

Appeals Process for Disciplinary Action Policy

Policy Statement

In order to maintain a welcoming and business-like atmosphere, the library Board of Trustees has adopted a Code of Conduct policy, which includes disciplinary action for persons not complying with the policy. In the interest of fairness, customers whose privileges have been suspended or revoked may have the decision reviewed by the Board of Trustees.

Regulations

1. The Library Director has ultimate authority and responsibility for deciding upon and implementing corrective action in response to violations of the Library Code of Conduct.
 - a. In the absence of the Library Director, the Assistant Director shall have authority and responsibility for addressing violations and imposing corrective action under the Code of Conduct Policy [CUS-3] as deemed necessary and appropriate under the circumstances at the time of the violation.
 - b. In the absence of the Assistant Director, the Department Head or Supervisor shall be considered the Staff Member in Charge and have authority and responsibility for addressing violations and imposing corrective action under the Code of Conduct Policy [CUS-2] as deemed necessary and appropriate under the circumstances at the time of the violation.
 - c. In the absence of a Department Head, staff shall have authority and responsibility for addressing violations and imposing corrective action under the Code of Conduct Policy [CUS-2] as deemed necessary and appropriate under the circumstances at the time of the violation utilizing guidelines set forth by the Library.
2. A patron may appeal the corrective action imposed. The appeal must be in writing and received within thirty (30) calendar days following the imposition of corrective action.
 - a. If the action was imposed by the Staff Member in Charge, it may be appealed to the Assistant Director.
 - b. If the action was imposed by the Assistant Director, it may be appealed to the Library Director.
 - c. If the Library Director imposed the corrective action, then the patron may appeal directly to the Library Board of Trustees starting at

Appeals Process for Disciplinary Action Policy

paragraph 7 below, with the exception that the patron will have thirty (30) calendar days following the imposition of corrective action to submit a written appeal to the Board.

3. A meeting with the respective staff member shall be scheduled within ten (10) days from receipt of the written appeal. The patron appealing the corrective action and, in the case of a minor, one of the minor's parents or a legal guardian, must attend the meeting personally or the appeal will be denied.
4. The respective staff member shall review the facts as found by the Staff Member in Charge at the time of the incident, the Incident Report, any statements or reports from the police or any other agency investigating the incident as well as any oral and written statements provided by the patron appealing the corrective action.
5. Within five (5) days of the meeting, the respective staff member shall issue a written decision including findings of fact and a statement upholding, rescinding or modifying the corrective action imposed by the Staff Member at the time of the incident.
6. The findings of fact by the Library Director shall be conclusive for the purpose of any further review.
7. Following receipt of the Library Director's written decision, the patron appealing the corrective action and, in the case of a minor, one of the minor's parents or a legal guardian, may appeal the Library Director's decision to the Library Board of Trustees by requesting a hearing as follows:
 - A. The appeal must be in writing, state the grounds upon which the appeal is based and be received by the Board within ten (10) calendar days following the mailing date of the Director's decision.
 - B. The Board of Trustees shall consider the request at the next regularly scheduled board meeting immediately following receipt of the request.
 - C. The patron appealing the corrective action and, in the case of a minor, one of the minor's parents or a legal guardian must personally attend any hearing so scheduled and may make a statement in support of his or her position.
 - D. The Library Board may affirm, modify or reject the Library Director's decision.
 - E. The decision of the Library Board of Trustees shall be final and binding on the Library and the patron.

Appeals Process for Disciplinary Action Policy

8. In no case shall the filing of an appeal pursuant to these rules act as a stay of the corrective action imposed at the time of the incident unless the Director, at the hearing scheduled before the subject of discipline, makes a specific finding that the imposition of corrective action would result in manifest injustice under the total circumstances.

Approved: January 22, 2018.
Montclair Public Library Board of Trustees