CHAPTER 6
HOW DO I KNOW A GOOD POLICY?

Policies provide guidance for decision making and operations for the library director and staff and ensure the rights and responsibilities of library users. Having good policies means you are setting your library up with organizational structure and good governance.

Library policies should consider the Library Bill of Rights and ensure policies provide access and reduce barriers. Legal, well-constructed policies that are evenly applied ensures the library is welcoming and protected.

There is a legal hierarchy for policy. Start with the federal laws, then Colorado Revised Statutes, and then any local authorizer pieces. Policies for employment, library resources, accessibility, and purchasing are required.

It is important that the library board of trustees undergo regular reviews of library policies, stay up-to-date on legislation that can impact library policy, and have the policies available for public access.

The following sections are not comprehensive and not intended as legal advice. Libraries and trustees should consult their own legal counsel for advice.

RELATED COLORADO PUBLIC LIBRARY STANDARDS

ADMINISTRATION & GOVERNANCE

BUDGET & FINANCE

COLLECTIONS

COMMUNITY ENGAGEMENT

FACILITIES & INFRASTRUCTURE

LIBRARY SERVICES & PROGRAMS

LIBRARY STAFF

MARKETING & PUBLIC RELATIONS

RESOURCE SHARING

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What is a Policy?

A policy is a set of guidelines, rules, or plans of action adopted by a public library board of trustees. A policy defines general guidelines and principles. Policies answer the "why."

Policies allow the board of trustees to delegate authority and still retain ultimate responsibility and control by conveying a framework for decision making. It is the responsibility of the trustees to develop policy and evaluate the fidelity of implementation. It is not the role of the trustee to implement policies or determine procedures. Procedures, or the "how", is the responsibility of the library director and library staff.

There is one exception to the board of trustees identifying the "how" in policy -due process. Due process means following established legal procedures and rules to ensure fairness and justice for all individuals in legal proceedings. Due process aims to prevent unfair or arbitrary actions by the government. Public libraries are government entities. If a policy includes elements that might deny or interfere with a patron's access to the library or access to information, library policy should include a means for due process, a way a patron can respond or have a hearing to challenge the restriction.

Library boards of trustees need to adopt policies that speak to the operation of the board itself, operational policies, and personnel policies for library staff.

Policy Review Process and Maintenance

As policy is the realm of the library board of trustees, it is important the trustees know them. A formal policy review by the full board ensures each trustee understands the rationale and legality of policies as well as the policy itself.

It is best practice to ensure a trustee position (Secretary) or committee is designated to ensure policy review. Policy review should take place on a set three-year cycle by the full board of trustees and library director. Some boards choose to complete all at once, some break down into sections and complete a section each year.

Tracking changes should be included in your policy review. Each policy should note the date of original adoption and the date of any subsequent amendments or reviews.

Legal requirements are updated and adjusted as needed.

Staff behaviors match policy.

Procedures are separate from policies.

Language is consistent and enforceable.

Access is available to all library users in an effective manner.

Process for Creating Policy



First, the board of trustees must identify a need for a new policy. The recognition that there is a need for a new policy can come from several sources: board committees, a trustee, library director, and community members. Some of the conditions that cause the board of trustees to consider development of a new policy include the following:

- Issues arise which are not adequately/acceptably addressed by current board policies. Policies should address systemic issues, not just isolated incidents.
- Changes in operating practice have accumulated over time so that the current policies do not reflect reality.
- External changes and trends that have an impact on the public library and the community being served.
- Change in size, scope, services offered, or methods of delivery of services.
- Recent federal or state laws have created the need for adjustments in policy, e.g., wage and hour laws, equal employment, safety.
- Current policy does not adequately reduce ambiguity and ensure uniformity of decisions across the library.

When such new issues and questions arise, the first question for the board to ask is "What do our current policies say?" If the language of the current policies does not provide guidance, the next question is, "What policy should we adopt to cover this and similar situations in the future?"



Second, the board of trustees then assigns a committee to draft the new policy. After it has been determined that a new policy is needed, often it is the library director who is in the best position to draft policies for board review because the director is the link between vision and operations and is most aware of what is needed. However, since setting board policy is ultimately the board's responsibility, a board policy committee can also be effective. In either case, the board needs to clearly communicate to the developers that will write the policy draft its concerns and any preferences regarding how the new policy will be approached.



Third, the committee drafting the policy should gather input from relevant stakeholders, including all board members, outside experts when appropriate, and other stakeholders who would be impacted by the new policy or amendment. This is where it is key to consider the Library Bill of Rights and core values.



Next, develop a written policy statement that responds to the issue or question at hand. Be sure to check for policies from other libraries if available. It is good to start with broad statements and only go more specifically if it improves the policy. If a policy becomes too detailed, it is almost certain that the board has moved beyond policymaking and has dived into operations. The board of trustees should keep its policies at a broad governance level. A draft should be presented to the board to obtain informal feedback from the policy developer.

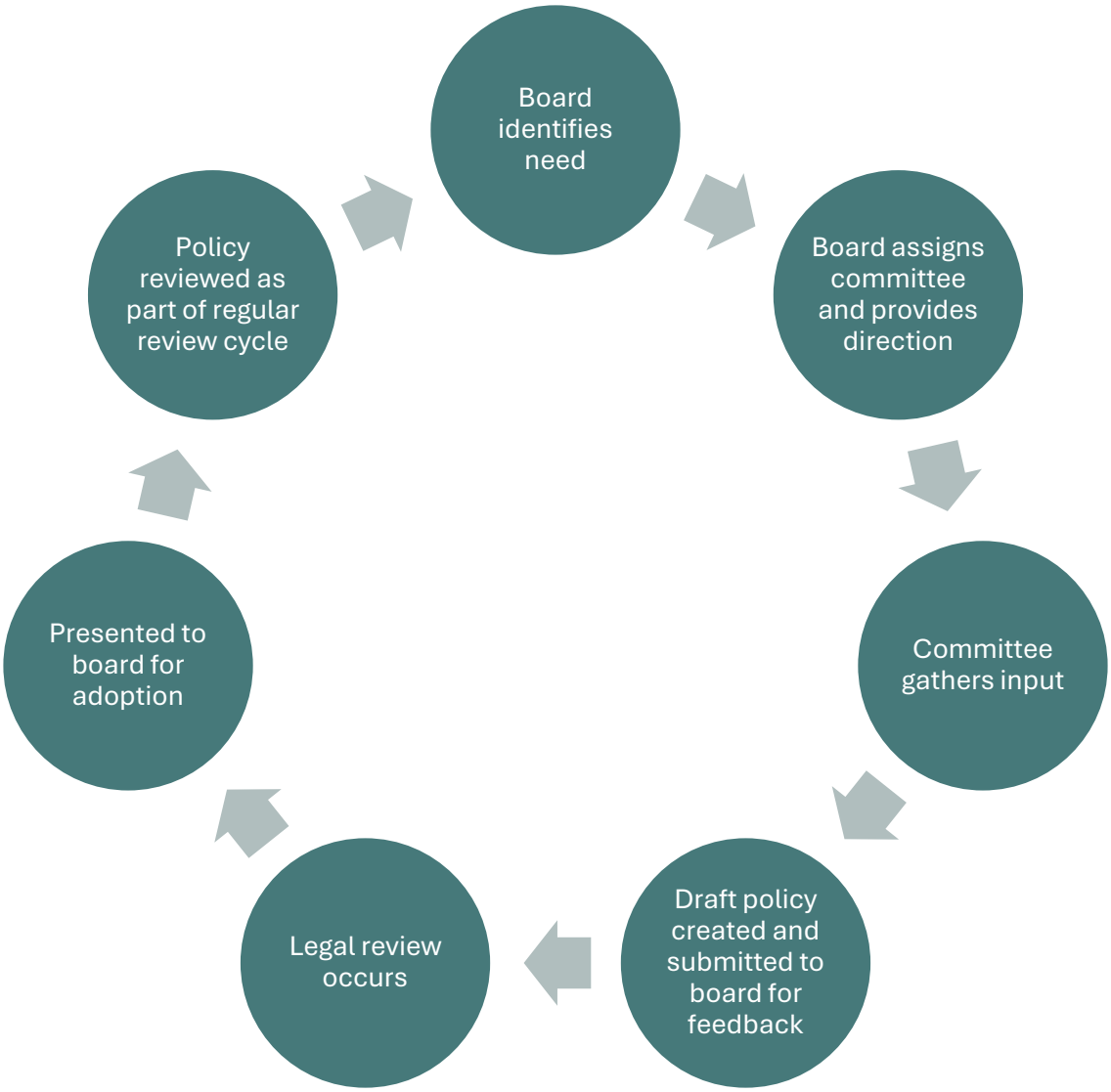


Then, legal counsel should review the draft policy. In some cases, depending on the nature of policy questions, once the drafting of policy begins, it may be important to bring the public library's legal counsel into the picture to review the policy draft. The attorney, who should be familiar with Library Law and regulations, should not write policy but will certainly have many helpful suggestions. Legal review isn't required for each draft of a policy but should occur prior to final approval.



Finally, the draft policy should be presented to the board for approval. Library policies should be approved by the Governing Authority, which may be the Library Board of Trustees, the County Commission, or the City/Town Council. Once approved, the policy should be posted appropriately.

PUTTING IT ALL TOGETHER

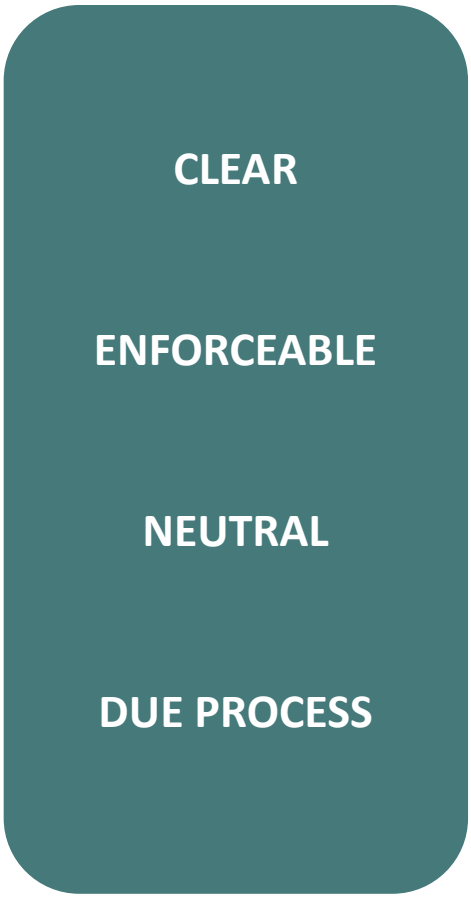


Policy Development

How do you actually write a policy? A policy committee drafts, reviews, and revises library policies, often with input from staff, library users, and the board. It is a collaborative effort ideally with potential legal counsel reviewing to ensure compliance.

According to United for Libraries, Well-Constructed Library Policies have the following characteristics.

Policies must be **lega**l. Policies must be compliant with applicable laws and regulations.



- They are **clear** - meaning the policies are easy to understand and follow. Every policy should include a clear statement of purpose. Language should be positive and avoid library jargon. Remember who your audience is.

- They are **enforceable** - so there is a way to determine infractions and clearly determine compliance versus non-compliance.

- They are content **neutral** - this means they do not take into account protected characteristics or information subjects. Policies cannot limit the use of library resources by belief, faith, criminal past, etc.

- They include **due process**, which includes the steps of notice, investigations, and appeal. Policies must be posted or available to those who must follow them, alleged violators must be advised of the policy infringed, violators must be able to appeal decision and/or punishment to the library board.

Each policy should include:

- **Purpose statement** is the reason why the policy is needed.
    - Provide notice to library users about protocols used in the public library (program access, collection development)
    - Clarify expectations for the public library users, staff, and the community such as priorities, uniformity in decision-making processes and values (qualifications for a library card, equal opportunity employer)

    - Compliance with applicable laws (privacy policy, decision making regarding library resources, protect civil rights immigration status).
        - If this is the case, be sure to include the statute or law.
    - Informal policies and standard practices need to be codified.
    - Predictability and fairness (rules governing the library, children's use of the library)

- **Applicability statement** Who or what the policy applies to as well as consequences of noncompliance.
- **Definitions**
- **Detailed policy statement** is the meat of the policy.
    - This is the actual position and rules on a specific topic. This should provide clear guidance for decision-making and behavior.
    - When determining your policy statement, keep in mind the direction provided by the board, regulation, Library Bill of Rights, and
- **Sources of help** that can give interpretations or resolve issues
    - Library director, library staff, American Library Association
- **Policy authority** if issued based on an outside authority
- **Related Forms, Policies, and References**

See the **Try This** activity at the end of this chapter for a policy framework to use when developing a policy.

Colorado State Library offers an online collection of policies from a wide variety of public library types for reference and guidance. These policies have not been vetted by Colorado State Library and are meant solely as a resource bank.

Key Policy Areas and Law

The following is a recommended, though not a comprehensive list, of policies that every library board and every library should have, as appropriate to the local and

organizational situation. Examples of policies can be found through the Colorado State Library.

BOARD POLICIES

- By-laws
  - Length and number of terms of board members
  - Good cause for removal of a trustee
  - Designation of officers
  - Rules and regulations for conducting a meeting
  - Rules for public participation in meetings
  - Procedures for amending the bylaws
- Director responsibilities and functions
- Colorado Open Records Act (CORA)
- Library finance
  - Purchasing
  - Investments
  - Financial development
- Long-range planning
- Library facilities

LIBRARY OPERATIONAL POLICIES

- AI Usage
- Privacy and Confidentiality
  - Patron records and upholding intellectual freedom, C.R.S.§24-90-119
  - Data Disposal
- Child Safety
  - Unattended children
  - Internet and youth
- Gifts, donations, and memorials
- Reciprocal borrowing

- Library Use/Behavior
  - User conduct
  - Weapons
  - Complaints
- Public demonstrations/petitions
- Interaction with law enforcement
- Political activity
- Accident, disturbance, vandalism
- Resource sharing and cooperation with other libraries
  - Schools
  - Interlibrary loan
- Access
  - Borrower privileges
  - Building and/or equipment
  - Meeting rooms, exhibits, displays, bulletin boards
  - Public computers
  - Digital Accessibility
- Standards for Decisions Regarding Library Resources (SB24-216)
  - Collection development: material selection, weeding
  - Programming
  - Reconsideration of library resources
  - Purchasing, selling, and retention of materials

LIBRARY PERSONNEL POLICIES

Staff benefits and privileges

- Family and Medical Leave Insurance Program (FAMLI)
- Leave Time
  - Vacation leave
  - Holidays
  - Sick/Medical leave
  - Bereavement leave
  - Parental leave
  - Educational leave
  - Leave without pay / family leave
- Professional conduct / staff responsibilities
- Development and training of staff
- Drug-free workplace
- Smoking

- Social media
- Political activity
- Work week
- Absenteeism and tardiness
- Overtime
- Salary / wage payment
- Timecards
- Expense reimbursement
- Termination of employment (resignation, dismissal, retirement, references)
- Organizational authority and responsibility
- Equal opportunity
- Americans with disabilities
- Sexual harassment
- Conflict of interest
- Grievance procedures
- Employment procedure
  - Educational qualification
  - Evaluation of staff
  - Promotions
  - Raises
- Emergency notification
  - Extreme weather
  - Emergency conditions
  - Volunteers

Summary

Library policies create the framework for fair governance and daily operations. Developed and approved by library board of trustees, policies protect the rights of both staff and patrons while ensuring the library remains an accessible, welcoming space.

Policies must follow federal law, state statute, and local mandates and also adhere to the core principles of librarianship.

Boards should always consult legal counsel when drafting and reviewing policies.

Try This: Policy Development Framework

Select one of your library's policies. Use the policy development framework to determine if all parts are identifiable in the policy and if the policy is still relevant.

POLICY TITLE

PURPOSE STATEMENT

APPLICABILITY STATEMENT

DEFINITIONS

POLICY STATEMENT

SOURCES OF HELP

POLICY AUTHORITY

RELATED FORMS, POLICIES, REFERENCES

DEVELOPMENT DATE

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REVIEWED DATE

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