



POLICY DEVELOPMENT – KEEPING IT REAL

Mary K. Emmrich, Newton County Public Library

Who am I, and what do I know about Library policy?

- Working in Indiana public libraries since 1983
- Library Director for 22 years
- Serve on Evergreen Indiana Cataloguing Committee
- Served ISL Standards and Certification Task Forces
- Member of Northwest Indiana Library Directors' Group
- Past experience with NIALSA, INCOLSA governance
- Serve on many community organizations and boards



Definitions

- POLICY – Carefully written directive to guide staff and inform the public in accordance with the determinations of the Library Board of Trustees. (Emmrich)
- PROCEDURE - A fixed, step-by-step sequence of activities or course of action with definite start and end points that must be followed in the same order to correctly perform a task. (businessdictionary.com)
- MANDATORY – Compulsory, required by law or local rule. (dictionary.com)
- COMPLIANCE – The act or process of complying with a demand or recommendation , the observance of official requirements. (researchlawyers.com)

Why do we need policies?

(State Library of Iowa and IN the Public Trust, Chapter 3,
September 2014)

- To inform everyone of the Board's intent, goals and aspirations
- To prevent confusion among trustees, staff and the public
- To give the Director a clear direction from the Board
- To serve as the basis for the rules and regulations that govern the Library's operations
- To promote consistency in Board action
- To eliminate the need for crisis policy making
- To improve communication with the public
- To clarify Board, director and staff roles
- Need to be flexible and subject to change

POLICIES AND PROCEDURES – A NEW WORD?

- POLICIES are Board-approved directives written to guide staff and inform the public in accordance with the determinations of the Library Board of Trustees, and representing the fundamental values of the Library system.
- PROCEDURES are step-by-step directives, generally written by staff, to accomplish a fixed set of tasks that are IN KEEPING with the POLICIES as approved by the BOARD.

Policy or Resolution?

A RESOLUTION is a formal expression of opinion or intention agreed on by a legislative body, committee, or other formal meeting, typically after taking a vote.
(oxforddictionaries.com)

RESOLUTIONS in Indiana Libraries generally involve financial matters, but are written expressions of intention to inform other agencies of the Board of Trustees' determinations.

Resolutions are agreed upon statements of intent. Your Board has to have policies in place before creating resolutions.

Let's talk – ALA...



- Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities
- Guidelines for the Development of Policies and Procedures Regarding Use Behavior and Library Usage

ALA GUIDELINES...AFFECTING ACCESS TO LIBRARY MATERIALS, SERVICES AND FACILITIES

<http://www.ala.org/advocacy/intfreedom/statementspols/otherpolicies/guidelinesdevelopmentimplementation>

These guidelines are the standard for our profession. They direct that policies, regulations, and procedures **should**:

- Be developed and implemented within the legal framework that applies to the library
- Cite statutes or ordinances upon which the authority to make policy is based
- Be developed and implemented within the framework of the Library Bill of Rights and all its interpretations
- Be based upon the Library's missions and objectives
- Only impose restrictions on the access to, or use of library resources, services, or facilities when those restrictions are necessary to achieve the library's mission or objectives

ALA GUIDELINES/MATERIALS, continued, page 2

- Narrowly tailor prohibitions or restrictions, in the rare instances when they are required, so they are not more restrictive than needed to serve their objectives
- Attempt to balance competing interests, and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to interfere materially with the majority's rights to free, equal, and equitable access to library resources, services and facilities
- Avoid arbitrary distinctions between individuals or classes of users, and should not have the effect of denying or abridging a person's right to use library resources, services or facilities based upon arbitrary distinctions such as origin, age, background or views
- Not target specific users or groups of users based upon an assumption or expectation that such users might engage in behavior that will materially interfere with the achievement of substantial library objectives
- If reasonably possible, provide adequate alternative means of access to information for those whose behavior results in the denial or restriction of access to any library resource, service or facility

ALA Guidelines/MATERIALS, continued, page 3

ALA directs that policies, regulations, and procedures **must**:

- Be clearly stated so that a reasonably intelligent person will have fair warning of what is expected
- Provide a means of appeal
- Be reviewed regularly by the library's governing authority and by its legal counsel
- Be communicated clearly and made available in an effective manner to all library users
- Be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner

Adopted by the ALA Intellectual Freedom Committee June 28, 1994; revised January 19, 2005

ALA GUIDELINES...REGARDING USER BEHAVIOR AND LIBRARY USAGE

- <http://www.ala.org/advocacy/intfreedom/statementspols/otherpolicies/guidelinesdevelopment>

“There is a significant government interest in maintaining a library environment that is conducive to all users’ exercise of their constitutionally protected right to receive information. This significant interest authorizes publicly supported libraries to maintain a safe and healthy environment in which library users and staff can be free from harassment, intimidation, and threats to their safety and well-being. Libraries should provide appropriate safeguards against such behavior and enforce policies and procedures addressing that behavior when it occurs.”

ALA Guidelines/USER, continued, page 2

“The American Library Association’s Intellectual Freedom Committee **recommends that publicly supported libraries use the following guidelines**, based upon constitutional principles, to develop policies and procedures governing the use of library facilities:”

- Rely on existing legislation and law enforcement mechanisms
- Local policy should cite statutes or ordinances upon which the authority to make those policies is based
- Carefully examine policies and procedures to ensure that they embody the principles expressed in the *Library Bill of Rights*
- Reasonable and narrowly drawn policies and procedures designed to prohibit interference with use of the facilities and services by others are acceptable
- Such policies and procedures should be reviewed and updated frequently by legal counsel to ensure compliance with state and federal constitutional requirements, civil rights legislation, and all other applicable rulings and case laws
- Every effort should be made to respond to potentially difficult circumstances of user behaviors in a timely, direct, and open manner.

ALA Guidelines/USER, continued, page 3

- Develop ongoing staff training to encourage empathy and understanding of the social and economic issues that face many of our library users
- Policies and regulations that impose restrictions on access should:
 - Apply only to those activities that materially interfere with the public's right of access to library facilities, the safety of users and staff, and the protection of library resources and facilities
 - Narrowly tailor prohibitions or restrictions so that they are not more restrictive than needed to serve their objectives
 - Attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to supersede those of the majority of library users
 - Be based solely upon actual behavior and not upon arbitrary distinctions between individuals or classes of individuals. Policies should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behaviors that could disrupt library service

ALA Guidelines/USER, continued, page 4

- Not restrict access to the library by persons who merely inspire the anger or annoyance of others. Policies based upon appearance or behavior that is merely annoying or that merely generates negative subjective reactions from others, do not meet the necessary standard. Such policies should employ a reasonable, objective standard based on the behavior itself
- To the extent possible, not leave those affected without adequate alternative means of access to information in the library
- (Must) provide a clear description of the behavior that is prohibited and the various enforcement measures in place so that a reasonably intelligent person will have both due process and fair warning; this description must be continuously and clearly communicated in an effective manner to all library users;
- (Must) be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner.

Keep policies

- REASONABLE
- PRACTICAL
- ENFORCEABLE



PROACTIVE VS REACTIVE

- LEGAL REQUIREMENT – A requirement of law, standard, or compliance creates the need for policy.
- BOARD RECOMMENDATION – A need exists and the Board addresses that need.
- DIRECTOR RECOMMENDATION – The Director (or, less often, another employee) believes a need exists to establish policy.

HELP IS A CLICK OR PHONE CALL AWAY!

The actual writing of policy is best left to the Director or a Task Force. Then, a final draft of the policy is presented to the board for review and approval.

- Contact the Indiana State Library or search the website for policy samples

1-800-451-6028

www.library.in.gov

- Put your policy request on the INPUBLIB listserv or Evergreen listserv

inpublib@lists.IN.gov

- Evergreen Indiana Communications

https://blog.evergreen.lib.in.us/?page_id=2549

- Call a colleague

POLICIES AND PLANS REQUIRED BY LAW

“Library Director’s One-Stop Guide, 2016 edition, Chapter 3

- LIBRARY BOARD BY-LAWS – review/revise at least every 3 years
“Your bylaws are not your board policies. Bylaws are a higher and more permanent set of guidelines for how the board will operate.”
- LONG RANGE/STRATEGIC PLAN– 3-5 year life span
- TECHNOLOGY PLAN – covers 3 years, and may now be a part of the Long Range/Strategic Plan
- DISASTER RECOVERY PLAN FOR COMPUTER SYSTEMS
- INTERNAL CONTROLS AKA “INFERNAL CONTROLS” - SBoA Requirement

Policies and Plans Required by Law, continued, page 2

- **COLLECTION DEVELOPMENT POLICY**
 - Cite ALA Library Bill of Rights
 - Cite ALA Freedom to Read Statement
 - Cite ALA Freedom to View Statement
 - Include information on requesting reconsideration
- **PRINCIPLES OF ACCESS TO ALL LIBRARY MATERIALS AND SERVICES, INCLUDING A SCHEDULE OF FINES AND INTERNET ACCESS POLICY (Can be part of Circulation Policy)**
 - The Internet Access Policy is best kept separate, as it is required by Indiana State Law
 - Cite Evergreen Indiana Circulation Policy for loss of privileges, fines, and lending practices
- **SCHEDULE OF CLASSIFICATION OF EMPLOYEES** (May be part of Personnel Policy or Employee Policy)
- **ANNUAL SCHEDULE OF SALARIES** (May be Salary Resolution approved at annual Board of Finance meeting)
- **CIRCULATION POLICY, INCLUDING FINES AND FEES POLICY**
 - Local policy must be in place, and cite Evergreen Indiana Circulation Policy for clarity (October 2016)
 - Fines and Fees Policy should include Evergreen Indiana fines, if your library collects fines

Policies and Plans Required by Law, continued, page 3

- PERSONNEL POLICIES AND PROCEDURES THAT INCLUDE EMPLOYMENT PRACTICES, SUCH AS:
 - Recruitment
 - Selection
 - Appointment
 - Personnel actions
 - Salary administration
 - Employee benefits
 - Conditions of Work
 - Leaves
- INTERNET ACCEPTABLE USE POLICY – Must be reviewed annually (IC 36-12-1-12)
- INVESTMENT POLICY (IC 5-13-7-7)

Policies and Plans Required by Law, continued, page 4

- PURCHASING POLICY (IC5-22-3-3)
- RECORDS EXEMPTED FROM DISCLOSURE POLICY (IC 5-14-3-4)
- MOVING AND INTERVIEW EXPENSE POLICY (IC 36-12-2-24(c))
- TRAVEL POLICY, INCLUDING MILEAGE
- MATERIALITY POLICY – SBoA Requirement
 - “IC 5-11-1-27(j) requires erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the State Board of Accounts. State Examiner Directive 2015-6 directs each political subdivision to determine its own policy on materiality. “

HOW TO FORMAT A POLICY

- Develop a template that works for your library
- ORGANIZATION NAME – Use the legal name, no abbreviations or popular names

“NEWTON COUNTY PUBLIC LIBRARY” – not – “LAKE VILLAGE LIBRARY”

- POLICY TITLE – Make it simple, but a clear reflection of the policy’s content
Which is easier to understand?

JURY DUTY POLICY or EMPLOYEE SERVICE TO THE COURTS POLICY

- DATE – Note the date the policy will go into effect, or the date that the policy was approved, revised, or reviewed.

- Format, continued, page 2

- PURPOSE STATEMENT

“The Newton County Public Library encourages employees to fulfill their civic responsibilities by serving jury duty when requested.”

- DETAILED STATEMENT

“Employees summoned to serve on jury will be granted a paid leave of absence for up to two weeks. Jury duty lasting longer than two weeks will be reviewed by the Library Director and/or Library Board of Trustees. Employees will not be charged with time off and will be paid regular pay when absent on scheduled work days to fulfill jury obligations.”

This text needs to be SIMPLE, STRAIGHTFORWARD, and EASY TO UNDERSTAND.

Format, continued, page 3

- SOURCES OF HELP

“Jury duty lasting longer than two weeks will be reviewed by the Library Director and/or Library Board of Trustees.”

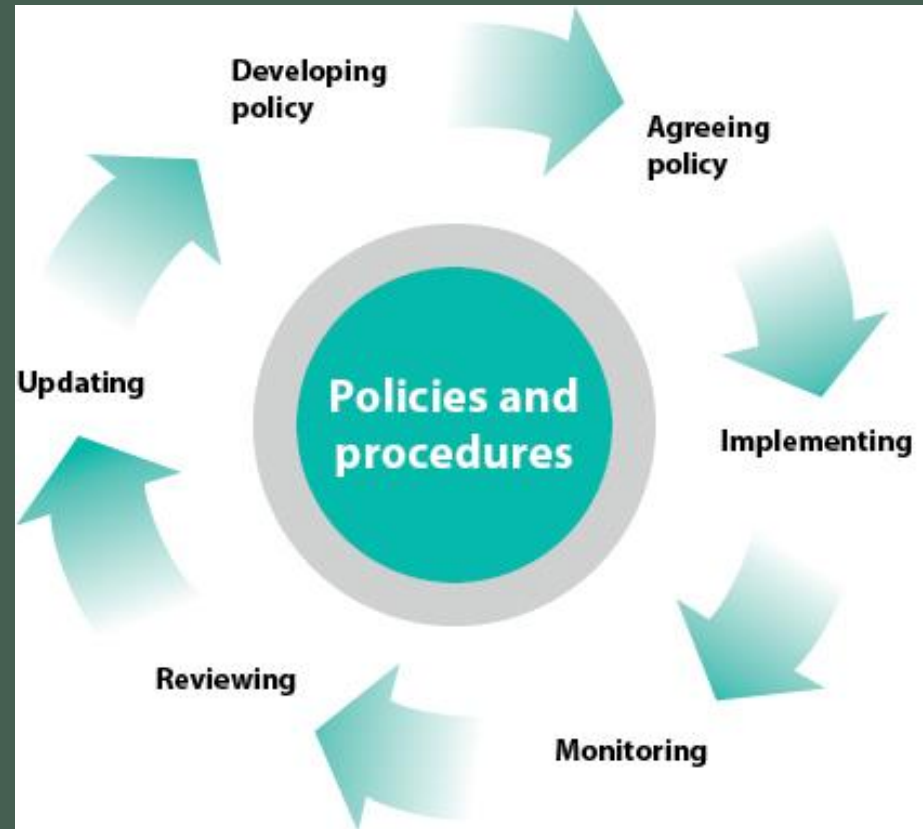
- POLICY AUTHORITY

If the policy had been issued on the basis of a law, directive, or requirement of an outside authority, that needs to be stated.

- RELATED FORMS, POLICIES AND REFERENCES

“Employees must show jury duty summonses to their supervisors as soon as possible so that supervisors may make arrangements to accommodate the employees’ absences. Also, employees must bring verification of service from the Court when services are completed.”

The Policy/Procedure Review Cycle



IN the Public Trust (September 2014)



- “The Board Develops Policy (IC 36-12-3-3)

“5) Review your policies annually. Although you write policies to be durable, policies do become out of date, and an out-of-date policy can be as bad as having no policy at all. Annual review of your board policies can help you keep your policies current and at the same time keep board members current about board policies.”

Is this plan for review realistic, given all the other tasks Library Boards have before them?

POLICY REVIEW TIMETABLE

#	POLICY TITLE	DATE APPROVED	NEXT REVIEW
1	El Circulation	March 16	---
2	El Cataloguing Policy	December 14	
3	El Patron Confidentiality	March 09	---
4	Food & Drink	January 16	January 18
5	Donations & Gifts	January 16	January 18
6	Finance & Investment	February 16	February 18
7	Drug-Free Workplace	February 16	February 18
8	Public Records	February 16	February 18
9	Citizenry Comment	March 16	March 18

ACCESS

IN the Public Trust (September 2014)

“The Board Develops Policy” (IC 36-12-3-3)

“To make your board policies usable, they should be collected and **codified** in one manual. The manual makes the process of learning board policy simple for new board members and it makes application and interpretation of policies easier. A manual also makes the process of review and update of board policies much easier. An all-at-once approach to revision is much too cumbersome for any board. An easier way is to give every policy a date and then make sure the board or a committee of the board examines each policy on or before that date each year. That makes it an ongoing process and much less overwhelming. “

You wanna talk?

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