

**COOK MEMORIAL PUBLIC LIBRARY DISTRICT
413 N. MILWAUKEE AVENUE
LIBERTYVILLE, ILLINOIS 60048**

January 26, 2021

Virtual Special Board Meeting
6:30 p.m.

A special meeting of the Board of Library Trustees of the Cook Memorial Public Library District has been scheduled for Tuesday, January 26, 2021 and will be held virtually as authorized by Illinois Public Act 101-0640.

To join the meeting via computer or smart device, click on this link:

<https://us02web.zoom.us/j/87626687419>

and enter Passcode: 196422

To join the meeting via telephone, dial (312) 626-6799,
enter Meeting ID: 876 2668 7419 and Passcode: 196422

1. Call to order.
2. Roll call.
3. Public Comment.
 - a. To submit public comment, send an email with your comments to info@cooklib.org at any time prior to start of the meeting. All comments will be read aloud during the public comment period.
4. Review and Discussion of Library Policies
 - a. Drug-Free Workplace Policy
 - b. Freedom of Information Act
 - c. Social Media Policy
 - d. Electronic Information Networks and Public Library Computers Use Policy
5. Authorization for Library Representative on Joint Review Board to Vote to Recommend or Deny Approval of Redevelopment Plan and Eligibility Report for Proposed Oak Creek / Townline Road TIF District.
6. Library Services Update.
7. Adjournment.

Wendy Vieth, President
Board of Library Trustees

January 22, 2021



Cook Memorial Public Library District

SPECIAL LIBRARY BOARD MEETING AGENDA SUPPLEMENT

MEETING DATE: January 26, 2021

FROM: David Archer, Library Director

AGENDA ITEM: Recommended Procedure to Revise Policies

Library attorney Jim Ferolo will be attending this evening's meeting to go over several policy revisions and answer your questions. As a reminder, here is the recommended process for the review, revision and approval of library policies.

1. Staff and library legal counsel will review recommended changes to specific policies based on changes to state law, library operational needs or to improve readability. The Board President will poll Trustees to determine their support of these changes for each policy. If a majority approve of the changes, the policy is drafted with the updated language for approval at an upcoming regular board meeting
2. Trustees may propose additional revisions to each policy and have a broader discussion. The Board President will poll Trustees for each revision proposed to determine support. If a majority approve of a revision, the policy is drafted with the updated language for approval at an upcoming regular board meeting.
3. At the regular board meeting, Trustees will consider approval for each of the revised policies by resolution

Policies presented tonight include:

- Drug-Free Workplace Policy (follow-up from last meeting)
- Freedom of Information Act Policy
- Social Media Policy
- Electronic Information Networks and Public Library Computers Use Policy (time permitting)



Cook Memorial Public Library District

SPECIAL BOARD MEETING AGENDA SUPPLEMENT

MEETING DATE: January 26, 2021

FROM: David Archer, Library Director

AGENDA ITEM: Drug Free Workplace Policy

On December 10, 2019 the Policy Committee met to review proposed changes by legal counsel to be in compliance with the Illinois Cannabis Regulation and Taxation Act.

Trustees reviewed these revision at the special board meeting on December 9, 2020. In response to questions from trustees at this meeting, legal counsel has also made the following changes:

1. 'Covered workers' changed to 'covered individuals' in the document.
2. Article VI – Notifications if Convictions. A question was asked about the meaning of the word, 'workplace' in this sentence: "Any employee who is convicted of, pleads guilty or no contest to, or is sentenced for a criminal drug violation in the workplace must notify the Library Director in writing within five calendar days of the conviction, plea or sentence."

This language was removed. The notification applies to all convictions, regardless of location of the underlying incident.

3. Article IX – Consequences. A question was asked about the sentence: "Applicants who Refuse to Cooperate in or fail to pass a drug test will not be hired."

This language has been revised to provide a means to contest the test result, in the case that an applicant legally uses drugs such as cannabis.

4. Article IX – Consequences. The following sentence was modified: "Employees who test positive for alcohol, cannabis and/or illegal Drugs or violate this Policy's alcohol, cannabis or illegal drug rules more than once shall be terminated **after their right to contest.**"

DRUG-FREE WORKPLACE POLICY

Article I Purpose and Goal.

The Cook Memorial Public Library District (“~~the~~ Library”) is a drug-free workplace in accordance with the Drug-Free Workplace Act. The Library is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. Alcohol and drug use pose a significant threat to this goal, therefore, the Library has established a drug-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment.

The Library Director shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the Library’s policy of maintaining a drug-free workplace, available drug counseling, rehabilitation, and employee assistance program, and the penalties that may be imposed upon employees for drug violations.

Article ~~XII~~ III Definitions.

- "Library Premises" includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, places and vehicles owned, leased or managed by the Library.
- "Safety Sensitive Position" means an employee in a safety-sensitive position designated by the Library. These positions include library vehicle drivers and [maintenance] equipment operators.
- ~~"Illegal~~ Drugs" **[means any controlled substances as listed in the Illinois Controlled Substances Act (720 ILCS 570) or Cannabis Control Act (720 ILCS 550), and substances listed in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C 812, any drug which is not legally obtainable and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages. Drugs include: narcotics (heroin, morphine, etc.), cannabis (marijuana, hashish), stimulants (cocaine, crack, diet pills, etc.), depressants**

(tranquilizers), and hallucinogens (PCP, LSD, “designer drugs,” etc.)]

~~means substances whose use or possession is controlled by and/or illegal under federal or state law or which are not being used or possessed under the supervision of a licensed health care professional. This definition specifically includes “medical marijuana.”~~

“Refuse to Cooperate” means to obstruct the collection process, to submit an altered, adulterated or substitute sample, or to fail to promptly provide specimen(s) for testing when directed.

“Under the Influence of Alcohol” means an alcohol concentration of .04 or more, or actions, appearance, speech or bodily odors which reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“Under the Influence of Drugs” means a confirmed positive test result for ~~illegal~~ drugs use. **[With regard to the use of recreational cannabis, being “under the influence” shall require an indication of impairment while on the Library’s premises, during hours of employment or while acting in any capacity in their employment with the Library, or while an employee is located on property owned, controlled or operated by the Library, including all offices, facilities, structures, fixtures, installations, land, parking areas, sidewalks, common areas under the control of the Library, automobiles, trucks, and all other vehicles and equipment whether owned, leased, rented, or used by the Library.]**

Article II **II** Covered ~~Workers~~ **Individuals**].

Any individual who conducts business for the Library, is applying for a position or is conducting business on the Library’s property is covered by the Drug-Free Workplace Policy **(“Policy”)**. This Policy includes, but is not limited to all full-time employees, part-time employees, off-site employees, contractors, volunteers, interns and applicants.

Article ~~III~~ **IV** Applicability.

The ~~drug-free workplace~~ **p[P]** policy is intended to apply whenever anyone is representing or conducting business for the Library. Therefore, this Policy applies during all working hours, whenever conducting business or representing

the Library, while on call, paid standby, while on Library property and at Library-sponsored events.

Article IV Prohibited Behavior.

Whenever employees are working, performing Safety Sensitive functions, or present on Library Premises, they are prohibited from: using, possessing, buying, selling, trading, manufacturing or dispensing ~~illegal~~ Drugs and being Under the Influence of Alcohol[, **cannabis**] or ~~illegal~~ Drugs. ~~The possession or consumption of alcohol is also prohibited~~ except as authorized by the Library's Alcoholic Liquors Sales and/or Delivery Policy.

Performing a Safety Sensitive function means any and all times when an employee is actually driving, getting ready to drive or immediately available to drive a Library vehicle or operate Library equipment.

In addition, ~~any~~ employees are prohibited from performing Safety Sensitive functions if the employee is using alcohol or has used alcohol [**or cannabis**] during the prior four hours. They are also prohibited from using alcohol [**or cannabis**] for eight hours after an accident involving Library property or until a test is taken, whichever occurs first.

This Policy does not prohibit employees from the lawful use and possession of prescribed medications [**including medical cannabis as authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.)**]. Employees are responsible for consulting with their doctors about a medication's effect on their ability to work safely, and promptly disclose any restrictions to their supervisor.

[This Policy does not limit any provision of the Cannabis Regulation and Tax Act (PA 101-0027), with regard to the restrictions on the use of or possession of cannabis in public property.]

Article V **II** Notification of Convictions.

Any employee who is convicted of[, **pleads guilty or no contest to, or is sentenced for**] a criminal drug violation ~~in-the-workplace~~ must notify the Library Director in writing within five calendar days of the conviction[, **plea or sentence**]. The Library will take appropriate action within 30 days of notification.

Article VI II Drug Testing.

The Library will conduct drug testing in the following circumstances:

Section 1 Pre-Employment.

All applicants for Safety Sensitive Positions must pass a drug test before beginning employment. Safety Sensitive Positions include Library vehicle drivers and **[maintenance]** equipment operators.

Section 2 Reasonable Suspicion Testing.

Employees are subject to testing if a supervisor reasonably suspects them of using or being Under the Influence of Alcohol, **[cannabis]** or Drugs while they are working for the Library, including but not limited to operating Library vehicles. “Reasonable suspicion” means a belief, based on behavioral observations or other evidence, sufficient to lead a prudent or reasonable person to suspect an employee is Under the Influence of Alcohol, **[cannabis]** or **prohibited** Drugs.

Whenever possible, before an employee is required to submit to testing based on reasonable suspicion, the employee shall be observed by more than one supervisory or managerial employee. It is encouraged that observation of an employee should be performed by a supervisory or managerial employee who has successfully completed a certified training program to recognize drug and alcohol abuse.

Signs of being Under the Influence can include, but are not limited to, slurred speech, erratic behavior, decreased motor skills, or other such traits. Circumstances, both physical and psychological, shall be given consideration. In addition, other signs of being Under the Influence include: evidence of **[alcohol,] Drugs, [cannabis]** or **[Drugs] alcohol** on or about the employee’s person or in the employee’s vicinity; direct observation of **drug** use; report of **drug** use provided by a reliable and credible source; information that an employee has caused or contributed to or been involved in an accident at work **[or on library business]**; or information that an employee has used, possessed, sold, solicited or transferred **[cannabis or]** Drugs while working or on the employer’s premises.

Section 3 Post-Accident Testing.

Employees are subject to testing when they cause or contribute to accidents which **seriously** damage a vehicle or Library machinery or equipment, or result in an injury requiring emergency medical treatment away from the scene of the accident.

Article VII **[II]** Collection and Testing Procedures.

[Section 1 Alcohol Testing.]

Employees subject to alcohol testing shall be sent or driven to a Library designated clinic and directed to provide breath specimens, and the Library may send a representative to accompany the employee to the testing facility. Under no circumstances may an employee thought to be Under the Influence of Alcohol ~~or a prohibited drug~~ be allowed to operate a vehicle or other equipment for any purpose. Specimens shall be collected by trained technicians, using federally approved testing devices, which are regularly calibrated and capable of producing printed results that identify the employee.

[Section 2 Drug Testing.]

~~Applicants and e~~ **[E]** employees subject to drug testing shall be sent or driven to a Library designated clinic and directed to provide urine specimens, and the Library may send a representative to accompany the employee to the testing facility. Under no circumstances may an employee thought to be Under the Influence of ~~alcohol or a prohibited drug~~ **[Drugs]** be allowed to operate a vehicle or other equipment for any purpose. ~~Applicants and e~~ **[E]** employees may provide split specimens and may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens shall be sent to a federally certified laboratory and tested for evidence of **[at a minimum, cannabis]** ~~marijuana~~, cocaine, opiate, amphetamine ~~and~~ PCP **[and all other “controlled substances” as defined by the federal Controlled Substances Act (21 U.S.C. 812), the Illinois Controlled Substance Act (720 ILCS 570), or the Illinois Cannabis Control Act (720 ILCS 550).]** ~~use.~~ There shall be a chain of custody from the time specimens are collected through testing and storage.

[Applicants subject to drug testing shall follow the same procedure as Employees. Collected specimens shall be tested for evidence of, at a Minimum, cocaine, opiate, amphetamine, PCP and all other “controlled Substances” as defined by the federal Controlled Substances Act (21 U.S.C. 812).]

The laboratory shall transmit positive drug tests results to a Medical Review Officer (MRO) retained by the Library, who shall offer persons with positive results a reasonable opportunity to establish that their results are caused by lawful (under both federal and state law) prescribed medicines or other lawful substances. Persons with positive test results may also ask the MRO to have their split specimen sent to another federally certified lab, to be tested at the employee's or applicant's own expense. Such requests must be made within seventy-two (72) hours of notice of test results. If the second lab fails to find any evidence of drug

use in the split specimen, the employee or applicant will be treated as passing the test. The employee shall be placed on administrative leave pending the Library's receipt of notice of the test results. The employee shall have the right to request a representative or designee to be present at the time he or she is directed to provide a specimen for testing based upon reasonable suspicion.

Article ~~VIII~~ **IX** Consequences.

Applicants who Refuse to Cooperate in ~~or fail to pass~~ a drug test will not be hired.

[Applicants who fail a drug test shall be given a reasonable opportunity to contest the determination that the positive test result was rendered due to the illegal use of Drugs.]

Unless aggravating circumstances are present, the first time that an employee (other than designated Safety-Sensitive Positions) tests positive for alcohol or ~~illegal~~ Drugs or possesses, consumes or is Under the Influence of Alcohol[, **cannabis**] or ~~illegal~~ Drugs, the person will be suspended and referred to the **[Library's] E[mployee] A[ssistance] P[ro]gram [(EAP)]**. Continued employment and/or reinstatement will be conditioned on cooperation with the EAP, successful completion of any prescribed treatment, passing follow-up tests and other appropriate conditions.

The first time an employee in a Safety-Sensitive Position tests positive for alcohol[, **cannabis**] or ~~illegal~~ Drugs or possesses, consumes, or is Under the Influence of Alcohol[, **cannabis**] or ~~illegal~~ Drugs, the person will be immediately removed from performing any Safety Sensitive functions, advised of available resources for evaluating and resolving alcohol and substance abuse problems, referred to a substance abuse professional, and suspended without pay. **[In the event of a positive test for Cannabis for an employee in a Safety-Sensitive Position, the employee, before being suspended without pay, shall be given a reasonable opportunity to contest the determination that the employee was under the influence of Cannabis while at work.]** The employee will not be allowed to return to work unless he or she has been evaluated by a substance abuse professional, passed return-to-work tests, and the substance abuse professional determines the employee has properly followed any prescribed rehabilitation program.

Employees who test positive for alcohol[, **cannabis**] and/or ~~illegal~~ Drugs or violate this Policy's alcohol[, **cannabis**] or ~~illegal~~ drug rules more than once shall be terminated[, **after the employee is given a reasonable opportunity to contest the determination that the positive test result was rendered due to the illegal use of Drugs.]**

Article IX Return to Work and Follow-Up.

Employees who have tested positive or violated this Policy, and who are not terminated or are reinstated, are subject to testing prior to returning to work. Follow-up testing at times and frequencies determined by the Library may also be required for up to three years.

Following a violation of the Drug-Free Workplace Policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Article XII Employee Assistance.

The Library offers all employees and their family members' assistance with alcohol and drug problems through the ~~Employee Assistance Program (EAP)~~. Employees who seek such assistance will be allowed to use accrued paid time off, placed on leave of absence, and otherwise accommodated as required by law.

Article XI Confidentiality.

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the Medical Review Officer shall be kept confidential and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a legitimate need to know basis and may be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant. Upon written request, an employee may be provided with a copy of the test results and other records relating to his/her test.

Article XIII Drug-Free Workplace Requirements.

The Library Director shall ensure that all employees of the Library are aware of the existence of this Policy, and shall make a copy of this Policy available to each employee. Supervisors shall receive periodic training in regard to recognizing employees with alcohol and other drug problems.

This Policy may be modified by the Library at its sole discretion. To the extent contractor employees, who are present on Library premises, engage or appear to have engaged in conduct that would violate this Policy if done by an employee, such contractor employees will be barred from Library Premises.

Article XIV Medical **Cannabis** ~~Marijuana~~.

In compliance with the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act **[(410 ILCS 130/1, et seq.)]**, the Library shall continue to enforce its Policy concerning drug testing and a drug free workplace provided the Policy is applied in a nondiscriminatory manner. The Library respects the rights of those employees who are Registered Qualifying Patients and who engage in the medical use of **[medical] marijuana [cannabis]** in compliance with the law. All employees who are Registered Qualifying Patients are subject to all of the Library's normal drug testing requirements, personnel policies and disciplinary penalties for Policy violations. A Registered Qualifying Patient who tests positive for cannabis may not be penalized solely for his or her status as a Registered Qualifying Patient unless failing to do so would put the Library in violation of federal law, or cause the Library to lose a monetary or licensing-related benefit under federal law or rules.

All employees, including Registered Qualifying Patients as defined by the Act, are strictly prohibited from using, possessing, selling, distributing or being impaired by cannabis while on the Library's premises, during hours of employment or while acting in any capacity in their employment with the Library. All employees are subject to this Policy while on property owned, controlled or operated by the Library, including all offices, facilities, structures, fixtures, installations, land, parking areas, sidewalks, common areas under the control of the Library, automobiles, trucks, and all other vehicles and equipment whether owned, leased, rented, or used by the Library.

All employees working for the Library are expected to report fit for duty for scheduled work and be able to perform assigned duties safely and acceptably without any limitations due to the use or aftereffects of medical cannabis. Any employee found to use, sell, possess, or distribute cannabis while on Library Premises, performing Library related duties, or while operating any Library equipment, is subject to disciplinary action, up to and including termination of employment and possible criminal prosecution. An employee must also not be impaired by medical cannabis during work hours to an extent that he or she is incapable of performing his or her assigned duties, as observed by his/her supervisor based on objective and observable criteria. Any cannabis found on ~~the~~ **[Library] p[P]**remises will be turned over to the appropriate law enforcement agency. Registered Qualifying Patients are subject to testing as set forth elsewhere in this Policy to the same extent as any other employee.

All Registered Qualifying Patients are expected to consult with their personal physician to determine if the use of medical cannabis will have any potential negative effects on job performance. All Registered Qualifying Patients are required to report to their supervisor if there is any potential risk, limitation or

restriction for whatever reason that may require modification of duties or temporary reassignment and provide appropriate medical verification on restrictions in the performance of duties. **[The following employees are prohibited from becoming a Registered Qualifying Patient: active duty police officers, firefighters, correctional officers and probation officers and CDL holders.]**

Each Qualifying Patient must carry his/her Registry Identification Card, issued by the Department of Public Health. Law enforcement personnel will have access to a verification system maintained by the Department of Public Health.

[Article XV Right to Privacy]

The Library understands the terms of the Illinois Right to Privacy in the Workplace Act (820 ILCS 55/1, et. Seq.), with respect to an employee's lawful use of legal drug products off the premises of the employer during non-working and non-call hours. Notwithstanding the Act, the Library's Drug-Free Workplace Policy is a measure to control the effects that unlawful and lawful drug use can have on the performance of an employee, and on the safety of employees, patrons and the public. Any action of the Library regarding the employment status of any employee as a result of lawful or unlawful drug use will comply with the terms of the Illinois Right to Privacy in the Workplace Act.]

Date

Secretary

Adopted: 3/16/99
Revised: 4/17/01
Revised: 7/15/03
Revised: 9/02/08
Revised: 11/17/15
Revised: 04/17/18
[Revised: 01/26/21]

FREEDOM OF INFORMATION ACT POLICY

Article I Public Body.

A brief description of the Cook Memorial Public Library District (CMPLD) public body is as follows:

- A. The purpose of the CMPLD is to provide materials and services for the recreational, social, informational, and educational needs of the community.
- B. The CMPLD operating budget is available on the Library website at www.cooklib.org. Funding sources are property and personal property replacement taxes, state and federal grants, fines, fees, and donations. Tax levies are:
 - 1. Corporate purposes (for general operating expenditures including debt service)
 - 2. IMRF (for employees' retirement and related expenses)
 - 3. Social Security (for employees' FICA costs and related expenses)
- C. The administrative office is located at this address: 413 N. Milwaukee Avenue, Libertyville, IL 60048. The Library also has a branch located at 701 Aspen Drive, Vernon Hills, IL 60061.
- D. The CMPLD Board of Trustees exercises control over the library's policies and procedures. The board meets on the third Tuesday of each month at 6:30 p.m. unless rescheduled and notice given in accordance with the Illinois Open Meetings Act. All regular meetings will be held at the Cook Park Library, 413 N. Milwaukee Avenue, Libertyville, Illinois or the Aspen Drive Library, 701 Aspen Drive, Vernon Hills, Illinois as listed on the annual Ordinance setting forth a schedule of regular meetings adopted each June.

Board meeting minutes and Library policies can be found on the Library website at www.cooklib.org.

- E. The Library is required to report and be answerable for our operations to: *Illinois State Library*, Springfield, Illinois. Its members are: State Librarian and Secretary Of State, Jesse White; Director of State Library, Anne Craig; and various other staff.

Article II Freedom of Information Act Requests.

Information and records available to the public may be requested in the following manner:

A. Submit a request via email, by written letter or fax to the following individual:

FOIA Officer
Cook Memorial Public Library District
413 N. Milwaukee Ave.
Libertyville, IL 60048
foiarequest@cooklib.org
Fax: 847-362-2354

B. If the request is for a “commercial purpose” that must be indicated on the request.

C. It must be specified whether the request is for inspection of public records, copies of public records, or both.

D. To reimburse actual costs for reproducing the records, the following fees will be charged:

1. There is no charge for the first fifty (50) pages of black and white text either letter or legal size.
2. There is a \$.15 per page charge for copied records in excess of fifty (50) pages.
3. Actual copying cost of color copies and other sized copies will be charged.
4. Commercial Requests: The Library will charge \$10.00 per hour for each hour in excess of 8 hours spent searching for or retrieving records or for examining the record for necessary redactions and will also charge the actual costs of retrieving records stored off-site by a third party storage company, if any.
5. Voluminous Requests: For electronic records, if the records are not in a portable document format (pdf), the Library will impose the following charges:

<u>Amount of data</u>	<u>Fee</u>
For up to 2 megabytes of data	\$20
For more than 2 and less than 4 megabytes of data	\$40
For more than 4 megabytes of data	\$100

For voluminous requests for electronic records, if the records are in a portable Document format (pdf), the Library will impose the following charges:

<u>Amount of data</u>	<u>Fee</u>
For up to 80 megabytes of data	\$20
For more than 80 and less than 160 megabytes of data	\$40
For more than 160 megabytes of data	\$100

For fees imposed pursuant to this section regarding voluminous requests, the Library will provide the requester with an accounting of all fees, costs and personnel hours in connection with the request. The fees the Library may charge for voluminous requests can still be charged even if the requester fails to accept or collect the records. If a requester does not pay a fee charged pursuant to Section 6 of FOIA, the debt shall be considered a debt due and owing to the Library and may be collected in accordance with applicable law.

- E. If the records are kept in electronic format, a specific format may be requested and if feasible, will be so provided. If not, records will be provided either in the electronic format in which they are kept (which will require payment by the requestor of the actual cost of the medium only, i.e. flash drive, tape, etc.) or in paper form as you select.
- F. Except for commercial requests, voluminous requests and recurrent requesters, the office will respond to a written request within five (5) working days or sooner if possible. An extension of an additional five (5) working days may be necessary to properly respond.
- G. Records may be inspected or copied. If inspected, an employee must be present throughout the inspection.
- H. The place and times where records are available for inspection are as follows:

Monday – Friday, 9:00 a.m. to 5:00 p.m.
Cook Park Library – Administrative Office
413 N. Milwaukee Ave.
Libertyville, IL 60048

I. The Library is not required to create records that do not exist or required to answer questions in response to a FOIA request (5 ILCS 140/1).

When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (5 ILCS 140/7).

- a. A copy of the redacted release should be maintained for proof of what was actually released and in order to document the reasons for the redactions.**

J. The denial of a request for records is subject to the following:

- a. Denial of a request by the FOIA Officer shall be in writing and shall identify the specific exemptions being claimed under 5 ILCS 140/9. Failure to respond in a timely manner to a request under the Illinois Freedom of Information Act constitutes a denial (5 ILCS 140/3(d)). Because the Library bears the burden of proof in a denial, the FOIA Officer shall consult with the Library Director prior to issuing a denial.**
- b. A detailed factual basis for any claimed exemption, and the names and titles of each person responsible for the denial, will be provided (5 ILCS 140/9). Each written denial shall also inform the requesting party of the right to appeal to the Public Access Counselor of the Illinois Attorney General (5 ILCS 140/9(a)).**

Article III Types of Records.

Certain types of information maintained by CMPLD are exempt from inspection and copying. The following types or categories of records are maintained by the Library and will be made available upon request:

- A. Monthly financial statements.
- B. Annual Receipts and Disbursements Reports.
- C. Operating Budgets.
- D. Annual Audits.
- E. Minutes of Library Trustee Board meetings.
- F. Library policies, including Collection Development.
- G. Adopted ordinances and resolutions of the Board.
- H. Annual reports to the Illinois State Library.

Date

Secretary

Adopted: 02/17/04

Revised: 11/02/06

Revised: 03/27/07

Revised: 12/15/09

Revised: 04/19/16

[Revised: 01/26/21]

SOCIAL MEDIA POLICY

The Cook Memorial Public Library District (“The Library”) uses social media to increase awareness of and accessibility to its programs, resources and services in order to serve its mission. The purpose of this policy is to address use of social media activities including but not limited to blogs, social networks, online communications, online catalogs, websites, and mobile applications by the Library and its employees, volunteers, elected officials and patrons. The Library’s social media sites are not intended to be traditional public forums for the general exchange of ideas and viewpoints, but a limited public forum for discussing Library programs, events and materials. The Library does not make its social media accounts available for general public discourse, but rather reserves and limits the topics that may be discussed on social media accounts.

Article I Library – Sponsored Social Media.

Only those employees [authorized by the Library Director to be] responsible for the Library’s social media sites should be actively participating on those sites during work hours. ~~Employees who contribute to the Library’s social media should present content a professional manner and should check facts, cite sources, avoid copyright infringement, present balanced views, acknowledge and correct errors, and check grammar and spelling before posting.~~

~~Employees should not discuss confidential, work-related matters through social media.~~

[Library employees should keep in mind the following best practices when posting on the Library’s social media accounts on behalf of the Library:

- A. Social media accounts will not be monitored 24/7. Questions and comments will be responded to within 1-2 business days, and during the normal business hours of the Library.**
- B. Employees engaged in social networking activities, as representatives of the Library, shall act and conduct themselves according to the highest possible ethical and professional standards when communicating via the Library’s social media accounts. Employees who contribute to the Library’s social media accounts should present content in a professional manner and should check facts, cite sources, avoid copyright infringement, present balanced views, acknowledge and correct errors and check grammar and spelling before posting.**
- C. Employees should not discuss confidential, work-related matters through social media.**
- D. Content that is posted on Library-sponsored social media sites is subject to the Freedom of Information Act and records retention requirements.**

E. Content posted on the Library's social media accounts may be conversational in nature but must remain professional, particularly if responding to a comment. Employees using the Library's social media accounts shall respect and accept opinions of those interacting with the Library's social media accounts, regardless of whether such opinions are positive or negative, provided the opinions are on topic and not offensive, denigrating or completely out of context.

F. Disputes between a Library spokesperson and commenter on the Library's social media accounts shall be avoided.

G. Comments or responses on Library social media accounts should be limited. The Library's social media designee should limit his/her response to (1) providing a factual response to a question posed (for example: when is the next Library Board meeting); (2) providing the information for the appropriate department of the Library that would be most helpful; or (3) encouraging or directing persons interacting with the Library's social media accounts to use appropriate resources to request a Library service. The Library Director or his/her designee should work to develop standard responses to public questions and comments.

H. Employees using the Library's social media accounts shall obey all privacy protection laws (i.e. HIPPA) and protect sensitive and confidential Library information at all times.

~~Content that is posted on Library-sponsored social media sites is subject to the Freedom of Information Act and records retention requirements.~~

Article II Employee Personal Use of Social Media.

Library employees have the same right to self-expression enjoyed by members of the community as a whole when discussing matters of public concern. As public employees, Library employees are cautioned that speech made pursuant to official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed a violation of any policy of the Library. Employees should keep in mind the following best practices when posting content about library-related subjects and issues on personal time.

- A. If you identify yourself as an employee of the Library, make it clear that the views expressed are yours alone and do not represent the views of the Library.
- B. Respect the Library's confidential and proprietary information. Do not post information that is still in draft form or is confidential.

- C. No comments with any kind of negative, mocking, condescending, etc. slant should be made about patrons in general, about specific questions from patrons, or about patron behavior on the Library's social media sites.
- D. The Library does not endorse, monitor or review the content of personal, non-Library related social media activity of its employees.
- E. Employee use of personal social media is not permitted during working hours except for work-related purposes such as professional development or library-related social media outlets.
- [F. No library employee should comment on litigation involving the Library on the Library's social media accounts, or any personal social media accounts, without prior approval from the Library's Attorney.]**

Article III Trustee Use of Social Media.

Library trustees have the same right to self-expression enjoyed by members of the community as a whole when discussing matters of public concern. Trustees should keep in mind the following best practices when posting content about library-related subjects on social media.

- A. If you identify yourself as a Library Trustee, make it clear that the views expressed are yours alone and do not represent the views of the Library or other trustees.
- B. Respect the Library's confidential and proprietary information. Do not post information that is still in draft form or is confidential.
- C. No comments with any kind of negative, mocking, condescending, etc. slant should be made about library patrons or staff in general, about specific questions from patrons, about interactions with staff of the library, or about patron behavior on the Library's social media sites.
- [D. No Library Trustee should comment on litigation involving the Library on the Library's social media accounts, or any personal social media accounts, without prior approval from the Library's Attorney.]**
- [E. Library Trustees should be mindful of the provisions of the Open Meetings Act, in order to avoid discussions regarding Library business by multiple members of the Board on social media, so as not to violate the Act's provisions regarding these types of communications.]**

Article IV Posting on Social Media.

The Library permits patrons to comment on Library posts[.] and Patrons [and the public] are invited to share opinions about Library-related subjects, resources and programs. Postings [by patrons and the public] do not indicate Library endorsement of the ideas, issues, or opinions expressed in posts on its social media sites.

The purpose of the Library's social media sites is to inform Library users about educational opportunities, library programs, events (including those co-sponsored with other organizations) and materials, and to encourage dialogue and the exchange of information and knowledge between users and Library staff about these programs, events and materials. The Library reserves the right to restrict or remove any content that is deemed to be in violation of this policy or any applicable law. Content that is deemed not suitable for posting by the Library because it is not topically related to the particular subject being commented on, or is deemed prohibited based on the criteria defined below, shall be retained pursuant to the records retention schedule along with a description of the reason(s) the specific content was deleted. Content and comments on the Library's social media accounts containing any of the following forms of content and postings shall not be allowed:

- A. Obscenity or child pornography.
- B. Content that promotes, fosters, or perpetuates discrimination and/or harassment on the basis of race, creed, color, age, gender, marital status, religion, national origin, physical or mental disability, sexual orientation, ancestry or any other protected category.
- C. Slanderous, libelous, threatening or defamatory statements.
- D. Copyrighted or trademarked material.
- E. Spam.
- F. Content not related to Library business, programs, events, resources and materials.
- G. Advertising or sale of merchandise or services.
- H. Charitable solicitations or political campaigning.

Article V

~~The Library, its employees, agents and officials assume no responsibility for any damages, direct or indirect, arising from participation in Library-sponsored social media. Violations of this policy by employees may result in discipline, up to and including termination of employment.~~

Article VI Patron Participation.

By joining, utilizing and/or posting on the Library's social media sites, you agree to comply with this Policy, and the Library's Policy on Internet and Computer Use, as applicable. The Library's Social Media Policy applies whether or not a patron chooses to post comments using a computer at the Library or when posting from any other computer to any Library social media site. While the Library encourages dialogue, it respectfully requests that commenters be mindful that its social media sites are open to the public and that commenters be courteous and civil toward one another.

[Article VI Disclaimer.]

Patrons are personally responsible for their commentary. Patrons should be aware that they may be held personally liable for commentary that is defamatory, obscene, proprietary or libelous by any offended party, not just the Library.

[All content posted on Library social media sites is subject to the Illinois Freedom of Information Act (FOIA) and the State of Illinois record retention laws. Therefore, all Library social media sites shall clearly indicate that any articles and content posted or submitted for posting are subject to public disclosure.]

By posting on the Library's websites and social media sites, patrons and the public give the Library permission to use their name, profile picture, and the content of any posting they make without compensation to them or liability on the part of the Library. Users should be aware that third party websites have their own privacy policies and should proceed accordingly.

The Library reserves the right to edit and modify Library-authored posts for space and content, while retaining the intent of the original post.

The Library, its employees, agents and officials assume no responsibility for any damages, direct or indirect, arising from participation in Library-sponsored social media. Violations of this policy by staff may result in discipline, up to and including termination of employment.

By joining , utilizing and/or posting on the Library's social media sites, patrons and the public agree to comply with this Policy, the Library's Electronic Information Networks Policy, the Library's Wireless Internet Access Policy, and the Library's Use of the Library Policy, as applicable.

Postings that the Library Director or his/her designee deems to have violated this Policy may be removed in whole or in part by the Library Director or designee. The Library reserves the right to terminate accounts and ban or block users who have posted in violation of this Policy on more than one occasion. The Library reserves the right to deny access to any and all of the Library's social media sites for any

individual or entity who violate this Policy or applicable laws, at any time and without prior notice. The Library will retain a record of removed posts for the designated period of time required by the Records Retention Act.]

Date

Secretary

Adopted: 03/22/12
Revised: 06/21/16
[Revised: 01/26/21]



Cook Memorial Public Library District

SPECIAL BOARD MEETING AGENDA SUPPLEMENT

MEETING DATE: January 26, 2021

FROM: David Archer, Library Director

AGENDA ITEM: Electronic Information Networks and Public Library Computers Use Policy

The Technology Committee has met three times over the past year to discuss the benefits of the federal E-rate program, which enables the Library to receive a 40% discount on hardware and data transmission costs associated with providing Internet service.

Libraries that accept federal E-rate funds must adhere to a number of requirements of the Children's Internet Protection Act ("CIPA"):

1. Content filtering software is required on all library-owned computers that access the Internet. A library is CIPA-compliant as long as it makes a good faith effort to block visual depictions of obscenity, child pornography, and, in the case of persons under the age of 17 years, materials that are "harmful to minors." The library (not the federal government or agency) determines what matter is inappropriate for minors.
2. A policy is required that covers the Library's filtering procedures, including procedures for staff to disable an Internet filter upon request by an adult for "bona fide research or other lawful purpose." Please see revisions to the attached **Electronic Information Networks and Public Library Computers Use Policy**, that Technology Committee members recommended for discussion at tonight's meeting.

At their December 2020 meeting, Technology Committee members discussed a number of procedural and operational issues that staff will address:

1. Establish procedures for staff to temporarily disable the Internet filter on staff and public computers.
2. Establish process to manually 'whitelist' a site that has been incorrectly blocked by the filtering software.
3. Determine if feature exists to review logs for sites that have been blocked.
4. Determine a process for anonymously requesting a site to be unblocked.

ELECTRONIC INFORMATION NETWORKS AND PUBLIC LIBRARY COMPUTERS USE POLICY

Article I General Policy.

The Cook Memorial Public Library District ("Library") endeavors to develop collections, resources, and services that meet the cultural, informational, recreational, and educational needs of patrons. It is within this context that the Library provides access to electronic information, databases, media, and the Internet ("Electronic Information Networks"). Patrons can access the Electronic Information Networks inside or outside of the Library using their own computer systems or personal devices. The Library also provides access to Electronic Information Networks on desktop and portable laptop computer equipment on the Library's premises made available to the public ("Public Library Computers"). Providing access to Electronic Information Networks is intended primarily for use as an information resource tool and is consistent with the Library's collection development policy, Wireless Internet Access Policy and mission statement. Electronic Information Networks and Public Library Computers will be collectively referred to as "Electronic Resources."

Article II Patron Rights, Responsibilities, and Risks.

Electronic Information Networks are dynamic, global resources that provide access to a wide variety of information. The Library does not have control over these resources and is not responsible for the content, availability, reliability, currency, accuracy or appropriateness of information accessed via their use. Library patrons use these resources at their own discretion and the Library is not responsible for any damages, indirect or direct, including but not limited to loss of data or any violation of privacy, arising from a Library patron's use of Electronic Resources. Patrons using Electronic Resources agree that the Library may need to monitor computer use from time to time as an operational necessity. Furthermore, the Library may be required to disclose any information if directed to do so by a court of competent jurisdiction. The Library extends the protections of applicable confidentiality laws to all records of Internet activity maintained on Public Library Computers. The Library reserves the authority to reasonably regulate these resources to ensure the proper and efficient operation of the Library.

Library patrons have certain rights with respect to the use of Electronic Resources. Library patrons have the right to equitable access and the right to confidentiality and privacy in the use of Electronic Resources to the extent possible given certain constraints, such as proximity of other patrons and staff in public access settings. Patrons also have the right to access and read all patron related Library service policies, and discuss questions with the appropriate Library staff. This policy is part of the Library's overall policy structure and should be interpreted in conjunction with other existing policies. Copies of all

patron related Library policies are available upon request and on the Library's website.

~~The Library recognizes that the Internet contains material that is inappropriate for children and that may be objectionable to some adults. As such, the Library provides the ability to filter sessions on all Public Library Computers. Filtering software has been installed that has the ability to categorically block mature subject matter, such as pornography and hate content. The Library also recognizes that it is a parent's responsibility and right to guide his/her minor child's Library use. A parent or legal guardian who wishes to have unfiltered access for his/her minor child should notify a staff member as set forth in Article III.C. below. The use of filtering software, however, cannot guarantee that all sites a person might consider objectionable are blocked. Parents or legal guardians, not the Library or its staff, are responsible for information selected, transmitted, and/or accessed by their children. The Library encourages parents to monitor and supervise their children's Internet use.~~

[Article III Internet Filtering]

As required by the Children's Internet Protection Act ("CIPA"), in order to remain eligible for certain federal technology funding, the Library provides Internet filtering software on Public Library Computers to block visual depictions of obscenity, child pornography, and, in the case of persons under the age of 17 years, materials that are "harmful to minors."

The Library has attempted to select third-party Internet filtering software that best complies with CIPA while providing patrons with the broadest possible access to constitutionally protected speech and information. The Library cannot guarantee that filtering software will block all obscenity, child pornography, or materials that are harmful to minors.

Patrons 18 and over may request Internet filters to be disabled for bona fide research or other lawful purposes by notifying a Library staff member. Internet filters may also be disabled for all users for sites that are wrongfully blocked by filtering software].

[Article IV Access by Minors]

The Library recognizes that the Internet may contain material that is inappropriate for children. Parents or legal guardians, not the Library or its staff, are responsible for information selected, transmitted, and/or accessed by their children. The Library encourages parents to monitor and supervise their children's Internet use.

- A. [To address the issue of access by minors to inappropriate material on the Internet, including material that is harmful to minors, the Library has implemented Internet filtering software described in Article III.**
- B. To address the issue of the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications, as well as the unauthorized disclosure, use and**

dissemination of personal identification information regarding minors, the Library provides the following safety guidelines:

- 1. Never give out identifying information such as home address, school name, or telephone number.**
- 2. Never arrange a face-to-face meeting with someone via the computer without parents' or guardians' approval.**
- 3. Never respond to messages that are suggestive, obscene, threatening, or make one uncomfortable.**
- 4. Remember that people online may not be who they say they are.**

C. To address the issue of unauthorized access, including so-called "hacking," and other unlawful activities by minors online, all Library users are hereby advised that use of the Library's computers for hacking or any other unlawful activity is strictly prohibited as described in Article V].

Article [IV] Rules and Guidelines for Use.

The following rules and procedures apply to all users of the Library's Electronic Resources.

- A. In order to give assurance of privacy, access to the browser's history files is disabled.
- B. Patrons will need to acknowledge the "Statement of Acceptable Use" (Article IV) at the start of each desktop computer session.
- ~~C. Except as noted in Article III.F, adult library cards (ages 18 and up) default to unfiltered Internet access. All children's/students' library cards default to filtered Internet access. Patrons may request default changes at the Checkout Desk. Parents who wish to instruct the Library to provide unfiltered Internet access to their children under eighteen must do so in writing. For details, see a Library staff member at the Checkout Desk.~~
- ~~D. The Library cannot guarantee that filtering will protect every Internet user from being offended by what is displayed at Internet stations. Conversely, patrons are advised that filtering software may block information that a patron might expect to be accessible on the Internet.~~
- ~~E. Patrons using the unfiltered stations may be asked to show identification affirming that they are 18 years of age or older.~~
- ~~F. Internet access via the Library's portable laptop computers and Digital Studio computers is filtered for all users.~~

Article **V** Statement of Acceptable Use.

The Library provides access to electronic information, databases, media, and the Internet (“Electronic Information Networks”) on public desktop and portable laptop computer equipment on the Library’s premises (“Public Library Computers”) as an information resource tool. Electronic Information Networks and Public Library Computers will be collectively referred to as “Electronic Resources.” All electronic traffic originating from library connections shall be in accordance with the following guidelines. Failure to use Electronic Resources within the guidelines of Acceptable Use may result in suspension of access privileges, and/or loss of Library privileges.

- A. Destruction of, damage to, or alteration of Electronic Resources, software, or network security is prohibited. The Library will take necessary action against anyone violating this policy, including, but not limited to:
 - 1. Asking individuals to discontinue their display of information and images that may cause a disruption; and/or
 - 2. Terminating a Public Library Computer session; and/or
 - 3. Revoking a patron’s Library privileges.
- B. Users are expected to follow all federal, state, and municipal laws in their use of Electronic Resources. Illegal acts may be subject to prosecution by local, state or federal authorities.
- C. The Library cannot ensure the security of account or credit card numbers entered using Electronic Resources. Users are responsible to assume payment of fees for any fee-based services they incur.
- D. Prohibited uses include:
 - 1. Illegal Activity: Using Electronic Resources for any activity in violation of applicable local, state and federal laws and regulations, including, but not limited to, advertising, transmitting, or otherwise making available Ponzi schemes, pyramid schemes, fraudulently charging credit cards, pirating software, or making fraudulent offers to sell or buy products, items, or services. Users may not place any material on the Internet related to any illegal activity or constituting or encouraging conduct that would constitute a criminal offense or give rise to civil liability.
 - 2. Licensing Violations: Use of Electronic Resources in any way, which violates licensing agreements between the Library and network/database providers. Users may not violate software license agreements or engage in unauthorized duplication of copy protected software.

3. Spamming: Sending of unsolicited bulk and/or commercial messages over the Internet using Electronic Resources.
4. Intellectual Property Right Violations: Engaging in any activity that infringes or misappropriates the intellectual property rights of others, including, but not limited to, patents, copyrights, trademarks, service marks, trade secrets, or any other proprietary right of any third party.
5. Obscene or Indecent Speech or Materials: Using Electronic Resources to advertise, solicit, transmit, store, post, display, or otherwise make available obscene images. The Library will notify and fully cooperate with law enforcement if it becomes aware of any use of Electronic Resources in any connection with child pornography or the solicitation of sex with minors.
6. Forging of Headers: Forging or misrepresenting message headers, whether in whole or in part, to mask the originator of the message.
7. Hacking: Accessing illegally or without authorization computers, accounts, equipment or networks belonging to another party, or attempting to penetrate security measures of another system. This includes any activity that may be used as a precursor to an attempted system penetration, including, but not limited to, port scans, stealth scans, or other information gathering activity.
8. Distribution of Internet Viruses, Trojan Horses, or Other Destructive Activities: Distributing information regarding the creation of and sending Internet viruses, worms, Trojan Horses, pinging, flooding, mail-bombing, or denial of service attacks or like matters. Also, activities that disrupt the use of or interfere with the ability of others to effectively use the service or any connected network, system, service, or equipment.
9. Facilitating a Violation of this Policy of Use: Advertising, transmitting, or otherwise making available any software product or service that is designed to violate this Policy, which includes the facilitation of the means to spam, initiation of pinging, flooding, mail-bombing, denial of service attacks, and piracy of software.
10. Export Control Violations: The transfer of technology, software, or other materials in violation of applicable export laws and regulations, including, but not limited to, the U.S. Export Administration Regulations and Executive Orders.
11. Resale: The sale, transfer, or rental of Electronic Resources to customers, clients or other third parties, either directly or as part of a service or product created for resale.
12. Overuse: Users may not use computer equipment for longer than the allowed time periods which would deny access to other users.

13. Installation of Software: Users may not install software on any Public Library Computer. Users will be held responsible for any damage to library software or hardware.

Date

Secretary

Adopted: 1/18/00

Revised: 3/20/01

Revised: 7/15/03

Revised: 3/20/07

Revised: 11/19/13

Revised: 12/16/14

Revised: 04/16/19

Revised: TBD