

PORTAGE DISTRICT LIBRARY

Internet Policy

Internet Public Access Statement

The Portage District Library provides access to the Internet to meet the educational and public information needs of the Portage community.

Recognizing the First Amendment rights of its patrons and their desire for intellectual freedom, equity of access and confidentiality, as well as the Michigan Legislature's mandate that the library restrict access to minors with regard to obscene and sexually explicit materials deemed harmful to minors, the library has adopted the following policy. The Portage District Library will enforce the rules stated in this policy, including those designed to meet the Legislature's stated intent of protecting minors from access to that material without interfering with the rights of adult patrons.

Acceptable Use

Access to the library computers in the Teen Area is intended for users in grades six through twelve and their parents/guardians. Preference will be given to those users.

Access to the library computers in the Juvenile Area is intended for users through grade five and their parents/guardians. Preference will be given to those users.

While using computing resources, users may not:

- Violate the library's Disruptive Patron Policy or any other library policy.
- Use computing resources for illegal activities, including fraudulent or unlawful purposes prohibited under any applicable federal, Michigan, or local law, including but not limited to unsolicited mass mailings, or accessing or producing material that can be classified as obscene or child pornography.
- Install any type of software.
- Damage library hardware or software, or modify the security setup, operating systems, network configuration or any other configuration of any library computer without authorization.
- Use another person's password or identity without their authorization.
- Copy or publish licensed software, media or other intellectual property that infringes upon the copyright or other property rights of other persons or entities in violation of the copyright laws, trademark, or other intellectual property laws of the United States. Responsibility for any consequences of copyright infringement or violation of any other intellectual property rights lies with the user, and the Portage District Library expressly disclaims any liability or responsibility resulting from such use.

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- Publish or send threatening, defamatory or libelous information. Publish or send any information with the intent to harass or abuse or that would reasonably result in the harassment or abuse of others.
- Users shall not expose any minor to matter that is obscene or sexually explicit matter harmful to minors, in accordance with the Michigan law, P.A. 212 of 2000.
- Patrons who are minors shall not access matter that is obscene or sexually explicit matter deemed harmful to minors in accordance with Michigan law, PA 212 of 2000.

Persons engaged in any of the above mentioned activities may lose access to the library's computing resources as outlined below.

Internet Access

The Internet is a vast and unregulated information network. It also enables access to information, ideas, and commentary beyond the confines of the library's mission, selection criteria, and collection development policies. The provision of access does not mean or imply that the library endorses or sanctions the content or point of view of any of the information or commentary that may be found on the Internet.

The Internet may contain information that is controversial, sexually explicit, or offensive. Library patrons use the Internet at their own risk. Parents or guardians of minor children are responsible for their child's use of the Internet through the library's connection as stated below.

Internet Filtering

As with other materials in the library's collection, it is the Portage District Library's policy that parents or guardians are responsible for deciding which resources are appropriate for their child. The library urges parents and guardians to discuss Internet use with their children and to monitor their use.

Recognizing that graphic images on computer screens may be seen easily by passerby of all ages, the Portage District Library has designated that the computers in all open areas, including online catalogs, Adult Services, Teen Services and Juvenile Services, shall be filtered. The library has availed itself of some commercially available software programs to prevent access to certain Internet sites which may contain information or graphics which have been judged to be unfit for children. Determination of "unfit" content usually is made on the basis of the content being judged to be violent, obscene or pornographic. However, such filtering software is not guaranteed to be 100% effective. As a result, it is still the responsibility of the parent(s) or guardian(s) to be aware of the types of material which might be available and selected by their children through the Internet at the Portage District Library.

Michigan Public Act 212 of 2000 mandates that the library restrict Internet access to minors with regard to obscene and sexually explicit materials deemed harmful to minors. In addition to the filtering of computers as provided above, the library staff will make a good faith effort to monitor compliance with Public Act 212 of 2000 by periodically checking the public access computers in use by patrons, subject to other demands on staff time.

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The library's wireless network is available to the public using their own devices and computers is unsecured and unencrypted. The Portage District Library's wireless network is filtered. Users of the Library's wireless network are required to abide by the Acceptable Use provisions of this policy.

Adult patrons who wish to have unfiltered access to the Internet for their educational and information needs may request access to an unfiltered Library device which shall be provided with reasonable promptness subject to the availability of unfiltered devices.

Staff Assistance

Library staff may assist users in getting started with library's computing resources. However, the library cannot guarantee that staff fully trained in all aspects of software, Internet resources, or other technology will be available to assist users at all times the library is open. Because of the many different applications and resources available, particularly on the Internet, staff may not be able to provide specialized or technical knowledge about a particular application. The library's collections contain materials that are available to computer users regarding assistance and guidance in use of software and other applications.

Computer Use Procedure

The library's computing resources are available to patrons with a valid Portage District Library card or an Internet Guest card. To access resources, enter the number on the back of the library card (without spaces) and enter your PIN code at the log-in screen.

The library's computer tracking program allows each Portage District Library cardholder two (2) hours of computer use each day on library owned public area computers.

The program keeps track of the minutes you use on any of the library's desktop computers. You may divide your allotted time among different computers at the library throughout a day.

The Portage District Library provides access to laptop computers that can be checked out for two hour increments at the Adult Services Information Desk and are able to be renewed two additional times if there is not a wait list. The laptop computers can used throughout the library building.

In addition to software filtering, Portage District Library staff will regularly monitor the use of its Internet computers to comply with CIPA regulations. If you are observed violating the Portage District Library's internet policy, you will be advised as such and the library staff will follow its enforcement procedures outlined below.

The Library will not disclose, use, or disseminate personal identification information regarding patrons, including minors, except as provided under the Michigan Library Privacy Act (MCL 397.601 *et seq.*), Federal law, or other applicable law.

Violations of Internet Policy

Users of the library's computing resources must adhere to the Internet Policy. Failure to follow the Internet Policy will result in the loss of the ability to use the library's computing resources or access to the library.

1. First Violation

If a library staff member observes a person in violation of the Portage District Library's Internet Policy, then he/she will follow the procedures outlined below:

- a. Will advise the person in violation that the observed activity is prohibited.
- b. Will request the person in violation to stop the prohibited activity.
- c. Will advise the person in violation that further violations may result in the loss of use of the library's computing resources, access to the library, or other library privileges.
- d. May request the person in violation to give his/her name, address and telephone number.
- e. May request the person in violation to leave the library.
- f. May complete a written Incident Report and submit it to the Library Director. This Incident Report will then be retained by the Library Director for a period of six (6) months.
- g. May involve the local authorities if the person is violating the law, is non-compliant in discontinuing activity in violation of the Internet Policy, or will not leave the library when asked to do so.

2. Second Violation

If a library staff member observes a person in violation of the Portage District Library's Internet Policy, who is known to have been in violation of the policy within the previous six (6) months - as documented by a written Incident Report that was filed for the first violation - then the library staff member will follow the same procedures as described above for a First Violation, and in addition the following action may be taken:

- a. The Library Director or his/her designee may suspend the use of the library's computing resources, access to the library, or other library privileges of the person in second violation of the library's Internet Policy for up to seven (7) calendar days. Any such suspension will be issued in writing by the Library Director.
- b. The Library Director shall retain an Incident Report of a person in second violation of the library's Internet Policy and a written copy of the suspension for one (1) year.

3. Third and Subsequent Violations

If a library staff member observes a person in violation of the Portage District Library's Internet Policy, who is known to have had a second violation of the policy within the previous one (1) year - documented by a written Incident Report that was filed for the second violation - then the library staff member will follow the same procedures as described above for a First Violation, and in addition the following action may be taken:

- a. The Library Director or his/her designee may suspend the use of the library's computing resources, access to the library, or other library privileges of the person in third or subsequent violation of the library's Internet Policy for a period up to (6) months. Any such suspension will be issued in writing by the Library Director.
- b. The Library Director shall retain an Incident Report of a person in third or subsequent violation of the library's Internet Policy and a written copy of the suspension for three (3) years.

Exception: Notwithstanding Section B. 1-3 above, the Director of the Portage District Library or his/her designee reserves the right to suspend library privileges *for longer periods of time*, depending

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on the severity of a person's violation of the Internet Policy. Notwithstanding Section B. 1-3 above, anyone violating the law at the Library will be immediately evicted and may have library privileges suspended *for longer periods of time*, depending on the severity of the violation of the law, to protect patrons and library staff.

C. Appeal Procedure for a Person in Violation of the Internet Policy

1. A person whose library privileges have been suspended by the Library Director or his/her designee may appeal the decision within three (3) calendar days after the date of the written notice of suspension of library privileges. An appeal must be submitted in writing and must include the person's name, address, date and time of violation, type of violation, the person's reason for appealing the decision, the person's signature and the date the appeal is signed. All appeals must be submitted to the Library Director for transmittal to the Library Board at the next regularly scheduled board meeting.
2. The Library Board will hear an appeal of the decision of the Library Director or his/her designee to suspend library privileges. The Library Board will give the appellant an opportunity to be heard on the appeal. The decision of the Library Board shall be final.