



**BOARD OF TRUSTEES
Work Session
Monday October 19th, 2020
5:00 p.m.
HPLD Administration Bldg.,
2650 W. 29th. St., Greeley, CO 80631**

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If you wish to address the Board via Public Comment please attend the meeting in person. If you are unable to attend in person, you can submit public comments to the Board prior to the Board meeting via Formstack: https://hpld.formstack.com/forms/board_questions

The High Plains Library District Board may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

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1.0 OPENING OF MEETING

- 1.1** Roll Call and Pledge of Allegiance
- 1.2** Approval of Agenda
- 1.3** Public Comment

- *Please note that Public Comment is to address items not currently on the Agenda. If you wish to address the Board in regard **ITEMS FOR DISCUSSION/ACTION**, please wait until the item is presented.*

2.0 ITEMS FOR DISCUSSION/ ACTION

- 2.1** Policy Manual Amendments (Information) -Tony Brewer, Patron Experience Specialist
 - A. Social media
 - B. Privacy of User Records
 - C. Board statements
- 2.2** Build a Better Organization (Information)- Dr. Matthew Hott, HPLD Executive Director



3.0 DIRECTORS REPORT

- 3.1 Review Draft Agendas– Dr. Matthew Hortt, HPLD Executive Director
 - A. November 16th
- 3.2 District Updates – Dr. Matthew Hortt, HPLD Executive Director

4.0 BOARD REPORTS/ COMMENTS

- A. Chairman’s Report
- B. Vice-Chair
- C. Secretary/ Treasurer
- D. Committees
- E. Other Board Members

5.0 ADJOURNMENT

Upcoming meetings:

November 16th, 5:00 p.m HPLD Board of Directors Meeting- Regular Session, Hudson Public Library, 100 S. Beech Street, Hudson, CO 80642

HIGH PLAINS LIBRARY DISTRICT

BOARD OF TRUSTEES COMMUNICATION

Meeting date: October 19, 2020
Type of item: Action
Subject : Policy manual amendments
Presented by: Patron Experience Specialist Tony Brewer tbrewer@highplains.us
Recommendation: Approval of two policies; direction to staff on a third

Background

On August 17, there were three policies presented for Board review:

- Privacy of User Records
- Social Media
- Public Statements

After some discussion, the Board requested more time to think about these three policies, and for staff to bring them back to the September 21 meeting.

Staff did bring back the policies for discussion at the September 21 meeting. The Board elected to table these items for discussion at the October 19 work session.

Update

Since the August meeting, the Library Managers and PSS group have had further discussion of the Privacy of User Records policy. They are recommending one additional change. They agreed to allow peers to claim an item was returned, or to declare an item lost. This amendment allows the peer to pay the patron's debt, if they choose. This change is reflected in the updated draft of this communication.

Privacy of User Records

This policy was formerly titled the Confidentiality Policy. The name is changed to reflect that this policy is the District's interpretation of the state law on Privacy of User Records (CRS 24-90-119). Parts of this law are explicit; other parts require interpretation. Interpreting this statute has always been a challenge for libraries. This revised policy (and related procedure) is the collaborative work of the Library Managers, the Patron Services Supervisors, and legal counsel Bill Garcia.

The most significant interpretive part of this policy is in the section on "Scope of the statute." It was necessary to interpret the meaning of "records", and "minor" since they are not defined in the law itself. It was also necessary to identify those parts of the law that are *mandatory*, and those that are *permissive*.

Another significant issue concerns who, and under what circumstances, those other than the borrower can access the borrower's records. The law identifies that this can be for reasonable operations of the library, for legal purposes, and by the parents of a minor under certain conditions. In keeping with the law, the District allows patrons to designate others who can have access to the account. These are identified in the policy as "peers."

Access, however, can include a lot of things. The policy spells out specifically what is included in access for parents and peers. Parents have greater access, peers have less. The primary criterion was customer service: there are functions a borrower might regard positively (e.g. allowing a spouse to pick up a hold) and others that might have a negative customer service impact (e.g. a sister has access to her brother's account and deletes his account).

Finally, the policy identifies exceptions. These mostly repeat what is in the law but identifies other exceptions which are consistent with the spirit of the law.

Social Media

This will be a new policy in the Policy Manual. The Library District maintains social media accounts. These are effective tools for marketing and interacting with the community. With these tools come challenges for how to ensure that it is a positive and useful tool while allowing for freedom of speech by the public and employees.

The policy identifies these challenges, the District's purposes in using social media, who has responsibility for social media, and the means for regulating social media sites. The policy also addresses the implications of Colorado law (CRS 24-34-402.5) which provides protection for employees who may be using personal social media accounts on their own time.

This policy (and related procedure) are the collaborative work of eMarketing Specialist Peter Derk, Community Relations and Marketing Manager James Melena, Executive Director Matt Hortt and legal counsel Bill Garcia.

Public Statements

This is a work in progress, which requires direction from the Board. The policy is a follow-up on a suggestion that it may be helpful for the Board to identify those areas in which they will or will not make formal statements on matters of public concern. The intent was to assist board members in fulfilling the provisions of the Board's Ethics policy for not being swayed by partisan interests, public pressure, fear of criticism and distinguishing between personal and District philosophy.

In the process of working out what such a policy might look like, there were four options or approaches that were identified. Draft policies for each option (except option 1) are included in this board communication. The direction needed from the Board is which, if any, of these options staff should pursue.

Option 1 – Ethics Policy - The Board may feel that the Ethics Policy is sufficient on its own and that no additional policy is needed (there is no policy sample for this option.)

Option 2 – Ethics Policy Explicit - This option is similar to option 1 but articulates that the Board may make comment on any matters of public concern that are within the parameters of the Ethics Policy.

Option 3 – Board – Areas of Public Concern - This option expands on the underlying issue: if libraries are about protecting freedom of expression of a *variety* of views, when is it appropriate for the Board to take a stand for *one* point of view? This option does make reference to the Ethics Policy, and then identifies the position of the Board in four areas where public statements may come into play: (1) Policy decisions (2) Elections and ballot issues (3) Health and safety issues and (4) Social issues. If this approach is selected, staff would suggest working with the Board Policy subcommittee to determine that the statements reflect the Board's position.

Option 4 – Board and Staff - This option combines option 3, and expands to include how *staff and library* protecting freedom of expression applies to staff and library operations in the areas of (1) organization practices (2) the collection (3) meeting rooms (4) programs and (5) displays.

Staff recommendation

The recommendation of staff is for the Board to approve the policies on Privacy of User Records and Social Media, and to provide direction to staff on which of the four options concerning Public Statements staff should pursue.

DRAFT

Privacy of User Records Policy

Library borrowers are entitled to privacy in their use of the library and the collection. Library staff are responsible to ensure that information about library users, their library activities and use of the collection remains confidential.

Colorado Privacy of User Records Statute

The District is governed in this policy by Colorado Revised Statute 24-90-119, Library Law – Privacy of User Records:

- (1) Except as set forth in subsection (2) of this section, a publicly supported library shall not disclose any record or other information that identifies a person as having requested or obtained specific materials or service or as otherwise having used the library.
- (2) Records may be disclosed in the following instances:
 - (a) When necessary for the reasonable operation of the library;
 - (b) Upon written consent of the user;
 - (c) Pursuant to subpoena, upon court order, or where otherwise required by law;
 - (d) To a custodial parent or legal guardian who has access to a minor's library card or its authorization number for the purpose of accessing by electronic means library records of the minor.
- (3) Any library official, employee, or volunteer who discloses information in violation of this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars.

History:

Source: L. 83: Entire section added, p. 1023, § 1, effective March 22.

L. 2003: (1) and (3) amended and (2)(d) added, p. 2463, § § 17, 18, effective August 15.

Scope of the statute

District interpretation of the statute is:

- the scope of privacy extends not only to user records, but also to (1) use of the collection (2) library activity and (3) information about the borrower.
- the use of the word *shall* in paragraph 1 is an indication that this privacy is mandatory, with the exceptions in paragraph 2.
- the word *records* in paragraph 2 applies only to *user* records, defined as information that is on a borrower's library account.
- the word *may* in paragraph 2 is an indication that the District has some latitude in what is disclosed, dependent on reasonable operation of the library, consent of user, legal requirements, or access to the borrower's library card.
- the word *minor*, for the purposes of this policy, is defined by the District as anyone under the age of 16.
- the statute extends to anyone using the library who is not a registered borrower.

Assignment of permission

District interpretation of the statute is that a patron may grant permission to others to access the user's account. This permission (1) may be written by the patron at the time of registration for a library card, or (2) verbal consent given by the patron to staff at the time of registration or subsequently.

Parental presence

The parent or legal guardian of a minor must be physically present except when working with an institution, such as a school (1) at the time of registration or (2) when a minor wishes to obtain a

replacement library card. For purposes of the library, the District defines a minor as anyone who is under the age of 16.

Access

According to the statute, a parent or legal guardian of a minor has access if they have the barcode number (or the library card). District interpretation is that this access is equal to that of the minor.

When the patron has granted access permission to others in the manner described above, District interpretation is that (1) it is not a requirement to have the library card or barcode number and that (2) granting of access extends only to information in the *user record*, and not to use of the collection, library activity, or information about the borrower. That information remains private, even to the parent or legal guardian of a minor, with exceptions noted below.

District interpretation is that the amount of access to the user record can vary according to whether one is (1) a parent or legal guardian, or (2) a peer, such as a spouse, sibling, or friend.

Parent or Legal Guardian access

Access granted to the user record for a designated parent or legal guardian of a minor includes the following:

- checking out new items on the patron's account
- renewing items on the account
- picking up a hold
- cancelling a hold
- adding a hold
- finding out what the patron currently has on hold
- finding out the patron's place in a holds queue
- getting a list of items checked out and due dates
- paying fines, including titles
- obtaining the minor cardholder's barcode number
- obtaining a replacement card
- changing information on the patron account
- resetting the PIN number
- deleting the patron record
- claiming an item has been returned
- claiming an item has been lost

Peer access (Spouse, sibling, friend)

Access granted to the user record for a peer includes the following:

- checking out new items on the patron's account
- renewing items on the account
- picking up a hold
- cancelling a hold
- adding a hold
- finding out what the patron currently has on hold
- finding out the patron's place in a holds queue
- getting a list of items checked out and due dates
- paying fines, including titles

- claiming an item has been returned
- claiming an item has been lost

Access to the user record for a peer does *not* include the following. These must be done by the cardholder:

- obtaining the patron's barcode number
- obtaining a replacement card
- changing information on the patron account
- resetting the PIN number
- deleting the patron record

Minimum age

There is no minimum age required to receive a library card.

Exceptions

The District policy on privacy does not apply in the following instances:

- In the instances noted above, specifically (1) when a parent or legal guardian has access to a minor's library card or barcode number or (2) when the patron has granted permission to others to access their account within the limits described above.
- The statute permits disclosure when necessary for the reasonable operation of the library. District interpretation is that this is a case-by-case judgment of the Person in Charge.
- The library is not a place of refuge from law enforcement after being accused of committing an illegal act. See Patron Rights and Responsibilities Statement.
- When the library is presented with a subpoena or court order.
- When the policy is in conflict with other laws, such as the first amendment right to photograph or videotape in a public space.
- Extreme instances where public safety or life and death issues are at stake.

District Public Information

During library promotional activities, efforts will be made to warn patrons of the activities and to gain permission of patrons before publishing names or pictures.

Related Documents

Websites:

- [Colorado State Library Quick Guide for C.R.S. 24-90-119](#)
- [Colorado Department of Education C.R.S. 24-90-602 \(Filtering Law\)](#)
- [USA PATRIOT Act](#)

Other policies:

- Patron rights and responsibilities statement
- Photography and Video Recording policy
- Security Camera policy
- Public Information policy

Procedures:

- Privacy of User Records procedure
- Photography and Video Recording procedure
- Photo/Video Release procedure and Publicity Release form
- Public Information procedure

Security Camera procedure

Document Review Dates: Privacy of User Records Policy

Effective date: February 2007

Revision date: August 2020

Reviewed by: Executive Director

Confidentiality policy

~~The High Plains Library District Board of Trustees recognizes that all members of the public are entitled to unrestricted private use of the library and its informational resources in order to make full and effective use of library resources. Patron privacy is protected to the full extent allowed under law.~~

Related documents

Websites:

~~[Colorado State Library Quick Guide for C.R.S. 24-90-119](#)~~

~~[USA PATRIOT Act](#)~~

Other policies:

~~Confidentiality guideline~~

~~Public Information policy~~

Procedures:

~~Confidentiality procedure~~

~~Photo/Video Release procedure and Publicity Release form~~

~~Publicity procedure~~

~~Document review dates: Confidentiality policy~~

~~Effective date: February 2007~~

~~Revision date:~~

~~Reviewed by: Executive Director~~

Confidentiality guideline

~~It is the responsibility of the library, its staff and the volunteers working on its behalf to make every reasonable effort to see that information about the patrons and their library activities and choices remain confidential while accomplishing the work of the library.~~

~~During library promotional activities, efforts will be made to warn patrons of the activities and to gain permission of patrons before publishing names or pictures.~~

~~Confidentiality of library usage is not protected if there is misuse of the library or its resources; if the library is presented with a court ordered subpoena; or if information is requested under section 215 of the United States PATRIOT Act.~~

Related documents

Websites:

~~[Colorado State Library Quick Guide for C.R.S. 24-90-119](#)~~

~~[USA PATRIOT Act](#)~~

Other policies:

- ~~Confidentiality policy~~
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- ~~Effective date: February 2007~~
- ~~Revision date:~~
- ~~Reviewed by: Executive Director~~

Social Media Policy

The High Plains Library District uses and encourages the use of multiple social media platforms.

Social media and public information

Social media is a subset of public information function and policy. Social media presents three challenges to public information:

- (1) Public information distribution is typically in the hands of a few individuals. Social media involves a great number of employees with different styles and perspectives. The challenge is maintaining a style and perspective that is consistent with the brand, views and objectives of the organization.
- (2) Comments a District employee makes on social media on personal time and on personal accounts have legal protection in Colorado law under certain circumstances.
- (3) Comments by the public have some level of First Amendment protection.

This policy outlines the ways and means whereby the District uses social media while dealing with these challenges.

Purpose of social media

Social media serves several important purposes. Social media:

- Is used to promote library initiatives, programs, and services and to communicate and engage with individuals and businesses online.
- Is increasingly preferred over traditional public information sources to communicate immediately and directly with a target audience.
- Extends the mission and vision of the District
- Is an extension of the District brand
- Can create a sense of community among library users
- Provides a forum for conversation about the District and its services

Responsibility for social media

The District's Community Relations and Marketing (CRM) Department has responsibility for information posted on social media accounts.

The District's CRM Department grants access and authority to employees to post, comment, and share under the profile of the District. Under the guidance of CRM, employees can also start up new social media platforms that meet the organization's purposes. Employees who have been granted access to social media accounts have the following responsibilities:

- Following standards and best practices as determined by the CRM Department
- Accuracy in information content

- Representing the District positively and in a professional manner
- Maintaining a constant and steady presence on social media

Means of regulation

The District's CRM Department has several means to ensure that use of social media by employees represents the District appropriately, including:

- Social media platforms provide regulation of all comments, of employees and the public, through their terms of agreement.
- Providing standards, education, and coaching to employees for District use of social media
- Monitoring employee use of District social media accounts
- Investigating claims of inappropriate postings
- Working with supervisors in coaching, correcting or disciplining employees who have intentionally or unintentionally violated organizational standards
- Providing correction or retraction of employee posts on District social media accounts that violate legal or organizational standards
- Intervening in situations in which comments by the public require guidance.

Legal rights and responsibilities

District social media accounts.

Public information concerning the District, its employees and affiliates must not violate any laws or organizational directives, especially as they relate to discrimination, unlawful harassment, and illegal activities.

Some specific examples of prohibited social media conduct include posting material that violates copyright, or posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or can create a hostile work environment.

Employees may not disclose any sensitive, proprietary, confidential, or financial information about the District social media accounts. This would include District inventions, services strategy or products that have not been made public or without approval of CRM department.

Personal social media accounts

Under Colorado law (CRS Sec. 24-34-402.5) it is discriminatory to terminate an employee who is engaging in any lawful activity off the premises during nonworking hours unless the restriction relates to a bonafide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of a particular employee or group of employees.

Just as with District social media accounts, employees using personal social media accounts may not disclose any sensitive, proprietary, confidential, or financial information about the District. This would include District inventions, services strategy or products that have not been made public or without approval of CRM department. They may be recognized as a District employee and the comments could reflect on the organization, particularly if they identify themselves as being with the library district.

Employee complaints regarding alleged discrimination, unlawful harassment or safety issues of the District shall be made using the complaint procedures in the Employee Handbook.

Use of the District logo, trademarks, or branding on personal social media accounts is prohibited.

Employees can be held personally liable for posts on personal social media accounts by organizations and institutions other than the District, and posts made on personal accounts are not protected by the District. For this reason, employees should use caution with regards to exaggeration, obscenity, guesswork, copyrighted materials, legal conclusions, libel and derogatory remarks and characterizations.

District employees engaging in personal use of social media are expected to make clear that comments as an individual are not representative of the District.

The CRM Department does not intentionally monitor employee personal social media accounts. The CRM Department also takes no action regarding employee comments on personal accounts that come to their attention unless there has been a violation in the areas described above.

Related Documents

Websites:

[C.R.S. 24-34-402.5 Discriminatory or Employment Practices](#)

Other policies:

- Employee Handbook
- Public Information policy
- Privacy of User Records policy
- Patron Rights and Responsibilities Statement
- Copyright policy

Procedures:

- Privacy of User Records procedure
- Public Information procedure
- Copyright Procedure

Document Review Dates: Social Media Policy

Effective date: August 2020

Revision date:

Reviewed by: Executive Director, Community Relations and Marketing Manager

OPTION 2: ETHICS POLICY EXPLICIT

Public statement policy

The Board of Trustees of the High Plains Library District sign, are guided by, and adhere to an Ethics Policy. This policy addresses non-discrimination, prohibition from using their office to obtain privileges or advantages for themselves, not being swayed by partisan interests, or by public pressure or fear of criticism and must distinguish clearly in their actions and statements between personal philosophy and those of the District. The Board of Trustees may choose to comment on any matters of public concern that are within these parameters.

OPTION 3: BOARD – AREAS OF PUBLIC CONCERN

Public statement policy

Freedom of expression is the cornerstone of American society. Individuals, organizations, and corporations are free to publicly state their thoughts or positions.

Public libraries are different. *Protecting* freedom of expression is the cornerstone of public libraries. Stated another way, the stand of libraries is for *freedom of expression*; this limits them from expressing a stand for *one point of view*. The implication is that the Board of Trustees and District staff must consider carefully whether and when to make a statement on matters of public concern.

The Board of Trustees of the High Plains Library District sign, are guided by, and adhere to an Ethics Policy. This policy addresses non-discrimination, prohibition from using their office to obtain privileges or advantages for themselves, not being swayed by partisan interests, or by public pressure or fear of criticism and must distinguish clearly in their actions and statements between personal philosophy and those of the District. Within the parameters of the Ethics Policy, the Board considers the following areas of public concern:

Policy decisions

The Board of Trustees sets the policies of the District. Every policy is a statement of the organization's position and direction concerning a matter of public concern. What sets these apart from other issues is that they address how the organization will conduct business, and the welfare of District patrons and staff, or the District itself.

Elections and ballot issues

The Board will not make a statement for or against the election of any candidate, as being a partisan interest. The Board will make a statement only on those ballot issues that have an impact on the welfare of the District, positively or negatively, and with particular regard to financial impacts. The Board will not make a statement on bond issues of other organizations.

Health and safety issues

The Board may make statements on matters that affect public health or safety, and in particular the health and safety of library patrons and staff.

Social issues

This area presents the greatest challenge to a Board because libraries are an integral part of the life of the community and society. Social issues are those most apt to have the strongest opposing viewpoints, and as noted earlier, the role of the library is to protect freedom of expression by all parties without itself expressing a stand for one point of view.

Second, these issues are those most apt to place the Board at risk in violating its Ethics Policy, such as being swayed by partisan interests, public pressure, fear of criticism, and personal philosophy.

In general, the Board will make statements on social issues only when they address the organization itself.

OPTION 4 – BOARD AND STAFF

Public statement policy

Freedom of expression is the cornerstone of American society. Individuals, organizations, and corporations are free to publicly state their thoughts or positions.

Public libraries are different. *Protecting* freedom of expression is the cornerstone of public libraries. Stated another way, the stand of libraries is for *freedom of expression*; this limits them from expressing a stand for *one point of view*. The implication is that the Board of Trustees and District staff must consider carefully whether and when to make a statement on matters of public concern.

Board statements

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Second, these issues are those most apt to place the Board at risk in violating its Ethics Policy, such as being swayed by partisan interests, public pressure, fear of criticism, and personal philosophy.

In general, the Board will make statements on social issues only when they address the organization itself.

Library services practices

Library services may be divided into these five areas: (1) organization practices (2) the collection (3) meeting rooms (4) programs and (5) displays. Though practices in each of these areas may vary slightly, what they all have in common are the principles of freedom of expression and how to best serve the community.

Organization practices

The District may make decisions that are not accepted by some in the community, but are actions taken to best serve the community. The most common example would be in the area of human resource management, such as hiring decisions.

The Collection

These principles are identified in the District's Collection Development policy:

- The District strives to provide a collection that balances viewpoints across a broad spectrum of opinion and subject matter
- The District uses selection practices that are flexible and responsive to the changing needs of the community
- The District builds and maintains collections for the general public while recognizing the needs of special population groups in the community
- The three basic supporting documents used to achieve these principles are the American Library Association's *Freedom to Read Statement*, the *Freedom to View Statement*, and the *Library Bill of Rights*

The significance of these principles is that (1) the collection will have a variety of perspectives represented, (2) some in the community may take offense at the point of view expressed in particular items, (3) the District staff does not express a stand for or against any one point of view, (4) the collection is intended to meet needs of special populations in addition to the general public.

These principles are intended to protect freedom of expression while trying to best serve the whole community.

Meeting rooms

As stated in the District's Meeting Room policy, one primary purpose of the meeting rooms is a support to the First Amendment "right of the people to peaceably assemble" – to allow a place for the presentation, discussion, and exchange of information on a wide variety of ideas.

As a limited public forum, the District may limit public meetings based on time, manner, or location. The District will deny use to groups that advance any doctrine or theory subversive to the Constitution; laws of the United States, or State of Colorado; or that advocate social or political change by force or violence. Other than this, the District does not limit the content or subject matter of meetings held by the public. The District does not express a stand for or against any one point of view represented in meetings

These practices are intended to protect freedom of expression while trying to best serve the whole community.

Programs

In recent years, providing programs to the public has become a library service on the same level as the collection. Library programs follow principles similar to those of the collection. In particular, programs and staff do not express a stand for or against any one point of view.

This does not mean that library programs avoid controversial topics, in the same way that the collection may contain controversial content. The method utilized is to encourage and broker conversations in the community on controversial topics. Library programs are intended to unite and bring together opposing viewpoints, not to contribute to polarization within a community.

This principle is intended to protect freedom of expression while trying to best serve the whole community.

Displays

Displays in this context refers to special displays of library materials. The purpose of displays is to add to the appeal of the library environment, to encourage use of the collection and arouse curiosity about a topic. Displays are often interpreted by the public as the library's endorsement of the content of the materials on display. For this reason, staff needs to use care in selection. Similar to the collection, displays should express a variety of viewpoints. Displays should not express a stand for or against one point of view. Similar to programs, displays may be controversial, but should bring together opposing viewpoints, not contribute to polarization within the community.

These principles are intended to protect freedom of expression while trying to best serve the whole community.



DRAFT - BOARD OF TRUSTEES
Regular Session
Monday November 16th, 2020
5:00 p.m.
Hudson Public Library,
100 S. Beech Street, Hudson, CO 80642

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 - A. Social media
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 - C. Board statements
- 2.2 Kersey Design Build Contract (Action) - Dr. Matthew Hortt, HPLD Executive Director
- 2.3 Approval of Holiday Closures for 2021 (Action) - Dr. Matthew Hortt, HPLD Executive Director

3.0 DIRECTORS REPORT

- 3.1 Review Draft Agendas– Dr. Matthew Hortt, HPLD Executive Director
 - A. December 7th
- 3.2 District Updates – Dr. Matthew Hortt, HPLD Executive Director

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