



BERKSHIRE ATHENAEUM

1 WENDELL AVENUE • PITTSFIELD, MA 01201-6385

Pittsfield's Public Library Since 1872

BEHAVIOR POLICY & PROCEDURES

A. INTRODUCTION / OVERVIEW

The Berkshire Athenaeum aims to insure high quality, professional service to all its patrons. The Athenaeum serves the community most effectively when everyone conforms to the following guidelines. Those who fail to conform will be required to leave.

This policy recommends procedures to insure the safety and well-being of patrons and staff alike. Our goal in creating this document is to make the library a safe and pleasant facility and to outline the steps staff should take in different situations. It must be emphasized, however, that some situations which may make staff or patrons uncomfortable, involve no violation of law or regulation. These situations must be tolerated with good humor and courtesy. Staff should deal with problem behaviors in the same manner that they would like to be approached: with courtesy, tact, calmness and most of all common sense. Staff are expected to use their best judgment in situations not addressed in this policy, and should be familiar with and able to articulate library policies as well as explain the rationale behind them.

B. DEFINITION OF PROBLEM BEHAVIOR

Problem behavior is any behavior that either consciously or unconsciously violates or restricts the rights of others to use the library; prevents library employees from doing their jobs, or jeopardizes the safety of library users, staff and/or property.

C. STANDARD EMERGENCY REPORTING PROCEDURES

In an emergency situation, seconds may mean the difference between life and death. Quick action must be taken to assure minimal damage to persons and property.

C.1. When an emergency or crisis occurs, if there is a supervisor in the immediate vicinity, then that person should contact Police Dispatch for the relevant safety authorities, otherwise any employee may make the call. In any emergency, police, fire and medical personnel all respond to **911**. From library phones, dial "99" first for the outside line, then "911."

C.2. In most cases, Dispatch should be able to tell at the time of the call whether an officer is available to respond. Staff should provide Dispatch with the most complete description of suspects and their clothing that they can. In that way, when the suspects leave the scene, if Police locate them elsewhere, they can stop and identify them.

C.3. If someone other than a supervisor has notified the authorities of the emergency, the person(s) in charge of the building at that time should then be notified.

C.4. Other staff on duty or departments, including the R.S.V.P. office as appropriate, should then be notified to avoid repeated calls to authorities. Because all emergency personnel enter the library through the Wendell Avenue entrance unless directed otherwise, make sure the Circulation Department is informed immediately about any facility crisis.

D. INCIDENT REPORTS

D.1. An Incident Report should be generated – preferably by email – after any Standard Emergency Reporting Procedure, significant transgression of General Behavioral Guidelines, any incident requiring police response, where the patron does not acquiesce, or where an incident may be part of an emerging pattern of problem behavior.

D.2. Incident Reports should include (if possible):

- Date and time of the incident
- Location
- General description of the incident
- Names of those involved (physical description if names not available)
- Names of any witnesses of the incident.

D.3. If the identity of a behavioral problem is unknown, a responding police officer will get a name and address if asked.

E. GENERAL PROCEDURAL GUIDELINES

E.1. Have a good public service attitude. Staff in public service positions should greet or acknowledge everyone as they enter the library or their respective departments.

E.2. All staff are responsible for the implementation of this policy. Problem behaviors should be addressed by the first public service employee to see the infraction, which include behaviors associated with disruptive youths. Misbehaving children and young adults should be approached by all staff, not just the Children's departmental staff.

E.3. Problems should be addressed in the initial stage. Don't let things escalate to a critical stage before approaching a patron.

E.4. Problems ignored do not go away.

E.5. Remain calm. Think before responding. Be receptive, courteous, gentle, polite, respectful, firm, relaxed, empathetic and nonjudgmental. Don't overreact. Treat everyone the same.

E.6. Approach the individual in question, identify yourself as a library employee, and explain the library policy which is being violated. Assume the patron does not know the rules. Suggest alternatives to their behavior.

E.7. Under no circumstances should library personnel touch or try to restrain a patron as part of a disciplinary action.

E.8. Three strikes and they're out. First, mention the library's rules; second mention the consequences of their actions; and third, ask them to leave the building for the rest of the day/evening. All public desk staff have the authority to ask a patron to leave the building for the rest of the day, as appropriate.

E.9. Alert a supervisor and fellow workers as necessary, whenever you've had to deal with a problem patron.

E.10. At shift changes, in-coming staff should be informed about any trouble that may have occurred before they came on duty. Potential troublemakers should be discretely pointed out at this time.

E.11. At the Athenaeum, rules are not made, nor should they be enforced, based on age, gender, race, or any other qualifier. Library staff should rule on conduct that is harmful or disruptive to others, and staff should make it clear to the offending patron that it is the behavior that is causing the eviction and that he/she is welcome in the library when his/her behavior conforms to this policy.

E.12. Call the police if there is a crime occurring, even if the victim doesn't want you to.

E.13. The safety of both library patrons and staff is our overriding concern. In the event of an emergency, and the situation warrants it, clear everyone from the immediate area.

E.14. Trust your instincts, and always err on the side of safety. If a situation makes you feel uncomfortable, then proceed with caution. If an exchange turns into a confrontation, back off, call for assistance. If you feel threatened, call the police immediately using Standard Emergency Reporting Procedures.

E.15. We do not expect or encourage staff to try to deal with a problem situation single-handedly. If you are uncomfortable or uncertain about approaching a problem situation take a co-worker.

E.16. These procedures are suggested guidelines. If you have a problem, bring it to the attention of your supervisor. If she/he is not available, then ask the next most senior or experienced staff member nearby for advice. It is very possible that they know the problem patron or their history and can quickly defuse a situation.

E.17. If you ask a patron to leave the library for any reason, inform the staff at the main Desk and Children's Library as soon as possible since there are two entrance/exit points to the building.

E.18. Staff should be aware of cues from the public regarding problem behavior. Often staff may not notice a problem that other patrons will. If they are reluctant to directly report the behavior they may attempt to do so indirectly by glaring at library employees (in effect questioning why no corrective action is being taken), clearing their throats or otherwise calling attention to themselves to demonstrate their exasperation.

E.19. Staff should recognize that the library has some areas where quiet is more strictly enforced (Silent Study area, and the balcony study tables), and areas where quiet conversation is condoned (the Blake Reading Room, Food Zone and Young Adult Department). When addressing noise problems in the various quiet study areas the offending persons should be encouraged to move to one of the less quiet areas.

F. RIGHT OF ACCESS:

While it is not illegal to regulate behavior if it interferes with other people's utilization of the library, policies must be applied in an equal manner and based on clear guidelines so as to target the behavior and not the patron. The Berkshire Athenaeum does not enact or enforce policies that limit access to library resources to any demographic. Library staff enforcing restrictions against the unacceptable behavior identified below must assure equal enforcement, and only behavior that infringes on other patrons' rights should be considered. Discriminatory application may violate the First [freedom of speech and the right to receive information], Fifth [violation of due process], and Fourteenth [prohibiting the government from enforcing conduct standards in an arbitrary manner] Amendments to the Constitution.

G. GENERAL BEHAVIOR GUIDELINES

G.1. **ANIMALS:** Bringing animals into the library except those needed to assist a disabled person is not allowed. While legitimate service animals are allowed in the Athenaeum, they must be leashed and under physical control of the handler at all times. Library staff should be aware that there are a variety of reasons, not always evident, that an individual might be accompanied by a service animal. There are only two questions staff may ask owners of probable service animals:

- “Is this a service animal required because of a disability?”
- “What is the service the animal is trained to provide?” [May not ask details about the disability.]

G.2. **AUDIO VOLUME:** Playing audio content on personal or library computers or devices so that others can hear it is not allowed.

G.3. **BICYCLES:** Wheeled devices like bicycles and shopping carts (except strollers and those required by the disabled) must be left outside and may not obstruct traffic entering or exiting the building. Bicycles must be parked in designated areas outside the building.

G.4. **CELL PHONES:** While the use of cell phones, per se, is not prohibited (with the exception of the public computer areas), loud voices and ring tones that may be disruptive to others may prompt library employees to request cell phone users take the phones away from other users and/or out to a foyer, reading terrace, or shut them off.

G.5. **EQUIPMENT (MISUSE OF):** The abuse of library technology violates the law (MGL, Ch. 266, Sec. 100) Such Abuse includes banging on the keyboard or other use of excessive force, misappropriation of hardware or software, and attempts to alter the software. Consult “Internet Access and Services” policy and “Equipment Use Policy” for a more comprehensive description of acceptable use.

G.6. **CRAFT ACTIVITIES:** Craft activities in public service areas not scheduled by staff must be preapproved. Because of potential damage to library materials and/or property, no craft activities involving glue, paint, play dough, glitter, etc., shall be allowed.

G.7. **CUDDLING:** Excessive displays of affection are inappropriate behavior for the library.

G.8. **DAMAGES:** Those who damage or deface library materials or property will be prosecuted (MGL, Ch. 266, Sec. 100). Parents can be liable for damage done by a child under the age of eighteen (MGL, Ch. 231, Sec. 85G).

G.9. **DISTURBANCES:** Creating a disturbance by making noise, talking loudly, or engaging in other disruptive conduct is not allowed (MGL, Ch. 272, Sec. 41).

G.10. **DRUGS:** The public consumption of marijuana or other illicit drugs is unlawful and will be reported to the police.

G.10. **FEET:** As a safety precaution, patrons must have shod feet on library property.

G.11. **FOOD AND DRINK:** Because of the potential damage to library materials, food and/or beverages, including bottled water, are allowed only in the Food Zone, the library lobbies and reading terraces. Food and beverage containers at other locations must be kept closed and put away.

G.12. **INTERFERENCE:** Interfering with another person’s right to use the library or with the library staff’s performance of their duties is not allowed.

G.13. **LIBRARY FURNISHINGS (MISUSE OF):** In order to maintain clean and attractive library facilities and furniture, it is forbidden to sit on tables and heating units, place feet on furnishings, or to deface walls, shelving and elevators. Patrons should sit one to a chair and should not tip back.

G.14. **LOITERING:** Staff should be aware of Section 14-20 of the City Code regarding Loitering in Public Buildings. A copy of this code is appended to this document. This provision requires staff to exercise discretion with regards to what is considered unacceptable loitering behavior. In general, the determining factor will be whether the offending party prevents others from enjoying the library. Staff should be careful not to use this provision as a means of age discrimination.

G.15. **PERSONAL POSSESSIONS:** Personal possessions will not be accepted at public service points for safekeeping, nor should they be left unattended in public areas. The library is unable to guarantee the security of such items.

G.16. **PROPERTY:** This policy focuses primarily on activities inside the library facility, however the scope of its coverage includes all library property including the walks and parking areas. The public sidewalks along Wendell Avenue, East Street and Bartlett Avenue are beyond the routine responsibility of library policy, however violations of any law or code should be reported to the police as appropriate.

G.17. **REST ROOMS:** Misusing the rest rooms (i.e. using them as a laundry or washing facility) is not allowed.

G.18. **RUNNING:** Running is not allowed in the library building.

G.19. **SKATEBOARDS AND ROLLER SKATES:** Patrons may bring these into the library while they look for materials, however they may not be used on library property.

G.20. **SLEEPING:** Library users who simply doze off should ordinarily be left alone. Noisy sleepers and those who are sprawled on furniture or the floor in a manner that is disturbing to other persons will not be tolerated. Discretion should be used in approaching a sleeping patron. Do not touch or shake them.

G.21. **SOLICITING:** Soliciting patrons and staff for donations or for the purpose of obtaining signatures on petitions is not allowed in the library (see also “Display and Exhibit Policy and Procedures”).

G.22. **STAFF ONLY AREAS:** Patrons are not allowed to enter areas posted “Staff Only” without permission.

G.23. **SUICIDE:** Staff should treat all threats of suicide seriously and immediately report them to the Police even if the patron does not want you to.

G.24. **THREATS:** Threatening behavior, including, but not limited to, violence, threats of violence, and possession of weapons (see Section R following) is not allowed.

G.25. **TOBACCO:** Smoking and the use or handling of tobacco products, including electronic cigarettes, is prohibited in the library, on the two reading terraces (see MGL Ch. 270, Sec. 22), and within fifteen feet of a building entrance.

G.26. **TRIP HAZARDS:** When they identify a situation that constitutes a trip hazard, library staff will request patrons relocate personal belongings (such as backpacks) or move to a different electrical outlet (for charging a laptop or other device). Library staff making this request should

be prepared with a suggestion for an acceptable alternative, for example, "Please tuck your backpack under the table," or, "We have outlets available on the top of these tables," or "We have a courtesy charging station for electronic devices in the Food Zone."

G.27. TRUANCY: Truancy is a school problem, not a library problem. Library staff do not have any responsibility to report persons who seem to be truant, however if when addressing other behavioral problems it becomes evident the patron involved is truant, the library may report the truant to the appropriate school department contact.

H. COMPLAINTS

H.1. Listen carefully to the patron's question or complaint.

H.2. Speak in a relaxed tone, and repeat and paraphrase what the patron has said. If the complaint is reasonable and legitimate, attempt to resolve the problem. If the complaint involves another staff member, state sympathetically that there must have been a misunderstanding and attempt to resolve the problem.

H.3. If there is a justifiable need for an exception, and you have the authority, make one.

H.4. If the request/complaint is against library policy, and if an exception cannot justifiably be made, explain the library policy clearly. Give an explanation of its rationale. If necessary, show a written copy of the policy to the patron. Most of the major library policies are available on the library website to facilitate showing a patron the policy and/or making a copy, as appropriate.

H.5. Be pleasantly firm and calm. Do not argue or appear fearful. An indifferent, uncaring attitude is destructive. Stick to the issue and do not get sidetracked with special circumstances.

H.6. You should feel that your job is to obtain for the patron what she/he wants if it is possible within the reasonable limits of existing library policy. If it is not, always try to give them another option (i.e. "We can hold this book for you until you return with the necessary identification.") Refer the patron to your supervisor or to the Director if you cannot resolve the problem.

H.7. If the Director is unavailable, an appointment may be set up or the patron may make the complaint in writing on the library's PATRON COMPLAINT FORM.

H.8. Be sure it is not your behavior, attitude or body language that is causing the patron to show heated emotions. Perhaps there is a "personality clash" between you and the patron. Sometimes people rub each other the wrong way quite unintentionally. If this happens, bring a co-worker in to help resolve the impasse.

H.9. Try not to personalize their anger, impatience or frustration.

H.10. If the patron's behavior becomes disruptive and interferes with the operation of the library or others' rights to use the library, follow the procedures below for "DISRUPTIVE BEHAVIOR."

I. DISRUPTIVE BEHAVIOR

Disruptive behavior may include excessive noise, physical altercations, pranks, foul language, excessive chattiness, running, individuals under the influence of alcohol or drugs, and other behaviors that disturb patrons.

I.1. As noted in the GENERAL PROCEDURAL GUIDELINES section above, patrons creating a disturbance are first advised of library policy. They are given a subsequent warning,

told of the expected behavior and the consequences of continued misbehavior. If the undesired behavior continues, the patron should be asked to leave the building.

I.2. If an individual does not stop the improper behavior, or does not leave the building when asked to do so, staff should call the police. Tell the police you are calling from the library, give your name, and briefly describe the incident. Emphasize that help is needed.

I.3. If a staff member judges a disturbance too serious to handle alone, they should call for a backup from coworkers and a supervisor.

I.4. So long as demonstrations and briefly disruptive pranks (i.e. "Tarzan" yells, sprints out the door, etc.) do not occasion more than a momentary distraction to library users and do not interfere with library operations or jeopardize the safety of persons or the library collection, they should be tolerated with good humor.

I.5. In the event that a patron repeatedly fails to conform to the guidelines of acceptable behavior set forth in this policy, the Director may at his discretion suspend that patron from library service and/or request that the Police Department issue and serve upon such a patron a Trespass Notice in accordance with M.G.L. c. 266, Section 120.

I.6. Occasionally groups or students accompanied by a counselor or tutor exhibit problem behaviors. Unless it's an immediate safety issue, address the offense to the counselor first. The library should not tolerate any more from a supervised visit than it would from a group unsupervised. Ask for the name of the counselor and the agency from which the group comes.

J. CIVIL DISCOURSE:

It is the library's expectation that all discussions between patrons and staff, whether in the library, by telephone, or any other means of communication, shall be conducted with courtesy and mutual respect. Neither staff nor patrons should accept rudeness, insulting language, profanity, or raised voices from one another. Patrons receiving such behavior should report it immediately to the supervisor of the service department and/or complete a patron complaint form for submission to the Library Director. Staff receiving such behavior should complete an incident report for submission to the Library Director. Patrons who habitually use rudeness, insulting language, profanity, or raised voices in library transactions will be subject to progressive disciplinary measures.

K. ABERRANT BEHAVIOR / MENTALLY DISTURBED

This type of behavior typically results from psychological problems, illness, or substance abuse. If it is not disruptive to library operations or to other patrons, then it should be tolerated so long as no violations of law and policies occur. Actions of persons exhibiting such behavior range from merely having an odd manner to disruptive and even dangerously violent behavior. Diverse physiological and /or neurological symptoms can cause the affected individual to appear socially aberrant. For example, diabetics may have an alcoholic smell when suffering from shock. Tourette's Syndrome can be identified by occasional uncontrollable outbursts including the use of foul language. Emotionally disturbed persons may be suffering from mental illnesses or disorders characterized by somewhat bizarre external behavior, hallucinations, and delusions. They can be withdrawn, timid, cooperative, or violently aggressive.

K.1. If these persons are able to use the library and do not require assistance, do not treat them any differently than other patrons.

K.2. Persons who are mentally ill experience a different reality. Their judgment is different - sometimes slower to kick in, and often their boundaries are blurred.

K.3. Staff should expect persons with mental illness to conform to library policy, and the library needs to establish boundaries. Mental illness is not an excuse for unacceptable behavior in the library. When limits are set, be sure to follow through.

K.4. If it appears that these persons need personal assistance, ask if you can be of help. If they appear to be ill, offer to call the paramedics, or a family member.

K.5. If you suspect a patron is disturbed, ask for help from a co-worker if necessary and practical before approaching the patron.

K.6. Do not laugh at, point at, humiliate or be critical/judgmental. Be polite, empathetic and firm.

K.7. Never argue with the individual.

K.8. Do not endorse or contradict a person's hallucinations or delusions.

K.9. Offer choices (i.e. "You may speak loudly elsewhere, but if you wish to remain in the library, you must observe our rules.")

K.10. If someone behaves suspiciously, and you suspect drugs or excessive alcohol, alert other staff members. Judgment should be exercised in the case of people who smell of alcohol. If the patron's behavior is not otherwise offensive, then there is no problem. If, on the other hand, the patron is loud or obnoxious, she/he should be told that they're disturbing other patrons and "would they please be a little quieter." If the problem is more than just loud talking, then, depending upon the problem, the patron may be asked to leave the building. Request police assistance if necessary, following standard emergency reporting procedures.

K.11. Be discreet and maintain a nonjudgmental attitude. Do not make the person feel watched or cornered. Keep a safe distance, allowing her/him space to easily leave the building.

K.12. Library employees should not act in roles they are not trained for or which are inappropriate for the setting (i.e. as a personal counselor, social worker, substance abuse counselor).

K.13. If the person cannot function effectively, ask if they need help. If the person refuses medical help, and they cannot control their disruptive behavior, they should be asked to leave. At the first sign of dangerous behavior, call the police, using standard emergency reporting procedures.

L. VIOLENT BEHAVIOR

L.1. Violence can often be predicted. Stay alert to the signals.

L.2. Warnings for violent behavior include:

- Agitation
- Hostility
- Throwing things
- Drunkenness
- Furtiveness
- Raising voice

L.3. Persons are more likely to assault people like themselves: same age, gender, etc.

L.4. Your own instinctive fear of an individual is a warning of impending violence that should be heeded. Remain calm. Aggression breeds aggression.

L.5. If you feel threatened, contact the Police immediately using Standard Emergency Reporting Procedures.

M. INAPPROPRIATE ATTENTION

M.1. If someone is suspiciously watching or following a staff member or a patron, try to get a general description.

M.2. Alert other staff to the situation.

M.3. Be assertive. Ask if the person needs assistance. In many cases just approaching the individual will discourage them from engaging in the unacceptable behavior. “Do you need help finding something?” or “Is there anything I can help you with?” are examples of what you might ask.

M.4. A supervisor or the Director should then warn the individual that the behavior is offensive and must be stopped, or they will be asked to leave the building.

M.5. If the behavior continues and the person will not leave, call the police, using Standard Emergency Reporting Procedures.

N. SEX OFFENDER REGISTRATION INFORMATION

N.1. Sex Offender Registration Information is forwarded electronically to the library by the Pittsfield Police Department. Copies of these postings are subsequently routed electronically to each of the library’s departments. The public may view hard copies of the posting in the Reference Department.

N.2. Registered sex offenders are not wanted by the police, so employees should not call the police if the offender comes to the library.

N.3. “Sex offender registry information shall not be used to commit a crime or to engage in illegal discrimination or harassment of an offender.”¹ Library employees, therefore, may not discriminate against these people.

N.4. Contrary to the procedures outlined in the “Inappropriate Attention” section above, if there is any evidence of unacceptable behavior by an individual known to be on the Sex Offender Register, the employee should not confront the offender, but call the police using Standard Emergency Reporting Procedures.

O. FLASHERS

O.1. Even though these people are usually non-violent, this is a serious problem that should not be taken lightly.

O.2. If a flashing occurs, remain calm and do not show shock or alarm. These people generally thrive on the reaction they get.

O.3. Get a description of the person.

O.4. Call police, using Standard Emergency Reporting Procedures.

¹M.G.L., Chapter 6, Sections 178C - 178P

O.5. If this happens to a patron, offer to call a friend, relative, or neighbor to drive them home.

P. VANDALISM

Library staff have a responsibility to protect library property. Destroying or damaging library materials violates the law. This includes cutting, tearing, and defacing print and audio-visual materials, damaging equipment and software, defacing walls, damaging facilities, breaking windows. Damage caused by food or drink will also be considered vandalism.

P.1. If staff observe or receive a report that someone is defacing or destroying library property, the staff member should quickly size up the situation and decide the best method of handling it. The staff member should let the individual know that the actions in question are illegal and must stop at once.

P.2. Get a second witness, preferably another staff member. Both witnesses should carefully observe the person's actions and physical description for follow-up if needed.

P.3. Request a name or that identification be presented as appropriate.

P.4. If it is determined that the patron has vandalized library property, the incident should be reported to the Director who will discuss means of restitution with the patron, or in the case of minors, their parents.

P.5. If a staff member observes or receives a report that a patron is maliciously destroying library property, and is obviously not approachable, contact the police using Standard Emergency Reporting Procedures.

P.6. The library retains the right to prosecute anyone who maliciously destroys library property.

Q. THEFT

Theft of library materials, use of false identification to obtain a library card, or use of another person's library card without his/her permission are against the law and may be prosecuted (MGL, Ch. 266, Sec. 99A). If the alarm of the book detection system is triggered by a patron leaving the building, staff should:

Q.1. Ask the patron to return to the circulation desk.

Q.2. Ask if she/he has forgotten to check out any library materials.

Q.3. If the person has checked out all their materials, staff will de-sensitize the materials again.

Q.4. If the alarm sounds again, determine if the patron has other objects that may trip the alarm (i.e. strollers, briefcase, calculators or keys). If this is the case, allow the patron to leave the building.

Q.5. If the patron has "forgotten" to check out materials because she/he does not have a card, explain procedure for obtaining a card and allow him/her to get one.

Q.6. If the patron has insufficient identification to obtain a card, offer to hold the materials until closing the next day so that the person may come back and get a library card and the reserved materials.

Q.7. Remind patrons of the availability of the photocopy machines, especially in the case of reference materials.

Q.8. If a patron is caught purposely removing library materials (under a coat, inside a briefcase, etc.), take down the person's name and address and report the incident to the Director. Borrowing privileges may be revoked at the Director's discretion for a period of time.

Q.9. If a patron has a "block" on his/her card, because of unpaid fines, refer to the "OVERDUE AND DAMAGED MATERIALS POLICY."

Q.10. For the safety of those involved, library employees should not leave the building in pursuit of a suspected thief.

R. WEAPONS

R.1. A weapon is defined as a gun, switchblade, unsheathed knife or other dangerous object. Such objects are prohibited on library property. Staff should exercise their discretion when interpreting this section. Pocket knives and pepper spray are examples of objects that for the purposes of this policy would not normally be defined as a weapon, however could be if displayed inappropriately.

R.2. If you suspect a patron may be armed, stay alert, notify your supervisor and the Director, and avoid provoking a confrontation.

R.3. If you have seen that a patron is carrying a weapon, call the police immediately using the Standard Emergency Reporting Procedures.

R.4. If the situation seems imminently threatening, quietly clear everyone from the building immediately.