

DERRY PUBLIC LIBRARY
Meeting Room Use Policy / Memo of Agreement
Amended 07/17/2023

GENERAL

The Library's meeting rooms are defined as limited public forum spaces, generally for the use by groups or individuals residing in Derry.

- There shall be no exclusion by the Library from their use based on the points of view, beliefs or affiliations of the users, sponsors or participants.
- Nothing in this statement prohibits the Derry Library Trustees from adopting reasonable time, place and manner policies regarding the use of meeting rooms.

All programs and meetings must be open to the public except under specific conditions of New Hampshire's Right-To-Know law, RSA 91-A. No group may deny attendance based on race, creed, color, age, sexual orientation, disability, gender, religion, national origin or citizenship.

The meeting rooms are available for public use upon submission and approval of a completed and signed Memo of Agreement and Application.

- By signing, the applicant agrees to meet the outlined Derry Public Library ("DPL") use guidelines and indemnify and release DPL and Town from any and all liability as described in said Memo of Agreement.
- Approval of a completed and signed Memo of Agreement grants the applicant permission to use the meeting room(s) only. It does not grant permission to the applicant to setup in or use any library space outside of the meeting room(s).

All programs must be free.

- No fees, dues or donations may be charged or solicited by the sponsor or group for any program except to cover the cost of materials required for use at the program.

No business solicitations or sign-up sheets may be presented in the building, though presenters are welcome to leave their business cards for audience members to take if they choose.

- Authors and artists may offer their works for sale incidental to a lecture or performance.
- The Library Director may make exceptions regarding fees, dues or donations for seminars, lectures and programs held in cooperation with the Library, or for adult education courses sponsored by an established educational non-profit institution.

Granting of permission to any group, program or organization to use the space does not constitute an endorsement by DPL, its staff or Board of Trustees.

- Groups are prohibited from making statements in their advertising or meeting announcements that suggest DPL sponsorship or endorsement.

- DPL's phone number and address shall not be used as a contact for information about the program. DPL may share program information through its online calendar and/or social media.

All activity in the meeting rooms shall comply with established DPL policies.

- All agreements to use the rooms are temporary, revocable and conditional.
- DPL reserves the authority to revoke the agreement in its sole discretion at any time for any lawful reason prior to expiration without penalty or liability, and to impose conditions upon the agreement in the public interest.

The meeting rooms are available for use free of charge by DPL, town boards, civic groups and other non-profit groups and organizations for informational, educational, cultural and civic needs, such as meetings, lectures, conferences, exhibits, films, etc.

The applicant must be a Derry resident aged 18 or over.

- The Director shall have the discretion to waive the residency requirement for groups meeting the criteria.
- Personal or family parties such as birthday parties, play dates, baby showers, etc. cannot be hosted in the meeting rooms.
- Court-ordered supervised visitations, which are ordered for the safety of the participants, are prohibited in DPL's meeting rooms.

The meeting rooms are limited to one (1) reservation per month, per applicant/group.

- The Director shall have the discretion to allow additional reservations, on a case-by-case basis.
- Applicants may not reserve meeting rooms more than three (3) months in advance.

The meeting rooms are available for use during DPL's normal operating hours.

- Reservation times include setup and breakdown time.
- Rooms are available for use and may be reserved from 9:30 AM through 7:45 PM Mondays through Wednesdays, except holidays, and up to 4:45 PM Thursdays through Saturdays.
- The Library meeting rooms are not available when DPL is closed.

The Library Director reserves the right to:

- Reclaim the use of the meeting room for Library programming with advance notice to the user whenever possible.
- Relocate a user to the room more suited for its size and function.
- Limit the annual number of reservations for any one organization.

DPL, at the discretion of Library Staff, may deny an application if:

1. The requested date and time is unavailable;
2. The application (including any required attachments and/or submissions) is incomplete;
3. The applicant or the person/group/organization on whose behalf the application is made contains a material falsehood or misrepresentation;

4. The applicant or the person/group/organization on whose behalf the application is made has damaged Library property on prior occasions and not paid for the damage;
5. The applicant or the person/group/organization on whose behalf the application is made is legally incompetent to contract or to sue and be sued;
6. The applicant or the person/group/organization on whose behalf the application is made has violated the terms of a previous Memo of Agreement for use of the Library;
7. The proposed use would present an unreasonable danger to the health and/or safety of Library patrons, visitors, employees, agents, volunteers, and/or other members of the public; or
8. The proposed use is prohibited by law.

If approved, the Memo of Agreement and Application will be signed by a DPL representative and returned to the applicant. Any application that is denied will be returned to the applicant stating the reason for such denial.

- Any applicant denied an agreement to use a room or denied a waiver of any condition of use may appeal the decision to the Library Director within five business days, stating in writing the reasons why the denial of the license or waiver was erroneous.
- A decision will be rendered within five (5) business days following receipt of the written appeal.
- If applicant does not receive satisfaction with response, the appeal may be raised to the Board of Trustees.

DPL reserves the right to impose reasonable and actual administrative costs on the user, including but not limited to necessary security, clean-up and traffic management costs so that same are not borne by DPL and taxpayers.

Conduct

- While using the meeting room, user and accompanying parties must meet the *Derry Public Library Patron Code of Conduct*.
- No amendment, alteration or addition shall be made to DPL's system components (electrical, lighting, network wiring, heating, doors, physical structure or layout) by any organization.
- Flammable materials such as candles, matches, or incense are not permitted on the premises.
- At no time may fire lanes and emergency exits or handicapped parking spaces and entrances/ramps be blocked by vehicles or other objects. Illegal parking may result in vehicles receiving tickets, warnings or towing at the vehicle owner's own expense.
- No animals, except those trained to assist people with a disability, are allowed in the building without approval by the Library Director.
- Parents or guardians attending an event/approved use of the premises must abide by the *Safe Child Policy*.

Responsibilities

- User is responsible for the observance of fire and safety requirements including but not limited to maintaining all aisles, doorways, and exits free and clear of all obstructions to

permit unimpeded emergency access. If applicable, user must secure any required permits from local or state governing agencies/bodies.

- User is required to have an on-site supervisor who is at least 18 years of age who will be present at all times during the event/use of the room(s). Youth meetings require at least a 1:10 adult to child ratio.
- Fliers, brochures or other printed information should remain in the meeting room and be removed from the meeting room at end of event/use.
- User is responsible for set-up and break-down for its event/use in the meeting room and is required to leave the space in a neat and orderly condition, including returning the furniture to its original location unless otherwise notified by DPL personnel.
- User must remove all trash from DPL immediately following the event/use and properly dispose of same.

Addendums:

- *Addendum 1: Indemnification and Release form*
- *Addendum 2: Paul Collette Meeting Room Application*
- *Addendum 3: Derry Public Library Patron Code of Conduct Policy*
- *Addendum 4: Derry Public Library Safe Child Policy*

Addendum 1 to Meeting Room Use Policy/Memo of Agreement

Indemnification and Release

The User must agree to protect, indemnify, save, defend and hold harmless the Town of Derry and the DPL, including their officials, agents, employees, and volunteers (“Indemnified Parties”) from and against any and all liabilities, obligations, claims, damages, penalties, causes of action, costs, interest and expenses, including but not limited to reasonable attorney fees, which the Indemnified Parties may become obligated or suffer by reason of any accident, bodily injury, personal injury, death of person, or loss or damage to property, arising from User’s acts or omissions in the use of the DPL meeting rooms reserved for the User, whether or not such injury, death and/or damage is caused in part by any action or failure to act, negligence, breach of contract, or other misconduct on the part of the Indemnified Parties. This includes, but is not limited to, reimbursing the Library for any damages the User causes to DPL property.

In consideration of the use of the meeting room, the undersigned organization, for itself and each and all of its members, hereby releases, remises and waives any and all claims which they, or any of them, ever will or may have against the Board of Library Trustees, the Town of Derry and/or the Library staff for any injury to persons or damage to property suffered by such group or any of its members during or as a result of the use of the meeting room, except insofar as such injury or damage is directly and solely caused by the negligence or intentional misconduct of any person belonging to or acting on behalf of the Board of Library Trustees, the town government of the Town of Derry, or the Library staff.

Applicant Signature

Date:

Addendum 2 to Meeting Room Use Policy/Memo of Agreement

**Derry Public Library
Paul Collette Meeting Room Application**

Date of Application: _____

Applicant: _____ Phone: _____

Address: _____ DERRY, NH

Group Name: _____

Address: _____

Phone: _____ email: _____ Non-profit: ___ yes ___ no

Purpose of Meeting: _____

Meeting Date: _____ Estimated Attendance: _____ (maximum 88)

Start time: _____ am/pm End time: _____ am/pm

Please allow time for setup, breakdown and cleanup of room.

Please circle equipment needed:

Kitchen TV (with connection for laptop/iPad Easel/Whiteboard

DPL does not provide consumable supplies such as paper, pens or markers.

I have read DPL's Meeting Room Use Policy/Memo of Agreement. By signing this document I agree to comply with all policies, rules and procedures detailed in said document. I accept responsibility for the use of the space allocated. I understand that the Library reserves the right to impose reasonable and actual administrative costs on the user, including but not limited to necessary security, clean-up and traffic management costs so that same are not borne by the Library and taxpayers.

Signed: _____

Applicant

Approved by _____

Director or designee

Date: _____

Addendum 3 to Meeting Room Use Policy/Memo of Agreement

DERRY PUBLIC LIBRARY Patron Code of Conduct Approved 12/14/20

The Derry Public Library (“DPL”) is committed to providing and protecting all library users’ right of access to library facilities and to information. DPL’s Patron Code of Conduct therefore has a threefold purpose: to protect the rights and safety of library patrons, to protect the rights and safety of staff members, and to preserve and protect the library’s materials, facilities, and property.

Persons who violate these rules may be removed from the premises and denied library privileges. This policy has been developed within the framework of the American Library Association Code of Professional Ethics, the *Library Bill of Rights*, and the law, including constitutional standards under the First and Fourteenth Amendments.

To keep DPL a welcoming place for everyone, we abide by the following guidelines:

- Parents/guardians/caregivers are responsible for their children.
- Patrons of any age who are disturbing others will be asked to modify their behavior or to leave.
- Patrons must refrain from displaying obscene or objectionable material.
- Behavior that violates town, state or federal laws, orders or regulations may result in the police being called.
- Children and teens have priority in seating and computer usage in designated areas of the building.
 - The children’s room is intended for children ages birth through 11 and their families/caregivers.
 - The teen area is intended for teens age 12 through 18.
- Beverages
 - If in a to-go cup, beverages must be consumed in the café area.
 - If in a travel-style container with a secure top, beverages may be consumed throughout the building.
- Food may only be consumed in the café area, unless part of a library approved program.
- Phone usage
 - Cell phones should be silenced/set to vibrate upon entering the library
 - When making or taking calls in the library, patrons should exercise good judgment and take care not to disturb other library users

All patrons must abide by all DPL policies in order to ensure equal access to DPL’s facilities and information. The Library Director reserves the right to ban any patron from the library who chooses not to comply with DPL policies. Patrons have the right to appeal this ban by addressing the matter with the DPL Board of Trustees.

Approved by Board of Trustees 12/14/20

Addendum 4 to Meeting Room Use Policy/Memo of Agreement

DERRY PUBLIC LIBRARY Safe Child Policy APPROVED 03/20/2023

INTRODUCTION

The Derry Public Library (“DPL”) welcomes children of all ages. DPL is a doorway through which life-long learning takes place. As a public library, however, DPL is a public building. Any member of the public – law abiding or otherwise – may enter at any time during operating hours, and any number of situations or emergencies could take place in a public building.

DPL Staff have many duties to perform in order to serve all citizens of Derry. Staff cannot monitor the behavior or whereabouts of each patron, including children. Staff do not act *in loco parentis* for children who visit the library.

In order to make DPL a memorable, enjoyable and above all safe place for children, the DPL Board of Trustees (“Trustees”) has adopted this Safe Child Policy.

UNATTENDED CHILDREN AND DISRUPTIVE BEHAVIOR

- DPL’s Trustees and Staff assume no responsibility for any child left unattended in the library.
- Every child eight (8) years of age or younger must be accompanied by a parent, legal guardian, teacher, adult, or caregiver of at least sixteen (16) years of age (“responsible caregiver”) who acknowledges responsibility for the child during their entire stay in the library. The responsible caregiver is accountable for their child’s behavior while in the building, and the responsible caregiver must remain in the building even when their child is attending a library program.
- If a child 8 years of age or younger is left unattended and appears to be lost or frightened, DPL staff will make every attempt to locate the child’s responsible caregiver. If a responsible caregiver cannot be located after a reasonable period of time and searching, or a lost or frightened child is left in the library at closing time, the Police Department will be notified.
- Children 9 years of age and older are responsible for their own behavior in the library and must follow library rules and regulations. Any unattended child 9 years of age and older must have contact information enabling DPL staff to reach their responsible caregiver.
- DPL’s Patron Code of Conduct applies to all library patrons, children included. Accordingly, all DPL patrons must adhere to the Code of Conduct.
- If a child's behavior is disruptive while in the library, as described in the Patron Code of Conduct, DPL Staff may pursue appropriate actions, including but not limited to:
 - Asking the child to behave;
 - Informing the responsible caregiver that their child is being disruptive;
 - Asking the responsible caregiver to control their child; and/or
 - Requesting that the responsible caregiver remove the child from the library.