

**Information Packet for January 10, 2017 Meeting Room Policy Committee Meeting
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WARRENVILLE PUBLIC LIBRARY DISTRICT
Meeting Room Policy Committee
Tuesday, January 10, 2017
Location: Lower Level Meeting Room

AGENDA

Visitors are welcome to all meetings of the Board of Trustees and its committees. Anyone who wishes to address the Board (or committee) during Public Comments must fill out a sign up sheet prior to the start of the meeting. Speakers are limited to three (3) minutes. The Board (committee) requests that a group appoint one (1) speaker to present the views of the entire group. Speakers will state name and address before addressing the Board. While the Board (committee) appreciates all questions and comments, they will not respond at the meeting, but may choose to do so at a later time.

1. Call to order
2. Roll Call (Trustees DuRocher, Lezon, Warren)
3. Appoint Committee Chairperson
4. Approval of the agenda **(ACTION)**

*Trustees may request to remove any items from the consent or regular agenda at this time.
Discussion only items may also be added to the regular agenda at this time.*

5. Public comments
6. New Business
 - a. Discussion of Meeting Room Policy
7. Adjournment **(ACTION)**

Suggested approach:

At the first committee meeting we will discuss things broadly to determine several important items that will allow staff to draft a policy for review at the second meeting on February 2.

To begin, there are a couple of important factors to consider:

1. Will the purpose of the meeting room extend beyond library use to community use?
2. If yes, will there be any restrictions on use?
See notes from [The Library's Legal Answers for Meeting Rooms and Displays](#) regarding "public forums," the First Amendment, and content-neutral policies.
3. Will there be fees for use?
Consider procedural implications, including staff time.
4. Will we permit the public to use the AV equipment? If yes, will we need to have staff available to troubleshoot/teach? Will there be a charge?
5. Will there be any restrictions regarding who may use the room?
i.e. nonprofit only, Warrenville cardholder, Warrenville business, Government entities, etc.

Then, there are some more specific details:

1. How far in advance can a room be reserved?
In order to be sure that all Library programs can be accommodated, public reservations should not be allowed more than three months in advance. For example, a booking for May 1 could only be made after February 1.
2. How many reservations will be permitted?
Limited or unlimited? Limits can be on a per year/per month/per week basis. We can also limit to a number of "active" or "pending" reservations.
3. Revocation of privileges, Appeals process
4. Liability clause/Hold harmless agreement
5. ADA requirements
Organization using the room is responsible for meeting ADA-related requests of participants.
6. Capacities
Staff will confirm based on square footage and set-ups
7. Will the Library provide room set-ups or is set-up the responsibility of the organization using the room?
8. Can food and/or beverages be served in the room?
9. Other miscellaneous items

Notes from The Library's Legal Answers for Meeting Rooms and Displays by Mary Minow, Tomas A. Lipinski, Gretchen McCord (2016)

"Libraries are the heartbeat of the community. We treasure their role as a gathering place, where people can connect with each other around shared interests. Libraries' exhibit spaces, bulletin boards, and giveaway racks encourage an exchange of ideas on local issues and notices of happenings around town."

Mary Minow states that as a librarian she was a "custodian of a 'public forum,' a soapbox where citizens have First Amendment rights of expression. I had no idea that my library's community room was such a sacred space, virtually guaranteed to all community members on an equal basis, regardless of the content of their meetings."

Public Forum Types

- "Traditional" public forum – spaces where assembly, communication and debate might traditionally take place (ex. sidewalks, parks)
- "Designated" public forum – spaces open for public use for expressive activity (ex. meeting rooms, bulletin boards, display cases)
- "Non-public" forum – areas devoted to staff use (ex. offices, staff conference rooms and work areas) If a room is used only for library purposes or library support such as a friends of the library meeting or a used book sale, it is a non-public forum.

Once a library opens a room for public use it is considered a designated public forum and the library may not control which messages are expressed there. Within any public forum area of the library almost all speech is protected by the First Amendment. This includes controversial, religious, and political speech, as well as most hate speech.

- Religion
A library may restrict *religious services* but only when the group reserving the room self identifies the use as a religious service. A Library cannot restrict religious use (bible study, meditations, informational meetings, etc.)
- Political Speech
Political speech is at the core of the First Amendment and is strongly protected by the Constitution.
- Hate Speech
When does hate speech cross the line? When there is a specific threat (ex. "I'm going to knock your head off") or incitement to take threatening/illegal action ("Let's go into the children's room and round up all the nonwhites.")

Restrictions & Regulations

Libraries are allowed to establish “time, place and manner” restrictions. These restrictions must be content-neutral. For example:

- The library may prohibit social and private events (ex. birthday parties, business meetings)
- The library may require that all meetings be open to the public.
- The library may require that organizations be located in a certain city or be nonprofit.
- The library may not deny a group's request based on the expectation that a meeting may disrupt library operations. The library may not require a fee or deposit based on this expectation. However, the library may take action to restrict future use if general conduct policies are violated.

Any content-neutral regulations must be applied consistently for all groups. (ex. a summer reading celebration with music would need to meet the same noise standards as a meeting with an angry crowd; if food is allowed for a library program, it must also be allowed for other users of the room)

Notes from Attorney Memo

A 2012 memo to Library Clients from Attorney Roger Ritzman addressed public forum issues, specifically prohibiting "religious worship services" as advised in the Minow book.

Ritzman added the following "Recommendations" at the conclusion of the memo.

Drafting a policy which is "bulletproof" or immune from challenge is not possible given the nuances of the public forum rules and given that the next "test case" is just around the corner.

We suggest you consider one of the following alternatives:

- A. Limit meeting room use to Library use only. Under such a policy, you have not established a "limited public forum";
- B. Allow any group to use your meeting room regardless of the activity, purpose or content (even with this philosophy/policy, you can adopt rules about registration, reservations, noise, financial responsibility, etc.);
- C. Limit meeting room "activities/use" consistent with the Library's mission. The challenge facing Library Trustees and Staff is distinguishing permissible from impermissible "uses and activities".

If you limit access to your meeting room and your policy is challenged, you may:

- 1. Decide if you wish to be a "test case," i.e., obtain a ruling from the Courts as to the legality of your policy or your decision interpreting your policy;
- 2. Allow use of the meeting room and consider amending your policy prospectively.

Meeting Rooms: An Interpretation of the Library Bill of Rights

Many libraries provide meeting rooms for individuals and groups as part of a program of service. Article VI of the [Library Bill of Rights](#) states that such facilities should be made available to the public served by the given library “on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.”

Libraries maintaining meeting room facilities should develop and publish policy statements governing use. These statements can properly define time, place, or manner of use; such qualifications should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. These statements should be made available in any commonly used language within the community served.

If meeting rooms in libraries supported by public funds are made available to the general public for non-library sponsored events, the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization. Libraries may wish to post a permanent notice near the meeting room stating that the library does not advocate or endorse the viewpoints of meetings or meeting room users.

Written policies for meeting room use should be stated in inclusive rather than exclusive terms. For example, a policy that the library’s facilities are open “to organizations engaged in educational, cultural, intellectual, or charitable activities” is an inclusive statement of the limited uses to which the facilities may be put. This defined limitation would permit religious groups to use the facilities because they engage in intellectual activities, but would exclude most commercial uses of the facility.

A publicly supported library may limit use of its meeting rooms to strictly “library-related” activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Written policies may include limitations on frequency of use, and whether or not meetings held in library meeting rooms must be open to the public. If state and local laws permit private as well as public sessions of meetings in libraries, libraries may choose to offer both options. The same standard should be applicable to all.

If meetings are open to the public, libraries should include in their meeting room policy statement a section that addresses admission fees. If admission fees are permitted, libraries shall seek to make it possible that these fees do not limit access to individuals who may be unable to pay, but who wish to attend the meeting. Article V of the *Library Bill of Rights* states that “a person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” It is inconsistent with Article V to restrict indirectly access to library meeting rooms based on an individual’s or group’s ability to pay for that access.

Adopted July 2, 1991, by the ALA Council.

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See also: [Religion in American Libraries: Questions and Answers](#)

MEETING ROOMS

(from Religion in American Libraries: Questions and Answers)

Should library policy allow religious groups to use library meeting rooms?

Yes. Courts have consistently held that libraries may not exclude religious groups from their meeting rooms solely because the group is religious in character or because the meeting may include religious activities. Many precedents exist for the use of public facilities (e.g., school auditoriums or park pavilions) by all types of community groups, including religious groups for religious purposes. Courts that have considered the question have consistently held that libraries are limited public forums for the receipt of information. In turn libraries may designate areas within their facilities as limited public forums for community use in the exchange of information and may create rules for their use. As with collections, these rules should be content-neutral and address only behavioral restrictions (time, place and manner). Consistency is crucial: all groups should be treated the same and subject to the same rules, such as rental fees, frequency restrictions, noise policies or food bans.

What if a religious group wants to collect money as part of their meeting?

The same policies regarding money should apply to all groups. If nonprofit groups are allowed to collect membership dues during meetings, then religious groups may collect an offering. If no group may collect money for any purpose while using a library meeting room, then collecting an offering should not be permitted.

Should food and beverages, including sacramental items, be permitted?

Again, the same policies about food and beverages should apply to all groups. If alcohol is not permitted for any group, then the use of sacramental wine would not be allowed; however, it would be wise to avoid rules that, even though unintentional, privilege one religion over another. For instance, the Catholic Mass and the Jewish Seder include the use of wine while many but not all Protestant groups use grape juice in their observance of the Eucharist. Any fees related to cleaning services should apply equally.

May libraries prohibit worship services?

The safest course of action is to provide the same access and apply the same rules of use (time, place and manner) to all community groups. No court has ever ruled that a library must exclude religious groups or religious worship. Only one case has addressed the "worship" question. In [*Faith Center Church Evangelistic Ministries v. Glover*](#), the Ninth Circuit Court of Appeals held that the Contra Costa, California, library could exclude worship services from its meeting rooms when a group self-identified its meeting as a worship service.¹ In doing so, the Ninth Circuit cautioned that the library could not prohibit groups from engaging in other religious activities, including reading, Bible discussions, Bible instruction, praying, singing, sharing testimony, and discussing political or social issues. The Ninth Circuit then asked the trial court to determine if Contra Costa could apply its policy without violating the Establishment Clause by requiring library staff to decide whether a particular religious activity was worship. On remand the trial court ruled that Contra Costa's policy required library staff to determine whether the proposed use of the meeting room constituted a worship service, a violation of the Establishment Clause.

The trial court permanently enjoined the Contra Costa library from enforcing its ban on worship services. For additional information, see Deborah Caldwell-Stone, “[Supreme Court Refuses To Review Library Meeting Room Policy Denying Access to Groups Conducting Religious Worship](#)” and “[Court Prohibits Library’s Practice of Prohibiting Religious Activities In Meeting Rooms.](#)”

Is a hymn sing permissible?

All groups should be subject to the same policies regarding noise. For instance, if a meeting room were soundproofed, there would be no reason to prohibit a hymn sing or, for that matter, a workshop for local rock music percussionists.

What should be considered when drafting a meeting room policy?

In general, the following areas should be covered:

- Restrictions on length of meetings
- Frequency of using a room (e.g., no more than once a week/month)
- Rental fees for room or use of equipment
- Costs for cleaning if food or beverages are allowed
- Noise policies
- Consequences of not following policies
- An appeals procedure

Above all, policies should be applied equally to all groups.

PUBLIC USE OF MEETING ROOM

I. PURPOSE

The meeting room is designed primarily to meet the operational needs of the Library and provide accommodations for educational, informational, cultural and civic functions of the Warrenville community.

II. PRIORITIES

- A. Library sponsored or co-sponsored programs or meetings.
- B. Meetings or programs of all other groups/organizations.
- C. The date of receipt of the application will determine priority if there is a conflict.

III. ENDORSEMENT

Use of the meeting room by outside groups/organizations does not constitute the Library's endorsement of viewpoints expressed by participants in programs. No advertisement or announcement implying such endorsement will be permitted.

Any flyer, brochure, or press release announcing an event or meeting in the Library's meeting room must include the following statement: "Sponsored by (name of organization). This program/meeting is neither sponsored nor endorsed by the Warrenville Public Library District."

IV. EQUAL OPPORTUNITY

Activities taking place in the meeting room must not be closed to any person due to age, gender, race, religion, national origin, disabling condition or any other legally protected category.

V. AVAILABLE MEETING ROOM

The following meeting room is available for public reservation and use.

Hudetz Family Meeting Room
Maximum capacity: 72
Included amenities: tables, chairs, projection screen

VI. RESERVATIONS AND SCHEDULING

- A. Reservations must be made by an adult (18 years or older) who has a valid Warrenville Public Library District card. The person making the application shall be the contact person, and shall be the only person authorized to make changes to the reservation. A valid library card will not be required for persons making reservations on behalf of organizations eligible to use the meeting room without payment of fees, as specified in Section VIII D of this policy.
- B. Applications for use of the meeting room are accepted online or by mail, email, or in person with the completion of a reservation form.
- C. Reservations must be received a minimum of three days prior to an event, but no more than 90 days prior to an event.
- D. Requests will be honored on a first-come, first-served basis; however, the Library may preempt any meeting it deems necessary.
- E. Meetings sponsored by the public must be held during the hours that the Library is open for public service. Meeting sponsors and attendees will not be admitted to the Library before it is open to the public nor be allowed to remain in the Library after it is closed to the public.

Meetings sponsored or co-sponsored by the Library, may extend beyond public service hours, given the presence of an authorized staff member.

- F. Any one group/organization may have three active reservations at any time.
- G. No group may assign its reservation to another group.
- H. Permission to use the meeting room may be withheld from groups that have:
 - Damaged the room, carpet, equipment, furniture, facilities or grounds,
 - Caused a disturbance,
 - Failed to comply with the Library's rules and regulations,
 - More than 3 cancellations in a 6 month period or
 - Failed to vacate the premises in a timely manner.
- I. Reservations are considered tentative until the application is received, approved and confirmed by the Assistant to the Director.

VII. RESTRICTIONS

- A. The meeting room may not be reserved for:
- Private social functions.
 - Fund raising or the sale or exchange of goods or services other than Library sponsored or co-sponsored.
 - Programs which are not suitable for the Library's physical facilities, or which would interfere with the Library's normal operation.
 - Programs or gatherings which present a clear and present danger to the welfare of the participants, attendees, Library staff and patrons and/or the community.
 - Meetings which are not compatible with the Library's purposes.
- B. No admission charges may be attached to the meeting room, except those activities which benefit the Library directly.
- C. Organizations meeting in the Library may not use the Library's mailing address, phone number, etc. for ongoing operational activities.
- D. All groups of persons under 18 years of age must be directly and continuously supervised by an adult chaperone who will assume responsibility for the group's activities. The adult-to-child ratio shall be no less than 1 adult to 10 children.

VIII. USE/CARE OF FACILITIES AND EQUIPMENT

- A. Use of the meeting room includes use of tables and chairs, but does not include set up. Unless otherwise instructed, at the conclusion of the meeting the group must return furnishings to their original locations. No additional furniture or equipment will be provided.
- B. It is the obligation of the meeting room applicant to communicate all pertinent meeting room rules and room arrangement decisions to all speakers, performers, members, etc. who will be assisting with the program or meeting.
- C. Attendance at meetings must be limited to the stated capacity of the meeting room. It is the responsibility of the group/organization to insure compliance with fire code restrictions relating to meeting room occupancy limits.
- D. No open flames or candles are permitted.
- E. Seating or tables in the gallery outside the Hudetz Meeting Room requires prior approval.

- F. Nothing may be attached to the walls, ceiling, floor, furniture, equipment or doors of the meeting room.
- G. No signs or posters pertaining to a non-Library-sponsored meeting may be posted on Library property, except on the Community Bulletin Board with prior approval.
- H. Equipment, supplies or personal belongings cannot be stored or left in the Library's facilities before or after use. The storage spaces in the meeting room may not be used for any purpose. The Library is not responsible for the loss of or damage to any equipment or material owned or rented by a group/organization meeting in the Library.
- I. The Library does not provide any special accommodations to groups using the meeting room such as parking, service to carry supplies or equipment, making coffee, providing office supplies or photocopies. All groups must provide their own support for preparation and clean-up.
- J. Alcoholic beverages are not permitted anywhere in the facilities or on Library property without prior approval by the Library Board of Trustees.
- K. Smoking is not permitted anywhere in the facilities or within 15 feet of any Library entrance.
- L. Children under the age of eight (8) are not to be left unattended during meetings. (See Policy No. 340, Unattended Children)
- M. Covered beverages may be carried in by participants. Light refreshments may be served. No cooking is allowed. Users will be charged for stains to carpet caused by food and drinks. The Library does not provide any consumable products (cups, plates, napkins, etc.).
- N. The meeting room must be left clean and orderly.
- O. The meeting room applicant and the group or organization shall be jointly and severally liable for any breakage, damage or theft of any Library property caused by members or guests of the group or organization.
- P. Should any special cleaning or costs related to violation of regulations be required as a result of a group's use of the meeting room, a charge equal to actual cost will be made for labor, supplies and equipment.
- Q. The Library Director or Assistant to the Director will notify the applicant in writing of any violations of the meeting room regulations.

X. APPEALS PROCESS

A group or organization which has been denied permission to use the meeting room by the Library Director or Assistant to the Director may appeal such denial to the Library Board of Trustees at the Board's next regularly scheduled meeting. Written notice of said appeal and all written documentation supporting the appeal are to be delivered to the Library Director at least seven business days before such Board Meeting.

XI. AMENDMENTS AND REVISIONS

The Board of Trustees of the Warrenville Public Library District will review this policy and its regulations periodically and reserves the right to amend them at any time.

Example Meeting Room Policies (links)

Fountaindale	http://fountaindale.org/policies/meeting-room-policy
Aurora	http://www.aurorapubliclibrary.org/about-the-library/policies/meeting-room-policy/
West Chicago	http://www.westchicago.lib.il.us/LibraryPolicies/Facilities/MeetingRoom-9-22-08.pdf
Naperville	https://www.naperville-lib.org/about/meeting-spaces
Wheaton	http://www.wheatonlibrary.org/about-us/library-services/meeting-rooms
North Aurora	http://www.messengerpl.org/services/meeting-rooms
Glen Ellyn	http://gepl.org/about/meeting-room

This is a sampling of published policies for the committee to review so they can see a variety of elements and formats. More can be found by searching the internet for "library meeting room policy."