

## **Hays Public Library Mission and Vision Statements**

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(6/3/19)

### **Mission:**

We provide valuable resources and experiences for all people in our community to enhance their quality of life, expand their knowledge, and inspire their creativity.

### **Vision:**

Get Involved. Stay Informed. Be Inspired.

### **Values:**

Access, Education, Engagement, Excellence

## **Standards for Public Libraries in Kansas**

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It is the responsibilities of a democratic society to provide each individual with equal and adequate access to informational resources. The tax-supported Public Library should meet this responsibility.

The Public Library has a unique role: it is the only educational institution in America accessible to all citizens regardless of age, sex, race, occupation, or interest. It is an indispensable link between each person and the information which contributes to his intellectual, social and cultural growth, as an individual and as a participant in the community, state, nation, and world.

The challenge to a Public Library is to rise to this role, to be certain that the aim of all public Library activity is to give service to these needs. The Library assembles its materials with the service goal in mind. It organizes its staff with the same goal: to help its public find needed materials, interpret them and use them effectively.

The Public Library exists to provide materials which communicate experience and ideas from one person to another. (Excerpts from Standards for Public Libraries in Kansas, 1975)

The right of an individual to use the Library shall not be denied or abridged because of age, sex, religion, nationality, social or political views, disabilities or health conditions, including HIV positive status or Acquired Immune Deficiency Syndrome (AIDS). This includes staff members.

## **Intellectual Freedom**

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The Public Library's unique characteristics are in its generalness. The Public Library considers the entire spectrum of knowledge to be its purview, and the entire spectrum of the community as its user population

The Public Library shall act as a principal information source for every citizen of Ellis County. Its primary responsibility will be to identify, select, organize, retrieve, disseminate and provide total access to the record of human thought.

The Public Library will be particularly sensitive to change as its affects information needs. It will be responsible for linking community information resources to other resources in the state, the nation and the world.

A child's Library card presents opportunities for many fascinating educational and entertaining experiences, and parents should encourage their children to explore them. The Public Library provides a wide variety of materials representing many points of view on topics of interest to the community. All libraries contain some printed and audiovisual materials which some parents find inappropriate for their children. It is the responsibility of the parent, and not the Library, to decide to which ideas and materials a child should be exposed. (Reprinted with permission of the Arapahoe Library District and the Jefferson County Public Library, Colorado)

As Public Library staff members, we should never comment on the materials we check out. It is a violation of the patron's privacy and may intimidate other patrons from checking out materials. This applies even if the comment is positive.

The American Library Association Bill of Rights and the American Library Association Freedom to Read Policy are part of the Hays Public Library's Intellectual Freedom Policy and are included in the Hays Public Library Service Policy Manual.

## **Establishment of Library Policy**

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*(6/14/11)*

It is a duty of the Librarian to initiate and draft policy proposals as needed for the sound operation of the Library. Policy proposals shall include addition to policy or amendment of current policy. Library resources at the system, state and national levels shall be consulted to determine recommended policy statements.

Any policy recommendation shall be submitted in the meeting packet prior to the meeting at which it is to be introduced.

Proposals for policy addition or amendment shall be promptly drafted by the Librarian as the need for such is identified or anticipated.

## **Borrowers**

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The Library shall serve the citizens of Hays and Ellis County. Patrons residing in the area encompassed by the Central Kansas Library System (CKLS) are served by the Hays Public Library through contractual arrangement with CKLS, as a member of that system. The rights of an individual to the use of the Library shall not be denied or abridged because of age, sex, religion, national origin, social or political views, or health conditions, including HIV Positive status or AIDS. This includes staff members.

The Library, as a member of Central Kansas Library System, will lend materials requested by other libraries through interlibrary loan. Students of Fort Hays State University and area schools are encouraged to use the Library's services.

For patron authentication purposes, the Library will require proof of address such as a photo ID (preferably a driver's license) or a property statement (a bill will suffice) in order to qualify for an adult library card.

The Library will require a photo ID for a young adult card. Birth dates or grade level will identify young adults as migrating from children's to young adult status. A young adult library card will be issued to persons between the ages of twelve and seventeen OR grade 6 and above. Young adults are responsible for fine payments and material replacement.

A guardian's signature is required for a child's card. The child must be present. Guardians are responsible for fine payments and material replacement.

An organization card will be issued to an organization, club, troop, business, group, or educator. The Library will require proof of affiliation with the organization, club, troop, business, or group. For educators, only a photo ID is required. For educators, the organization card will be under the educator's name. The school may be named on the address line of the borrower information. The entity named as the owner of the card will be responsible for fine payments and material replacement. Organization cards must be renewed on a yearly basis, with cards expiring August 1st of each year. Items checked out on an organization card may be allowed extended check out time.

Patron records that do not have any fines will be struck from our catalog after a six-year period of inactivity. This purge will happen once a year.

#### Exclusions from the above

The use of the Library's facility and/or services may be denied for due cause. Such cause may include failure to return library materials, failure to pay penalties, destruction of library property, disturbance of other patrons, or any other objectionable conduct on Library premises. The Director will notify the Library Board of any exclusions of an extended nature.

### **Confidentiality of Library Patron and Circulation Records**

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Patron and circulation records are confidential and are not subject to the 1984 Public Records ruling. The information is kept solely for the purpose on collection control, is to be employed for internal library purposes only, and is not to be released to any person or organization, except that individual to whom a particular registration relates. Police requests for patron information will be honored upon presentation of a warrant.

### **ALA Policy on Confidentiality of Library Records**

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The Council of the American Library Association strongly recommends that the responsible officers of each library in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records and other identifying the names of library users to be confidential in nature.<sup>1</sup>
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction. Upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

See also Privacy Act of 1974-Purpose , App. 1

See also Kansas Open Records Act, App. 2

## **Public Service and Checkout Policies**

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Greet the patron in person by saying, "Hello," "Good Afternoon," "May I help you?" etc, and answer the phone by saying, "Hays Public Library. How may I help you?" Even if we are in the middle of a task, we shouldn't act preoccupied. The patron is always our first consideration.

Our ultimate objective in the Library is to provide the patron with the material which he or she is seeking. If the patron cannot find the material, we try to find it for the patron. If we don't have the material, we can inform and assist him/her with every possibility for acquiring that material (reserve, interlibrary loan, referral to Forsyth Library, referral to another agency, etc.). It is our primary responsibility to make it possible for that patron to have that material.

In giving directions to a material, we take the patron to the location whenever possible. If we cannot leave the desk to go to another floor (the Adult Nonfiction, for example ), we can give directions in as detailed a way as possible, and be sure to add, "If you can't find what you need, someone here will be glad to come down and help you."

In answering patron questions, we can give information of which we are certain. If we aren't certain, we can use available resources to determine information or refer the questions to another staff member. We shouldn't promise that a book will be returned by a certain date, but we should try to give the patron as much information as possible.

We should never comment on the materials we check out. It is a violation of the patron's privacy and may intimidate other patrons from checking out materials. This applies even if the comment is positive.

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<sup>1</sup> [ALA Policy manual Code of Ethics](#), point 3: We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

Before charging items to a patron's account circulation staff will check the borrower's record to see whether a fine or fee is owed. If a fine or fee is owed, staff will discreetly alert the patron by saying, "Do you know you have a fine on your account?" or by showing the patron the screen. This helps protect the confidentiality of borrowers.

## **Card Requirement for Checkout**

(6/14/11)

When checking out items, patrons age 16 and older must present their library card. If they do not have their library card, then another form of identification that has their name on it (preferably a photo ID) must be presented. If the patron does not have another form of identification, the materials they wish to check out can be held at the main desk until closing time to allow the patron time to retrieve their form of identification.

To check out on another person's account, a person must have that person's library card in hand.

Patrons age 15 and younger must present their library card or, if they do not have their library card, answer one or more security questions to confirm their identity (birthday, address, phone number, etc.).

This policy is in place to protect patrons from unwanted activity on their accounts, as well as to protect materials included in the collection.

## **Building Use Policy**

### ADA Compliance

Hays Public Library complies with the [Americans with Disabilities Act of 1990](#).

### Non-Discrimination Statement

The right of an individual to use the Hays Public Library shall not be denied or abridged because of age, sex, religion, national origin, social or political views, disabilities or health conditions, including HIV positive status or Acquired Immune Deficiency Syndrome (AIDS). This includes staff members.

### Program and Meeting Room Services

(4/10/12)

The Visual and Performing Arts Gallery is located on the first floor of the Library. When not needed for Library purposes it is available to non-profit community groups at no charge for informational, educational or cultural programs.

The Hays Public Library supports the American Library Association's [Library Bill of Rights](#) which states in part: "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

Use of the space does not constitute Library endorsement of the viewpoints expressed by participants in the programs.

Programs that are planned or sponsored by the Library take precedence over programs by outside groups. If the Gallery space is required for Library Purposes, the Library reserves the right to cancel any conflicting scheduled programs. Notice will be given to the contact person at least two weeks before the program was scheduled to occur. The Library will make every effort to avoid such a cancelation.

The Gallery space may be reserved only by a person with a Hays Public Library card in good standing. This person will serve as the contact and will be responsible for the program. He or she must be present during the program and assumes any responsibility for damage to Library property.

Reservations must be made at least two weeks in advance of the planned program and are made by filling out the Gallery Use Request Form which is available on-line through the Library website or at the front desk. The form must be signed by the contact person and submitted to the Library in person. Reservations are taken on a first-come, first-serve basis and are not final until Library staff confirms the reservation with the contact person.

Reservations can only be made during regular hours of operation and use of the space is contingent on the Library being open (e.g., closing due to adverse weather). In such an event, the Library will notify the contact person.

A group can reserve the room once a month (maximum of 12 times per year) and reservations are for a maximum of 2-hours per instance. Programs must be held during regular business hours and planned so that the Gallery space is vacated no later than 15-minutes before regular closing time. Reservations may be made up to three months in advance.

All programs must be open to the public. No admission fee, registration fee, donation or monetary solicitation of any sort may be sought from attendees.

The Gallery space cannot be used for worship services, but informational religious programs are acceptable. Private, social gatherings are prohibited. Programs involving the sale, advertising, promotion of commercial products or services or programs for commercial use are prohibited. However, performers with pre-approval will be allowed to sell sound recordings, videos and books related to their performance. Members of the Library staff are not permitted to participate or assist in the sale of such items covered by this policy. Political meetings are acceptable for the discussion of ideas but not for campaign purposes, party caucuses, or meetings closed to the public. Political forums sponsored by third party entities are acceptable.

Programs must not interfere with regular library operations or cause a disturbance in the Library.

Limited equipment is available upon request.

Except as a designation of location, the name of the Library may not be used in any publicity.

Individuals or groups using the Gallery space shall secure any necessary performance licenses and indemnify the Library for any failure to do so.

The use of tobacco products and alcohol is prohibited. With approval, food may be served during program.

The Hays Public Library is not liable for injuries to individuals or for damages to or the loss of personal or organizational property of groups using the Gallery space.

Library staff must have free access to the Gallery space at all times. The Library retains the right to monitor all meetings conducted on the premise to ensure compliance with these regulations. Infringement of any of the regulations here stated shall be grounds for denial of future use of Gallery space. Meetings in progress that are observed to be in violation of this policy will be terminated immediately.

Events and programs sponsored by the Library, the Friends of the Library or the Library Foundation are exempt from the provisions of this policy. Requests for exemptions to this policy must be made in writing to the Library Board.

Library Promotional Photographs and Video (4/8/14)

Hays Public Library reserves the right to use photographs and videos of patrons and program attendees for promotional purposes. Patrons who are featured in a photo posted online can request that the image is removed.

Hays Public Library reserves the right to use photographs and videos of patrons and program attendees for promotional purposes. Patrons who are featured in a photo posted online can request that the image is removed.

Hays Public Library may accommodate requests for photography or video recording. This privilege is at the reasonable discretion of the Library staff. The Library staff may limit photography or video recording by individuals whose activities interfere with library operations or patrons' rights to privacy, adversely affect public safety, or cause public disturbances.

Individuals who photograph or video record inside the library must honor requests from patrons and staff who do not want to be included in photos or video recording.

For purposes of this policy, photographing or video recording refers to all current and future static, still, or video imaging.

The library accepts no liability for the use of photos or video recording that result from this activity.

Gallery Use Request Form (4/10/12)

The following form will be filled out upon each request:

Group / Organization: _____
Has this group used the Gallery before? Yes <input type="checkbox"/> No <input type="checkbox"/>
Name of person requesting use of room: _____
Phone _____ Email _____
Do you have a Hays Public Library card? Yes <input type="checkbox"/> No <input type="checkbox"/>
Date/Time requested: ____/____/____ am/pm to _____ am/pm
Purpose: _____
_____
_____
Is this event open to the general public? Yes <input type="checkbox"/> No <input type="checkbox"/> (Events must be open to the public.)

List any materials that will be used during the event: \_\_\_\_\_

Have Public Performance Rights been obtained? Yes  No

Estimate number of attendees: \_\_\_\_\_

Requested setup (tables, chairs, arrangement, Library equipment needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will food or beverages be served? Yes  No

*Kitchen area must be returned to its prior condition at the time the event ends, before the library closes.*

The Library adds all events to the public calendar found at <http://www.hayspublib.org>. The Library does not do any outside promotion, press releases, etc. unless provided by the individual or organization. Prior to use of the space, Library Administration reserves the right to review any materials that will be used during the event.

The Library Director reserves the right to deny requests if they violate policy.

I, as an individual or a representative of a group or organization, accept responsibility for any damage or loss of library equipment incurred to the Library as result of use of library meeting space. By signing below, I am attesting that I have read in the Library's **Program and Meeting Room Services Policy** and agree to abide by all terms and conditions stated therein.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Staff Use Only:**

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_ Approved:  yes  no

Items Restricted from the Building

(10/9/12)

No food or drink is allowed in the Library except in the Main Floor Gallery, 2<sup>nd</sup> Floor Activity Room and staff areas. No use of tobacco products, use of electronic cigarettes, consumption of alcoholic beverages, or illegal drug use is allowed in the Library.

Book and Audiovisual Drops

A book drop is provided at the front of the library for print materials returned while the Library is closed. An additional book drop is located in the west parking lot (curbside) for print materials.

Non-print materials may only be returned at the main floor front desk or via the Audiovisual Drop, located adjacent to the Main Street book drop.

Books requested on interlibrary loan will be returned to the lending library without charge to the patron.

Gallery Displays

The Library presents a monthly exhibit in the Gallery with the objective of increasing the education, art appreciation and enjoyment of library patrons. If a patron wishes to purchase a work, the Library will help them contact the artist.

All care will be taken to see that no harm comes to the artist's work. The artist, however, must understand that the Library is not responsible for the display and must sign an Artist Exhibit Release Form" this effect before exhibiting.

#### Artist Exhibit Release Form

The following Artist Exhibit Release Form will be filled out and signed by both Artist and Library Representative prior to exhibit being hung in Gallery space:

<p>I, the undersigned artist, agree that the Hays Public Library shall not be held responsible or legally liable for any loss or damage of any kind occurring to the consigned object(s) owned by me and displayed by the above named Hays Public Library. This includes but is not limited to damage from fire, theft, and vandalism.</p> <p>_____ Artist Signature _____ Library Representative</p>
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#### Cell Phone Restrictions

Cell Phones are not to be used in the library, except in the lobby areas. Best practice is phones and pagers should be placed on "vibrate" while in the library.

#### Building Insurance

Insurance policies are carried with Insurance Planning, 3006 Broadway, Hays. The policies include coverage for liability, stock burglary and theft, glass breakage, fire, vandalism, employee and board fidelity bond. A workman's compensation policy is also carried.

#### Risk Management Policy Statement

By appropriate resolution, the Board of Trustees of the Hays Public Library has established the following policy in relations to its property and liability insurance program.

1. Responsibility for administering the insurance program shall rest with the library director.
2. The Board of Trustees shall designate an insurance agent or broker to act as risk management consultant and place all insurance coverages.
3. It is the policy of the Board to insure all catastrophe risks and to assume minor risks by self insuring or by the use of deductibles where premium savings warrant. It is the desire of the Board to limit aggregate annual self-insured losses to ½ to 1 percent of the annual budget.
4. Insurance on property shall be purchased on a replacement cost basis without depreciation in the amount of 90% of the insurable replacement cost and shall cover perils commonly insured by libraries.

5. Liability insurance shall cover the Library, its board members, and employees as insureds. It shall be written on a comprehensive basis and limits shall be in amounts generally considered to be reasonably adequate in this area.
6. Workers compensation insurance shall be provided for employees.
7. Employee dishonesty insurance shall be provided on a blanket basis with a limit per loss (or per person) of approximately 10% of the annual budget.
8. Other kinds of insurance shall be provided for risks which are common to libraries and which can cause serious trouble.
9. Liability insurance for directors (or trustees) and officers shall be provided, if available.
10. The library director shall report all serious losses to the Board promptly.
11. It shall be the duty of the insurance agent or broker (or consultant) to place insurance in companies which are capable of providing loss prevention services and facilities and to arrange for the utilization of these services and facilities by the Library.
12. The library director shall relay the insurance agent or broker's annual report to the Library Board, reporting on the current insurance program including a description of coverages, limits of liability, deductibles and premiums. The report shall also include recommendations if any for preserving and protecting the Library's property, a list of insured and uninsured losses which have occurred during the past year, and an indication of possible risks of loss for which insurance is not currently available or has not been purchased.

### **Unattended Children in the Library**

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(8/9/11)

The Hays Public Library encourages visits by children and is dedicated to providing a welcoming and safe environment for patrons of all ages. Responsibility for the behavior and well-being of children using the library rests with the parent/caregiver. Though they will always respond with care and concern, library staff members cannot assume responsibility for the supervision of children.

To help ensure the safety and security of children, parents/caregivers are required to supervise children age 8 and younger while at the library. Parents/caregivers must be in the library and easy to locate.

Older children able to maintain proper behavior may use the library unattended. However, some children between nine and eleven years of age may not be able to cope with being unattended. Therefore, it is *recommended* that children eleven and younger be accompanied by a parent/caregiver.

A caregiver must be a minimum of twelve years old and actively demonstrating responsibility for the child he/she is caring for.

If a child eight and younger is left without supervision at the library, the procedure is:

1. Help the child find the parent or guardian and inform them of the Hays Public Library Unattended Children Policy. Inform the Youth Services Librarian so the incident can be documented.

2. A second incidence will result in barring the parent's and/or guardian's card for 30 days from use of the library resources, such as borrowing materials, participating in programs, and use of computers. The Youth Services Librarian or Library Director will directly contact the child's parent and discuss the policy. The Youth Services Librarian will document the incident.
3. After a third incidence of unattended children from the same family, staff will call the Hays Police Department and turn the unattended child over to them. The Youth Services Librarian will document the incident.

### **Child Left Alone At Closing Time**

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*(8/9/11)*

Staff should try to be aware of children who are left alone at closing time and use their best judgment in helping children at all times. Weather, time of year, proximity to other people, and vulnerability of the child may all require that staff stay and help the children locate a ride. This assistance does not mean the staff member is taking responsibility for the child.

A minimum of 2 staff should wait with children.

Ask the child to provide information about when and who is to pick him/her up from the library. Get a phone number. Help the child make a call for a ride home. If no answer, try again soon. Reassure the child that someone will be coming.

If staff can reach no one on the phone and no one comes to pick the child up after 20 minutes, the Hays Police Department (785-625-1011) will be called. An option, depending on the situation, is to walk the child to the police station to continue calling. You do not need to stay with the child at the police station.

Staff should call the Library Director at home and inform him of the incident. The following day write up notes on an incident form.

Under no circumstances, should staff drive the child home.

### **Materials Selection Policy**

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#### Description of Community

Hays is an agriculturally-oriented college community with important historical, artistic, health and education components. Many residents have Volga German ethnic origins.

#### User Needs

The Library functions to provide informational, educational and recreational materials through circulating collections, reference services and interlibrary loan.

The Children's collection consists of materials of interest to children from preschool through middle school age. The Young Adult area provides materials of interest to young people from ages twelve to fifteen. The Kansas Room provides Kansas historical and genealogical information.

### Interlibrary Cooperation

The library cooperates with other libraries through interlibrary loan, reference requests and electronic communication. The Library also cooperates with local school libraries and Fort Hays State University's Forsyth Library through mutual book returns, bulk loans, coordinated collection development, interlibrary loan and reference requests.

### Patron Requests

The Library will consider for purchase all requests for materials. Additional copies of titles in high demand will be purchased when five or more requests develop. Materials not owned may be requested through interlibrary loan. Materials lost, stolen or damaged will be replaced if the materials continue to be in demand.

### Who Selects Materials

The director and managers are responsible for the selection of library materials. Suggestions from the public are welcome. Standard library selection aids for print materials include: Library Journal, Publisher's Weekly, Booklist, New York Times Book Review and School Library Journal. For nonprint materials, award nominations for awards such as the Academy Awards or Grammys are used.

### Selection Criteria

Library materials are selected on the basis of their informational, educational, or recreational value for the use of the Hays Public Library's patrons. Three criteria are used to select materials. A material does not have to meet all three criteria in order to qualify for selection:

1. Quality of Material: good critical reviews, literary or artistic awards, artistic, scientific, or educational value, quality of presentation, expression, format, illustrations or images, maps, diagrams, etc.
2. Popular Demand: *New York Times* bestseller list, one or more patron requests (depending on cost of material and existing budget), age group appropriateness
3. Relationship to Existing Collection: subject area balance, philosophical balance, existing budget, relevance to community, to current subjects of interest

### Library Materials Budget

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The approximate percentages of the Library's total budget allocated to library materials are as follows: (5/14/12)

Books	11%
Nonprint materials	7%

Within the library materials budget, the following allocations are made: (5/14/12)

Print materials	61%
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Nonprint materials	39%
Adult Services	50%
Youth Services	42%
Kansas Room	8%

### Special Collections

Materials by and about Kansans or Kansas are acquired for the Kansas Room. These include books, Kansas newspapers on microfilm, periodicals, vertical file materials, maps, photographs, and other items. The Kansas Room maintains a genealogy collection.

### Gift Materials

Books and other materials will be accepted as gifts on the condition that the Library has the authority to make whatever disposition is deemed advisable. The Library will not accept materials which are not outright gifts.

### Rebinding of Materials

Books which are of value and/or current content are rebound when necessary.

### Inventory of Materials

Periodic (generally annual) inventories of the Library's collections will be conducted.

### Withdraw of Materials

(5/14/12)

Removing materials, or Weeding, is a common practice in Libraries. Weeding helps insure that the limited space available for the collection is the most relevant and accurate it can be for the community. The following criteria will be used for determining withdrawal of Library materials:

1. Use of the item
2. Physical condition of the item
3. Director's reevaluation of the suitability of the item
4. Duplication of title in collection
5. Information contained in the item no longer timely
6. The CREW method is generally applied and can be found at this website: <https://www.tsl.state.tx.us/sites/default/files/public/tslac/ld/pubs/crew/crewmeth08.pdf>

An item will be considered withdrawn from the collection when the item is removed from the shelf, bar code number removed from the shelf list card, item withdrawn from the database, and the item clearly marked "DISCARD".

### Purchasing Policy

(8/8/18)

The purpose of this policy is to provide fair treatment to all involved in public purchasing; to maximize the purchasing value of public funds; to administer funds in an orderly and efficient manner while monitoring expenses as a safeguard for maintaining purchasing practices of

integrity; and to create a competitive environment through fair opportunity and equitable consideration.

Department budget authority is given to Managers and is established at the beginning of each fiscal year by the Director.

The Director's spending allowance is \$5,000 and purchases larger than that amount require Board approval.

Purchases exceeding \$5,000 are subject to a bidding process. As appropriate for the good or service being sought, public notice will be issued in the newspaper and/or invitation for bid will be offered. An adequate and reasonable period of time, no less than ten calendar days, will be allowed for the bid to remain open. Bids will be submitted to the Director or to a staff designee.

Upon Board approval, the bid will be awarded to the lowest responsive, reputable, and responsible bidder who meets the requirements and criteria set forth in the invitation for bids. The Board reserves the right to refuse all bids.

No provision will be made for preferential considerations for local vendors or contractors. It is policy, however, to solicit bids from local suppliers whenever competitive local sources exist. In the event of a tie between a local vendor and an out-of-town vendor, the award will be granted to the local vendor if all factors, including price, quality, terms, and delivery cost and method, are equal.

A contract may be awarded or a purchase made without competition when, after conducting a good faith review of available resources, it is determined that there is only one source for the required product. The Director or designee may then conduct negotiations, as appropriate, concerning price, delivery, and terms.

### **The Freedom to Read at the Hays Public Library**

The Board of Directors of the Hays Public Library affirms its belief in the following basic policies which govern the selection and availability of materials in this library:

As a responsibility of Library service, books and other Library materials selected are chosen for values of interest, information, and enlightenment of all the people of the community. In no case will Library materials be excluded because of the race or nationality or the social, political, or religious views of the author.

The Hays Public Library strives to provide books and other materials presenting all points of view concerning the problems and issues of our times. No library materials should be proscribed or removed from the library because of partisan or doctrinal disapproval.

The Hays Public Library does not necessarily endorse every idea or presentation contained in the materials it makes available. It would conflict with the public interest for the Board of Directors or the staff of the Library to establish their own political, moral, or aesthetic views as the sole standard for determining what materials should be made available by the library. It is

contrary to the public interest to require a reader to accept with any book or other item the prejudgment of a label characterizing that item or its author as subversive or dangerous.

Attempts to censor library materials will be challenged by the Hays Public Library in the maintenance of its responsibility to provide public information and enlightenment. The Hays Public Library cooperates with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.

### Objections to Books or Materials

In the event a patron objects to the existence of a library material in the collection, the following procedure is followed:

1. The patron is requested to complete a “Citizen’s Request for Reconsideration of a Library Material” form (at front desk or on website). Also see the Intellectual Freedom Policy.
2. The Director reviews the material in question, as well as its critical reviews.
3. The Director makes a decision regarding the disposition of the item.
4. The Board of Trustees may, at its discretion, review the Director’s decision.

## **Internet Access Policy**

(1/14/14)

### General Statement on Internet Access

The Hays Public Library provides public access to the Internet in support of its mission to provide and promote informational, intellectual, and cultural resources, and to affirm its commitment to the principles of intellectual freedom as expressed in the Library Bill of Rights. Internet resources are provided equally to all patrons. Internet users are expected to comply with the United States copyright law, United States and Kansas obscenity statutes, and all other applicable laws and library guidelines.

The Internet contains an extraordinarily diverse collection of information resources and the Library cannot be held responsible for its content. It is the goal of the Hays Public Library to provide a comfortable and welcoming environment for all ages. Each individual is responsible for his or her own appropriate use of the Internet in a public place.

### Library Guidelines for Use of the Internet

The Library supports only Library-owned computer equipment. Installing or attempting to install any program on Library computers is prohibited.

The Library shall not be responsible for any unauthorized or illegal activity conducted over the Internet with Library equipment, nor shall it be responsible for any loss of data, damage or liability that may occur from files or programs downloaded from the Internet.

Library staff may establish limits on the length and number of sessions available to individual users.

Some Internet workstations may be reserved for specific uses.

### Use of Technology Protection Measures

The Library employs technology protection measures (filtering software) in an effort to block access to sexually-explicit material, obscene material, child pornography, and content harmful to minors, or materials containing sexual exploitation of children.

However, this technology is not completely reliable. The Library cannot be held responsible for prohibited information that may be displayed or for non-prohibited information that may be blocked.

Patrons who encounter web sites which they believe should be blocked but which are not, or who are prevented from accessing web sites which they believe should not be blocked may submit a [Request for Reconsideration of a Website](#).

### Privacy and Confidentiality

The Hays Public Library follows state and federal law regarding privacy of library users' records and information. Library staff will not disclose patrons' use of the Library with respect to information sought or received, including Internet use, except pursuant to a valid court order or subpoena authorized under federal, state or local law, or as a result of unacceptable use as described below.

### Unacceptable Use

Using Library computer workstations in an unacceptable manner is prohibited. Unacceptable use includes, but is not limited to:

- Accessing or attempting to access secure data in an unauthorized manner, including so-called "hacking"
- Damaging or attempting to damage computer equipment or software
- Interfering with systems operations, integrity or security
- Sending harassing messages to other computer users
- Violating copyright laws and software licensing agreements
- Engaging in activities deemed unlawful according to local, state and federal law

Patrons shall not access or exhibit inappropriate matter on Library Internet workstations.

Inappropriate matter shall include sexually-explicit material, obscene material, child pornography and content harmful to minors, or materials containing sexual exploitation of children, as defined by Kansas Statutes and the Children's Internet Protection Act.

Specifically:

- Patrons shall not access or exhibit obscene material on computer workstations. Disseminating or exhibiting obscene material is a crime in the state of Kansas. (See K.S.A. 21-4301 as amended.)
- Patrons shall not access material or computer-generated images deemed harmful to minors. (See K.S.A. 21-4301a and K.S.A. 21-4301c, as amended.)

- Patrons shall not use computer workstations in a manner that allows them to possess a computer-generated image that contains or incorporates sexual exploitation of a child. (See K.S.A. 21-3516, as amended.)

A patron, who is observed using a workstation in an unacceptable manner, may be subject to:

- Immediate termination of the Internet session
- Suspension of computer use or other Library use privileges
- Notification of appropriate law enforcement officials
- Prosecution

#### Use of the Internet by Minors

Within the above limitations, the Library follows policies and procedures that support maximum safety for minors when accessing the Internet at the Library. However, parents and guardians, not the Library or its staff, are responsible for Internet use by their own minor children. In accordance with the Library’s Unattended Child Policy, parents/caregivers are required to supervise children age 8 and younger. Minors who visit the Library without a parent or guardian are responsible for their own decisions and behaviors. Some Internet workstations may be reserved for use by children or young adults.

#### Wireless Network Access

While in the Library, patrons may connect to the Internet with a wireless laptop, PDA, or other portable device. All Library policies concerning legal and acceptable use of the Internet apply. Library staff cannot offer technical support for establishing or maintaining wireless connections.

The wireless network is open and should not be considered secure. Simultaneously connected computers are visible to each other, and therefore vulnerable to other users’ viruses, malware, and hacks. Users are responsible for maintaining up-to-date anti-virus software and firewalls. Transmission of credit card numbers, passwords, and other personal information should be avoided. The Library is not responsible for hardware or software damage, loss of unattended equipment, or personal information that is compromised.

#### **Circulation Rules**

(11/13/12)

<u>Item Types</u>	<u># of Items</u>	<u>Loan Period</u>	<u>Renewals</u>
Audio Book	5	3 weeks	2
Art Print	Unlimited	4 weeks	2
Book	Unlimited	3 weeks	2
Digital Resource	5	N/A	N/A
E-Device	1	1 week	0
Equipment	2	1 week	1
Game	2	1 week	1
Music	10	3 weeks	2
Periodical	10	3 weeks	2

Video 8 1 week 1

**Fee Based Services**

(11/13/12)

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Computer Prints – black & white	\$0.10
Computer Prints – color	\$0.50
Damaged Item	Purchase price of item
Fax Received – per page	\$0.50
Fax Sent – per page	\$2.00
Lost Item	Purchase price of item
Microfilm Print – first page	\$0.25
Microfilm Print – additional pages	\$0.10
Photocopies – black & white	\$0.10
Photocopies – color	\$0.50
Replacement case – CD/DVD/Blu-Ray	\$1.00
Replacement library card	\$1.00

**Disposal of Library Property**

(2/10/15)

When Library equipment and furniture becomes obsolete, broken or in irreparable condition, the Library will dispose of these items.

The Director is responsible to identify items for disposal and to determine proper method for disposal. The director will keep the Board informed of the disposal of any significant valued or sized items.

Items will be disposed of when their useful life is over, that is, when they are broken and cannot be reasonably repaired; when they are in poor condition, damaged, worn out and it makes more sense to update and replace; when items are no longer needed or are being used.

According to condition of the item, it will be donated, given away, sold, or taken to the landfill. Consideration will first be given to other Libraries and tax-supported or non-profit organizations before being sold or given away to the public. Hays Public Library staff are allowed to make purchases.

Items withdrawn or weeded from the collection and donated items not kept by the Library that may hold value will be donated to the Friends of the Hays Public Library. Items from the collection or donated that are damaged will be disposed of immediately. Every effort will be made to recycle those disposed items if possible.

**Community Service Policy**

(5/14/12)

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The Hays Public Library supervises court-ordered community service workers as a community outreach service. Community service workers are supervised directly by Department

Managers. To schedule community service, visit the library or call the Adult Services Manager at 785-625-9014.

Who may do community service?

- Ellis County residents
- 18 and older in Adult Services; 17 and under in Youth Services
- Those whose offenses are non-violent and not theft-related
- Community Corrections stipulates that sex offenders cannot do community service at the Library

When can they do community service?

- Scheduling varies depending on the Department Manager’s availability
- Must take place between the hours of 9am and 5pm, weekdays only AND only when the Department Manager is available
- CS workers must call in advance to reschedule appointments
- CS workers who are unable to follow directions and perform tasks adequately will not be able to complete their service at the library

Community Service Participation Form

The following form must be filled out and turned into the Library Director prior to any time being served or recorded:

Community Service Participation Form				
Name _____				
Age _____ Phone _____ Address _____				
Why are you required to do community service (list offense)? _____				
How many hours total do you have to do? _____ By when? _____				
Name of parole officer/court official _____ Phone _____				
When would you like to do your community service (list general times available)? If you are unable to attend you must call ahead of time. If you neglect to call, your opportunity may be cancelled.				
Sign _____ Date _____				

Date	Time Started	Time Finished	Total Hours	Supervisor Signature
Date	Time Started	Time Finished	Total Hours	Supervisor Signature

## **Public Relations and Public Information Policy**

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In recognition of the Hays Public Library's responsibility to maintain continuing communication with present and potential users of the Hays Public Library's services and resources, so as to assure effective and maximum usage by all citizens, the Board of Trustees of the Hays Public Library adopts the following resolution as a matter of policy.

The objectives of the Hays Public Library's public relations program are as follows:

- To promote community awareness of library service
- To stimulate public interest in and usage of the Hays Public Library
- To develop public understanding and support of the Hays Public Library and its role in the community

The following means may be used to accomplish the foregoing objectives:

1. An annual plan of specific goals and activities shall be developed, sufficient funds shall be allocated to carry out the program, and the program shall be evaluated periodically.
2. Training sessions, workshops, and other aids shall be made available to library staff members to assure courteous, efficient, and friendly contact with library patrons and the general public.
3. Personal and informational group contacts shall be maintained with government officials, opinion leaders, service clubs, civic associations, and other community organizations by library staff and Board members.
4. Local media shall be utilized to keep the public aware of and informed about the Hays Public Library's resources and services.
5. Newsletters, brochures, and other promotional materials shall be produced and distributed through effective methods of reaching the public.
6. The Hays Public Library may sponsor programs, classes, exhibits, and other library-centered activities and shall cooperate with other groups in organizing these to fulfill the community's needs for educational, cultural, informational, or recreational opportunities.
7. The Library Director or a designated qualified staff member shall have the responsibility for coordinating the Hays Public Library's public relations and public information activities.

## **Oral History Policy Statement**

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Oral history is an on-going project of the public library involving the taping of interviews, typing transcripts, and processing these materials.

The purpose is to preserve the past, present, and future history of Hays, Ellis County, and western Kansas. The information is to be used for educational and research purposes by the community the library serves.

The materials—tapes and transcripts—are to be available to the public. The tapes and transcripts must be used in the library; they do not circulate. Copying of excerpts from this material may be done with the permission of the Director or the Kansas Room Librarian. Full literary rights of the recordings and transcripts rest with the Hays Public Library, and any party wishing to publish any material contained in the tapes and/or transcripts must receive the approval of the Board of Directors and must abide by the policies dictated by the Board at that time.

Three copies of each taped interview will be made by the library in most cases:

1. Master and archival copy
2. Public use copy
3. A copy to be given to the person interviewed

Each person interviewed must sign a release form (next page). If restrictions are made by the interviewee, these restrictions must appear on the release.

Approved and adopted September 13, 1979.

### Oral History Release Form

I hereby give and grant to the Hays Public Library as a donation the tape recordings of my voice and recollections (including transcripts) and any additional material received from me for such educational and research purposes as the Library shall determine. It is expressly understood that the full literary rights of this recording (and transcripts) and the ownership of any additional material pass to the Hays Public Library and that no rights whatsoever are to vest in my heirs now or at my death.

\_\_\_\_\_  
Signature of the narrator  
\_\_\_\_\_  
Address of the narrator  
\_\_\_\_\_  
Signature of the interviewer  
\_\_\_\_\_  
Address of the interviewer  
\_\_\_\_\_  
Date of Agreement  
\_\_\_\_\_  
Subject of tapes

### **Federal Law Regarding Copyright**

Use of borrowed tapes and discs is restricted to home use only unless they are labeled “public performance rights.” Duplication of videos in whole or part is prohibited. Use of home-use-only videos for public performance is a direct and serious violation of Federal Copyright statutes ([17 U.S.C Sec. 106 4](#)). U.S.C section 101 defines public use as follows:

To perform or display a work “publicly” means—

1. to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or
2. to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the

performance or display receive it in the same place or in separate places and at the same time or at different times.

The statute defines “publicly” as not limited to performance, which are open to the general public. A work may be considered as being performed publicly even though the audience is limited to person of a particular environment such as students, club members, factory workers, and campers, and the site is not open to the general public.

Your signature of the Video Borrower’s application indicates that you have read the preceding policy and rules, and agree to comply with them.

## **Hays Public Library KORA (Kansas Open Records Act) Response Policy<sup>2</sup>**

All requests for public records must be in writing.

All staff time necessary for the search, review, redaction, and copying of the records requested will be charged to the requester and paid before delivery.

A written response will be made to the requester, identifying the above terms.

In responding to a pre-paid request, the designated Hays Public Library staff respondent will:

- Find the material requested
- Review and redact as per [KSA 45-221](#)
- Copy
- If inspect only: Designate a suitable time and place for review
- If copy: Deliver the material

## **Kansas Legislative Session of 2000**

Supplemental Note on Senate Substitution for Substitution for House Bill No. 2864  
As Amended by Senate Committee of the Whole

### **Brief**<sup>3</sup>

Senate Sub. for Sub. for HB 2864 amends the Kansas Open Records Act (KORA) to require the governing body of every public agency to designate a local freedom of information officer to display a brochure listing the rights, responsibilities, and procedures for requesting records. The bill requires attorneys fees be paid to persons requesting records or to public agencies when the denial of access or the request for records was not in good faith or was without a reasonable basis. Current law permits the award of attorneys fees. Public agencies are also made subject to a \$500 civil penalty. Finally, the open records exception regarding bidders lists of contractors is repealed.

<sup>2</sup> Based on “Analysis of [KSA 45-215](#), et seq.” by Attorney Ross Wichman, August 10, 2004.

<sup>3</sup> Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at [http://www.ink.org/public/legislative/bill\\_search.html](http://www.ink.org/public/legislative/bill_search.html).

The bill provides the governing body of every public agency in Kansas which maintains public records must designate a local freedom of information officer. The local freedom of information officer or the designee is required to:

- Prepare and provide educational materials and information concerning the Open Records Act;
- Be available to assist the local government and members of the general public to resolve disputes relating to the Open Records Act;
- Respond to inquiries relating to the Open Records Act; and
- Establish the requirements for the content, size, shape, and other physical characteristics of a brochure required to be displayed or distributed under the Open Records Act. In establishing such requirements for the content of the brochure, the local freedom of information officer shall include plainly written basic information about the rights of a requestor, the responsibilities of a public agency, and the procedures for inspecting and obtaining a copy of public records under the Open Records Act.

The bill provides that any public agency which denies access to a public record under the Open Records Act without a reasonable basis in fact or law to make such denial, and with specific intent to violate this act, shall be liable for the payment of a civil penalty in an action brought by the Attorney General or county or district attorney, in a sum set by the court of not to exceed \$500 for each violation.

The Senate Committee of the Whole amendment deleted a requirement that local freedom of information officers issue advisory opinions and made technical amendments.

#### Background

Conferees before the Senate Elections and Local Government Committee agreed that the House Committee of the Whole version of Sub. for HB 2864 would actually make it more difficult for persons to resolve disputes regarding access to records. Senate Sub. for Sub. for HB 2864 represents a compromise by proponents of changes to the KORA and those conferees who believed the current law was adequate. Groups that met to work on Senate Sub. for Sub. for HB 2864 included the Kansas Press Association, the Kansas Association of Broadcasters, the Kansas Association of School Boards, the Kansas Association of Counties, and the League of Kansas Municipalities.

In the House, the House Local Government Committee held hearings over a period of weeks on the issue of amending the KORA and the Kansas Open Meetings Act (KOMA).

Both the Governor's Office and the Kansas Attorney General's Office supported various amendments to KORA and KOMA incorporated in HB 2864. Others who supported changes to the law included the House Minority Leader, the Senate Minority Leader, several other legislators, representatives of the Kansas Press Association, the Kansas Association of Broadcasters, the Wichita Eagle, the Emporia Gazette, the Kansas City Star, the Kansas City Kansan, the Kansas Sunshine Coalition for Open Government, a property appraiser, and several citizens.

Those who appeared before the House Committee expressing the belief that the current law was adequate and that no changes were needed, included the Kansas Association of School Boards,

League of Kansas Municipalities, the Kansas Association of Counties, the Kansas Peace Officers Association, the Kansas Sheriff's Association, the Kansas County Clerks Association, the cities of Wichita and Overland Park, and the Wichita Public schools.

The version of the bill, House Sub. for HB 2864 as passed by the House Committee of the Whole, makes major amendments to KORA and KOMA as follows:

Public Information Officer: The bill establishes the position of public information officer within the Attorney General's Office. Duties of the officer include: to prepare and provide educational materials concerning both laws; to assist in resolving disputes between public agencies and members of the public; to respond to inquiries; to issue advisory opinions; to establish content criteria for signs (notices) required to be posted under both laws; to conduct formal hearings to resolve disputes for both laws under the Kansas Administrative Procedure Act; to determine the reasonableness of fees charged for records; and to adopt rules and regulations. The public information officer shall not be subject to any action for failure to act or for performing any duties under this act, KORA, and KOMA.

Administrative Procedures for Complaints: Any county or district attorney, or any person aggrieved by an alleged violation of either act may bring an action before the public information officer within 45 days of the alleged violation. Hearings shall be conducted in accord with the Kansas Administrative Procedure Act. The public information officer may review records in camera in any action but this review shall be subject to the provisions of the lawyer-client privilege. The public information officer must render a decision within 45 days of the date on which an answer to the complaint is filed unless the parties otherwise agree. Appeals may be taken under the Act for Judicial Review and Civil Enforcement of Agency Actions. The public information officer may assess a civil fine of not to exceed \$500 for violations of either law and may assess costs against the parties to the proceeding.

Advisory Opinions: At the request of any person, the public access officer shall issue advisory opinions relating to KOMA and KORA and the enforcement thereof. The public access officer shall cause to be published on the Internet and otherwise opinions, decisions, orders, and related materials issued or provided by the public access officer.

District Court, Attorneys Fees, Civil Penalties, Enforcement Fund: A complaint under KORA or KOMA may be filed by the Attorney General or county or district attorney in district court without undergoing the administrative procedure. (The Attorney General may not use the administrative procedure.) The district court may award attorneys fees to the complaining party when an advisory opinion has been issued by the public information officer and the public agency fails to comply and may impose a civil fine of not to exceed \$500. Further, attorney fees may be awarded to the defendant for frivolous or bad faith actions or when there is no reasonable basis for the suit.

A civil penalty not to exceed \$500 may be imposed against a public agency if the public records custodian of the agency fails to disclose a record not exempt from disclosure. Any civil penalty shall be paid into the State General Fund and shall be made available to the public access officer to assist in financing expenditures to provide educational information to public agencies and to the public concerning the provisions of KORA. KOMA is amended to provide civil penalties (available under current law) awarded under that law shall be used for the same purpose as noted above.

An open records and open meetings enforcement fund is created in the State Treasury. All moneys from fines and penalties are to be paid into this fund. Moneys are to be used for educational purposes.

Informal Procedure: The public information officer is authorized to establish an informal procedure for resolution of disputes relating to alleged violation of both laws.

Open Records Sunset of Exemption; Other Changes: All existing exceptions to KORA would sunset in five years (July 1, 2005), except Exception No. 32 dealing with lists of contract bidders which is repealed. Further, criteria is established which the Legislature must consider when enacting new exceptions to the KORA and each new exception is subject to a five-year sunset.

Time Frame for Records Production: If the records are on site, the request must be processed at the time the request is received. If the public record is not on-site, the records shall be retrieved not later than the end of the third business day following the date that the request is received. If the record must be constructed and prepared, the record shall be available not later than the end of the seventh business day following the date that the request is received.

Notice Listing Rights Under KORA and KOMA Required: Notice listing the rights of records requestors and responsibilities of public agencies under KORA must be displayed at the central administrative office in a conspicuous place at the principal office of the body or agency by public agencies. Further, signs listing the rights of the public and responsibilities of public bodies under KOMA also must be displayed.

Tapes of Executive Sessions Prohibited; Personnel Exception Narrowed; Employer-Employee Exception Amended: Closed or executive meetings shall not be taped or otherwise recorded. The discussion of personnel matters exception permitting an executive session of a public body is narrowed to permit an executive session to discuss only hiring, termination, discipline, or performance evaluations and complaints and grievances against personnel.

The employer-employee negotiations exception is amended to provide this exception may not be used to discuss the election of a public agency, to come with provisions of the Public Employer-Employee Relations Act (PEER).

Private Entity Records: Records of any private entity or organization shall not be subject to disclosure. Specifically mentioned among other items that are not to be disclosed are balance sheets, income statements, and federal income tax statements.

Investigative Powers of the Attorney General and Local Prosecutors (KORA and KOMA): Investigative powers of prosecutors are listed to include among others: subpoena witnesses, take testimony under oath, and serve interrogatories.

Attorney General's Office Subject of Open Records Complaint. The duty to investigate and prosecute Attorney General violations of KORA is placed with the Secretary of State (Section 18).



## **APPENDIX 1: Privacy Act of 1974 - Purpose**

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1. To permit an individual to determine what records pertaining to him are collected, maintained, used, or disseminated by (Federal) agencies.
2. To permit an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent.
3. To permit an individual to gain access to information pertaining to him in Federal agency records, to have a copy made of all or any portion thereof, and to correct or amend such records.
4. To collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.
5. To permit exemptions from the requirements with respect to records provided in the Act only in those cases where there is an important public policy need for such exemption as has been determined by specific statutory authority.
6. To subject (a Federal agency) to civil suit for any damages which occur as a result of willful or intentional action which violates any individual's rights under this Act.

## Appendix 2: Copyright and Fair Use

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“Fair use” protects the rights of authors while allowing educators, students, and scholars legitimate access to material for education. Four factors determine whether or not copying is permissible:

1. Purpose and character of the copying, including whether such use is of a commercial nature or is for non-profit educational purposes.
  - a. Is it too late to ask the copyright holder permission to copy?
    - i. “Fair use” assumes that material is needed immediately. There is too little time to contact the copyright holder.
    - ii. Copying months before expected use is not “fair use.”
  - b. Is the copying anticipating future demand for the materials?
    - i. Photocopies should not be made (or interlibrary loan copies kept) for vertical files.
  - c. Will the copies be used for profit?
    - i. Using copies for profit-making enterprises is not “fair use.”
    - ii. Non-profit educational purposes is the only acceptable reason for copying without reimbursing copyright holder.
2. Nature of the copyrighted work
  - a. What is the probable purpose of the original work? To advance knowledge, as in scientific, medical, or historical materials? Or for profit?
  - b. Copying without permission is most acceptable when the original work was not produced for profit, but to advance knowledge.
  - c. Does the book invite copying?
    - i. A book of business forms implicitly or explicitly invites copying for use.
3. Amount of substantiality of the work used
  - a. Is the amount to be copied enough to make the copy a substitute for the entire book or magazine?
    - i. The amount copied should not be a substitute for the original. Here are two “rules of thumb” for photocopying:
      1. Copy only one article per issue or no more than 25% of an issue.
      2. Copy from no more than 5 issues per magazine per year.
  - b. Is the portion copied the most vital part of the copyrighted work?
    - i. Copying even a small portion of a work would not be “fair use” if that portion is the central point of the entire work.
4. Effect of copying upon the potential market or value of the work
  - a. Would people buy the whole book, magazine, etc. if a copy is not made?
  - b. Will copying reduce the number of sales of the work?

### **Appendix 3: Relevant State Statutes**

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#### **75-4317. Open meetings declared policy of state; citation of act.**

(a) In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public.

(b) It is declared hereby to be against the public policy of this state for any such meeting to be adjourned to another time or place in order to subvert the policy of open public meetings as pronounced in subsection (a).

(c) K.S.A. 75-4317 through 75-4320a shall be known and may be cited as the open meetings act.

#### **75-4317a. Meeting defined.**

As used in the open meetings act, "meeting" means any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of a body or agency subject to this act for the purpose of discussing the business or affairs of the body or agency.

#### **75-4318. Meetings of state and subdivisions open to public; exceptions; secret ballots; notice; agenda, cameras, photographic lights, recording devices.**

(a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such bodies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body designated hereinabove shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body may require that a request to receive notice must be submitted again to the body prior to the commencement of any subsequent fiscal year of the body during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting hereinabove mentioned, any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the body or agency, share a common topic of discussion concerning the business or affairs of the body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the parole board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives.

**75-4319. Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure.**

(a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

(1) Personnel matters of nonelected personnel;

(2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;

(3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;

(4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;

(5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;

(6) preliminary discussions relating to the acquisition of real property;

(7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;

(8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (d)(1) of K.S.A. 38-1507 and amendments thereto or subsection (e) of K.S.A. 38-1508 and amendments thereto;

(9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;

(10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;

(11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119 and amendments thereto;

(12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect:

(A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services;

(B) transportation and sewer or wastewater treatment systems, facilities or equipment;

(C) a public body or agency, public building or facility or the information system of a public body or agency; or

(D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;

(14) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto;

(15) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2010 Supp. 75-7427, and amendments thereto; and

(16) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2010 Supp. 46-3801, and amendments thereto.

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) (1) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(2) (A) Except as otherwise provided by law, any confidential documents, records or reports relating to the parole board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(B) Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

**75-4320. Penalties.**

(a) Any member of a body or agency subject to this act who knowingly violates any of the provisions of this act or who intentionally fails to furnish information as required by subsection (b) of K.S.A. 75-4318, and amendments thereto, shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney, in a sum set by the court of not to exceed \$500 for each violation. In addition, any binding action which is taken at a meeting not in substantial compliance with the provisions of this act shall be voidable in any action brought by the attorney general or county or district attorney in the district court of the county in which the meeting was held within 21 days of the meeting, and the court shall have jurisdiction to issue injunctions or writs of mandamus to enforce the provisions of this act.

(b) Civil penalties sued for and recovered hereunder by the attorney general shall be paid into the state general fund. Civil penalties sued for and recovered hereunder by a county or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

(c) No fine shall be imposed pursuant to subsection (a) for violations of subsection (f) of K.S.A. 75-4318, and amendments thereto, which occur prior to July 1, 2009.