300 Access to Internet and Electronic Information

Details acceptable uses of public Internet access provided by Davis County Library, and regulates conformity with applicable state and national laws and the Children's Internet Protection Act (CIPA); guides management of the public space by balancing patron rights with necessary legal and practical limitations.

Overview

1. The Davis County Library promotes the right of adults to access information with as few limitations as possible consistent with the Library's mission and operation as a public space.
2. The Library is committed to providing equitable access to Internet and electronic information to as many library users as possible within the law, while still operating as an agency of Davis County and securing County and Library property and computer systems and equipment.
3. The Library must respond to issues related to Internet and electronic information because they flow into the public space through publicly owned equipment frequented by minors. Limits placed on Internet and electronic information are based on legal requirements, the limits of available technology, administrative capacity, and the Library's mission, policies, procedures, and practices.
4. The Library receives discounted Internet access available through the federal E-Rate program. This program requires compliance with the Children's Internet Protection Act (CIPA); *Policy #301 Internet Safety for Minors* is an appendage to this policy.
5. Enforcement of this policy is consistent with Utah Code sections 9-7-215 and 9-7-216; methods of enforcement include but are not limited to:
    a. patron education regarding policies.
    b. appropriate notification of patrons when violations occur.
    c. limitation and/or suspension of privileges when violations are persistent.
    d. involvement of local law enforcement, as necessary.
6. Consistent with Utah Code section 9-7-216 and State Administrative Code R458-2,
    a. this policy includes administrative procedures and guidelines for staff enforcement as well as procedures for handling complaints regarding the policy.
    b. this policy is reviewed in its entirety every three years, and was most recently reviewed and approved by the Library Board on May 12, 2022 in an open meeting, following normal public notice and comment.
    c. the next formal review and readoption for all sections of this policy will occur no later than July 1, 2025; notations at the end of this document will reflect actions taken for all sections of this policy.
7. The Library Director will post this policy in a conspicuous place for all patrons to observe and make related policies available for public review at all library locations including signage clearly indicating they are available upon request.
8. Patrons are presumed to have read and agreed to abide by these policies because the Library has made them available to the public for review.

9. A patron may have Internet privileges suspended temporarily for persistent violation of this policy after being provided information concerning appropriate use and given the opportunity to comply; the Library's process for suspension is:
    a. The Library Director sends an initial letter explaining the nature of the problem, requesting compliance with library policies, indicating further actions may be taken if compliance is not forthcoming, and providing an opportunity for the patron to share his or her perspective.
    b. Following further violation, the Library Director sends a letter notifying the patron that his or her Internet privileges have been suspended and providing an opportunity to appeal the decision to the Director and the Library Board; the length of suspension will not exceed 6 months.
    c. The Library Director will implement remedies for further violations of this policy, in consultation with the Davis County Attorney's Office; the Library Director will send a letter notifying the patron of such remedies, and offering the option to appeal the decision to the Director and the Library Board.
10. Patrons with concerns about this policy, or its enforcement may direct them to library staff members, the Branch Manager, the Director or the Board of Directors verbally or in writing; response to public concerns may be made verbally or in a letter from the Library Director or Library Board, depending on the nature of the problem being addressed.

Internet Access and Electronic Resources

11. All members of the public have access to the Internet whether or not they hold a Davis County Library card.
12. The Library has no direct control over information or resources accessed through the Internet; each individual is responsible for the content of the searches he or she conducts.
13. In addition to informational resources, the library also permits some uses which have become common options for Internet users, including but not limited to word processing and email.
14. Patrons may not use equipment owned by or Internet access provided by the Library or Davis County for illegal purposes, including but not limited to:
    i. Gambling.
    ii. Accessing obscene materials.
    iii. Displaying materials which may be harmful to minors due to sexual content.
15. The Library has established the following limits for use of public Internet PCs:
    a. Patrons are limited to a maximum of 3 hours of Internet per day.
        i. This limit is user-specific and applies to all use whether at one or multiple locations.
        ii. Patrons may not use multiple library cards or any other means to secure additional time beyond the 3-hour limit.
        iii. Patrons are expected to abide by the established time limits and end their use of PCs once their allotted time has expired.

b. Patrons have no expectation for personal ownership or private use of public computers at the Library; users may not engage in the following behaviors when using Library-owned computers in accordance with Davis County policies:
    i. Act or behave in ways that harm others or are inimical to the public services provided by the Library or Davis County.
    ii. Download or install programs and software on library computers that have not been approved by appropriate Davis County employees according to applicable Library and County policies.
    iii. Use software, hardware, or websites which bypass Library or Davis County Internet management software, filters, firewalls, and/or related software or processes.
    iv. Alter the defaults, passwords, settings or equipment setup of Public Internet; altering this setup for use with personal devices or equipment is prohibited.
    v. Long-term file storage on Library computer equipment is not permitted.
        1. Reasonable, temporary storage of working documents is permitted.
        2. Files should be moved to a personal storage device before their allotted time expires.
c. Patrons may use additional equipment and software provided by the Library on Library-owned computer equipment as an enhancement to computer use . Examples may include, but are not limited to:
    i. Trackball mice
    ii. Microfilm readers
    iii. Camera or recording equipment

16. PCs provided by the Library for access to Internet and electronic information will be labeled by signage that clearly informs the public concerning
    a. the PCs designated use.
    b. the fact that content limiting software is engaged.
    c. the option for adults to request that staff override the content limiting software.
    d. the fact that Library policies are in effect at all times.
    e. the fact that a complete copy of this policy is available for review upon request.
    f. safe Internet practices and encouraging the public to inform Library staff when information harmful to minors is displayed.
17. The Library has established the following limits for wireless internet on personal devices:
    a. Filtering software will not be disabled for users of personal electronic devices; adult patrons may use Library-owned PCs to access filtered sites in accordance with this policy.
    b. Patrons may not download files containing illegal content.
    c. Patrons may not download or install content which bypasses or interferes with Library or Davis County filters, firewalls, or related software or processes.

18. The Library may limit bandwidth in order to assure adequate Internet response time throughout the system; this decision will be made in consultation with the Davis County Information Services Department.
19. Costs, guidelines and limitations related to printing, damage and patron use of library technology and equipment are discussed in *Policy 305 Library Technology and Other Equipment*.

Internet Filtering and Management

20. To the extent practical, and consistent with Utah Code sections 9-7-215 and 9-7-216, the Library uses reasonable technology protection measures to
    a. Restrict access to Internet sites or electronic information that contains visual depictions considered to be:
        i. Child Pornograpy (as defined in Utah Code 76-5b-103).
        ii. Harmful to minors (as defined in Utah Code 76-10-1201).
        iii. Obscene (as defined in 20 United States Code Section 9101).
        iv. Sexually Explicit Conduct (as defined in Utah Code 76-5b-103).
    b. Prevent inappropriate network usage such as:
        i. Unauthorized access, including "hacking" and related illegal activities.
        ii. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.
        iii. Illegal acts, including but not limited to:
            1. Gambling (as defined in Utah Code 76-10-1101).
            2. Downloading or duplicating copyrighted material.
            3. Other illegal activities detailed in Library and Davis County policy.
    c. Promote the safety and security of users of the Library's online computer network when using direct electronic communications including, but not limited to email, instant messaging, and chat rooms.
21. Protection measures include Internet filtering software; such software is used to protect all Internet provided by the Library to the public, including wireless access on personal devices.
22. The Library reserves the right to employ software tools to assist in the orderly management of Internet access and protection of Library and County property; however staff will manage access based on this policy, regardless of software limitations and allowances.
23. Library staff will immediately disable or override content-limiting software on any Library-owned PCs upon request by a user 18 years or older without further investigation as to the purpose or intention of the user or preemptive statements about potential violations of library policies, with the following exceptions:
    a. Patrons using personal devices.
    b. PCs in areas dedicated primarily to children.
24. A legal guardian may request that staff disable or override content limiting software on Library-owned PCs for the use with a minor in their charge, if all of the following apply:
    a. The request is made by the adult.

b. The legal guardian intends to use the PC with the minor.
c. The PC is primarily used by the adult, not the minor.
d. The patron is made aware that library policy still applies to unfiltered use of the PC.
e. The PC is not located in an area dedicated primarily to children.

25. Staff members will ensure that content-limiting software is re-engaged as soon as possible after use of the PC is completed by the patron who requested it be disabled.

Library Staff Response

26. The Library acknowledges that staff interventions described below are difficult and uncomfortable for both patrons and staff members; when intervening, staff should use best judgment and limit verbal discussion of the situation in public areas.
27. If staff members believe a patron is accessing illegal information or engaging in other illegal activity in the Library (including but not limited to child pornography or onling gambling),
    a. Staff will verify that the patron has violated the law; if the situation permits, violations should be documented by at least two staff members and discussed with a supervisor.
    b. Staff will immediately contact local law enforcement, inform them that a potential violation of laws has occurred, and state the nature of the violation.
    c. Staff will document the time, participants, and particulars of the situation, and monitor the situation until law enforcement arrives.
    d. Staff will notify the Library Director or another member of the administrative team as soon as time permits and send copies of documentation to the Library Director.
    e. The Library Director will consult with other Davis County departments and personnel as the situation requires.
28. If staff members believe a patron has violated Library policy, they will intervene using
    a. An approach which narrowly targets access to information that is contrary to policy and/or is harmful to minors and is therefore unacceptable for display in a public space.
    b. Methods which are minimally intrusive, educative, and non-punitive, but also progressively firm and decisive.
    c. Enforcement based on a fair process and practices, including:
        i. Verifying that patron behavior is in violation of this policy.
        ii. Informing the patron of the behavior necessary to achieve compliance.
        iii. Informing the patron of the consequences of non-compliance.
        iv. Limiting privileges in response to non-compliance as appropriate.
        v. Defining the process for review and appeal for the patron.
29. If a patron accesses information or visual depictions which may violate this policy, staff will keep in mind that this is a violation of policy, not of law, and
    a. verify that the patron has violated this policy; if the situation permits, violations should be documented by at least two staff members and discussed with a supervisor.

b. educate the patron about behavior that is in violation of Library policy, behavior necessary to comply with policy, and provide patrons with a printed statement approved by the Library Director, which contains the following:
    i. a brief explanation of why limits have been placed on patron access to the Internet and electronic information.
    ii. instructions for how to obtain a copy of this policy.
    iii. instructions for how to contact library administration with questions about the policy or its enforcement.
c. inform Library administrators and document what occurred during the interaction with the patron; this may include, but is not limited to names, descriptions, and copies of information concerning people and activities, or images accessed in violation of policy.

30. The Library hopes the patron, once educated and informed, will comply. If the patron continues to violate this policy, staff will
    a. remind the patron of the previous conversation, including the behavior violating Library policy, and make a final request for the patron to comply.
    b. if the patron continues to violate policy or asks what staff will do if the patron refuses to comply, provide the patron with a printed statement approved by the Library Director, which contains the consequences for continued violation of this policy listed below.
    c. contact the Library Director or designated administrator and continue to document the situation.
31. If the patron continues to violate policy, becomes abusive or a threat to public safety
    a. staff will contact local law enforcement, who will determine a course of action to follow.
    b. staff will contact the Library Director or designated administrator as soon as possible and continue to document the situation.
    c. the Library Director will determine, in consultation with the Davis County Attorney's Office, whether to suspend the patron's Internet privileges and/or pursue additional legal actions.
32. Patrons may appeal the staff action to the Library Director, verbally or in writing, up to 5 days after the action; the Director will determine whether or not the site or resource in question is acceptable based on this policy and respond within 3 business days after receiving an appeal.
    a. If the site is determined to be within the scope of this policy, the Director will discuss with the staff involved the basis for the initial action and inform them of the reasons for reversal.
    b. If the site is determined to be outside the scope of this policy, the patron will be informed in writing.
33. If a patron is not satisfied with the decision of the Director, a written appeal may be made to the Library Board of Directors at its next regularly scheduled business meeting.

Sexual Harassment and Related Behaviors

34. Patrons are expected to abide by the Code of Conduct adopted by the Library Board of Directors while accessing the internet and electronic resources; behavior involving Internet and electronic

resources that is abusive, harassing, intimidating or disrespectful is in violation of the Library Code of Conduct and Davis County Policies.

35. Staff members will deal with harassing and related violations as outlined in the Library Code of Conduct and consistent with Davis County Policies.

Approved by Davis County Library Board March 31, 1992; revised April 28, 1999; revised August 28, 2001; revised January 11, Approved by Davis County Library Board, February 25, 1997; revised May 27, 1999; revised March 20, 2001; revised December 11, 2001; revised September 17, 2002; revised March 20, 2007; revised April 15, 2008; revised June 17, 2008; revised April 28, 2009; revised November 24, 2009; revised June 15, 2010; revised April 16, 2013; revised April 19, 2016; revised April 16, 2019; this policy revised and combined with Guidelines for Appropriate Use of Electronic Information Sources May 12, 2022.

301 Internet Safety for Minors

Describes policy and process for protecting minors from viewing harmful information or disclosing personal information via the Internet in public library spaces; confirms Davis County Library's compliance with the Children's Internet Protection Act (CIPA), state and national laws; this policy is regularly reviewed and readopted by the Library Board.

Introduction & Purpose

1. The Library provides computer access to minors, including filtered access to the Internet.
2. This policy is an appendage to *Policy #300 Access to Internet & Electronic Information*; all criteria established in other Library policies regarding use of public Internet also apply to use by minors except as described in this policy.
3. Parents are responsible for the use of the Internet by their minor children. The Library encourages parents to:
    a. supervise and monitor Internet use by minor children because filtering software may not be able to filter all information considered harmful to minors.
    b. discuss use of the Internet with their own minor children in relation to individual family values and boundaries; some parents may deem certain unfiltered materials unsuitable for their own minor children.
4. Davis County Library has instituted reasonable measures to:
    a. prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
    b. prevent unauthorized access and other unlawful online activity;
    c. prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
    d. comply with the Children's Internet Protection Act ("CIPA").
5. The Davis County Library participates in the federal E-Rate program. This program makes certain communications technology more affordable for eligible schools and libraries that are complying with the requirements of CIPA.
6. Consistent with Utah Code section 9-7-216 and State Administrative Code R458-2,
    a. a public meeting for the purpose of discussing the proposed policy, following normal public notice and comment, was held on May 24, 2011; this policy was approved by the Davis County Library Board on June 21, 2011.
    b. this policy is reviewed in its entirety every three years, and was most recently reviewed and approved by the Library Board on May 12, 2022 in an open meeting, following normal public notice and comment.
    c. the next formal review and readoption for all sections of this policy will occur no later than July 1, 2025; notations at the end of this document will reflect actions taken for all sections of this policy.

Internet Filtering and Management

7. The library uses the following measures to comply with CIPA and protect minors:

a. Implements reasonable technology protection measures to restrict access to Internet sites or electronic information that contain depictions considered to be child pornography, harmfult to minors, obscene or containing Sexually Explicit Conduct, and to prevent inappropriate network usage; definitions of these terms are provided below, and under the heading "Internet Filtering and Management in *Policy 300 Access to Internet & Electronic Information.*

b. Makes reasonable efforts, to the extent practical, to supervise and monitor usage of the online computer network and access to the Internet.

c. Posts signs in library locations informing patrons and minors of safe Internet practices and encouraging all users to inform staff members or parents of inappropriate material encountered while accessing Internet and electronic information at the Library.

d. Posts a Code of Conduct approved by the Library Board, which informs patrons of reasonable expectations for behavior when using Library spaces.

8. This policy makes frequent reference to many specific legal definitions; portions of these legal definitions are provided below, for ease of reference.

a. Child Pornography (Utah Code 76-5b-103): any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

i. the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct;

ii. the visual depiction is of a minor engaging in sexually explicit conduct; or

iii. the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

b. Harmful to Minors (Utah Code 76-10-1201): that quality of and description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:

i. taken as a whole, appeals to the prurient interest in sex of minors;

ii. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

iii. taken as a whole, does not have serious value for minors; serious value includes only serious literary, artistic, political or scientific value for minors

c. Nudity (Utah Code 76-10-1201):

i. the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering;

ii. the showing of a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or

iii. the depiction of covered male genitals in a discernibly turgid state.

d. Sexually Explicit Conduct (as defined in Utah Code 76-5b-103): actual or simulated:

i. sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

ii. masturbation;
iii. bestiality;
iv. sadistic or masochistic activities;
v. lascivious exhibition of the genitals, pubic region, buttocks, or female breast of any person;
vi. the visual depiction of nudity or partial nudity for the purpose of causing sexual arousal of any person;
vii. the fondling or touching of the genitals, pubic region, buttocks, or female breast;
viii. the explicit representation of the defecation or urination functions.

e. Sexual Excitement (Utah Code 76-10-1201): a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

f. Sadomasochistic Abuse (Utah Code 76-10-1201): (a) flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume, or (b) the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

g. Obscene (as defined in 20 United States Code Section 9101) means that:
i. the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;
ii. such project depicts or describes sexual conduct in a patently offensive way; and
iii. such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

Library Staff Response to Minors

9. Limitations on content accessed through the Internet and electronic resources in these spaces are also governed by the boundaries established in the Library's Collection Development policy because the Library's Collection Development policy establishes broad boundaries of what visual depictions parents may anticipate minors will encounter in library spaces intended for use by minors.
10. When interacting with minors, library staff will apply the same concepts, approach, and methods as described in Policy #300 Access to Internet & Electronic Information; exceptions when working with minors may include:
    a. Staff intervention with minors will take into account the most appropriate methods based on the age of the individual, the nature of the material being accessed, and the opportunities the staff member sense for providing information that will deter future difficulties; as necessary, staff will devise a strategy involving a progressive level of response in consultation with the Branch Manager or Library Director. Such strategies may include:
        i. Conversations and verbal warnings to the minor.
        ii. A letter to the minor's parent or legal guardian.
        iii. Suspension of Internet privileges for a period of time.

b. Staff will not allow minors and other patrons to access visual images which meet the requirements for nudity included above, except when they have "serious literary, artistic, political or scientific value for minors."
    i. In its effort to comply with statutory requirements for intent concerning "literary, artistic, political, or scientific value," the Library relies on the judgment, commitment and purpose of other organizations with recognized competence and expertise.
    ii. Images will be permitted if they are provided by organizations with recognized competence and expertise or clearly labeled as owned by them because they are considered authoritative to establish "serious value." Examples of such organizations include, but are not limited to:
        1. Bona fide museums.
        2. Governmental agencies.
        3. Universities.
        4. National health associations.
    iii. Images will not be permitted if they do not meet the above criteria, including but not limited to:
        1. Sites selling posters or art prints without attribution of museum ownership.
        2. commercial periodicals.
        3. private galleries
        4. personal websites or blogs
    iv. The presence of an image on a site without reference to an organization authoritative enough to assign "serious value" is not sufficient to permit display under these conditions.

Approved by the Davis County Library Board, June 21, 2011; revised April 16, 2013; revised April 19, 2016; revised April 16, 2019; this policy revised and combined with Guidelines for Appropriate Use of Electronic Information Sources May 12, 2022.