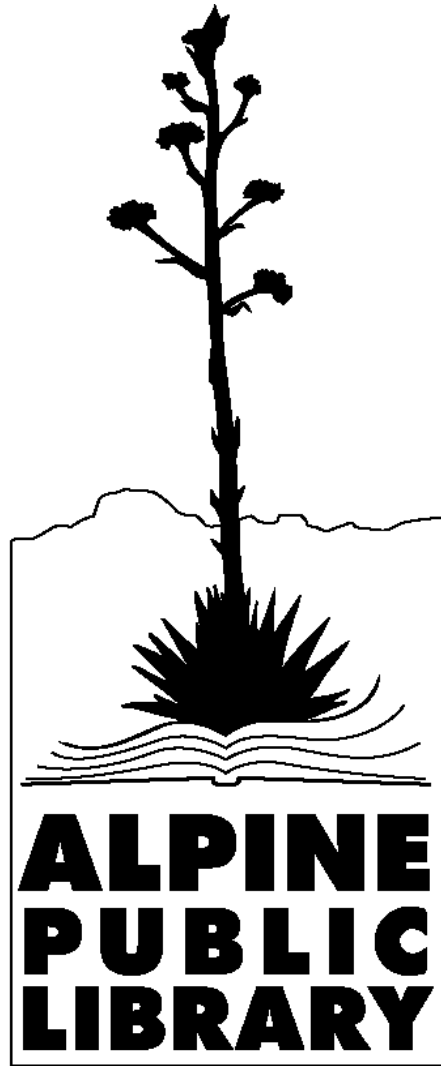


POLICIES AND PROCEDURES



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MISSION AND VISION STATEMENTS

Mission: The Alpine Public Library works to build community, encourage literacy, and promote lifelong learning. We endeavor to create and maintain a welcoming facility with relevant and enriching resources that connect our diverse and geographically remote area to the world.

Vision: The Alpine Public Library envisions a future in which individuals and families are engaged, lifelong learners.

LIBRARY OBJECTIVES

- Promote enlightened citizenship
- Enrich personal lives
- Encourage continual self-education
- Seek to identify community needs
- Assume a leadership role in the community
- Support the American Library Association's Library Bill of Rights (Appendix B) and Freedom to Read statement (Appendix D)
- Establish the library collection, make it available to the public, and preserve it
- Serve the community as a center of reliable information
- Provide mostly free service to every resident of the community
- Serve as a multipurpose resource center for the community

HOURS OF OPERATION

Policy: The Alpine Public Library will be open a minimum of forty hours each week. The Executive Director, in consultation with the Board of Directors, will determine days and daily hours of operation. The Alpine Public Library will close on holidays established by Brewster County and at other times deemed necessary by the Executive Director. Except in case of emergencies, notice of closings will be posted in the library one week in advance and may be reported to the local news media.

Procedure: Regularly scheduled hours of operation will be established to best meet the needs of library users within the library's financial ability to provide service and will be evaluated by the Executive Director and the Board of Directors during each budgetary cycle.

ACCESS TO LIBRARY SERVICES

Public Participation in Library Decision Making

Policy: The Alpine Public Library welcomes citizens at any open meeting of the Board of Directors either to observe or to present information and concerns. Telephone calls, letters, e-mails, and visits to the Executive Director are encouraged, and the Executive Director will maintain an open-door policy. Appointments with the Executive Director are encouraged but not required.

Procedure: Any member of the public who wishes to speak to the Board is asked to (1) contact the Executive Director to consider the issue and coordinate with the Board of Directors, if necessary, (2) indicate group affiliation (if speaking on behalf of anyone other than self), and (3) limit comments to the time allotted on the official meeting agenda by the Board President. Library administration and the Board welcome written documentation to support or restate information and concerns, but written documents are not required. If written documents are to be presented, they should be given to the Executive Director twenty-four hours prior to the scheduled meeting at which they will be discussed.

When the Board of Directors plans information-gathering forums, care will be taken to schedule forums at times that are convenient to potential participants. If necessary, several forums may be scheduled to allow maximum input into library-service decisions.

The Executive Director or staff members designated by the Executive Director will respond to inquiries within five workdays.

Patron Registration

Policy: Library borrowing privileges are available at no charge to residents of Brewster County. Nonresident cards valid for six months may be issued for a fee determined by the Executive Director. Identification and verification of local mailing address are required to obtain a library card. Library cards are nontransferable. Each member of a family must have his or her own library card. Cards are not mailed and must be picked up in person by the cardholder. Texas residents may present a valid TexShare borrower card to gain APL membership and borrow materials for free.

Procedure

Identification: Identification may be established with a current driver's license, a school identification card, or other valid picture identification issued by a governmental agency. If no valid picture identification is available, the Executive Director or an employee designated by the Executive Director may accept other reasonable forms of identification to establish identity.

Residence: Residence will be verified by a current driver's license; valid picture identification issued by a governmental agency; a personalized, printed check; a current utility bill; a tax receipt; a voter registration card; or other items approved by the Executive Director or an employee designated by the Executive Director.

Renewal

Policy: To ensure that patrons' records are up to date, borrower cards must be updated each year.

Procedure: Borrower's cards are updated each year at no charge with proof of identification and residence to verify current contact information.

Replacement Fees

Procedure: The Executive Director determines borrower card replacement fees annually.

Minors

Policy: A parent or guardian must assume responsibility for materials borrowed by anyone under sixteen years of age. A child's registration must be accompanied by a parent registration.

Procedure: A parent or guardian's identification is required for registration of a minor, and their accounts are linked in the computer. By accepting a card, parents assume responsibility for materials checked out on their children's cards.

Confidentiality of Patron Records

Policy: Rules and laws pertaining to confidentiality of records and privacy protect all information provided during registration. Demographic information may be gathered to help plan library services, but this information is not disclosed unless required by law (see "Texas Library Association Policy on Confidentiality of Library Records" [Appendix E] and "U.S. Patriot Act Search Warrant Procedures" [Appendix H]).

The U.S. Patriot Act of 2001 (P.L. 107-56) supersedes state law and expands the federal government's authority with regard to access to library records and documents to protect against international terrorism and clandestine intelligence activities. It also expands federal law enforcement's authority to track telephonic and electronic communication, including any dialing, routing, addressing, or signaling information and the actual content of the communication. Under the Patriot Act, national search warrants (also known as "single jurisdiction search warrants") are authorized, which complicates verification and greatly increases the reach of a single warrant. If foreign intelligence is involved, the threshold is much lower: there need only be probable cause that the target is a foreign agent. ***This law prohibits library workers from informing customers that federal agents have obtained their records*** (see "U.S. Patriot Act Search Warrant Procedures" [Appendix H]).

Nothing in this policy shall prevent authorized library personnel from using library records in the administration of their regular duties. The Alpine Public Library has endorsed the recommendations of the Texas Library Association's "Policy on Confidentiality of Library Records" (Appendix E) and will conform to the procedures outlined in "U.S. Patriot Act Search Warrant Procedures" (Appendix H).

Procedure: Library staff will follow the procedures outlined in the policy described in the preceding section. An individual's circulation information will be purged 24 hours after materials are returned.

Materials Checkout

Books, Audio Materials, and Video Materials

Policy: All books (except those designated "Library use only") and audio materials may be checked out for thirty days. They may be renewed by phone, mail, e-mail, or in person if there is no waiting list for the material. No more than twenty books or audio materials may be checked out at one time on a single library card. A patron who has overdue materials may continue to check out materials in any format if the balance does not exceed an amount determined by the Executive Director.

Video materials may be checked out for seven days. Each family is limited to four video items per visit. Multivolume sets are treated as a single item. A patron who has overdue video material will not be allowed to check out more materials in any format until any assessments are paid or alternative arrangements have been made with the Executive Director or a designated staff member.

Hotspot check-out period is three weeks. Chromebooks and sewing machines may be checked out for seven days. These items may be renewed once by telephone. Subsequent renewals must be in person and are allowed only if there is no waiting list. Patrons must sign a user agreement to check out these materials.

Procedure: Except for equipment items, Alpine Public Library is a fine-free library. Patrons receive several reminders if materials are overdue. After 45 days, Alpine Public Library will assume the material is lost, the account will be sent to collections, and we will charge a replacement fee. Equipment such as hotspots, Chromebooks, and sewing machines will be charged a per-day late fee or other assessment determined by the Executive Director at the beginning of each year.

Library-Use-Only Materials

Policy: Reference materials, rare books, current issues of periodicals, and any other materials marked "Library use only" may not be checked out unless arrangements are made with the Executive Director or a designated staff member.

Children's Access to Materials

Policy: Parents or legal guardians who wish to limit or restrict their children's access to materials should personally oversee their children's selections. Because parents are responsible for their children's access to materials, the library staff will not attempt to limit or supervise the selections of children who borrow materials from the library.

Book Drop

Policy: A book drop is available for patrons' convenience when returning materials after hours. Audiovisual materials may not be returned in the book drop.

Procedure: Patrons returning audiovisual materials in the book drop may be assessed a fine determined each year by the Executive Director if it is determined that the materials have been damaged.

Lost or Damaged Materials

Policy: Patrons will be charged for replacing lost or damaged materials.

Procedure: Charges for lost or damaged materials will be determined by the Executive Director and will be based on replacement cost and labor cost to process. The Executive Director may, at his or her discretion, make alternative arrangements with patrons for payment of these charges. Used materials will not be accepted as replacement for lost or damaged items.

Revocation of Library Privileges

Policy: Patron privileges may be revoked for reasons including but not limited to the following: (1) failure to return library materials or make restitution; (2) failure to pay library-assessed fees; (3) failure to adhere to the library's code of behavior (see "Patron Conduct" elsewhere in this manual); (4) unacceptable use of public-access computers (see "Public-access Computer Use" elsewhere in this manual); and (5) unacceptable use of library facilities (see "Use of Library Facilities" elsewhere in this manual). Privileges may be restored at the Executive Director's discretion.

Fees for Services

Policy: Because there are limits on what the Alpine Public Library can provide with budgeted funds, the Board of Directors has determined that some services will be provided on a cost-recovery basis, with the costs of these services passed on to the user. Fees are established when the service clearly benefits an individual user or requires exceptional staff time to provide (e.g., printouts from library computers). Fees may also be established for supplemental services that are not within the scope of the library's mission or to enhance a service that is provided as an alternative to an existing free service (e.g., postage for notification of reserved materials, sending or receiving of faxes or photocopies, or provision of printer paper).

Procedure: Fees for copies, scans, and faxes will be reviewed annually and will be posted prominently in the library.

Recovery of Overdue Materials

Policy: The Alpine Public Library will establish regulations for the loan of materials, including circulation periods and renewal processes. The Alpine Public Library will attempt to recover overdue materials and will notify patrons of unpaid fees according to procedures established by the Executive Director.

The Board of Directors believes that a person who chooses to keep materials past the due date or who refuses to settle unpaid fees compromises to some extent her or his right to privacy. The Alpine Public Library will therefore provide sufficient information to allow an individual other than the holder of the borrower's card to

settle unpaid fees on that card; however, authors, titles, or the subject of lost or overdue materials will not be discussed without presentation of the borrower's card.

Procedure: Fees are automatically posted on the circulation computer as they are accrued and are collected when the patron returns the materials or by special arrangement. If an item is lost, damaged, or destroyed, the borrower must pay the repair cost or replacement value plus the labor cost of processing. Periodically, the staff and the Executive Director prepare a list of borrowers who have overdue materials and notify them by telephone, e-mail, or U.S. mail that library records indicate that they have materials past due. Accounts that remain in arrears will be reported to a library collection agency and subsequently reported to a credit-rating agency if the debt is not resolved within time limits determined by the Executive Director.

Interlibrary Loan

Policy: The Alpine Public Library participates in a Texas interlibrary loan (ILL) program, which permits the library to borrow materials for its patrons from other libraries. The ILL service is available to all patrons. Patrons with overdue materials may use interlibrary loan if arrangements have been made with the Executive Director or a designated staff member. Books and photocopies of articles from periodicals not owned by the Alpine Public Library or that are otherwise unavailable may be requested for loan through ILL.

The Alpine Public Library charges a small processing fee for ILL service. Friends of the Library and senior citizens 65 and older receive free ILLs. APL is fine-free; however, this may not be so with other ILL libraries. The ILL patron is responsible for charges or fines that may be imposed by lending libraries.

Procedure: Fines for overdue ILL materials and processing costs for lost items will vary with the lending library and are the responsibility of the borrower. Fines may be added to the borrower's account.

The library may restrict the number of items requested through interlibrary loan by an individual patron to ensure fair, equitable, and timely service within the constraints of budget and staffing.

Protection of Copyright

Policy: It is the intent of the Alpine Public Library to comply with Title 17 of the United States Code, "Copyrights," and other federal legislation related to the duplication, retention, distribution, adaptation, public performance, public display, or any other use of copyrighted materials. A notice of copyright will be prominently placed on the photocopier and any other library equipment that is capable of duplicating or reproducing copyrighted materials (see "Fair Use of Copyrighted Materials" [Appendix J]).

Procedure: Library staff will refuse to duplicate any materials if doing so would violate copyright and will, when asked, inform patrons if materials being borrowed are subject to copyright restrictions.

ILL requests will be accepted subject to copyright restrictions (see also "Interlibrary Loan" elsewhere in this manual), and staff members will refuse any request that they believe would violate copyright regulations.

Audiovisual materials for which the library has purchased public performance rights will be so labeled. Items without public performance rights are for personal and home use only.

Library staff will follow copyright law in selecting and using materials for public performance.

Original or copyright-free art may be used to produce library publicity items or for creating displays and decorations.

Technology Policy

Public-access Computer Use

Policy: In support of its role as an independent learning center, the Alpine Public Library provides computers for public use. Software is purchased to support specific areas of library service. Recommendations for additional software purchases are welcome and will be handled according to the technology policy.

The library cannot guarantee that it will always have the latest version of any particular software program.

Computer time is limited to half-hour blocks and is available on a first-come, first-served basis. Users may print documents from the public-use computers for a cost-recovery charge determined each year by the Executive Director.

Patrons are responsible for repair or replacement costs of equipment or software damaged by them or by minors for whom they are responsible.

User Agreements

Procedure: All public-access computer users will be required to sign a user agreement indicating that they understand the rules established for computer use (posted at the circulation desk). Anyone who has signed the appropriate user agreement may use the public-access computers.

Staff members are not required to provide formal training in computer technology or software.

Users may not intentionally develop programs to harass other users or to infiltrate a public-access computer or computing system. They may not develop programs that may damage or alter the software components of the library's computing systems. These acts may be considered a misdemeanor or a felony crime under Texas state law (§1. Title 7, Chap. 33, §3302a).

Specifically, users may not

- damage or destroy equipment, software, or data belonging to the Alpine Public Library or to other users, including adding, altering, or deleting files on library workstation hard drives or other library computer or network equipment, including peripherals, other handheld devices, or telephones. Violators will be liable for any costs incurred by the library to repair such damage, destruction, deletion, or alteration of files.
- violate software licensing agreements.
- violate computer system, Website, or network integrity, including attempts to bypass network security functions, obtain passwords, or alter the configuration of library workstations in any way.
- use the Internet for any illegal or criminal activity, including but not limited to slander, libel, the unauthorized copying of copyrighted material, and the transmission or display of pornography (Texas Penal Code, §43.24[b]).

Copyright

Policy: Users agree to observe all copyright and licensing laws and will not duplicate any computer programs or documentation unless they are expressly labeled "in the public domain" or "shareware." Failure to abide by this may be considered a misdemeanor crime under Texas state law (§1. Title 7, Chap. 33, §3302a). (See "Protection of Copyright" elsewhere in this manual and "Fair Use of Copyrighted Materials" [Appendix J]).

Personal Files and Software

Policy: Users agree to maintain the computer settings and configuration established by library personnel and not to tamper with computer hardware or software. No personal software is to be loaded onto library computer hard drives without written permission from the Executive Director.

No private files may be stored on the library computers, and any files left on the library's computers will be deleted at the end of business each day. Users will supply their own recording media when needed.

Internet

Policy: As part of its mission to provide a broad range of information in a variety of formats, the Alpine Public Library provides access to the Internet. The library's provision of public access to the Internet subscribes to the principles stated in "Access to Electronic Information, Services, and Networks" (Appendix G).

The library is responsible only for the information provided on its Website. Only links to appropriate, relevant, governmental, or Big Bend–area community Websites that provide legal, noncommercial, neutral viewpoints or public-service information may be considered for linking to the Alpine Public Library's Website.

Procedure: Access points and links to information resources on the library's home page are selected by the Executive Director and are checked regularly to ensure that they remain valid and consistent with the library's mission.

Policy: The library cannot monitor or control information accessed via the Internet. The library cannot guarantee that information on the Internet is accurate. The library will not monitor use, but the library is required to adhere to the Children's Internet Protection Act (CIPA) on all library computers. Blocking access to sites is impractical,

filters out valuable information along with the potentially objectionable, and can easily be circumvented by experienced computer users. If CIPA compliance blocks access to certain materials, on request the Executive Director will contact the library's Internet service provider to request access.

By logging onto the Internet, patrons agree to abide by the library's policy on public use of computers (see "Public-access Computer Use" elsewhere in this manual).

Procedure: The Executive Director will determine the Internet functions that are enabled on public-access computers, but, in general, these will be limited to those that assist patrons in locating and obtaining information.

Files may be scanned or printed to designated printers for a fee. Charges for printing will be established annually by the Executive Director.

Obscene or Pornographic Internet Sites

Policy: Patrons using the Internet in the library may not display text or graphics defined by federal or state law as obscene or pornographic. Deliberate and continued display of materials that are considered obscene or pornographic may constitute sexual harassment of the persons who work in and visit the library, in addition to being illegal. Repeated actions that create a disturbance or that the Executive Director, in consultation with the Board of Directors, considers sexual harassment may result in the loss of some or all library privileges.

Procedure: Anyone found to be in violation of the user agreement will be asked to desist. If that person continues to violate this agreement, the Executive Director may revoke any or all computer privileges. Actions that violate federal, state (including but not limited to Texas Penal Code, §§§1. Title 7, Chap. 33, §3302.a; 33.021; 43.21, 43.22, 43.23, 43.24, and 43.26), or local laws will be referred to the appropriate law enforcement agencies. Patrons viewing Websites considered by the Executive Director to be ambiguous may be asked to use a monitor screen.

Copyright

Policy: U.S. copyright law governs unauthorized use or distribution of copyrighted materials. Users may not copy or distribute electronic materials except as permitted by the Fair Use regulation (see "Fair Use of Copyrighted Materials" [Appendix J]) without permission of the copyright owner.

Children

Policy: The Children's Internet Protection Act (CIPA—PL 106-554) was enacted by Congress in December 2000 to address concerns about access in schools and public libraries to the Internet. CIPA requires public libraries to adopt Internet safety policies that address (a) minors' access to inappropriate material on the Internet and World Wide Web; (b) minors' safety and security when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) unauthorized access, including hacking, and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) restricting minors' access to materials harmful to them. CIPA does not require the tracking of Internet use by minors or adults. (See "Free Access to Libraries for Minors" [Appendix F].)

Parents or guardians must assume responsibility for their children's Internet use. Parents or guardians may restrict *only* their own children's access to the Internet in the library.

Procedure: Computers designated for children's use will point to age-appropriate Websites, and staff will be available as time permits to assist children who are conducting searches.

Anyone under sixteen years of age must have written parental or guardian permission to access the Internet as a user or an observer. Anyone under age twelve must have a parent or a parent's proxy physically present to access the Internet for the child or to observe the child's use of the Internet.

Shredding of Documents Related to Use of Public-access Computers

Policy: To protect library users' privacy, the library will not keep documents related to use of public-access computers that identify library users.

Procedure: As often as the Executive Director deems necessary, library staff will shred all documents that identify public-access computer users.

Collection Development

Community

Much of collection development depends on the community served by the library. Alpine Public Library is a nonprofit library serving a patron base of about 9,300 persons in Brewster County, Texas, with a service area of over 6,000 square miles. Population density of the area is 1.5 persons per square mile. Alpine is the largest community in Brewster County, with a population of about 5,900. Many of the patrons are families with grade school or high school-age children. Most children attend public schools; however, there is a growing number of home-schooled children. Approximately 13% of the general population is below the poverty level. The ethnicity of the community population served is 45% Caucasian, 52% Hispanic, 2% African American, 1% Asian, and approximately 53% female and 47% male. The average age is 43 years. English and Spanish are the primary languages used in the area. The population of Asians is slowly growing, and occasionally Chinese or Vietnamese is heard being spoken around town. Median household income is \$37,402, and the unemployment rate is about 6% for the population over 16 years of age. Nearly 80% of the population has either a high school diploma, a bachelor's degree, or an advanced degree. About 18% of the area's population is under the age of 18. The school district is designated as Title 1, meaning more than 50% of the students qualify for free lunches. About 21% of the population under the age of 18 lives at or below the poverty level. The school dropout rate is just over 1%. The grade school recently received an unacceptable rating from the state for low reading scores.

Selection of Materials

Policy: Alpine Public Library collects materials in a variety of subject areas and formats to meet the informational and educational needs of residents in our service area. Our goal is to provide materials that represent all sides of an issue. The library strives to remain neutral and does not support any particular point of view. We endorse the American Library Association's Library Bill of Rights (Appendix B):

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. 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.

- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Collection Description

The library has approximately 26,000 items in the collection. Major adult sections include nonfiction, biography, fiction, mystery fiction, western fiction, large-print, DVDs, and audiobook CDs. The library collection includes a large selection of beginning-reader books for early grades, junior fiction, nonfiction, graphic novels, and a collection of children's DVDs and audiobook CDs. The young adult section has biographies, fiction, nonfiction, and graphic novel selections. Additionally, the library collection includes about 1,300 biography, nonfiction, fiction, children's, junior, and young adult books in Spanish.

The library has two special collections. The Rare and Interesting Books section includes hard-to-find books about the history of Texas and the Big Bend area. Rare and Interesting books are for in-library use only. The Texas Trans-Pecos Collection, available for general checkout, includes nonfiction titles specifically about this area of West Texas, and many titles were written by local authors. A new collection is being organized featuring materials for young readers. This specific collection will focus on teenagers between the ages of 12 and 18 with high interest in reading but who are at a lower reading level. These young readers are reluctant to read or are struggling readers for a variety of reasons. The purpose of the new collection is to help struggling readers overcome their reluctance to read and improve their reading skills. The collection will focus on fiction, including graphic novels, books, audiobook CDs, and DVDs.

Collection Management

Procedure: The library collection is evaluated by the Executive Director or an appointed staff person on a rotating basis to make sure the collection is meeting the needs of the community. Annually, one or two library sections are evaluated using a six-year rotation. At the end of the six-year cycle, the entire collection will have been evaluated and weeded and the process will begin again. Parts of sections may be evaluated more frequently as needed.

An annual review of the entire collection will include reports on usage, circulation, reference requests, computer-use statistics, and interlibrary loan use. *The CREW: A Weeding Manual for Modern Libraries* from the Texas State Library and Archives Commission is used as a guide to cull outdated and no-longer-useful materials from the collection. Materials that are in poor condition or that have not been checked out in the last five years are subject to removal at the discretion of the Executive Director. Because the library has limited space, removal of unused materials is essential to allow acquisition of new materials. The library's goal is to keep the collection relevant to the community and current. At a minimum, on an annual basis, 1% of the materials will have been added within the last five years.

The Executive Director is responsible for the selection and purchase of library materials. Other staff members may be appointed to oversee specific library sections. All staff will maintain accepted professional standards when making decisions about the library's collection. Selected materials will meet the recreational, educational, and informational needs of the community. The library does not purchase textbooks for general use or accept music CDs, phonograph records, or tapes of any kind.

The following selection criteria will be considered when choosing items to be included in the collection:

- Popular demand
- Contemporary significance
- Reputation and authority of the author, publisher, or producer
- Literary quality
- Reviews from reputable sources
- Accuracy and currency of information
- Positive patron or staff review

- Local author
- Local or regional interest
- Amount of material already available on the subject in the collection
- Price, format, and ease of use
- Availability from vendors
- Patron reading level
- Patron education level
- Core collection materials

Materials will be selected to provide a variety of opinions on current issues and to generate diverse points of view. The presence of controversial items in the collection should not be interpreted as support for a particular position.

Selection Tools

The Executive Director and assigned staff will use standard selection tools such as book reviews in newspapers like the *New York Times* and the *Wall Street Journal*, awards lists, and radio interviews with authors. The library subscribes to *Kirkus Reviews*, *Library Journal*, and Ingram Library Services as resources for the evaluation and selection of materials. The library strongly encourages requests from the community for items to be considered for purchase. All materials will be evaluated using the previously listed selection criteria before purchase.

Materials in Languages Other Than English

Policy: The Alpine Public Library strives to have a collection that reflects the diversity of the population it serves. To that end, part of the collection development budget may be allocated to purchase materials in languages other than English.

Procedure: Materials considered for purchase will be evaluated as much as possible under the same guidelines and policies used for English-language materials. When necessary, staff will seek assistance from appropriate community members in the selection of materials. Citizen recommendations are always welcome and appreciated.

Gifts and Donations

The Alpine Public Library welcomes gifts and donations of new and used books, audio CDs, DVDs, Blu-rays, and similar materials. Space limitations make it necessary to evaluate all donations carefully. *Once received, materials are the property of the library.* Gifts and donations will be evaluated according to the same selection criteria used for purchased material to determine whether they are suitable to be included in the library's collection. Materials not used in the collection will be given to the Friends of the Library for sale, offered to other libraries or nonprofit organizations in the community, or discarded. The library reserves the right to reject or discard any gifts or donations. The library does not estimate the value of donated materials. Individual donors are responsible for determining value of their donation for income tax purposes. (See "Gift Acceptance Policy" [Appendix K] and "Alpine Public Library Gift Form" [Appendix L].)

Procedure: The library will acknowledge receipt of donated items and will, if asked, give the donor a letter on library letterhead acknowledging the donation. IRS regulations prohibit the library from assigning a value to donations.

Monetary Gifts

Policy: Monetary gifts, bequests, memorial contributions, or gifts in honor of a person or an entity are particularly welcome. The Executive Director will use these funds to further the mission of the Alpine Public Library, unless the donor asks that the funds be used for a specific purpose. (See the "Gift Acceptance Policy" [Appendix K].)

Procedure: Unrestricted monetary gifts are accepted by the Executive Director, and all gifts, monetary or otherwise, are reported to the Board of Directors when above the reporting threshold for the library's IRS Form 990.

Monetary gifts with restrictions or conditions are accepted by the Executive Director when the restrictions or conditions are determined to be in keeping with the mission of the library. Monetary gifts over the 990 reporting threshold with restrictions or conditions that may adversely affect the library's mission will be brought to the Board of Directors for consideration before acceptance.

Any gift with a restriction or condition found to run counter to the library's mission may be refused.

Withdrawal of Materials

Policy: Materials that no longer fit the stated service roles of the Alpine Public Library will be withdrawn from the collection. These may include materials that are damaged, obsolete, or no longer used. Decisions will be based on accepted professional practice and the professional judgment of the Executive Director or designated staff members. When necessary, local specialists will be consulted to determine the continued relevance and reliability of materials.

Procedure: Items withdrawn from the collection will be disposed of in one of the following ways: transfer to the Friends of the Alpine Public Library for sale, recycling, redistribution to area nonprofits, or discarding into the trash (if the item is badly damaged, coverless, mildewed, waterlogged, moldy, or otherwise damaged).

Request for Reconsideration of Materials

Policy: Selecting materials that provide a variety of subjects and opinions to generate diverse points of view means some materials may not be suitable for all patrons. It is every individual's responsibility to select and reject materials that are not acceptable to them personally or for their children. Occasionally, a patron may discover material that he or she believes is classified incorrectly or that has no redeeming value. In this case, the Executive Director will be available to discuss concerns and identify alternative materials. If the patron's concern is not satisfied after discussion with the Executive Director, a formal written request for reconsideration of materials may be submitted to the Executive Director. After submitting a completed Request for Reconsideration of Materials form (Appendix I) to the Executive Director, the request will be submitted to a review committee. Members of the review committee are selected by the President of the library's Board of Directors. The Board will consider the recommendations of the review committee at the first regularly scheduled Board meeting after the request was received. If a decision is not made at that meeting, the patron filing the request will be notified in writing of when the Board will reconsider the request and will also receive written confirmation of the Board's final decision. Materials under question will remain in the active collection during the review process.

Library Programs

Policy: Programs may be developed and presented by library staff or may be cosponsored by the library and other community organizations or persons.

Procedure: Each year the Executive Director, in consultation with the Board of Directors and the Children's Librarian, will establish a budget for children's programming. Programs for adults may be scheduled throughout the year as interest and finances warrant. Speakers from community groups and businesses may present programs on topics of general interest or of a timely nature. Presenters may not directly solicit business before, during, or following a program, although cards and brochures may be left on a display table for attendees to pick up. No fees may be charged to attend any library-sponsored or cosponsored program, although donations may be accepted.

Library programs will generally be open to anyone wishing to attend based on space or occupancy constraints. The Alpine Public Library's facilities may be made available to not-for-profit community groups, as determined by the Executive Director, for programs that conform to the library's programming philosophy (see "Use of Library Facilities" elsewhere in this manual).

The Alpine Public Library adheres to the American Library Association's "Library Bill of Rights" (Appendix B).

Reference, Information, and Fee Services

Reference and Information Services

Policy: The Alpine Public Library will follow the American Library Association's Code of Ethics (Appendix A).

The staff of the Alpine Public Library will strive to answer all reference and information questions efficiently, accurately, courteously, and in a timely manner. If it is not possible to find an answer using Alpine Public Library resources, other libraries, agencies, and community resources will be utilized, and patrons will be directed to those sources.

Services available include information services; instructions on the use of the library and library materials; bibliographic verification of items requested; reader's advisories from professional sources; referral to community services; and assistance in locating materials.

Confidentiality is a priority. Library policy requires that any information about a patron's use of library materials or services not be shared. A breach of confidentiality may cause the library to lose the trust of its users or to become involved in a serious legal entanglement. Any proven breach of confidentiality will result in severe reprimand up to and including immediate termination of employment (see "Confidentiality of Patron Records" elsewhere in this manual and Texas Library Association's "Policy on Confidentiality of Library Records" [Appendix E]).

The library staff will not offer advice, advise a patron, or interpret information. Staff members will present only factual information and limit suggestions to the search strategy and not the subject or content of the request. The library staff member is an information provider, not a physician, health-care professional, attorney, or counselor.

Procedure:

Walk-in and telephone inquiries: Patron questions will be answered in the order received, with priority given to questions asked by patrons in the library. If a phone call interrupts the serving of a patron in the library, the patron on the phone will be asked if he or would like to hold or be called back. If the patron does not care to hold, or if library staff thinks it will take longer than a few minutes to serve the in-library patron, the staff member will ask for the patron's name and phone number so she or he may be called back.

When the answer to a question requires material to be read over the phone, it will be read verbatim. The source of the material will always be cited. If the material is extensive, the patron should be offered the option of viewing the printed material by visiting the library. If the patron cannot visit the library, materials may be mailed or e-mailed to the patron on approval of the Executive Director. The cost of physically mailing material will be the responsibility of the requestor.

E-mail inquiries: E-mail inquiries are welcome and will be handled in the order they are received. Inquiries received during the library's operating hours will be answered within 24 hours if possible.

A patron who contacts the library via e-mail will be given the same courtesy, timely service, and accurate information as one who makes a telephone inquiry or visits the library in person.

Photocopying

Policy: The Alpine Public Library does not provide a photocopier for public use. Staff members will make photocopies for patrons for a per-page fee determined annually by the Executive Director. Staff members will not knowingly violate copyright law when making copies for patrons (see "Interlibrary Loan" and "Protection of Copyright" elsewhere in this manual, and "Fair Use of Copyrighted Materials" [Appendix J]).

Internet Use

See the "Internet" section under "Access to Library Services" elsewhere in this manual

USE OF LIBRARY FACILITIES

Americans with Disabilities Act

Policy: The Alpine Public Library adheres to the Americans with Disabilities Act (ADA) of 1990, which assures equal access to employment opportunities and access to all library facilities, activities, and programs. Every attempt will be made to accommodate the needs of persons with disabilities, and the library welcomes input from persons with disabilities about ways the library can more effectively serve them.

Procedure: Questions about ADA compliance and complaints or suggestions about accessibility of library facilities, activities, and programs should be addressed to the Executive Director.

Library Facilities and Grounds

Policy: The AEP Foundation Multipurpose Room and adjoining patios are available for use by the Board of Directors, Friends of the Library, and staff for library meetings, events, or programs. Big Bend–area not-for-profit community groups or organizations are welcome to use the room and patios if they are available. Use is limited to public meetings that are free of charge and not intended to generate revenue. Social gatherings, such as showers, birthday parties, partisan political rallies, and religious services are prohibited. A limited suite of A/V equipment is available for use. There is no charge for room or equipment use, but donations are accepted to cover the cost of utilities and maintenance.

Reservations for public use must be made with the Executive Director or a designated staff member, with the understanding that facilities will be left in the condition in which they were found or better. Groups using the facilities are responsible for setup and cleaning; library staff members are not available for setup or cleaning. Equipment, supplies, or personal effects that do not belong to the library may not be stored in any of the library's facilities before or after a program. Program representatives must agree to and sign the terms-of-use form.

The library cannot be held responsible for loss of or damage to persons or things during non-library-sponsored events.

Distribution of Free Materials

Policy: Items that publicize community organizations and local events may further the role of the library as the central source for civic, cultural, educational, and recreational information. Display space will be available in the library for community organizations to disseminate such information. Materials that promote programs or projects of a personal, religious, political, or commercial nature may not be distributed or displayed in the library.

Items that may be distributed or displayed include flyers, brochures, leaflets, newspapers, and pamphlets that provide information about not-for-profit civic, educational, cultural, or recreational organizations and events.

Items may be displayed or distributed for as long as they are valid. If space becomes limited, preference will be given to items with a deadline and to organizations or groups that have not recently distributed or displayed items.

Distribution or posting of items does not indicate endorsement of the issues, events, persons, or services promoted by those materials.

Procedure: All items for posting or distribution must be presented to the Executive Director for approval. The library staff will date and display items. Library staff members will remove and discard items that have expired. Items left or posted without approval will be removed and discarded.

Religious Programming and Decorations

Policy: As part of the library's role as a community activities center, the library may sponsor or present programs on a variety of topics, including holiday celebrations from various religions and cultures. Whenever possible, publicity will include details about the program so that parents may make decisions about their and their children's attendance. The library does not determine the content of programs presented by persons using the AEP Foundation Multipurpose Room (see "Library Facilities and Grounds" elsewhere in this manual), and information presented or opinions expressed by outside speakers do not necessarily represent the views of the library.

PATRON CONDUCT

Policy: The Alpine Public Library encourages people of all ages to visit the library. Those using the library and its resources have the right to expect a safe and comfortable environment that supports appropriate library services.

Disruptive Behavior

Policy: Anyone demonstrating disruptive behavior will be required to leave the library after one warning from the Executive Director, if available, or by staff, if the Executive Director is unavailable. Disruptive behavior includes but is not limited to (1) noisy, boisterous actions; (2) inappropriate behavior, including eating, smoking, running, loud talking, or personal electronic device use; (3) misuse of library property; and (4) uncooperative attitudes or actions that deliberately annoy others or interfere with the legitimate use of the library and its resources. Abusive language and behavior toward staff members will not be tolerated.

Procedure: At the discretion of the Executive Director, an adult with a history of disruption may be barred from using the library for a period of time determined by the Executive Director. The patron's library privileges may be restored at the discretion of the Executive Director.

A patron who is judged to be disruptive will receive one warning from the Executive Director, if he or she is available, or from a staff member. If the disruptive behavior continues, the patron will be asked to leave. If the patron refuses to leave or to cease the disruptive behavior, the Alpine Police Department will be contacted.

Proper Attire

Policy: Patrons are asked to wear proper attire—shirts, shoes, and so forth—when in the library.

Procedure: Patrons who visit the library inappropriately dressed will be asked to leave.

Personal Devices

Policy: Personal devices, such as laptop computers, tablets, CD players, and smart phones, may be used with headphones or earbuds if the noise level is low and use does not annoy other patrons. While cell phone use for data transmission or texting is allowed, use of cell phones for voice communication is prohibited in the library.

Procedure: Cell phones should be turned off or switched to a nonaudible signal. All other personal devices must be used with headphones or earbuds if use of the device might disturb other patrons.

Children

Policy: The Alpine Public Library is a public facility that offers services to a wide range of citizens, and children are especially welcome. Children and young adults are expected to adhere to the same standards of patron conduct expected of adults. Parents, guardians, or assigned chaperones are responsible for the behavior of their children while in the library. It is not the responsibility of library staff to babysit children while they are in the library.

Young children may not be safe when left unattended in the library. Staff members cannot know if children are leaving with a parent, a friend, or a stranger. Children under the age of seven should never be left unsupervised in any area of the library. Every effort will be made to locate a parent or other responsible adult, but if no responsible party can be located in a reasonable amount of time, unattended children who are disruptive will be placed in the care of the Alpine Police Department.

Procedure: A child or minor with a history of disruption may be barred from the library unless accompanied by a parent or legal guardian. Children over age twelve who are disruptive will be asked to leave the library. If the child cannot safely leave the library to return home on her or his own, staff members will permit the child to call a parent or guardian. If a parent or other responsible adult cannot be located, library staff, depending on the severity of the situation, will either allow the child to remain at the library under close supervision until a parent or guardian can be contacted or contact the Alpine Police Department.

Any children who have not been picked up at closing time will be given the opportunity to call a parent or guardian. Children who have not been picked up within fifteen minutes of closing will be left in the care of the Alpine Police Department. Under no circumstances will library staff members stay alone with a child, take a child out of the building, or transport a child to another location.

Harassment and Lewd Behavior

Policy: Patrons and staff have the right to enjoy an environment free from harassment or lewd conduct. Anyone who harasses staff or patrons will be asked to leave the library, and a report will be filed with the Executive Director. A staff member may choose to immediately report the offender to the Alpine Police Department. Repeated acts of harassment or acts that may be escalate into violent or illegal actions will be reported to the Alpine Police Department.

Lewd acts and sexual misconduct are not allowed in the library and will result in immediate expulsion from the facility. The patron's library privileges may be restored at the discretion of the Executive Director.

Procedure: Those who commit minor acts (as judged by the Executive Director) will be given one warning and then asked to leave if the behavior persists. Serious acts and acts involving minors will be reported to the Alpine Police Department and to the Executive Director.

Patron Use of Library Supplies

Policy: The Alpine Public Library will supply scratch paper for notetaking but cannot provide other office or school supplies. Supplies purchased with budgeted library funds are for use by library staff in the completion of their duties. Because supplies are partially purchased with public tax funds, they cannot be sold or given away.

Theft of Materials

Policy: To protect taxpayers' investment in library materials, as patrons leave the library, staff members may conduct random visual examinations of book bags, backpacks, briefcases, and other large containers brought into the facility.

Procedure: Personal items may be examined visually by staff if there is a suspicion of misconduct. Any uncharged items will be returned to the circulation desk to be charged out. If staff members believe that theft was intended, the Alpine Police Department will be notified immediately. Vandalism of library materials will also be reported to the police.

Some patrons' personal items may be stored at the circulation desk while the patron is in the library. Library staff will exercise caution with such items but cannot assume responsibility for loss or theft.

FINANCIAL AND ACCOUNTING POLICY AND PROCEDURES

Reserve Fund

The Alpine Public Library will maintain a reserve fund to cover payroll and other necessary expenses in the event of a financial emergency. Ten percent of the annual operating budget will be held as cash or cash equivalents. Action by the Executive Committee, including the chair of the Finance Committee and the Executive Director, will be required to declare an emergency and access the funds.

Cash Disbursements

To ensure that payments are appropriately disbursed,

- petty cash use requires receipts.
- reimbursements for purchases (business-related only) require receipts.
- travel expenses require receipts and map of route for mileage reimbursement.

Staff and volunteers conducting library business are eligible for reimbursement at the Executive Director's discretion.

Cash Receipts

To ensure that cash is accounted for properly,

- original Re-Reads transaction sheets are filed with proof of deposit.
- front desk sales are recorded separately and filed with proof of deposit.

Accounts with Financial Institutions

Prudent accounting practices regarding financial institution accounts require

- dual signatures on all accounts that have check-writing privileges.
- that the Executive Director and one signature-approved Board officer sign checks and initial stubs.
- that authorized signatories be on file at the institution for each account.
- that all accounts be reconciled monthly, with the Executive Director initialing each reconciliation as evidence that it was reviewed and approved.
- that all credit accounts be paid in full monthly.

Inventory Control

Product (Collections)

- All materials are assigned a barcode.
- The collection catalog is backed up and maintained offsite.
- A physical inventory is completed on a rotating basis. Annually, one or two library sections are evaluated using a six-year rotation.

Fixed Assets

- Computer equipment is the only fixed asset for which the library maintains records.
- A master copy of the fixed-asset inventory is maintained at the library.

Payroll

- Timesheets must be approved by the Executive Director before pay date.
- Timesheets, which are initialed by the Executive Director to reflect approval, are filed with a payroll payment authorization form consistent with the system in use at the time.

Purchasing

To ensure that only valid, approved vendors are used and timely payments are made,

- vendor selection is the sole responsibility of the Executive Director; no other person is authorized to select vendors.
- all vendors are paid on net 30-day accounts, unless other arrangements are made by the Executive Director.

Investment Policy (see Appendix O)

The chair of the Finance Committee (usually the Board Treasurer) periodically reviews the library's investments with the Board of Directors, which is solely responsible for directing the library's investments.

The outcome of an investment review is recorded in the minutes of the Board.

A review occurs no less than once in the previous 12 months, preferably when (1) the outside auditor presents its review, or (2) in the absence of an outside audit, when the Board reviews the previous year's financial summaries.

Reserve Fund Policy

The Reserve Fund will consist of \$35,000, or about 2 months' operating costs, and will be set up as a separate bank account requiring 2 signatures for withdrawals.

If, in any month, the balance in the Operating Account drops below \$10,000, the Executive Director, with the concurrence of the Board of Directors, will be authorized to transfer \$15,000 from the Reserve Fund into the Operating Account to avoid failure to meet payroll or other critical expenses.

At the first Board meeting following any such transfer, the Board will discuss and authorize appropriate actions to address the situation that led to the withdrawal from the Reserve Fund.

The library will attempt to replenish the Reserve Fund within 6 months of any withdrawal.

Protection of Library Business Data and Records from Loss

QuickBooks data are backed up once a week on an external hard drive and stored onsite.

Appendices

Appendix A: American Library Association Code of Ethics

<https://www.ala.org/tools/ethics>

Appendix B: American Library Association Library Bill of Rights

<http://www.ala.org/advocacy/intfreedom/librarybill>

Appendix C: United for Libraries

United for Libraries (formerly Association of Library Trustees, Advocates, Friends and Foundations) is a national network of enthusiastic library supporters who believe in the importance of libraries as the social and intellectual centers of communities and campuses. No one has a stronger voice for libraries than those who use them, raise money for them, and govern them. By uniting these voices, library supporters everywhere will become a real force to be reckoned with at the local, state, and national levels.

<http://www.ala.org/united/about>

Appendix D: American Library Association Freedom to Read Statement

<https://www.ala.org/advocacy/intfreedom/freedomreadstatement>

Appendix E: Texas Government Code Chapter 552.124

Last updated July 23, 2023, the Texas Open Records Act (Texas Penal Code §552.124) protects the confidentiality of the records of any library system that is supported in whole or in part by public funds that identify or serve to identify a person who requested, obtained, or used a library material or service.

https://texas.public.law/statutes/tex._gov%27t_code_section_552.124

Appendix F: Free Access to Libraries for Minors: An Interpretation of the Library Bill of Rights

<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/minors>

Appendix G: Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights

<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/digital>

Appendix H: U.S. Patriot Act Search Warrant Procedures (For Library Staff Members)

Inform the law enforcement agent that we have a policy you need to consult.

Identify the agent-in-charge. Ask for identification and verify the agent's position.

- Do not call a number given to you by an agent.
- The local El Paso FBI field office phone number is (915) 832-5000
- Verify with the field office that the agent is legitimate.
- Get the agent's business card for our records.

Tell the agent-in-charge the Executive Director's name.

- Request that the agent direct all inquiries to the Executive Director.
- Request a brief delay to assemble the appropriate personnel.
- If possible, escort the law enforcement officers to a private area, preferably a free tutoring room, while the team is assembled.

Contact the Executive Director. The Executive Director will contact the library's attorney.

If you cannot contact the Executive Director, immediately contact the library's attorney (the attorney's contact information is posted behind the circulation desk).

If the agent-in-charge will not wait until the library team can be assembled:

- Ask for a copy of the search warrant and try to verify the information the library is being asked to produce.
- Call the Executive Director and the library's attorney at once.
- If the library is asked to consent to search items beyond the scope of the warrant, decline.
- If production of the requested items is outside your scope of expertise, inform the agent that you will need to consult the appropriate staff member.

Remember that there is usually a gag order associated with a search warrant issued pursuant to the USA Patriot Act:

- Do not discuss the warrant with anyone other than the Executive Director and the library's attorney
- Do not disclose to the patron that her or his records have been seized or searched by the FBI.

Appendix I: Request for Reconsideration of Materials

Alpine Public Library

REQUEST FOR MATERIAL RECONSIDERATION

Title _____
Book _____ Periodical _____ Other _____
Author _____
Publisher _____
Request initiated by _____ (Required)
Address _____ (Required)
City _____ State _____ Zip _____ (Required)
Telephone _____

Request made on behalf of _____ Yourself
_____ An organization (name) _____
_____ Other group (name) _____

1. Did you read/view the entire work? _____

2. What is your objection? Please be specific. Cite pages. _____

3. What is positive about the work? _____

4. What do you feel might be the result of reading/viewing the material?

5. For what library patrons would you recommend this work? _____

7. What resource(s) do you suggest to provide additional information on this topic?

8. Action requested:
_____ Return it to the staff selection committee/department for reevaluation
_____ Other. Explain. _____

9. In its place, what work would you recommend that would convey as valuable a perspective of the subject treated?

10. Have you read the Alpine Public Library's material selection criteria?

SIGNATURE _____

(Texas Library Association, Intellectual Freedom Handbook)

Appendix J: Fair Use of Copyrighted Materials

What Is Fair Use?

The four fair use factors:

- What is the character of the use?
- What is the nature of the work to be used?
- How much of the work will you use?
- What effect would this use have on the market for the original or for permissions if the use were widespread?

FACTOR 1: What is the character of the use?

- Nonprofit
- Educational
- Personal
- Criticism
- Commentary
- News reporting
- Parody
- Otherwise "transformative" use
- Commercial

Uses on the left tend to tip the balance in favor of fair use. The use on the right tends to tip the balance in favor of the copyright owner—in favor of seeking permission. The uses in the middle, if they apply, are very beneficial: they add weight to the tipping force of uses on the left; they subtract weight from the tipping force of a use on the right.

Imagine that you could assign a numerical weight to each use. A nonprofit educational use other than the middle uses, for example, making a copy of a journal article for a university class, might weigh 5 in favor of fair use. But a nonprofit educational use that is also criticism, for example, the inclusion by a faculty member of a quote from another's work in a scholarly critique, would weigh even more in favor of fair use: about 6 or 7. That's because the uses in the middle are "core" fair uses, the ones most dearly protected.

Even if they are for-profit, the core fair uses weigh in favor of fair use: that's why they subtract from the weight against fair use of a commercial use. A commercial duplication of an article from a journal might weigh 5 against fair use. But a commercial commentary or quotation would barely tip the scale, if at all.

This is not to suggest that fair use can be precisely quantitatively analyzed. Numbers are just a tool to illustrate how the facts interact and affect each other. Actually, numbers wouldn't make the analysis any easier: copyright owners and users would have just as much trouble agreeing on weights as we have agreeing on any other judgment about fair use.

FACTOR 2: What is the nature of the work to be used?

- Fact
- A mixture of fact and imaginative
- Imaginative
- Published
- Unpublished

Again, uses on the left tip the balance in favor of fair use. Uses on the right tip the balance in favor of seeking permission. But here, uses in the middle tend to have little effect on the balance.

Which way is your balance tipping after assessing the first two factors?

FACTOR 3: How much of the work will you use?

- Small amount
- More than a small amount

This factor has its own peculiarities. The general rule holds true (uses on the left tip the balance in favor of fair use; uses on the right tip the balance in favor of asking for permission), but if the first factor weighed in favor of fair use, you can use more of a work than if it weighed in favor of seeking permission. A nonprofit use of a whole work will weigh somewhat against fair use. A commercial use of a whole work would weigh significantly against fair use.

For example, a nonprofit educational institution may copy an entire article from a journal for students in a class as a fair use; but a commercial copy shop would need permission for the same copying. Similarly, commercial publishers have stringent limitations on the length of quotations, while a student writing a paper for a class assignment could reasonably expect to include lengthier quotes.

Which way does your balance tip after assessing the first three factors? The answer to this question will be important in the analysis of the fourth factor.

FACTOR 4: If this kind of use were widespread, what effect would it have on the market for the original or for permissions?

- After evaluation of the first three factors, the proposed use is tipping toward fair use
- Original is out of print or otherwise unavailable
- Competes with (takes away sales from) the original
- No ready market for permission
- Avoids payment for permission (royalties) in an established permissions market
- Copyright owner is unidentifiable

This factor is a chameleon. Under some circumstances, it weighs more than all the others put together. Under other circumstances, it weighs nothing. It depends on what happened with the first three factors.

Here's why:

This factor asks, "If the use were widespread, would the copyright owner be losing money?" Well, actually, it asks, "If the use were widespread, and the use were not fair, would the copyright owner be losing money?" After all, if the use were fair, the copyright owner would not be entitled to any money at all, so he couldn't "lose" what he never would have had to begin with.

When you include in your assumptions the very conclusion that you are trying to reach (you assume a use is not fair in the process of trying to figure out whether it is fair), you violate a principle of logic—you engage in "circular reasoning."

Courts deal with this propensity of the fourth factor to encourage circular reasoning by looking at the first three factors before evaluating the fourth. *If the first three factors indicate that the use is likely fair, courts will not permit the fourth factor to convert an otherwise fair use to an infringing one.* On the other hand, if the first three factors indicate that the use is likely not fair, courts are willing to consider lost revenues under the fourth factor. In this case they do not have to assume the conclusion in order to reach it. They reach the conclusion based on good evidence that the use is not fair. *This means that if a use is tipping the balance in favor of fair use after the first three factors, the fourth factor should not affect the results, even if there is a market for permissions, even if the owner would lose money because of the use.*

On the other hand, if a use is tipping the balance in favor of asking for permission one need not "assume" it's not fair, the first 3 factors show that it's not. Add to that an active permissions market and the fourth factor will decisively tip the balance. Forget fair use. Get permission.

The facts in the middle illustrate circumstances that also support fair use, as they indicate a lack of harm to the owner's economic incentive.

Does the balance for your use tip in favor of fair use or in favor of getting permission after consideration of all four factors?

Appendix K: Gift Acceptance Policy

ALPINE PUBLIC LIBRARY GIFTS POLICIES

The Alpine Public Library is grateful for donations of materials. Space and staff limitations make it necessary to evaluate all such donations carefully. With the exception of certain types of materials in the genealogy, local history, and archives areas, the library does not rely on donated materials as the primary means of developing its collection.

The following policies apply to all donated materials or money from any source.

Materials Intended for the Alpine Public Library

1. All donations to the library become the property of the Alpine Public Library, to use or dispose of as it considers best. The library reserves the right to add donations to the collection or to dispose of them in another way.
2. The library does not add donated materials to the collection if they do not meet the library's collection policies and selection criteria. In general, the following materials are **NOT** accepted for inclusion in the collection:
 - 2.1. Materials more than five years old, except in the case of classics in all fields of knowledge.
 - 2.2. Encyclopedias
 - 2.3. Magazines, including *National Geographic*
 - 2.4. *Reader's Digest* condensed books
 - 2.5. Textbooks
 - 2.6. Materials with torn or missing pages, broken bindings, damaged covers
 - 2.7. Materials that have been written in, highlighted, or underlined
 - 2.8. Copied articles, manuscripts, videos, or audio materials
 - 2.9. Musty, moldy, or mildewed materials
 - 2.10. Materials with insect, rodent, or other animal damage
 - 2.11. Materials damaged by food and/or liquids
 - 2.12. Materials that have donor-stipulated restrictions on their use, distribution, exhibition, or retention
 - 2.13. Materials lent to the library on a preview basis, including items donated by the author
 - 2.14. Materials donated as memorials or in honor of someone unless the materials meet the selection criteria
 - 2.15. Materials of which the library has sufficient quantities or subject coverage
 - 2.16. Materials the library would not purchase new
 - 2.17. Materials that do not meet the requirements for any of the library's service roles
 - 2.18. Materials that would be weeded because of age, condition, lack of use
 - 2.19. Materials in formats the library does not have or no longer purchases; this includes but is not limited to videocassettes, audiocassettes, and LP recordings

Materials Intended for Re-Reads Bookstore

Re-Reads Bookstore is a project of the Alpine Public Library and is staffed by the Friends of the Alpine Public Library. The Executive Director or a designee also manages donations for the bookstore. Donations of materials are first checked for possible inclusion in the library's collection. If they are unsuitable for the library collection, they are sold in Re-Reads Bookstore. Proceeds from the sale of these donations directly benefit the Alpine Public Library. Any materials not deemed acceptable for sale in Re-Reads Bookstore are recycled or donated to other area nonprofits.

The same criteria regulating materials donations to the library apply to donations to Re-Reads, although some materials that might not be suitable for the library's collection might be appropriate for the bookstore. In general, however, Re-Reads does **NOT** accept the following:

1. Encyclopedias
2. Magazines, including *National Geographic*
3. *Reader's Digest* condensed books
4. Materials with torn or missing pages, broken bindings, damaged covers
5. Materials that have been written in, highlighted, or underlined
6. Copied articles, manuscripts, videos, or audio materials
7. Musty, moldy, or mildewed materials
8. Materials with insect, rodent, or other animal damage
9. Materials damaged by food and/or liquids

Tax Deductions

The Alpine Public Library provides a Gift Form (Appendix L) for all donations of materials. Donations are tax-deductible; however, federal tax regulations prevent library staff from placing a value on donated materials. Donors are strongly encouraged to compile a detailed list of items prior to donation if the donation will be used later as a tax deduction. Donors may wish to review the following IRS publications:

1. IRS Publication 561: Determining the Value of Donated Property
2. IRS Form 8283: Noncash Charitable Donations

Monetary Donations

The Alpine Public Library welcomes unrestricted monetary gifts, as these allow for the greatest flexibility in meeting the library's needs.

The library encourages donors to make general recommendations about how they would like monetary donations to be used, for example, type of material, subject area, age level, or a preferred library unit.

The library discourages stipulations that require the library to purchase specific titles with monetary gifts and reserves the right to refuse such donations if the recommended material does not meet the library's collection policies or selection criteria.

Books, videos, and other materials purchased with bequests, memorials, or gifts in honor of someone will be identified with special donor plates when the donor so requests. Notification of memorial contributions or donations in honor of a person or an entity will be sent to the appropriate persons.

Special Fundraising Projects and Book Drives

Individuals and organization wishing to conduct special fundraising projects or book drives must discuss these with the Alpine Public Library's Executive Director and the President of the Friends of the Alpine Public Library. The library reserves the right to stipulate conditions regarding the types and dispersal of materials or use of funds earned from such projects to ensure that they will benefit the library.

Appendix L: Alpine Public Library Gift Form

Gift Acknowledgment

Date: _____

Donor: _____

Address: _____

Phone: _____

The Alpine Public Library happily accepts donations of books, videos, and other materials from individuals and organizations. Donated items become the property of the Alpine Public Library and will be evaluated for inclusion in the collections in accordance with the criteria stated in the Alpine Public Library Collection Development Policy.

Selection criteria include (1) popular demand; (2) contemporary significance; (3) literary quality; (4) authority and reputation of the author, reader, screenwriter, producer, etc.; (5) favorable reviews in reputable sources; (6) accuracy and currency of information; (7) lack of material on the subject in the collection; (8) price, format, and ease of use. In addition, used materials must be clean, undamaged, and unmarked.

Items that are not added to the collection may be given to the Re-Reads Bookstore, donated to another nonprofit organization, or discarded at the discretion of the Executive Director.

Thank you for your kind donation of:

It is understood that to be in compliance with Internal Revenue Service regulations, the donor is responsible for determining the value of those items donated. A professional appraisal may be required.

Donor's Name: _____

Donor's Signature: _____

Executive Director's Name: _____

Executive Director's Signature: _____

A copy of this letter will be kept on file in the Executive Director's office.

Appendix M: Records-Retention Policy

AC – After closed

AV – As long as administratively valuable

FY – End of fiscal year

LA – Life of asset

PM – Permanent

US – Until superseded

- Audits: PM
- Tax returns: PM
- Fiscal records (deposits/invoices/canceled checks): FY + 3 years
- Insurance policies and records: AC + 4 years
- Equipment and facilities records: FY + 3 years
- Correspondence: AV
- Executive orders (Policies & Procedures; strategic plans): US
- Public relations records: AV
- Information requests: AC + 1 year
- Plans and planning records: AC + 3 years
- Customer surveys: AC
- Training materials: AV
- Meeting agendas and minutes: PM
- Staff meeting minutes/notes: 1 year
- Raw data (e.g., volunteer hours, library statistics): AV
- Patron registration logs: AC
- Usage logs, computers: end of day
- Usage logs, other library materials: 1 month
- Applications for employment, not hired: 2 years
- Applications for employment, hired: AC + 5 years
- Employment selection records: 2 years
- Grievance records: AC + 2 years
- Personnel documentation (e.g., performance reviews, training records): 2 years
- Payroll tax documentation: AC + 4 years
- Employee earnings records: 4 years
- W-4 forms: AC + 4 years
- Direct deposit application/Authorizations: US

Appendix N: Accounting Policy and Procedures

Date/Version: 080323/1

- 1. Cash disbursements—To ensure that payments are appropriately disbursed,**
 - 1.1. Petty cash use requires receipts.
 - 1.2. Reimbursements for purchases (business-related only) require receipts.
 - 1.3. Travel expenses require receipts and map of route for mileage reimbursement.
 - 1.4. Staff and volunteers conducting library business are eligible for reimbursement at the Executive Director's discretion.

- 2. Cash receipts—To ensure that cash is accounted for properly,**
 - 2.1. Original Re-Reads transaction sheets are filed with proof of deposit.
 - 2.2. Front desk sales are recorded separately and filed with proof of deposit.

- 3. Accounts with financial institutions—Prudent accounting practices regarding financial institution accounts require**
 - 3.1. two signatures on all accounts that have check-writing privileges.
 - 3.2. that the Executive Director and one signature-approved Board officer sign checks and initial stubs
 - 3.3. that authorized signatories be on file at the institution for each account
 - 3.4. that all accounts be reconciled monthly, with the Executive Director initialing each reconciliation as evidence that they were reviewed and approved.
 - 3.5. that all credit accounts be paid in full monthly.

- 4. Inventory control**
 - 4.1. Product (Collections)
 - 4.2. All materials are assigned a barcode.
 - 4.3. The collection catalog is backed up and maintained offsite.
 - 4.4. A physical inventory is completed at least every 24 months.**[AT LEAST EVERY YEAR? IS THIS WHAT THE MANUAL SAYS?]**
 - 4.5. Fixed Assets
 - 4.5.1. Computer equipment is the only fixed asset for which the library maintains records.
 - 4.5.2. A master copy of the fixed-asset inventory is maintained at the library.

- 5. Payroll**
 - 5.1. Monthly timesheets are approved by Executive Director before pay date.
 - 5.2. Timesheets, which are initialed by the Executive Director to reflect approval, are filed with a payroll payment authorization form consistent with the system in use at the time.

- 6. Purchasing—To ensure that only valid, approved vendors are used and timely payments are made**
 - 6.1. Vendor selection is the sole responsibility of the Executive Director; no other person is authorized to select vendors.
 - 6.2. All vendors are paid on net 30-day accounts, unless other arrangements are made by the Executive Director.

7. Investment Policy (see Appendix O)

- 7.1. The chair of the permanent standing Finance Committee periodically reviews the library's investments with the Board of Directors, which is solely responsible for directing the library's investments.
- 7.2. The outcome of an investment review is recorded in the minutes of the Board.
 - 7.2.1. A periodic review occurs at least once in the previous 12 months, preferably when the outside auditor presents its review, or
 - 7.2.2. In the absence of an outside audit, when the Board reviews the previous year's financial summaries.

8. Protection of Library Business Data and Records from Loss

- 8.1. QuickBooks data are backed up once a week on an external hard drive and stored onsite.

Appendix O: Investment Policy

PURPOSE OF INVESTMENT POLICY

The purpose of this investment policy is to provide a clear statement of the Alpine Public Library's investment objective, to define the responsibilities of the Board and any other parties involved in managing the library's investments, and to identify or provide target asset allocations, permissible investments, and diversification requirements.

INVESTMENT OBJECTIVE

The overall investment objective of the Alpine Public Library is to maximize the return on invested assets while minimizing risk and expenses. This is done through prudent investing and planning, as well as through the maintenance of a diversified portfolio.

GENERAL PROVISIONS

- All transactions shall be for the sole benefit of the Alpine Public Library.
- The Directors shall consider updating the Alpine Public Library's investment policy on an annual basis.
- The Directors shall conduct an annual review of the Alpine Public Library's investment assets to verify the existence and marketability of the underlying assets or to satisfy themselves that such a review has been conducted in connection with an independent audit (if any) of the library's financial statements.
- Any investment that is not expressly permitted under this policy must be formally reviewed and approved by the Board of Directors.
- The Directors will endeavor to operate the Alpine Public Library's investment program in compliance with all applicable state, federal, and local laws and regulations concerning management of investment assets.

Investments shall be diversified with a view to minimizing risk.

DELEGATION OF RESPONSIBILITY; RELIANCE ON EXPERTS AND ADVISERS

The Board of Directors has ultimate responsibility for the investment and management of the Alpine Public Library's investment assets.

The Board may delegate authority over the Alpine Public Library's investments to the Finance Committee.

The Board or the Finance Committee may hire outside experts as investment consultants or investment managers.

The Board may also establish an advisory committee (which may include nondirectors) to provide investment advice to the Board or to the Finance Committee. Advisory committees have no authority to act for the Board but may monitor compliance with the investment policy, recommend changes, and assist the Board or Finance Committee in selecting and retaining investment managers to execute this investment policy.

RESPONSIBILITIES OF THE BOARD OR, IF AUTHORITY IS DELEGATED, THE FINANCE COMMITTEE

The Board or, if authority is delegated, the Finance Committee, is charged with the responsibility of managing the investment assets of the Alpine Public Library. The specific responsibilities of the Board or the Finance Committee, as applicable, include the following:

- Communicating the Alpine Public Library's financial needs to the investment manager on a timely basis.
- Determining the Alpine Public Library's risk tolerance and investment horizon and communicating these to the appropriate parties.
- Establishing reasonable and consistent investment objectives, policy guidelines, and allocations that will direct the investment of the assets, to be reviewed by the Board on an annual basis.
- Prudently and diligently selecting one or more qualified investment professionals, including investment manager(s), investment consultant(s), and custodian(s).
- Regularly evaluating the performance of investment manager(s) to assure adherence to policy guidelines and to monitor investment-objective progress.
- Developing and enacting proper control procedures, e.g., replacing investment manager(s) due to a fundamental change in the investment-management process or for failure to comply with established guidelines.

RESPONSIBILITIES OF INVESTMENT MANAGERS

- Each investment manager will invest assets placed in her or his care in accordance with this investment policy.
- Each investment manager must acknowledge in writing acceptance of responsibility as a fiduciary.
- Each investment manager will have full discretion in making all investment decisions for the assets placed under his or her care and management while operating within all policies, guidelines, constraints, and philosophies outlined in this investment policy. Specific responsibilities of investment manager(s) include the following:
 - Discretionary investment management, including decisions to buy, sell, or hold individual securities and to alter allocation within the guidelines established in this policy;
 - Reporting, on a timely basis, monthly investment performance results;
 - Communicating any major changes in the economic outlook, investment strategy, or any other factors that affect implementation of the investment process;
 - Informing the Board and the Finance Committee of any changes in portfolio-management personnel, ownership structure, investment philosophy, and so on;
 - Voting proxies, if requested by the Board or the Finance Committee on behalf of the Alpine Public Library.
 - Administering the Alpine Public Library's investments at reasonable cost, balanced with avoiding a compromise of quality. These costs include, but are not limited to, management and custodial fees, consulting fees, transaction costs, and other administrative costs chargeable to the Alpine Public Library.

GENERAL INVESTMENT GUIDELINES

A copy of this investment policy shall be provided to all investment managers.

The Alpine Public Library is a tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code. This tax-exempt status should be taken into consideration when making investments.

A cash account shall be maintained with a zero-to-very-low-risk tolerance to keep cash available for grant distributions, tax obligations, and other anticipated expenses.

Transactions shall be executed at reasonable cost, taking into consideration prevailing market conditions and services and research provided by the executing broker.

Permitted investments include cash and cash equivalents; marketable securities, including, but not limited to, equities and fixed-income securities.

No fixed-income security shall have an equivalent credit quality below investment grade at the time of purchase, defined as

- BBB by Standard & Poors for straight bonds and convertibles
- Baa3 by Moody's Investor Service for straight bonds and convertibles
- A1 by Standard & Poors for short-term securities
- P1 by Moody's Investor Service for short-term securities
- AAA for money market accounts

The following transactions are prohibited: purchase of non-negotiable securities, derivatives, high-risk or junk bonds; private placements; precious metals; commodities; short sales; any margin transactions; straddles; warrants; options; life insurance contracts; leverage or letter stock.

DIVERSIFICATION

- The Alpine Public Library will maintain a reasonable diversification of investment assets between asset classes and investment categories at all times.
- Investments in the equity securities of any one company shall not exceed 5% of the portfolio nor shall the total securities position (debt and equity) in any one company exceed 10% of the portfolio.
- Reasonable sector allocations and diversification shall be maintained. No more than 25% of the entire portfolio may be invested in the securities of any one sector.
- Investments within the investment portfolio should be readily marketable.
- The investment portfolio should not be a blind pool; each investment must be available for review.

ASSET ALLOCATION

The asset allocation policy shall be predicated on the following factors:

- Historical performance of capital markets adjusted for the perception of the future short- and long-term capital market performance;
- The correlation of returns among the relevant asset classes;
- The perception of future economic conditions, including inflation and interest-rate assumptions;
- Liquidity requirements for the projected grants and other charitable expenditures;
- The relationship between the current and projected assets of the Alpine Public Library and projected liabilities.

ALLOCATION RANGE

Asset Allocation Range	Target	Upper limit
Cash & Equivalents	5%	0-15%

Fixed Income	40%	20-60%
Equities: Domestic Large Cap	25%	20-40%
Equities: Domestic Small/Mid Cap	20%	10-25%
Equities: International	10%	5-15%

Rebalancing shall be done on a semiannual basis or more frequently if the investment manager, the Executive Director, or the Finance Committee deems it necessary.

PERFORMANCE

Performance objectives are to be met on a net-of-fees basis. The investment performance of each asset-allocation class will be measured on two levels: (1) against inflation objectives for the total Alpine Public Library and (2) against index objectives for individual portfolio components. Investment performance shall be measured no less than quarterly on a net-of-fees basis. Performance shall be evaluated on a three-to-five-year basis to allow for market fluctuations and volatility.