

Master Policy

1.0 Introduction

This policy is created by the Cedar City Library Board (hereafter “Board”) and governs the Cedar City Public Library, which is a department of Cedar City Corporation. It may be amended at any time through proper action of the Board. Any question of policy, authority, ethics, or legality should be measured against this policy and against the laws and administrative rules of the State of Utah and of Cedar City.

In forming and administering this policy, Cedar City does not discriminate based on race, color, national origin, sex, religion, or disability.

1.1 Definitions:

Board: The Cedar City Library Board as appointed by the City Mayor and confirmed by the City Council. Other terms used in literature include: Trustee, Director (meaning a member of the Board of Directors or Board of Trustees, not the Library Director), Board Member, and similar terms.

Circulation: The processes of checking out, checking in, and re-shelving materials.

Cedar City or City: Cedar City Corporation, a body politic of the State of Utah.

Fee: Charges for any services, room use, and/or damaged materials.

Fine: Charges for overdue materials.

Governing Body: The duly elected City Council of Cedar City, acting as a whole, with a quorum present, under prescribed legal and lawful manner.

Library: The Cedar City Public Library, Cedar City Library, Cedar City Library in the Park, or any reference to the public library as established by Cedar City Ordinance Title 22.

Library Card or “Card”: A document issued by the Library granting to the account holder permission to remove materials from the Library.

Library Director: The Director of the Cedar City Public Library. Not used to refer to a member of the Board of Directors or Board Member (see Trustee, below).

Patron: A person who has obtained a library card or any person who is in attendance at the Library or any person with whom the staff engages in library specific dealings.

Trustee: Trustee shall be used to refer to any “Director,” “Trustee,” “Member,” or “Board Member” when not referring to the “Library Director” or Librarian.

USC: Utah State Code (unannotated version used)

USL: Utah State Library, a division of the Utah Department of Heritage and Arts.

2.0 Authority to Establish a Library

The Cedar City Public Library operates under authority of USC 9-7-401 et. seq., and Cedar City Ordinance, Chapter 22. Any conflict herein shall ~~first~~ be resolved by (1) appeal to those governing authorities and (2) through considered action by the Board. Either or both resolutions will be reviewed by appropriate legal counsel. Information regarding conflicts may also be sought from USL, the Utah Library Association, and/or the American Library Association and/or other information or advocacy organizations.

3.0 Authority to Establish a Library Board

To “establish and maintain a public library” the city governing body must appoint a library board of qualified or fit “citizens of the city.” A Board will be established and maintained in accordance with 2.0, above.

3.1 Removal from the Library Board:

Removal of a Board Member from office shall be for misconduct, neglect of duty [USC 9-7-403(4) and Cedar City Ordinance 22-4(1)], or for the commission of a criminal act or violation of the Utah Public Employees Ethics Act.

Negligence: It shall be the policy of the Board that any Board Member that has three (3) unexcused absences in any twelve (12) month period or two (2) consecutive unexcused absences may be considered negligent and subject to removal under the process outlined by City Ordinance 22-7(1)(2). An unexcused absence is defined as an absence in which the Board Chairperson, Board Secretary, or Library Director is not notified of the Board Members' absence prior to the Board Meeting.

3.2 Vacancies on the Board

Vacancies on the Board shall be reported to all Trustees as soon after the vacancy as practicable. When a vacancy occurs, the Board may, at a regularly scheduled meeting of the Board, compile a list of qualified individuals for submission to the Mayor. The same process may be followed for Trustees whose term is expiring. It is understood by the Board that the Mayor and Governing Body are under no obligation to accept any names forwarded by the Board.

3.3 Officers of the Board:

The Board shall elect annually, during the June meeting, all officers set forth herein. Officers shall assume their duties July 1 of each year. Officers shall consist of, at least, a Chair-Elect (to serve as Chair of the Board beginning July 1 of the following year), and a Secretary. Therefore, the officers of the Board shall consist of the Chair (the previous year's Chair-Elect), a Chair-Elect (to become the Chair of the Board on the following July 1), and a Secretary.

Inasmuch as elected officials serve by assignment of the governing body and are not subject to fixed terms, no elected official may be elected as an officer of the Board. However, nothing herein shall prohibit an elected official serving on the Board from voting, voicing opinions, or any other reasonable activity of a Board Member.

3.4 Conducting the Business of the Board:

The Board shall not conduct business unless a quorum is present.

The Board Chair is considered a voting member of the Board and may participate fully in discussions and the business of the board including the making and seconding of motions.

If the Chair is absent the Chair-Elect shall conduct meetings. If both the Chair and the Chair-Elect are absent, the assembled Board members will elect a Chair Pro Tempore to conduct the specific meeting being convened.

If a tie vote is occasioned by an abstention, the matter is considered failed. Votes are passed only when a quorum is present and when the majority of those present vote favorably.

If a conflict of interest arises between any Board member and any matter under consideration, the Board member with the conflict shall in all cases acknowledge the conflict ~~and make it known~~ to the Board. He or she may recuse himself or herself from voting on the subject in which the conflict arises.

3.5 Duties of the Board

The Board *is* a policy making board: “The board shall...establish policies for its [the library’s] operation” [USC 9-7-404(2)(b)].

The Board shall act as an advisory body to the Mayor, the Governing Body, and to city administration in non-policy areas.

The Board shall advocate for and promote the Library and be aware of and promote its functions, duties, facilities, displays and programming, and raise community awareness of the Library and its offerings.

The Board will forward possibilities for issue resolution and carry out the appropriate intent and instruction the City Council, City ordinance, state code, and these Bylaws.

The Board shall meet as often as necessary, but in no case shall the Board meet less than once each calendar quarter. Anticipated meeting times and places will be posted in accordance with applicable law and City policy. Meetings shall be conducted in accordance with the State of Utah Open and Public Meeting Laws.

The Board will review this Master Policy on a regular basis, in conformity with the policy and/or state or federal regulation, but not less than by tri-annually. This policy shall constitute the entirety of policy regulating the Library and may be amended from time to time as occasion requires.

The Board shall be considered the final appellate body, outside of the appropriate court, for challenges made to materials located at the Library. In this responsibility the Board will seek legal advice from the City's Legal Department. Other professional, ethical, and legal input may be sought as needed.

Unless otherwise addressed in the City's personnel policy, the Board may be considered the appellate body for conflict resolution between the Director and any individual Board Member.

Personnel issues and matters shall be controlled by the City's Personnel Policy.

Specific budget items that the Board wishes considered shall be reported to the Library Director no later than the February meeting prior to the beginning of the fiscal year.

The Board and the City Council shall receive a copy of the annual report as reported to the Utah State Library Division.

The Board may appoint individuals or committees or additional officers from the Board to assist in the operation of the Library as it relates to functions that are not directly withheld from the Board.

Inasmuch as USC refers to the Board's role in hiring and compensating the Librarian or Library Director, the Library Board shall maintain an active role in the hiring of a competent person as Librarian (Library Director) by electing one or more Board Members to serve on the committee(s) concerned with review and selection of applicants and hiring. Hiring of personnel shall be controlled by the City's Personnel Policy.

The Board may delegate to the Library Director appropriate functions as they deem prudent and necessary.

4.0 Duties of the Director

Inasmuch as the Library Director is an employee and department head of the City and thereby subject to the rules and regulations of the City, it is understood that implementation of local or other legislation, liability issues, implementation of City policy and procedure, budget preparation and processes, personnel issues and processes, and the daily operation, maintenance, and scheduling of the Library facility fall under the procedures, practices, and auspices of the City. However, it is incumbent upon the Library Director to assure that the Board is well informed and provide the Board with information and documentation necessary to make informed decisions.

5.0 Use of the Library

The Board encourages the use of the Library facility and the Library's collection. This section outlines requirements for Library use.

5.1 Obtaining a Library Account

Iron County residents or property owners may use the Library's physical or electronic collection without charge.

5.1.A Permanent Account – Potential account holders who apply in-person for library privileges must provide (1) photo identification and (2) reasonable proof of residency or Iron County property ownership. Minors, age seventeen (17) and under, may obtain a library account with the authorization of a legal adult who contracts to be responsible for loss or damage of library materials.

5.1.B Temporary Account – If available, account holders may register online through the Library's website. Online registrants have full access to any eCollection for which online, off-premises rights have been secured. Online registrants may gain access to the Library's full collection by following the process outlined above.

5.2 Circulation of Library Materials to Account Holders

Only permanent account holders may remove items from the library. Any and all items removed shall be subject to the circulation periods, fees, and fines associated with the material removed from the library.

5.3 Restricted Items

1. The Director may restrict certain items from circulation. Restrictions may include: non-replaceable or difficult to replace items, items that are rare or considered valuable, unique

items, items of local history or local importance, works of art, and any item housed in the Library's Special Collection's area.

2. The Library reserves the right to refuse services that are illegal or that are deemed an inappropriate use of the library and/or library resources and/or inappropriate for a public environment as determined by the Library Director.

5.4 Non-Resident Accounts and Fees

Account holders who are not residents or who do not own Iron County property may be issued a non-resident card. A non-resident card includes all library privileges accorded to residents.

Requirements and parameters for non-residents cards include:

- A non-refundable prepayment of the nonresident fee shall be paid prior to card issuance.
- Non-resident cards shall have a one-year expiration date and the annual fee.
- The annual non-resident fee will be calculated as of July 1 of each year as follows:

Current Annual Operating Budget/Population of Cedar City at last annual report

(rounded up to the nearest \$5).

6.0 Circulation

The Board establishes the following rules for circulation.

6.1 Responsibility

1. Each account holder is responsible for all materials or charges against the holder's account and/or for the same on any account for which he or she is the responsible party.
2. The safety and security each library card is the responsibility of (a) the account holder to whom the card is issued or (b) the responsible adult noted on the application card. The library staff is instructed to circulate materials to any patron presenting a card so long as

the account holder identified by the card is not in violation of other portions of this policy.

3. A patron may not change personal account holder information without adequate assurance that he or she is the account holder.

7.1 Circulating Non-Physical Materials

Circulation of the Library's eCollection may fall outside of this policy but shall be in accordance with contractual obligations between the Library or the contract negotiator and the eCollection service.

7.2 Lending Periods

1. Unless otherwise specified herein materials shall be loaned for a period of three (3) weeks. Materials may be renewed twice if no account holder is waiting for the material. If account holders are waiting for the material, the material may be renewed for only three (3) working days and the account holder who currently has the material shall be informed of the due date and told that a hold or holds on the item exist.
Account holders are not to be informed who is waiting for the material.
2. Exceptions to the above include (1) loanable artwork, four (4) weeks, (2) telescopes, one (1) week, and (3) eMaterials, periods are defined contractually.
3. Certain materials may be designated for overnight circulation. The Board hereby grants the Director flexibility in designating materials for overnight circulation.
4. Materials on reserve for special assignments shall not be loaned during the period the material is on reserve.
5. As the Library expands its collection and services it could become necessary to consider different lending periods for new technologies or methods of literature and

information retrieval. This policy grants latitude to the Library Director to set temporary item-lending limits during evaluative periods.

8.0 Library Fines, Fees and Replacement of Materials

1. Fines shall be recommended by the Library Board and set annually as part of the fee schedule as resolved by the Cedar City Council.
2. Fines – Procedures
 - a. A two-day grace period is allowed for all borrowed materials except overnight materials.
 - b. Each account holder with unreturned materials shall receive up to three (3) notices. After the final notice, the library may engage in legal or collection action against the account holder.
 - c. If the item is returned in good condition, only the overdue fine will be charged. If an account holder pays for a lost or damaged material the library shall waive accrued fines for that specific material.
 - d. Library privileges will be suspended for account holders with outstanding bills exceeding \$50.00 (including fines, lost items, charges for damage, or any other charges). Account holders wishing to replace materials may do so rather than paying for the material. This will be allowed only if the replacement material they offer:
 - i. Is of a quality equal to or better quality than the damaged or lost material;
 - AND
 - ii. Is the same title and author as the lost or damaged material.

9.0 Reservations or “Holds”

Account holders may reserve or place a “hold” on library materials. Reserved materials will be held for five (5) working days after the notification is generated.

Potential room users may reserve electronic equipment or other assets for in-house use according to the Room Use section of this policy.

10.0 Unattended Children

Children* are to be physically attended, always, by a responsible party. If children appear to be unattended, library personnel should follow prudent measures in locating the responsible party. Prudent measures are defined as:

1. Remaining with the child and staying in open and public areas while searching for the responsible party.
2. Initiating or maintaining as little physical contact with the child as possible. Staff should not make physical contact with a child if it can be avoided. There should be no contact that could be considered inappropriate or intimate.
3. Never attempting to help a child behind closed doors, in a restroom, by changing a diaper or other intimate contact unless ~~with~~ within emergency circumstances and then only in the presence of another staff member.

If and when the responsible party to the unattended child is identified, the staff member shall:

1. Explain to the responsible party the circumstances under which the child was located.
2. Explain to the responsible party that the child should remain in the immediate care and vision of the responsible party.

* For the purposes of this policy a “child” is not to be equated with a “minor.” When dealing with safety issues as set out in this policy, a child is one who is adjudged by the staff present to be of insufficient age or maturity to be left to his or her own judgment.

If an unattended child appears to have been the victim of a crime, staff will call the necessary emergency personnel (police or ambulance) and quarantine the area to protect the possible crime scene.

If an unattended child appears to have been abandoned, library personnel are to call the police. Neither the Library nor the City is responsible for children left outside of the library building.

11.0 Disruptive Patrons

If a patron becomes disruptive and refuses repeated attempts from staff to quiet the situation, staff may ask the patron to leave the library. Further disruption will be considered reason to contact the police.

If a disruptive child is an attended child and repeated attempts to quiet the child fail, staff may ask the responsible party to remove the child from the library. Further disruption will be considered reason to contact the police.

12.0 Library Use and Room Use

The Library has several rooms and display areas for the use of the public as well as the Library staff. Room use will generally be restricted to regular, posted open hours. Rare exceptions that do not have a budgetary impact may occur with the permission of the Library Director. Library sponsored events will be proffered priority in scheduling.

12.1 Food

The Library does not prohibit food or drink except in the Special Collections Room (when materials are exposed) and in the Technology Areas, including in the vicinity of the computer workstations in the Classroom. Food, however, should be kept simple and not require assembling or preparation. Beverages should be kept in closed containers. Damage to equipment,

furniture, fixtures, flooring, etc., because of food or drink may be charged to the patron who caused the damage.

12.2 Animals

Non-service animals are not allowed in the Library unless approved by the Director for special activities or presentations.

12.3 Technology Areas (Computer Lab and Carrels)

The Technology Areas are open to the public during the Library's open hours and should not be scheduled for individual or independent use unless critical circumstances arise.

To maximize use of the Technology Areas, a time limit of one (1) hour per day per patron is imposed. To accommodate high volume periods, the one (1) hour time limit may temporarily and on a day-to-day basis be shortened. At no time may Technology Access be shortened to less than thirty (30) minutes. If technology workstations are available, the one (1) hour time limit will not be enforced.

No food or drink is allowed at technology workstations.

12.4 Craft Room

The Craft Room may be used for any proper Library purpose including stories, story times, crafts, projects, and displays. Its use may be scheduled according to Library procedure. The Craft Room is expected to be left neat and tidy and be restored to its proper order. The Craft Room is open to the public if not scheduled. Though story times and activities may generate a noisy atmosphere, excessive noise from the Craft Room is discouraged. The Library does not supply craft or activity materials for non-Library sponsored events.

12.5 Group and Individual Study Rooms

Rooms are provided for quiet study. Reservations are urged but not required. In order to avoid conflict with patrons who have reserved study rooms, walk in patrons wishing to use a study room are asked to reserve the study room for the estimated length of their intended use. Patrons who have reserved study rooms will be given priority over walk-in patrons who request study room use.

12.6 Meeting Rooms

Meeting Rooms are provided by the Library. Meeting Room reservations are strongly encouraged and those who have reserved a meeting room will be given priority over walk-in patrons who request Meeting Room use.

12.7 Classroom

A Classroom is established to provide (1) extra meeting space, (2) a classroom for individual, small group, and/or computer instruction, (3) a center for community learning, and (4) an arts creation space. Classroom reservations are strongly encouraged and those who have reserved the Classroom will be given priority over walk-in patrons who request meeting room use. This room will remain locked when it is unoccupied.

12.8 Special Collections

Special Collections, also known as the Rare Book Room, will be kept locked. This room may be attended and opened to the public as budget or volunteer services allow. Users of this area should be monitored regularly. Except for meetings of the Board, the scheduling of this room for meetings is discouraged. However, the room may be scheduled for Library events, seminars, teaching and learning opportunities, and when meeting privacy is of a high priority. See also Section 15.

12.9 Testing Center

Testing Center priority shall be given to students for whom the Library proctors exams. Proctored sessions must be scheduled in advance. Otherwise proctoring services will be at the convenience of the staff. Proctored exams will be scheduled for the maximum allowable length of the exam. All examinations must be completed so as not to have budgetary impact.

The Testing Center houses a scanner and speakers and may be scheduled in two-hour blocks, as available, for patrons needing those technologies.

If all priority needs are met, the Testing Center may be used as an additional computer workstation for walk-in patrons.

12.10 American Legion

Nothing herein will obstruct or disrupt the proper execution of an agreement with the American Legion, dated May 29, 2003. Efforts will be made to accommodate the American Legion and veteran groups' reasonable requests. However, use of and access to the Library's meeting rooms are to be in accordance with this policy. Neither the American Legion nor any entity other than the City has an ownership interest in the Library.

12.11 Gallery Policy

Artist(s): The creator of the exhibited piece(s) of art. Artists if artwork is collaborative.

Artwork: An individual piece of art whether part of a collection or not

Catalog: A written description of the Artist's work(s) including previous shows or exhibitions in which the Artist has participated, artist's statement, résumé, chronology of artwork, descriptions of the Artist's works in the current exhibition, and similar information.

Exhibition or Display: The showing of artwork, in whatever form, at the Library during a specified time.

Exhibition Window: The specified timeframe that the exhibition is to be open to the public at the Library, plus three (3) days prior to the exhibition's opening and three (3) days after the exhibition's closing. The exhibition window may vary based on the nature of the exhibition and/or any contracts accompanying the exhibition. It is anticipated that most exhibition windows will be between three (3) weeks and five (5) weeks.

Label: Written information regarding the artwork, including the name/title of the artwork, the Artist's name contact information, and information about the price and purchase of the artwork.

Medium: The materials with which an Artist works.

12.11.A Gallery Wall and Art Displays

The Library encourages the arts and recognizes various methods of artistic expression. The Library further recognizes and supports individual artistic expression. However, because of the open and public nature of the Library, it is improper to display visual depictions of subject matter, including words, which are pornographic, obscene, or vulgar (as described in Section 13.1.B of this document), or demeaning to race, religion, creed, color, national origin, gender, sexual orientation, or age, or that the Library deems inappropriate.

All artwork must be display-ready upon arrival at the Library. The Artist is responsible for the installation of the artwork. All costs affiliated with preparing artwork for an exhibition are the responsibility of the Artist. If the Artist desires the artwork to be labeled, the Artist will provide the labels. If the Artist desires to create or distribute a catalog, the Artist will bear all catalog expenses.

Unless otherwise agreed in writing, the terms of this section will apply.

12.11.B Sales and Insurance

Neither the Library nor any member of the Library's staff shall engage in, promote, or encourage the sale of any artwork or collection of art, nor promote one artist or medium of art over another. Any and all information about selling any artwork will be handled by the Artist through the label or catalog as described herein.

Artists who wish their work to be insured during an exhibition or at any time that the artist's work is in or on City property shall provide said insurance and shall provide a certificate of insurance to the Library.

12.11.C Waiver of Liability

All artists shall sign the Library's a waiver of liability form holding the Library, the City and any and all Library or City staff or volunteers harmless in the case of damage to, or breakage of, the Artist's property. Artists are responsible to assure that the property rights, intellectual property, copyright, or ownership rights are not infringed.

12.11.D Diversity of Exhibition Themes, Genres and Media

The Library will encourage and seek exhibitions that are diverse in theme, characteristics, genre, and media, and that forward local themes.

Examples of artistic media to be encouraged and sought include, but are not limited to, two- and three-dimensional fine art, illustration, video, photography, literary art, graphic design, quilting, fiber arts, ceramics and pottery, sculpture, book and paper making, puppets, assemblage and collage, abstract art, and other media.

12.11.E Encouraged and Sought-after Exhibitions

The Library will encourage and seek exhibitions from local artists, local art associations, local organizations, state and federal organizations that offer non-permanent exhibitions, schools

(public, private and charter), high school aged minors that are home schooled, and institutions of higher learning.

12.11.F Retained Art

The Artist retains ownership and copyright of all artwork during the exhibition window at the Library. All artwork must be removed from the Library within the exhibition window. Pieces of artwork, tools, hanging or display instruments, equipment and other items not removed from the premises within the exhibition window shall be considered abandoned and, therefore, the property of the Library to dispose of as it sees fit.

12.11.G Application to Display

All artists wishing to exhibit their artwork at the Library shall submit documentation necessary for staff to make appropriate determinations. Said application may include:

1. The name and contact information (complete address, telephone number, email address) of the applicant.
2. Photos or depictions of representative samples of the Artist's work.
3. The proposed number of pieces in the exhibition.
4. The requested dates for the exhibition.
5. Proof of insurance, if the Artist is selected, if the Artist wishes the exhibition to be insured.
6. A plan to advertise the exhibition outside of the Library's plan (see 12.11.I).
7. Confirmation that the Artist, if selected, will sign the Waiver of Liability document associated with the proposed exhibition.
8. Confirmation that the Artist, if selected, grants permission to the Library to photograph and archive representative artwork for marketing and historical purposes

12.11.H Planning, Marketing and Advertising – Library Commitment

The Library will, as closely as possible, develop and retain a *tentative* twelve (12) month exhibition calendar. Both tentative and confirmed events shall be itemized on the calendar. Marketing and advertising of any exhibition shall be the primary responsibility of the Artist. The Library will, however, advertise and market the exhibition (not the sale of pieces) through the Library's website and social media accounts that are in place at the time of the exhibition, and the Library's lobby television. The Library may also utilize press contacts, newsletters, email lists, and other devices that the Library may have at its disposal.

Gallery Policy and Procedure

12.11.I Equipment Use

Library or personal equipment may be used throughout the Library so long as it is not disturbing to patrons. Equipment should not be used for purposes in conflict with this policy. Unless it is being used for Library-specific or Library approved programming, audio capabilities should be turned off or equipment should be used with headphones. Equipment cannot create a hazard or obstruct foot-traffic flows. The Library Director is granted discretion to restrict equipment use to specific rooms or areas of the Library should the need arise.

13.0 Collection (Print and Electronic)

The Library's collection shall be assumed to include any material in any format which the Library purchases or has contractual or consortial access. These formats include, but are not limited to print, downloadable collections (eCollections), the Internet, databases, audio and video formats.

13.1 Internet Use

Internet Use in the Library pertains to technology access points in the Technology Areas and staff areas. It extends to personal access devices that are used in such a manner that allows unwelcome viewing by any Patron other than the device user.

Neither the Library nor the City is responsible for personal information gathered by patrons as a result of another patron's computer use.

13.1.A Content Filter

The Library universally uses a content filter designed to restrict access to obscene, essentially prurient, or pornographic sites.

The filter may be disabled on certain workstations if necessary.

13.1.B Pornography – Definitions, Prohibited Conduct and Consequences of Violation

Signage with the following wording, as italicized, shall be placed in computer areas:
Patrons using these facilities should be aware that the viewing of materials harmful to minors, including nude or partially nude images, is a crime and may be prosecuted under Title 76 Section 10 of the Utah Code.

“Depiction of illicit sex or sexual immorality” means a visual image that shows or exhibits:

- i. Human genitals in a state of sexual stimulation or arousal;
- ii. Acts of human masturbation, sexual intercourse, or sodomy;
- iii. Fondling or other erotic touching of human genitals or pubic region; or
- iv. Fondling or other erotic touching of the human buttock or breast.

“Harmful to minors” shall mean that quality of any visual image, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when it:

- I. Taken as a whole, appeals to the prurient interest in sex of minors;

- ii. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- iii. Taken as a whole does not have serious value for minors.

“Nude or partially denuded figure” means:

- I. Less than completely and opaquely covering human:
 - 1. genitals;
 - 2. pubic regions;
 - 3. buttock; and
 - 4. female breast below a point immediately above the top of the areola; and
- ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Sado-masochistic abuse” means:

- i. Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume; or
- ii. The condition of being fettered, bound, or otherwise physically restrained on the part of a person clothed as described above.

“Serious value” includes only serious literary, artistic, political or scientific value for minors. A depiction of illicit sex or sexual immorality has no serious value for minors.

A person may not publicly display on a computer screen within the Library any motion picture, or any live, taped, or recorded performance, or any still picture or photograph, or any book, pocket book, pamphlet, or magazine the cover or content of which:

- A. Exploits, is devoted to, or is principally made up of one or more depictions of

illicit sex or sexual immorality;

- B. Consists of one or more pictures of nude or partially denuded figures; or
- C. Depicts material that is harmful to minors.

Any person found to have engaged in conduct prohibited by this section, may be trespassed from the computer room and given written notice that his/her access to the Library's internet connections and computers is revoked for a period one (1) year. Certain actions may be grounds for criminal prosecution. Individual cases should be properly documented.

An employee that violates this policy shall be subject to discipline pursuant to the City's personnel policy. However, nothing herein shall preclude an employee from reasonably investigating and documenting individual cases including accessing a workstation's history and/or adding a URL to existing or future technology protection measures.

The Library staff shall maintain an up to date list of all persons that have had their internet and computer access privileges revoked. This list shall include the individuals name, address, date of birth (if available), the date of revocation and the date the revocation expires.

Upon receipt of the written notice, the party that has had their computer and/or internet privileges revoked shall have ten (10) days to submit a written appeal request to the Library Director. The request shall state in plain terms the appellant's basis for appeal. If possible, the appeal shall be heard, and a brief written statement shall be issued by the Library Director, or his designee, within ten (10) days of receiving the appeal. The appeal shall be based on the written material submitted to the Library Director, and the written memorandum of the incident prepared by the Library's employees. The Library Director may uphold the revocation, shorten the revocation, or overturn the revocation and reinstate the patron's access to the Library's computers and internet connections. The decision of the Library Director is final.

Employees are given latitude to determine whether an adult patron is filling a legitimate information need.

Nothing herein shall be construed to apply to print materials in the library's collection.

13.2 eCollection

An ever-increasing number of items are and will be collected in electronic formats of various kinds. To the extent possible the Library will apply the same principles and guidelines to its eCollection as to the physical collection. However, the Library recognizes an exception to policy in the case of eVideo.

13.3 Physical Collection

The Library will not collect video materials with "R," "TV-MA," or similar ratings.

Selectors shall, within budgetary and physical space constraints, select materials without regard to the selector's personal attitudes toward the work, author, or subject matter. Selectors will promote a collection that is broad, eclectic, and cosmopolitan. The value and impact of any material is to be examined as a whole, rather than on isolated words, phrases, or incidents depicted therein.

Selectors shall understand that the Library supports the Library Bill of Rights and the Freedom to Read statement authored and adapted by the American Library Association. The Library allows the individual patron to form his or her own opinion on issues, values, and materials accessed (within legal limits, if any), without regard to the users age or perceived maturity.

13.3.A Selection Criteria

Specific selection criteria may include:

- Importance of the subject matter to the collection.

- The primary contributor’s significance or reputation.
- Scarcity of the material on the subject.
- Timeliness or permanence of the work.
- Availability of information on the subject.
- Literary quality.
- Format.
- Authoritativeness.
- Potential interest to people served.

13.3.B Duplication of Collections and Foreign Language Collections

The Library will not strive to collect textbooks issued by local schools. Neither will the Library collect highly specialized reference materials or materials written primarily for specialists in a particular area.

The Library will collect in foreign language materials as represented by the demographics of the City and as necessary to meet the intent and further the City’s sister-city relationship(s).

13.3.C Selection Aids

The Library will use current and new selection aids, as they become available, to make prudent budgetary and well-informed choices. Sources of selection aids may include, but are not limited to published reviews, contemporary or popular media, publishers’ catalogs, regular inspection and evaluation of new material, suggestions from patrons, and the informed judgment of the selector.

13.3.D Collection Purchases

The Library will purchase materials from reputable vendors through various means and in accordance with City purchasing policies and practices. Purchases of materials in excess of five

(5) years old (from copyright) will not be considered for the collection unless they fill a specific need such as completing a series, directly replacing lost or damaged materials that would otherwise be kept or reordered, or meet another compelling criterion. With few exceptions the Library purchases new materials. The purchase of used materials must fill a compelling need of the Library and be approved by the Library Director.

13.4 Gifts

The Library welcomes gifts of materials, equipment, or money.

Donors should be offered a release form whenever they give a gift to the Library. (See Appendix, Exhibit 4). All gifts become property of the Library and the Library reserves the right to use them according to the Library's needs. Gifts will be subject to no less stringent criteria than materials suggested for purchase. Unneeded or duplicate items may be sold, discarded, or donated to other institutions or organizations.

The Library will not provide a donor an evaluation of the monetary value of the gift for tax or other purposes.

Large, rare, and valuable donations may be evaluated and appraised by a specialist not affiliated with the Library. Such valuations will be at the donor's expense unless authorized by the Board prior to the valuation.

Gift books used for the collection are to be in new or nearly new condition. Gift materials will not be used to begin the acquisition of a series unless the gifted materials address a series that would otherwise be ordered.

13.5 Special Collections Exempted from Collection Development Policy

Special Collections area is governed by the Special Collections Policy, see Section 15.

13.6 Weeding or De-acquisition

The Library maintains an active policy of discarding outdated material, material no longer in demand, duplicate or surplus material, worn or mutilated material, and material which no longer contributes to the total collection.

13.7 Interlibrary Loan

Materials available through Interlibrary Loan (ILL) will be considered an extension of the Library's physical collection. Circulation and availability of ILL materials are governed by the lending library.

13.8 Challenged Materials

The Library will consider patron objections to materials in its collection only when objections are submitted in writing. Written requests to reconsider a work must include the name of the work, the author, and a description of the offending material and include the name and contact information of the challenger.

Requests to reconsider a work shall not exceed one (1) page in length.

After review of the material and discussion with appropriate legal counsel, the Director will give a written response within four (4) weeks. Appeals of the Director's decision may be made to the Board within four (4) weeks of the Director's decision. The Board will review the material(s) and the Director's decision and (1) refuse to consider the appeal; or (2) hear the appeal and render a decision within four (4) weeks.

Criteria for determining the outcome of a challenged material will be based on this policy, ethical guidelines of the American Library Association guidelines, ethical guidelines of the Utah Library Association Guidelines, and standing legal precedent and case law. Appeals of the Library Director's decision shall be:

- i. Submitted in writing by the challenger and clearly state the reason for the challenge.
- ii. Reviewed in an open and public Board meeting, with a quorum present, where legal counsel to both parties is invited to be present.
- iii. Reviewed in a manner that grants equal time to both parties. All determinations of the Board are final.

At no time shall the Board, its members, the Director, nor any member of the staff discuss the challenge, either privately or in public except through proper reporting practices to the proper organizations or agencies or as directed by legal counsel.

14.0 Privacy

It is the policy of the Library to protect patrons' privacy. Without subpoena or court order no employee or volunteer will disclose to any person, patron, family member, or law enforcement or legal official the materials, in any format, that any patron has checked out, viewed, requested, or accessed.

If circumstances seem appropriate Staff may disclose to law enforcement or legal officials whether a person has been seen at the Library.

15.0 Special Collections

A Special Collections Room is maintained. This room houses a specific collection described herein, below.

Inasmuch as the nature of Special Collections is such that old or worn materials are collected or maintained in the collection, nothing in this policy shall be construed to mean that the Library is required or directed to acquire materials of any nature that are inherently damaging to the collection. Such materials might include those that are wet, mildewed, molded (or show

signs of mildew or mold), damaged by insects or pests, or have upon or inside of them matters of unknown or unwanted origin.

Cedar City Library does not have the capability to engage internal climate controls that are often affiliated with efforts of preservation and archiving. Therefore, the Library will consider as “out of scope” the selection or acquisition of materials that would reasonably necessitate such controlled conditions.

No food or drink is permitted in the Special Collections Room while materials are being used.

Underlining, highlighting, or marking materials housed in Special Collections is prohibited.

Because of the unique nature and possible expense of the materials housed in the area, unaccompanied minors may be denied access to the Special Collections Room.

15.1 Selection

Selection will be shaped by annual budgets, fund raising efforts, and the ability to receive donated materials in accordance with this policy.

Selection priority will be given to materials that are of significance to, first, Cedar City, then, Iron County. Preferred materials will include materials strongly referencing local personalities (such as sports figures, athletes, artists), local veteran history, local library history, and materials about local public schools, local founders or pioneers, local genealogy, local Native American history or archaeology, local government, area geology and water information, and other materials deemed significant to the collection.

Based on material value or other significant factors, some materials may be selected for special treatment such as conservation measures. Materials generally not considered for inclusion are encyclopedic sets, dictionaries (single or multi-volume sets), and like sets.

15.2 Digitization and Microforming

The Library will not routinely engage in digitization and microforming. Evaluations of such projects will be accomplished on a project-by-project basis as funding becomes available. If the Library engages in such projects, the Library Director shall assure that competent individuals or firms are selected to perform the work. With appropriate training said individuals or firms may be employees of the Library, or any or all of the stages of any particular work may be outsourced.

15.3 Weeding or Deselection

Under the provisions of this policy, and in accordance with current budgetary issues, the Library will generally not seek to replace lost or stolen materials. Nor will the Special Collections Room be considered a priority for de-selection. Further, the Library will not generally seek to duplicate other materials held in Special Collections but may duplicate materials held in the general collection. Any weeded material will be discarded in accordance with City policy.

15.4 Processing and Repair

Processing of Special Collections materials will be minimal and in a manner that does not permanently damage or affix items to the materials. All Special Collections materials will be cataloged in the general catalog of the Library, identified as non-circulating items, and properly shelved and identified in the Special Collections Room.

Library personnel will make no attempts to repair or restore Special Collections items without consultation and guidance of a credible source. Because of lack of expertise most repair or preservation efforts will most likely be outsourced.

15.5 Duplication

Southern Utah University's Gerald R. Sherratt Library houses and maintains a special collections area. SUU's special collections area is dedicated to "...protecting and preserving rare, valuable and fragile materials generally, our collection development policy focuses on acquiring materials specifically relating to Utah history, southern Utah, the life and works of William Shakespeare and the Native Americans of southern Utah, in particular the Paiute Indian Tribe."

Thus, one could reasonably expect some areas of overlap in the collections. However, the Cedar City Library's emphasis on libraries, schools, and military service should prove distinctive.