriate for a public place such as the library. No filter is able to block every offensive site and it is the expectation that if a customer finds themselves on an inappropriate site that they immediately close the window containing the offensive material. Failure to do so will result in loss or suspension of computer privileges.

The Library is committed to allowing its customers the ability to access the Internet in privacy. The library reserves the right to monitor general Internet traffic, PC status, and bandwidth usage to ensure the integrity of the BPL network. The reservation system records dates, times, and library card information and the library reserves the right to examine these logs to investigate damage, illegal, or other suspicious activity.

### **Computer Use and Expectations**

Customers are encouraged to download media from both library provided resources and media to which the individual customer subscribes. Customers are expected to respect copyright holders' rights and not download or distribute copyrighted material over the network.

Customers are prohibited from installing software that is disruptive or will monopolize network resources. These software packages include such things as peer to peer downloading (bit torrent, limewire, bear share, etc), port scanning, network mapping or any other software that attempts to identify or exploit network components.

Customers are not required to have their physical card available in order to make a computer reservation or to access other online resources. However, using a stolen library card is prohibited; if it becomes apparent that a customer is using a stolen library card that library card will be confiscated and returned to the card holder at the address listed in the library system.

Customers using the computers are expected to use the computers and resources in a respectful manner in regards to both current and future users of the public computers. Customers need to refrain from making rude, lewd or loud noises that cause a distraction for others. Customers are not allowed to alter the computers in any manner that makes them unusable, unsafe or offensive to future customers, this includes installing recording software such as keystroke loggers or other mechanism to capture sensitive information about a future user.

This document is not intended to be an all-inclusive and the library reserves the right to classify any action, access, or operation involving library technology inappropriate and suspend its use. Illegal activities involving the use of library resources may be reported to state and federal authorities.

### **6.3 IT Usage Policy for Staff**

*Approved 08/31/11*

Bloomington Public Library (BPL) provides technology resources to assist staff of the Library in their service to the community, our customers. Technology resources are intended to be used for the sole purpose of carrying out the legitimate business of the Library. In addition, by using the Library's technology resources, staff and other non-patron users assume responsibility for their appropriate use and agree to comply with all relevant Library policies and all applicable local, state, and federal laws.

Technology resources are considered BPL property and BPL has the right to monitor the use of such property at any time. Therefore, users should not have any expectation of privacy as to their Internet usage via BPL computers and networks.

- The primary purpose of computer use is to conduct official business. Employees may occasionally use the resources for individual purposes on their own personal time (e.g., breaks & meal periods), if such use does not violate the terms and conditions of this policy or interfere with BPL business. This does not extend to staff's family and friends. They should schedule time on public access computers.
- Sexually explicit or otherwise generally considered inappropriate materials are not allowed. If a staff member accidentally connects to a site that has offensive (sexually explicit or otherwise generally considered inappropriate) material, he/she must disconnect from that site immediately.
- All printing for personal use should be paid for just as when making a personal photocopy.
- Use of computer resources for personal gain or unauthorized personal business is prohibited.

Users of BPL technology resources may not use these resources for inappropriate, unauthorized, or illegal uses.

The use of technology resources is a privilege, not a right, and the Library may revoke this privilege at any time for misuse. Inappropriate uses of Library resources may result in discipline up to and including discharge from the Library. Suspected illegal acts involving technology services may be reported to state and federal authorities, and may result in prosecution by those authorities. Any questions concerning the appropriate use of any of the technology resources or relevant Library policies should be referred to the Director.

## **6.4 Laptop Usage Policy**

*Approved 10/15/13*

Laptops like desktop computers are reserved through Envisionware. Customers will agree to the following agreement when they log onto a library laptop:

Bloomington Public Library is pleased to offer a laptop service to Library customers 17 years of age and older. Laptops are available from the Adult Service Desk and may be used inside the library only. Laptops are available on a first-come, first-served basis. They can be reserved through the Envisionware software. Customers are only allowed to borrow one laptop at a time for a 90-minute period per day. Laptops must be returned 15 minutes before closing of the Library. Laptops therefore will not be checked out if there is less than half-hour of time left before the Library closes.

A laptop can only be checked out by a customer with a valid Bloomington Public Library card or a reciprocal borrowing library card in the Bloomington Public Library computer system. Customers whose cards are blocked from normal computer usage at the Library cannot use a laptop. The Library does not loan out laptops to ECard holders or limited access cards.

Wireless printing is available from laptops at the current rates for public computers.

Customers must use headphones (not supplied) for any application using sound on the laptops.

The laptops are for use only in the Bloomington Public Library and may not be removed from the building. All laptops contain remote tracking hardware and software that allow the Bloomington Police Department to locate them offsite. If a laptop is taken out of the Library, the Bloomington Police Department will be notified and the incident will be considered a theft of Library property.

Customers may not install software on the laptops. Customers may not alter, delete, or copy any software loaded on the laptop or change its existing configuration.

Customers are responsible for any damage or loss to the laptop and accessories that result from accident, theft, misuse, or neglect while the laptop is checked out to them. Customers are expected to report any loss or damage of the laptop or accessories to the Reference Desk. Should the laptop be lost or stolen, customers will pay the full replacement cost, the replacement cost will not exceed \$1,000.00.

### **Laptop Damage**

When a library laptop is damaged by a customer, a fee of \$50 will be assessed and placed on the customer's library card.

Procedure:

Security will be alerted when the damage occurs. Security or other staff should alert the customer that there is a \$50 fee for damage that can be paid now or will be placed on their card.

Security will write and send out an IR.

Security will alert AS staff if they do not already know. AS staff will place the fee and a note on the customer's account. Wording for such a note is below:

7/8/13 Misc. fee of \$50 is for dropped laptop #11 on July 5, 2013. Customer must pay entire \$50, but can set up payment plan with Circ. Manager. Customer should be told that this will put them into collections unless something is paid to bring below \$50 within 30 days.

## **6.5 Internet Policy**

*Approved 03/18/08*

Welcome! We are pleased to be able to offer Internet access here at Bloomington Public Library. Please read the following policy carefully as it discusses Bloomington Public Library's rules and regulations regarding Internet use in the library and in compliance with federal law. Your cooperation is appreciated.

### **Users Guide to the Internet as a Resource**

The Internet has become an invaluable tool for research, communication, and entertainment. The Internet, however, is a collection of information neither produced nor endorsed by Bloomington Public Library ("Library"). Please keep the following in mind.

1. Information obtained via the Internet may or may not be reliable.
2. Information obtained via the Internet may or may not be accurate.
3. Information obtained via the Internet may or may not be current.
4. Information obtained via the Internet may be considered controversial or offensive by some Library customers.
5. The Internet is not a private medium, and the Library can not guarantee the privacy of any communication, access or electronic transfers.

The Library encourages all library customers to be informed users of the Internet and carefully evaluate any information obtained via the Internet. Library staff members may help you evaluate certain types of Internet sources but are not trained to provide definitive analysis of specific sources or sites.

*The Library is not responsible for damages, indirect or direct, arising from a customer's reliance, citation, or other utilization of Internet information resources.*

### **Internet Filtration**

All Library computers are equipped with Internet filtration devices which are designed and intended to block sites deemed to be inappropriate for general audiences. All Internet filtration devices installed on Library computers have been purchased from a commercial vendor. The Library does not maintain that the installed filters effectively filter all or any inappropriate materials from access within the Library. If offensive or sexually explicit material does escape the filter, it is the patron's responsibility to exit the offensive site. The Library is not responsible for damages, indirect or direct, arising from access, whether voluntarily or involuntarily requested, to inappropriate or offensive Internet sites within the Library, regardless of the age of the user or whether arising from the deficiency of the filter or its installation.

### **Access and Use of the Library's Internet Connections and Networks by Patrons**

The Library recognizes that electronic information on the Internet may contain material that is inappropriate or offensive to children as well as patrons of all ages. The Library requires that all Library customers using the Library's Internet connection do so within the guidelines of appropriate and acceptable use. The following are unacceptable:

1. Any use of electronic information which results in the harassment of others;
2. Use of electronic information networks in any way which violates a Federal or State law;
3. Unauthorized duplication of protected software or licensing agreements, including but not exclusively, any "hacking;"
4. Destruction or damage to or unauthorized alteration of the Library's computer equipment;
5. Behaving in a manner that is disruptive to others;
6. Accessing child pornography;
7. Accessing material depicting offensive sexual conduct which lacks a high level of artistic, political, or scientific value; and
8. Any unauthorized disclosure, use and dissemination of personal identification information regarding minors.

All access and use restrictions applicable to adults are also applicable to minors. The Library reserves the right to classify any action, access, or operation on the Internet inappropriate and suspend its use by adult or juvenile patrons.

Parents are expected to monitor and supervise their children's use of the Internet in the Library. Parents are encouraged to discuss with their children issues of appropriate use and Internet safety. Children under the age of 8 using the Library's Internet computers must have a parent or responsible adult in the Children's Area at the time.

### **Privacy on the Internet**

The Library will make every effort to allow Library patrons to use the Internet privately in the Library. The Library, however, reserves the right to supervise the use of the Internet by minor

(under the age of 17) patrons to ensure compliance with Library Internet policies. The Library reserves the right to request an explanation or otherwise inquire as to when a patron is found to be accessing material a Library staff member reasonably believes to be beyond compliance with Library Internet policy.

### **Email, Instant Messaging and Internet Chat**

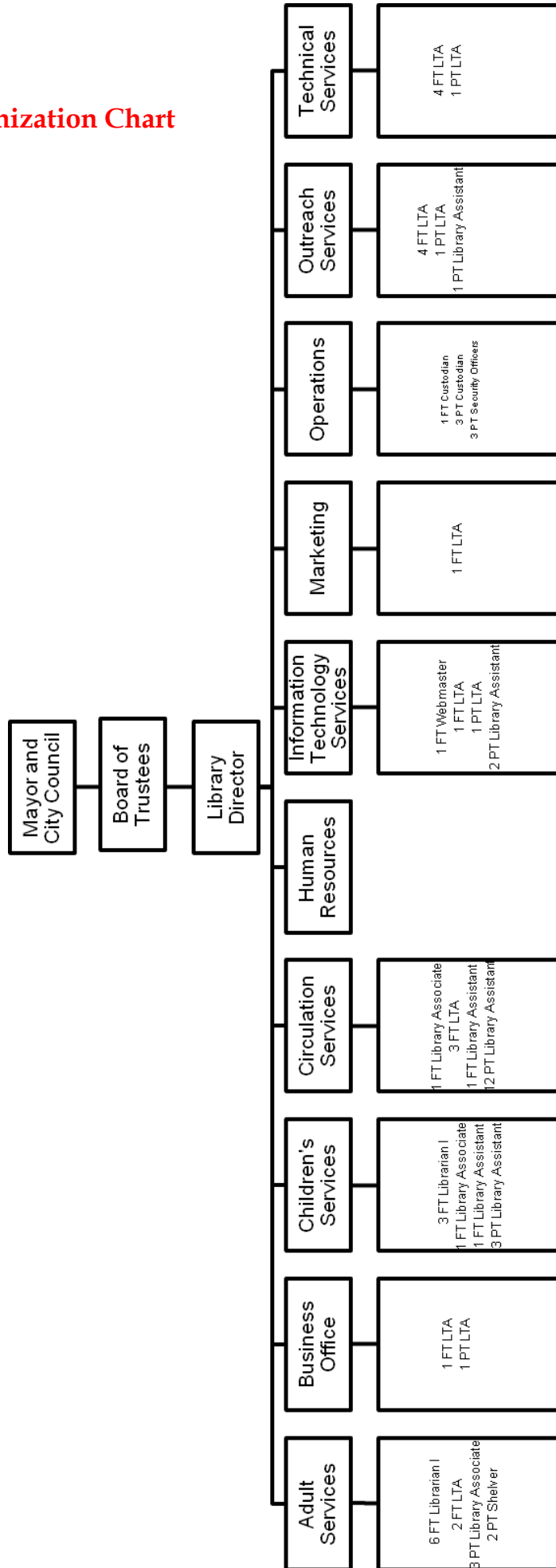
It is the policy of the Library to permit its patrons to engage in forms of direct electronic communication known as electronic mail (“Email”) and other forms such as instant messaging and chat that do not require any software to be installed or present on the computer.

However, such use by minors under the age of 17 may be limited or may be monitored from time to time and in the event Library staff believes a minor’s safety or security is at risk, such privileges will be suspended or revoked.

### **Violation of Policy**

The violation of any terms of the Library’s policy may result in suspension or revocation of Library Internet access privileges or even the suspension or revocation of general Library use privileges. Please act responsibly!

# Appendix A. Organization Chart





**GENERAL PROVISIONS**  
**(5 ILCS 140/) Freedom of Information Act.**

(5 ILCS 140/1) (from Ch. 116, par. 201)

**Section. 1.**

Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.

The General Assembly hereby declares that it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act.

This Act is not intended to cause an unwarranted invasion of personal privacy, nor to allow the requests of a commercial enterprise to unduly burden public resources, or to disrupt the duly-undertaken work of any public body independent of the fulfillment of any of the fore-mentioned rights of the people to access to information.

This Act is not intended to create an obligation on the part of any public body to maintain or prepare any public record which was not maintained or prepared by such public body at the time when this Act becomes effective, except as otherwise required by applicable local, State or federal law.

Restraints on access to information, to the extent permitted by this Act, are limited exceptions to the principle that the people of this State have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people. The provisions of this Act shall be construed in accordance with this principle. This Act shall be construed to require disclosure of requested information as expediently and efficiently as possible and adherence to the deadlines established in this Act.

The General Assembly recognizes that this Act imposes fiscal obligations on public bodies to provide adequate staff and equipment to comply with its requirements. The General Assembly declares that providing records in compliance with the requirements of this Act is a primary duty

of public bodies to the people of this State, and this Act should be construed to this end, fiscal obligations notwithstanding.

The General Assembly further recognizes that technology may advance at a rate that outpaces its ability to address those advances legislatively. To the extent that this Act may not expressly apply to those technological advances, this Act should nonetheless be interpreted to further the declared policy of this Act that public records shall be made available upon request except when denial of access furthers the public policy underlying a specific exemption.

This Act shall be the exclusive State statute on freedom of information, except to the extent that other State statutes might create additional restrictions on disclosure of information or other laws in Illinois might create additional obligations for disclosure of information to the public.  
(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/1.1) (from Ch. 116, par. 201.1)

**Section 1.1.**

This Act may be cited as the Freedom of Information Act.  
(Source: P.A. 86-1475.)

(5 ILCS 140/1.2)

**Section 1.2.**

Presumption. All records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.  
(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/2) (from Ch. 116, par. 202)

**Section 2.**

Definitions. As used in this Act:

(a) "Public body" means all legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books,

papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

(c-5) "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

(c-10) "Commercial purpose" means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means now known or hereafter developed and available to the public body.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(g) "Recurrent requester", as used in Section 3.2 of this Act, means a person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

For the purposes of this subsection (g), "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied.

(Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

(5 ILCS 140/2.5)

**Section 2.5.**

Records of funds. All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/2.10)

**Section 2.10.**

Payrolls. Certified payroll records submitted to a public body under Section 5(a)(2) of the Prevailing Wage Act are public records subject to inspection and copying in accordance with the provisions of this Act; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the public body prior to disclosure.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/2.15)

**Section 2.15.**

Arrest reports and criminal history records.

(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of this Act: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

(b) Criminal history records. The following documents maintained by a public body pertaining to criminal history record information are public records subject to inspection and copying by the public pursuant to this Act: (i) court records that are public; (ii) records that are otherwise available under State or local law; and (iii) records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi).

(c) Information described in items (iii) through (vi) of subsection (a) may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(d) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.  
(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/2.20)

**Section 2.20.**

Settlement agreements. All settlement agreements entered into by or on behalf of a public body are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 7 of this Act may be redacted.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/3) (from Ch. 116, par. 203)

**Section 3.**

(a) Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act. Notwithstanding any other law, a public body may not grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record as defined in this Act.

(b) Subject to the fee provisions of Section 6 of this Act, each public body shall promptly provide, to any person who submits a request, a copy of any public record required to be disclosed by subsection (a) of this Section and shall certify such copy if so requested.

(c) Requests for inspection or copies shall be made in writing and directed to the public body. Written requests may be submitted to a public body via personal delivery, mail, telefax, or other means available to the public body. A public body may honor oral requests for inspection or copying. A public body may not require that a request be submitted on a standard form or require the requester to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver. All requests for inspection and copying received by a public body shall immediately be forwarded to its Freedom of Information officer or designee.

(d) Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).

(e) The time for response under this Section may be extended by the public body for not more than 5 business days from the original due date for any of the following reasons:

(i) the requested records are stored in whole or in part at other locations than the office having charge of the requested records;

- (ii) the request requires the collection of a substantial number of specified records;
- (iii) the request is couched in categorical terms and requires an extensive search for the records responsive to it;
- (iv) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- (v) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions;
- (vi) the request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body;
- (vii) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. The person making a request and the public body may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to extend the period for compliance, a failure by the public body to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(f) When additional time is required for any of the above reasons, the public body shall, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. A public body that fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records may not impose a fee for those copies. A public body that requests an extension and subsequently fails to respond to the request may not treat the request as unduly burdensome under subsection (g).

(g) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information.

Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed unduly burdensome under this provision.

(h) Each public body may promulgate rules and regulations in conformity with the provisions of this Section pertaining to the availability of records and procedures to be followed, including:

- (i) the times and places where such records will be made available, and

- (ii) the persons from whom such records may be obtained
- (iii) The time periods for compliance or denial of a request to inspect or copy records set out in this Section shall not apply to requests for records made for a commercial purpose. Such requests shall be subject to the provisions of Section 3.1 of this Act.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/3.1)

**Section 3.1.**

Requests for commercial purposes.

(a) A public body shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall (i) provide to the requester an estimate of the time required by the public body to provide the records requested and an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this Act, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested.

(b) Unless the records are exempt from disclosure, a public body shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

(c) It is a violation of this Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the public body.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/3.2)

**Section 3.2.**

Recurrent requesters.

(a) Notwithstanding any provision of this Act to the contrary, a public body shall respond to a request from a recurrent requester, as defined in subsection (g) of Section 2, within 21 business days after receipt. The response shall (i) provide to the requester an estimate of the time required by the public body to provide the records requested and an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this Act, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested.

(b) Within 5 business days after receiving a request from a recurrent requester, as defined in subsection (g) of Section 2, the public body shall notify the requester (i) that the public body is treating the request as a request under subsection (g) of Section 2, (ii) of the reasons why the

public body is treating the request as a request under subsection (g) of Section 2, and (iii) that the public body will send an initial response within 21 business days after receipt in accordance with subsection (a) of this Section. The public body shall also notify the requester of the proposed responses that can be asserted pursuant to subsection (a) of this Section.

(c) Unless the records are exempt from disclosure, a public body shall comply with a request within a reasonable period considering the size and complexity of the request.

(Source: P.A. 97-579, eff. 8-26-11.)

(5 ILCS 140/3.3)

### **Section 3.3.**

This Act is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/3.5)

### **Section 3.5.**

Freedom of Information officers.

(a) Each public body shall designate one or more officials or employees to act as its Freedom of Information officer or officers. Except in instances when records are furnished immediately, Freedom of Information officers, or their designees, shall receive requests submitted to the public body under this Act, ensure that the public body responds to requests in a timely fashion, and issue responses under this Act. Freedom of Information officers shall develop a list of documents or categories of records that the public body shall immediately disclose upon request.

Upon receiving a request for a public record, the Freedom of Information officer shall:

- (1) note the date the public body receives the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

(b) All Freedom of Information officers shall, within 6 months after the effective date of this amendatory Act of the 96th General Assembly, successfully complete an electronic training curriculum to be developed by the Public Access Counselor and thereafter successfully complete an annual training program. Thereafter, whenever a new Freedom of Information officer is designated by a public body, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

(Source: P.A. 96-542, eff. 1-1-10.)



(5 ILCS 140/4) (from Ch. 116, par. 204)

**Section 4.**

Each public body shall prominently display at each of its administrative or regional offices, make available for inspection and copying, and send through the mail if requested, each of the following:

(a) A brief description of itself, which will include, but not be limited to, a short summary of its of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report and be answerable for its operations; and

(b) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officer or officers, the address where requests for public records should be directed, and any fees allowable under Section 6 of this Act. A public body that maintains a website shall also post this information on its website.

(Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10.)

(5 ILCS 140/5) (from Ch. 116, par. 205)

**Section 5.**

As to public records prepared or received after the effective date of this Act, each public body shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this Act. Each public body shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

(Source: P.A. 83-1013.)

(5 ILCS 140/6) (from Ch. 116, par. 206)

**Section 6.**

Authority to charge fees.

(a) When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall

furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester. A public body may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. A public body may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except for commercial requests as provided in subsection (f) of this Section. Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished in an electronic format.

(b) Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. If a public body provides copies in color or in a size other than letter or legal, the public body may not charge more than its actual cost for reproducing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the public body to reproduce records, a public body shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except for commercial requests as provided in subsection (f) of this Section. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them. The cost for certifying a record shall not exceed \$1.

(c) Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the public body may take into consideration the amount of materials requested and the cost of copying them.

(d) The imposition of a fee not consistent with subsections (6)(a) and (b) of this Act constitutes a denial of access to public records for the purposes of judicial review.

(e) The fee for each abstract of a driver's record shall be as provided in Section 6-118 of "The Illinois Vehicle Code", approved September 29, 1969, as amended, whether furnished as a paper copy or as an electronic copy.

(f) A public body may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. A public body may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body. If a public body imposes a fee pursuant to this subsection (f), it must provide the requester with an

accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests. (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

(5 ILCS 140/7) (from Ch. 116, par. 207)

### **Section 7.**

#### Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall

be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

- (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
- (vi) endanger the life or physical safety of law enforcement personnel or any other person; or
- (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections if those materials are available in the library of the correctional facility where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections if those materials are available through an administrative request to the Department of Corrections.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and

any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.157 of the School Code and any information contained in that report.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff. 7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13.)

(5 ILCS 140/7.1)

### **Section 7.1.**

(Repealed).

(Source: P.A. 95-331, eff. 8-21-07. Repealed by P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/7.5)

(Text of Section from P.A. 98-49)

**Section 7.5.**

Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the



prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of significant abuse, neglect, or financial exploitation of an eligible adult maintained in the Department of Public Health's Health Care Worker Registry.

(z) Records and information provided to an at-risk adult fatality review team or the Illinois At-Risk Adult Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49, eff. 7-1-13.)

(Text of Section from P.A. 98-63)

### **Section 7.5.**

Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology

Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.  
(r) Information prohibited from being disclosed by the Illinois School Student Records Act.  
(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or de-identified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or de-identified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "de-identified" shall be given the same meaning as in the Health Insurance Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-63, eff. 7-9-13.)

(5 ILCS 140/8)

### **Section 8.**

(Repealed).

(Source: P.A. 85-1357. Repealed by P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/9) (from Ch. 116, par. 209)

### **Section 9.**

(a) Each public body denying a request for public records shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of this Act.

(b) When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by each public body in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

(c) Any person making a request for public records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the public body fails to act within the time periods provided in Section 3 of this Act.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/9.5)

### **Section 9.5.**

Public Access Counselor; opinions.

(a) A person whose request to inspect or copy a public record is denied by a public body, except the General Assembly and committees, commissions, and agencies thereof, may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review must be in writing, signed by the requester, and include (i) a copy of the request for access to records and (ii) any responses from the public body.

(b) A person whose request to inspect or copy a public record is made for a commercial purpose as defined in subsection (c-10) of Section 2 of this Act may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of this Act may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose.

(c) Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines that the alleged violation is unfounded, he or she shall so advise the requester and the public body and no further action shall be undertaken. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the public body within 7 business days after receipt and shall specify the records or other documents that the public body shall furnish to facilitate the review. Within 7 business days after receipt of the request for review, the public body shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. If a public body fails to furnish specified records pursuant to this Section, or if otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to a request for review of a denial of access to records under the Act. To the extent that records or documents produced by a public body contain information that is claimed to be exempt from disclosure under Section 7 of this Act, the Public Access Counselor shall not further disclose that information.

(d) Within 7 business days after it receives a copy of a request for review and request for

production of records from the Public Access Counselor, the public body may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the public body.

(e) In addition to the request for review, and the answer and the response thereto, if any, a requester or a public body may furnish affidavits or records concerning any matter germane to the review.

(f) Unless the Public Access Counselor extends the time by no more than 30 business days by sending written notice to the requester and the public body that includes a statement of the reasons for the extension in the notice, or decides to address the matter without the issuance of a binding opinion, the Attorney General shall examine the issues and the records, shall make findings of fact and conclusions of law, and shall issue to the requester and the public body an opinion in response to the request for review within 60 days after its receipt. The opinion shall be binding upon both the requester and the public body, subject to administrative review under Section 11.5.

In responding to any request under this Section 9.5, the Attorney General may exercise his or her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion shall not be reviewable.

Upon receipt of a binding opinion concluding that a violation of this Act has occurred, the public body shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 11.5. If the opinion concludes that no violation of the Act has occurred, the requester may initiate administrative review under Section 11.5.

A public body that discloses records in accordance with an opinion of the Attorney General is immune from all liabilities by reason thereof and shall not be liable for penalties under this Act.

(g) If the requester files suit under Section 11 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

(h) The Attorney General may also issue advisory opinions to public bodies regarding compliance with this Act. A review may be initiated upon receipt of a written request from the head of the public body or its attorney, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the public body in order to assist in the review. A public body that relies in good faith on an advisory opinion of the Attorney General in responding to a request is not liable for penalties under this Act, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.

(Source: P.A. 96-542, eff. 1-1-10; 97-579, eff. 8-26-11.)

(5 ILCS 140/10)

**Section 10.**

(Repealed).

(Source: P.A. 83-1013. Repealed by P.A. 96-542, eff. 1-1-10.)

(5 ILCS 140/11) (from Ch. 116, par. 211)

**Section 11.**

(a) Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.

(b) Where the denial is from a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

- (i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and
- (ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act. Any public body that asserts that a record is exempt from disclosure has the burden of proving that it is exempt by clear and convincing evidence.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record prevails in a

proceeding under this Section, the court shall award such person reasonable attorneys' fees and costs. In determining what amount of attorney's fees is reasonable, the court shall consider the degree to which the relief obtained relates to the relief sought. The changes contained in this subsection apply to an action filed on or after the effective date of this amendatory Act of the 96th General Assembly.

(j) If the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence. In assessing the civil penalty, the court shall consider in aggravation or mitigation the budget of the public body and whether the public body has previously been assessed penalties for violations of this Act. The changes contained in this subsection apply to an action filed on or after the effective date of this amendatory Act of the 96th General Assembly.  
(Source: P.A. 96-542, eff. 1-1-10; 97-813, eff. 7-13-12.)

(5 ILCS 140/11.5)

### **Section 11.5.**

Administrative review. A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law (735 ILCS 5/Art. III). An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook or Sangamon County. An advisory opinion issued to a public body shall not be considered a final decision of the Attorney General for purposes of this Section.

(Source: P.A. 96-542, eff. 1-1-10.)

## **Appendix B. Library Bill of Rights**

*Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.*

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

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries that 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.

A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](#).



## Appendix C. Access for Children and Young Adults to Nonprint Materials

*Adopted June 28, 1989, by the ALA Council; amended June 30, 2004*

### **An Interpretation of the Library Bill of Rights**

Library collections of nonprint materials raise a number of intellectual freedom issues, especially regarding minors. Article V of the [Library Bill of Rights](#) states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The American Library Association's principles protect minors' access to sound, images, data, games, software, and other content in all formats such as tapes, CDs, DVDs, music CDs, computer games, software, databases, and other emerging technologies. ALA's [Free Access to Libraries for Minors](#): *An Interpretation of the Library Bill of Rights* states:

. . . The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

. . . [P]arents—and only parents—have the right and responsibility to restrict access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Policies that set minimum age limits for access to any nonprint materials or information technology, with or without parental permission, abridge library use for minors. Age limits based on the cost of the materials are also unacceptable. Librarians, when dealing with minors, should apply the same standards to circulation of nonprint materials as are applied to books and other print materials except when directly and specifically prohibited by law.

Recognizing that librarians cannot act *in loco parentis*, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing. Libraries should provide published reviews and/or reference works that contain information about the content, subject matter, and recommended audiences for nonprint materials. These resources will assist parents in guiding their children without implicating the library in censorship.

In some cases, commercial content ratings, such as the [Motion Picture Association of America](#) (MPAA) movie ratings, might appear on the packaging or promotional materials provided by producers or distributors. However, marking out or removing this information from materials or packaging constitutes expurgation or censorship.

MPAA movie ratings, [Entertainment Software Rating Board](#) (ESRB) game ratings, and other rating services are private advisory codes and have no legal standing ([Expurgation of Library Materials](#)). For the library to add ratings to nonprint materials if they are not already there is unacceptable. It is also unacceptable to post a list of such ratings with a collection or to use them in circulation policies or other procedures. These uses constitute labeling, "an attempt to prejudice attitudes" ([Labels and Rating Systems](#)), and are forms of censorship. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the Library Bill of Rights.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people's access to materials and services that reflect diversity of content and format sufficient to meet their needs.

## **Appendix D. Access to Digital Information, Services, and Networks**

*Adopted January 24, 1996; amended January 19, 2005; and July 15, 2009, by the ALA Council*

### **An Interpretation of the Library Bill of Rights**

#### **Introduction**

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.<sup>1</sup> Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information.

The American Library Association expresses the fundamental principles of librarianship in its Code of Ethics as well as in the Library Bill of Rights and its Interpretations. These principles guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to digital information, services, and networks.

Libraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility.

Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it, many people lack access or capability to use or create digital information effectively.

In making decisions about how to offer access to digital information, services, and networks, each library should consider intellectual freedom principles in the context of its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

#### **The Rights of Users**

All library system and network policies, procedures, or regulations relating to digital information and services should be scrutinized for potential violation of user rights. User policies should be developed according to the policies and guidelines established by the American Library Association, including “Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services, and Facilities.”

Users’ access should not be restricted or denied for expressing, receiving, creating, or participating in constitutionally protected speech. If access is restricted or denied for behavioral

or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved, utilized, or created digitally is constitutionally protected unless determined otherwise by a court of competent jurisdiction. These rights extend to minors as well as adults (“Free Access to Libraries for Minors”; “Access to Resources and Services in the School Library Media Program”; “Access for Children and Young Adults to Nonprint Materials”; and “Minors and Internet Interactivity”).<sup>2</sup>

Libraries should use technology to enhance, not deny, digital access. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with “Privacy: An Interpretation of the Library Bill of Rights,” and “Importance of Education to Intellectual Freedom: An Interpretation of the Library Bill of Rights.”

### **Equity of Access**

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access.

Digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds (50.3 “Free Access to Information”; 53.1.14 “Economic Barriers to Information Access”; 60.1.1 “Minority Concerns Policy Objectives”; 61.1 “Library Services for the Poor Policy Objectives”). All libraries should develop policies concerning access to digital information that are consistent with ALA’s policies and guidelines, including “Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights,” “Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities,” and “Services to Persons with Disabilities: An Interpretation of the Library Bill of Rights.”

### **Information Resources and Access**

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user’s age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained digitally. Libraries have an obligation to provide access to government information available in digital format.

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Libraries and librarians should not deny or limit access to digital information because of its allegedly controversial content or because of a librarian's personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to digital information solely on the grounds that it is perceived to lack value. Parents and legal guardians who are concerned about their children's use of digital resources should provide guidance to their own children. Some information accessed digitally may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the Library Bill of Rights (ALA Policy Manual, 53.1.17, Resolution on the Use of Filtering Software in Libraries). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.<sup>3</sup>

Digital resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to digital resources as much as they do to the more traditional sources of information in libraries ("Diversity in Collection Development").

1Martin v. Struthers, 319 U.S. 141 (1943); Lamont v. Postmaster General, 381 U.S. 301 (1965); Susan Nevelow Mart, The Right to Receive Information, 95 Law Library Journal 2 (2003).

2Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853, (1982); American Amusement Machine Association v. Teri Kendrick, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

3"If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case." United States, et al. v. American Library Association, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: “Questions and Answers on Access to Digital Information, Services and Networks: An Interpretation of the Library Bill of Rights.”

## Appendix E. Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation

Adopted June 30, 1993, by the ALA Council; amended July 12, 2000, June 30, 2004, July 2, 2008.

### An Interpretation of the Library Bill of Rights

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the [First Amendment](#). The [Library Bill of Rights](#) embodies the basic policies that guide libraries in the provision of services, materials, and programs.

In the preamble to its Library Bill of Rights, the American Library Association affirms that *all* [emphasis added] libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, gender expression, or sexual orientation:

- Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay, lesbian, bisexual, and/or transgendered presses, gay, lesbian, bisexual and/or transgendered authors or other creators, and materials regardless of format or services dealing with gay, lesbian, bisexual and/or transgendered life are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the sex, gender identity, or sexual orientation of their creators by using the criteria identified in their written, approved selection policies ([ALA policy 53.1.5](#)).
- Article II maintains that "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." Library services, materials, and programs representing diverse points of view on sex, gender identity, gender expression, or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies [53.1.1](#), [53.1.9](#), and [53.1.11](#)). The Association affirms that attempts to proscribe or remove materials dealing with gay, lesbian, bisexual, and/or transgendered life without regard to the written, approved selection policy violate this tenet and constitute censorship.
- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals. Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation. This includes providing youth with comprehensive sex education literature ( [ALA Policy 52.5.2](#)).
- Article VI maintains that "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." This protection extends to all groups and members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, gender expression, or sexual orientation.



## Appendix F. Challenged Materials

### An Interpretation of the Library Bill of Rights

*Libraries: An American Value* states, “We protect the rights of individuals to express their opinions about library resources and services.” The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged materials. Selection of online resources, including Web sites, should also be governed by this collection development policy and be subject to the same procedures for review of challenged materials. This policy reflects the *Library Bill of Rights* and is approved by the appropriate governing authority.

Challenged materials should remain in the collection during the review process. The *Library Bill of Rights* states in Article I that “Materials should not be excluded because of the origin, background, or views of those contributing to their creation,” and in Article II, that “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Supreme Court has held that the Constitution requires a procedure designed to examine critically all challenged expression before it can be suppressed.<sup>1</sup> A hearing is a part of this procedure. Materials that meet the criteria for selection and inclusion within the collection should not be removed.

Therefore, any attempt, be it legal or extra-legal,\* to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981; amended January 10, 1990; January 28, 2009, by the ALA Council.

\* “Extra-legal” refers to actions that are not regulated or sanctioned by law. These can include attempts to remove or suppress materials by library staff and library board members that circumvent the library's collection development policy, or actions taken by elected officials or library board members outside the established legal process for making legislative or board decisions. “Legal process” includes challenges to library materials initiated and conducted pursuant to the library's collection development policy, actions taken by legislative bodies or library boards during official sessions or meetings, or litigation undertaken in courts of law with jurisdiction over the library and the library's governing body.

<sup>1</sup> *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963)

## **Appendix G. Diversity in Collection Development**

*Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008*

### **An Interpretation of the Library Bill of Rights**

Collection development should reflect the philosophy inherent in Article II of the Library Bill of Rights: “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.” Library collections must represent the diversity of people and ideas in our society. There are many complex facets to any issue, and many contexts in which issues may be expressed, discussed, or interpreted. Librarians have an obligation to select and support access to materials and resources on all subjects that meet, as closely as possible, the needs, interests, and abilities of all persons in the community the library serves.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials and resources legally obtainable should be assured to the user, and policies should not unjustly exclude materials and resources even if they are offensive to the librarian or the user. This includes materials and resources that reflect a diversity of political, economic, religious, social, minority, and sexual issues. A balanced collection reflects a diversity of materials and resources, not an equality of numbers.

Collection development responsibilities include selecting materials and resources in different formats produced by independent, small and local producers as well as information resources from major producers and distributors. Materials and resources should represent the languages commonly used in the library’s service community and should include formats that meet the needs of users with disabilities. Collection development and the selection of materials and resources should be done according to professional standards and established selection and review procedures. Librarians may seek to increase user awareness of materials and resources on various social concerns by many means, including, but not limited to, issuing lists of resources, arranging exhibits, and presenting programs.

Over time, individuals, groups, and entities have sought to limit the diversity of library collections. They cite a variety of reasons that include prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual content and expression, and other potentially controversial topics. Examples of such censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting resources about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information or materials from or about non-mainstream political entities. Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal

protection in guarding against violation of the library patron's right to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials and resources based on personal bias or prejudice.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians must not permit their own preferences to limit their degree of tolerance in collection development.

## **Appendix H. Freedom to Read Statement**

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.

## Appendix I. Labels and Rating Systems

*Adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005*

### An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, the ability for library users to access electronic information using library computers does not indicate endorsement or approval of that information by the library.

#### Labels

Labels on library materials may be viewpoint-neutral directional aids that save the time of users, or they may be attempts to prejudice or discourage users or restrict their access to materials. When labeling is an attempt to prejudice attitudes, it is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library materials.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language or themes of the material, or the background or views of the creator(s) of the material, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage or prohibit users or certain groups of users from accessing the material. Such labels may be used to remove materials from open shelves to restricted locations where access depends on staff intervention.

Viewpoint-neutral directional aids facilitate access by making it easier for users to locate materials. The materials are housed on open shelves and are equally accessible to all users, who may choose to consult or ignore the directional aids at their own discretion.

Directional aids can have the effect of prejudicial labels when their implementation becomes proscriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling.

#### Rating Systems

A variety of organizations promulgate rating systems as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, Web sites, or other materials. The



adoption, enforcement, or endorsement of any of these rating systems by the library violates the Library Bill of Rights. Adopting such systems into law may be unconstitutional. If such legislation is passed, the library should seek legal advice regarding the law's applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or destroying such ratings—if placed there by, or with permission of, the copyright holder—could constitute expurgation (see *Expurgation of Library Materials: An Interpretation of the Library Bill of Rights*).

Some find it easy and even proper, according to their ethics, to establish criteria for judging materials as objectionable. However, injustice and ignorance, rather than justice and enlightenment, result from such practices. The American Library Association opposes any efforts that result in closing any path to knowledge.