



Contents

[Executive Director's report to the MLS Board - May 17, 2010](#)

[Announcements](#)

[MLS Board Highlights](#)

[ILA 2010 Election winners: Lynn Elam and Leslie Warren](#)

[Continuing Education Events](#)

[Grants & Awards](#)

[Library Law: First Amendment issues - Part V](#)

[Member Spotlight: Zones 8 & 9 - Job Connect @ your Library](#)

[Next Issue](#)

Executive Director's report to the MLS Board - May 17, 2010

Executive Director Alice Calabrese reported at the May 17 MLS Board meeting on the ILSDO meeting held at the Lincoln Trail Library System last Thursday, May 12. Anne Craig, the IL State Library Director, attended the meeting to report on the status of state funding. Anne's message included:

- No financial relief is in sight. The state's 6-month reimbursement delays will grow longer and likely continue for the next three – four years.
- System board should approve a fully funded FY2011 budget at the May 2010 meeting and submit it to ISL as part of the area and percapita grant.
- Preserve the state's strong resource sharing tradition by continuing Delivery and the work of the LLSAP's.
- System consolidation has to happen. It would be best if system boards did this together, however, if consolidation does not occur ISL will proceed to reduce the number to one or two.
- Work toward a single statewide library services organization with a single Delivery services and a combined statewide LLSAP.

[\[Permalink\]](#)

[Read the full report http://www.mls.lib.il.us/consulting/pdf/AliceMay17reporttoboard.pdf](http://www.mls.lib.il.us/consulting/pdf/AliceMay17reporttoboard.pdf)

Announcements

MLS Links

[Board of Directors](#)

[Calendar of Events](#)

[Jobs](#)

[Membership Directory](#)

[Staff Directory](#)

MLS Services

[Consulting & CE](#)

[Delivery](#)

[LIMRICC](#)

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Dominican University's Graduate School of Library and Information Science (GSLIS) honored Alice Calabrese-Berry as its Outstanding Alumna during commencement exercises on May 8. The GSLIS faculty unanimously selected her from a long list of notable graduates for the 2010 Outstanding Alumni Award. Alice received her undergraduate degree as well as her master's degree in library science from Rosary College, now known as Dominican University. She currently serves on the GSLIS Advisory Board and participated in the school's recent reaccreditation. "Her significant contributions to the library profession through her leadership, dedication, and hard work are highly visible. She has helped advance the library profession by demonstrating that knowledge is power, by increasing library patrons' satisfaction and support of libraries, and by strengthening the GSLIS program to educate dynamic professionals," said Kanti Srikantaiah, GSLIS professor and chair of the Honors and Awards Committee. MLS extends their congratulations to Alice Calabrese-Berry for receiving this honor.

Chicago Fire Soccer Announces Library Appreciation Night

for Saturday, September 25, 2010 at 7:00 p.m. On this special night all library staff, trustees, families, friends and neighbors have the opportunity to purchase specially priced Corner Kick tickets for \$20. Download the order form at http://www.mls.lib.il.us/consulting/pdf/Chicago_Fire_Soccer_Library_Night_2010.pdf and mail in with payment by Friday, September, 17 to Chicago Fire Soccer TOYOTA PARK Attn: Lauren Griswold 7000 S. Harlem Ave, Bridgeview, IL 60455. Questions contact Lauren Griswold at lgriswold@chicago-fire.com.

[[Permalink](#)]

MLS Board Highlights

Highlights from the MLS Board Meeting held on May 17 include:

- Approved the MLS FY2011 Budget
- Dropped the following libraries from MLS membership due to failure to complete their MLS Special Annual Report:
 - a. Exelon
 - b. Louis A. Weiss Memorial Hospital
 - c. MWH-Montgomery Watson Harza
 - d. Sonnenschein, Nath & Rosenthal
 - e. South Cook Intermediate Service Center 4
 - f. Vedder Price PC
 - g. World Trade Center

Complete board information can be found at

<http://www.mls.lib.il.us/board>.

[[Permalink](#)]

ILA 2010 Election winners: Lynn Elam and Leslie Warren

Two librarians from MLS member libraries were elected to the 2010 ILS Executive Board. Lynn Elam, Hinsdale Public Library, was elected Vice-President/President Elect and Leslie Warren, Moraine Valley Community College, was elected a Director at Large. Recently MLS talked to Lynn and Leslie about what they saw as the issues, trends and challenges they would face as ILA board members. [\[Permalink\]](#)

[Read full article http://www.mls.lib.il.us/enounce/2010/04_10/ILA2010elections.asp](http://www.mls.lib.il.us/enounce/2010/04_10/ILA2010elections.asp)

Continuing Education Events

[Open Access and Books in a Digital Age](#) Barbara Fister, June 9, 2010, 9:30 a.m. - 12:30 p.m., MLS Chicago

[Successfully Doing Business with the Media](#) Dave Baum, June 10, 2010, 9:30 a.m. - 12:30 p.m., MLS Burr Ridge

[Marketing Across the Desk](#) Ruth Lednicer, June 16, 2010, 9:30 a.m. - 12:30 p.m., Eisenhower PLD

[\[Permalink\]](#)

Grants & Awards

Learning in the Arts for Children and Youth Grants. The National Endowment for the Arts' Learning in the Arts for Children and Youth category offers funding for projects that help children and youth acquire knowledge and understanding of and skills in the arts. Projects must provide participatory learning and engage students with skilled artists, teachers, and excellent art. Learning in the Arts projects may take place in school- or community-based settings and should focus on children and youth between the ages of 5 and 18 years. For more information visit <http://www.arts.gov/grants/apply/GAP11/LITA.html>.

[\[Permalink\]](#)

Library Law: First Amendment issues - Part V

This final part of the series will address the remaining issues of patron behavior and appearance in libraries. A library can limit First Amendment challenges to policies regarding patron behavior, including hygiene policies, by having written policies that: 1) are posted; 2) contain specific, clear and unambiguous language so that patrons and library staff understand what is expected; and 3) are objective and equally enforced by library staff so that patrons are not subject to the discretion of library staff. In addition, the policies must provide for due process in connection with the suspension or termination of library privileges. [\[Permalink\]](#)

[Read full article http://www.mls.lib.il.us/enounce/2010/04_10/firstamend5.asp](http://www.mls.lib.il.us/enounce/2010/04_10/firstamend5.asp)

Member Spotlight: Zones 8 & 9 - Job Connect @ your

Library

Responding to the growing population of unemployed using their computers, thirteen libraries in Zone 8 & 9 have banded together to offer job fairs to the unemployed or underemployed. So far seven job fairs have been offered different south suburban library locations, as well as a website listing different resources for job seekers. [[Permalink](#)]

[Read full article http://www.mls.lib.il.us/enounce/2010/04_10/jobconnect.asp](http://www.mls.lib.il.us/enounce/2010/04_10/jobconnect.asp)

Next Issue

The next issue of *MLS E-nounce* will appear June 9, 2010.

[[Permalink](#)]

Illinois Library Association 2010 Election Winners: Lynn Elam and Leslie Warren

MLS would like to extend congratulations to two of our member librarians who have been elected to the 2010 Illinois Library Association Executive Board. Lynn Elam, Executive Director of the Hinsdale Public Library, was elected Vice-President/President-elect. Leslie Warren from Moraine Valley Community College was elected a Director at Large. We talked to both Lynn and Leslie about the issues, trends and challenges they would face as ILA board members.

Lynn Elam, Vice-President/President-elect.

Lynn brings a variety of experience to the position. Before being hired as Hinsdale Public Library Director, Lynn was director at the Messenger Public Library in North Aurora. She had also been employed as grants and development coordinator for the Naperville Public Library. Lynn has held positions at DuPage Library System, the Packer Engineering Library and the Waubensee Community College.

Lynn feels that a big issue facing the board is the future of Illinois Library Systems and library service throughout the state. Library task forces were created in November 2009 during the Illinois Library Summit held in Monticello. She is mindful of the work these task forces will be doing over the summer. Lynn feels ILA has some of the best minds working on insuring that libraries stay relevant to their constituents and wants to find ways to support them in that endeavor.

Lynn believes there will be some marked changes in the way library services will be delivered in the future. ILA should be looking at the different options to deliver quality service; Lynn expects something brand new will emerge. The importance of resource sharing and its consideration will be at the forefront of every decision.

Recently Lynn attended an OCLC seminar at the Public Library Association Conference, where they released updated results of their perception of library service survey. The survey asked the same questions in 2010 that were asked in 2005. One interesting change is that people impacted by economic downturns have rediscovered libraries. Seventy-four percent of those interviewed said books were still on the top of their mind but a small percentage is now using the new technology. Lynn feels one difficulty that library patrons experience is the ability to access electronic materials. "This makes it necessary for librarians to be involved in the digital discussion. The information world is in transitional state with one foot in digital and one in print".

One of the biggest challenges will be to maintain communication and cooperation statewide. Lynn feels ILA is well-positioned to be a conduit and should be involved. "One of ILA's roles", she says, "will be to offer a feeling of stability, make sure new opportunities delivery services are seriously explored, and recognize the seriousness of our challenges".

Lynn believes that libraries need to be strategic thinkers and should show we are working diligently on solutions. People from all over the state must think about the issues and help create solutions. As a profession we have an obligation to the new people entering to lead the way and mentor. We should also stand aside and allow them a voice on decisions that will impact their future. It is a great time for new leadership to emerge while veteran leaders remain active. Lynn feels we need to look throughout the state to find people who can make opportunities.

She is looking forward to putting the right people in the right places to maintain and build on the strengths of the library community. She anticipates meeting and talking with people and hearing their ideas. "One of the best things about managing a library", Lynn says, "is the ability to give people the tools and space to move forward and make a contribution".

Leslie Warren - Director at Large

Leslie Warren holds both a MLS from Dominican University and a law degree from Indiana University-Bloomington. Since 2001, Leslie has been the Information Literacy Librarian at Moraine Valley Community College. Prior to this position, she was Library Director at MacCormac College, Chicago. Leslie has also served as an Assistant Regional Attorney for Civil Rights for the Chicago office of the U.S. Department of Education Office from 1995-1998.

She feels that ILA plays a critical role in making sure libraries can work together and continue being the powerful force they need to be. "We need to work together to be more efficient and to make sure our patrons have access to information and the information literacy skills to make good decisions," Leslie said. All types of libraries have a role to play.

The economic downturn continues to impact Illinois Libraries and the communities they serve. Now the public needs libraries more than ever to access information that helps them address challenges and learn ways to meet them. People need to be able to investigate how to take advantage of new energy, business and economic opportunities that are available. The technology gap makes libraries even more important – for both those lacking technology at home, and also for patrons lacking skills to use them.

Advocacy for the profession as a whole is an important role for ILA. The association is a place where voices come together to strategize the best use our strengths. Leslie feels that convening the Library Summit was a move on the right track, and she sits on the structure task force created by the summit.

For the moment Leslie anticipates learning what needs to be done and how to best help. She will take time to understand the present environment, and observe strengths and weaknesses before deciding how she will move forward in her new role. Leslie is very honored to be elected to the ILA board, especially now when libraries are so important. She appreciates all the support for her candidacy.

Lynn Elam can be reached by e-mail at lelam@hinsdalelibrary.info.

Leslie Warren can be reached by e-mail at warren@morainevalley.edu.

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Library Law: First Amendment part V

by Kathleen T. Henn and Gregory T. Smith

Part IV of this Library Law series on the First Amendment focused on material selection. This final part of the series will address the remaining issues of patron behavior and appearance in libraries. A library can limit First Amendment challenges to policies regarding patron behavior, including hygiene policies, by having written policies that: 1) are posted; 2) contain specific, clear and unambiguous language so that patrons and library staff understand what is expected; and 3) are objective and equally enforced by library staff so that patrons are not subject to the discretion of library staff. In addition, the policies must provide for due process in connection with the suspension or termination of library privileges.

Disruptive Behavior

Libraries may regulate the use of their facilities and patron behavior as long as its regulation is reasonable and applied in a non-discriminatory manner. *Brown v. State of La.*, 383 U.S. 131, 143 (1966). A library should neither prohibit nor interfere with non-disruptive patron behavior occurring on library grounds, because this may be seen as an abrogation of First Amendment rights.

In *Kreimer v. Bureau of Police of the Town of Morristown, et al.*, 958 F.2d 1242 (3rd Cir. 1992), the court upheld the library's behavior policy which 1) required patrons to respect the rights of other patrons; 2) prohibited patrons from harassing or annoying others through noisy or boisterous activities; 3) prohibited staring or following another with the intent to annoy; and 4) prohibited patrons from behaving in a manner which reasonably could be expected to disturb other patrons or staff. Similarly, a library may prohibit patrons from making threats against staff and fellow patrons. *Hunt v. Wise*, 2009 WL 2163108 (M.D. Fla. 2009). Such a policy is permissible, though patrons have a First Amendment right to enjoy the library, because the library must be able to achieve its goal of providing services to the public. It is clear that "all patrons have the right to the use of the public library without being subjected to annoying, perhaps criminal, conduct." *Doyle v. Clark County Public Library*, 2007 WL 2407051 (S.D. Ohio 2007).

Hygiene Policies

Hygiene policies are typically upheld, so long as they are drafted with the goal of minimizing disruptions in the library. Such policies are valid because a library has a significant interest in maintaining a harmonious atmosphere – where a hygiene policy is narrowly tailored to define offensive bodily hygiene as that which affects the ability of others to use the library facilities as intended, the policy will be upheld. *Kreimer v. Bureau of Police for the Town of Morristown*, 958 F.2d 1242 (3rd Cir. 1992).

Where a library hygiene and appearance policy is unconstitutionally vague and overbroad and fails to give notice to patrons of what is prohibited, the policy will be found unconstitutional. *Armstrong v. District of Columbia Public Library*, 154 F. Supp.2d 67(D.C. 2001). For example, the District of Columbia federal court decided in 2001 that a policy which prohibited patrons from having an "objectionable appearance (barefooted, bare-chested, body odor, filthy clothing, etc.)" and that provide that a patron could be ejected if he "interferes with the orderly provision of library services" was unconstitutionally vague because there was no objective way to interpret and enforce the rule.

Suspension or Termination of Library Privileges

When the suspension or termination of library privileges is contemplated, a hearing must take place to provide due process to the patron. To avoid claims of First Amendment violations, all behavior policies should provide that patrons who are subject to suspension or banishment must have an opportunity for a pre-deprivation hearing before the Library Director (or her designee), and a post-deprivation hearing before the Library Board. The policy should require a written notice stating which policy was violated, the way in which the policy was violated, the resulting staff decision regarding the length of the suspension or banishment, and that notice be given informing the patron of the process for requesting a hearing before the Library Board.

A post-deprivation hearing takes place after a patron's access to the library is cutoff. *Doyle v. Clark County Public Library*, 2007 WL 2407051 (S.D. Ohio 2007). A library must ensure that a post-deprivation hearing requires, at a minimum, that notice of the charges against patron be given in a timely manner, an opportunity for the patron to see all

the evidence of his wrongdoing, and a hearing for the patron before the ultimate decision maker.

Enacting and closely following library policies regarding suspension or termination of library privileges is very important, as at least one court has held that terminating a patron's right to use computers in a library "is at least as significant a deprivation as a 10-day suspension from school" and the patron may therefore sue a library if the procedures for termination of computer use privileges are not properly enacted or followed. *Miller v. Northwest Region Library Board*, 348 F.Supp.2d 563, 571 (M.D. N.C. 2004). In *Miller* a patron's internet use rights were terminated after a librarian observed nude women on the computer screen he was using. The patron claimed that the photo popped up without his permission. The librarian terminated his privileges permanently and the patron sued in federal court, claiming that he had a right to access information in the library under the First Amendment, which included the use of library computers. The library asked the court to dismiss the case, arguing that any deprivation the patron suffered was too small to support his claims. The court disagreed and allowed the case to move forward, noting that the right to access the internet in a library is a constitutionally protected right.

As you can see, the First Amendment shapes the ways in which your library may restrict and direct patron behavior. You should closely analyze your patron behavior policies in light of First Amendment principles to ensure that they do not infringe on your patrons' rights.

Kathleen T. Henn is a partner and Gregory T. Smith is an associate attorney with Klein, Thorpe and Jenkins, Ltd., a law firm with offices in the Civic Opera Building at 20 North Wacker Drive in Chicago and at 15010 S. Ravinia in Orland Park. The firm concentrates in the representation of local libraries, Library Districts and Library Systems, as well as other local governmental units.

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Member Spotlight: Zones 8 & 9 - Job Connect @ Your Library

by Cindy Rauch, Homewood Public Library and Kathy Roegge, MLS

Since the economy has taken a downturn and unemployment has increased, libraries have seen a growing number of patrons visiting to search online and apply for jobs. Library staffs are now tasked with helping their patrons find job sites, fill out forms for unemployment and assist with writing resumes. According to a USA Today article http://www.usatoday.com/money/economy/employment/2009-09-02-job-seekers-libraries-computers_N.htm citing a national study conducted by Larra Clark for the American Library Association, "Eight out of 10 libraries nationally have someone on a computer waiting list at some point during the day. At the beginning of 2007, before the economy took a nosedive, 44% of libraries nationally said assisting job seekers was a "critical use" of their library, she says. Now, it's 67%".

To assist their job-seeking patrons, thirteen area libraries from Zones 8 & 9 partnered to create the program **Job Connect @ Your Library** (<http://www.southsublib.lib.il.us/job-connect>). Collaborating libraries included Chicago Heights (<http://www.chicagoheightslibrary.org>), Crete (<http://www.cretelibrary.org>), Flossmoor (<http://flossmoorlibrary.org/news.php>), Glenwood-Lynwood (<http://www.glpld.org/page.php?3>), Grande Prairie (<http://www.grandeprairie.org>), Harvey (<http://www.harvey.lib.il.us>), Homewood (<http://homewoodlibrary.org/>), Markham (<http://www.markhamlibrary.org>), Matteson (<http://www.mattesonpubliclibrary.org>), McConathy (<http://www.at-the-library.org>), Park Forest (<http://www.pfpl.org>), Richton Park (<http://www.richtonparklibrary.org>), and Steger-South Chicago Heights (<http://www.ssch.lib.il.us>).

Staff in the participating libraries observed a growing number of job seekers using their computers and realized a need for a job program to help these patrons. The tipping point was the attention the media began paying to the country's growing unemployment problem. This spurred the libraries into action and program planning started in the fall 2009.

The participating libraries had several meetings to discuss what the program would provide for users. They decided to offer as much as would be cost effective. The program would provide users needed basic skill building workshops but more importantly, serve as a portal for patrons looking for job openings.

Originally the libraries had planned to apply for a Library Services and Technology Act (LSTA) grant to help fund the program. When the LSTA grant monies were diverted by the State Library for another use, the libraries decided to move forward regardless. Not getting the grant required they be a little more resourceful, so staffs from the participating libraries were tapped to help facilitate the program.

For instance, the Homewood Public Library webmaster and Crete Library staff worked together to develop the website. The Reference Association of South Suburban Libraries (RASSL) (<http://www.rassl.info/>) and the staff at the Tinley Park Library also helped pull together the list of job resources found on the website. They were very gracious in allowing the program to use what they had already been accumulating.

Currently the program supports the joint website listing Illinois employment opportunities and links to online resources. Participating libraries have hosted recruitment fairs and several skill building workshops on online job searching. All the events were listed on the website, a common brochure was available in each of the libraries, and information about **Job Connect @ Your Library** was sent to local papers

According to Cindy Rauch, Director at the Homewood Public Library, patrons have really appreciated the service. While the libraries are not sure how many jobseekers actually have found employment this was not their only goal. The libraries realize actual job connections are hard to make in this economy. But they do feel the greater program strength is that discouraged jobseekers feel like someone cares.

The **Job Connect @ your library** program will slow down a little with the summer. The libraries involved hope to resume in the fall with a series of workshops that focus on other skills. Under consideration are programs on resume writing, interview tips, and more.

Comments or questions about this article can be emailed to Cindy Rauch at cindy@homewoodlibrary.net or Kathy Roegge at roeggek@mls.lib.il.us.

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