Trustee Essentials:

A Handbook for Wisconsin Public Library Trustees

Developed by the
Division for Libraries, Technology, and Community Learning
with the assistance of the
Wisconsin Public Library Trustee Handbook Revision Task Force

Wisconsin Department of Public Instruction
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Foreword

A Message to Wisconsin Public Library Trustees:

Thank you for accepting appointment to your community's library board. As a public library trustee you help guide the public library in your community—an institution essential to both individual and community well-being. For generations, public libraries have provided free access to the knowledge, information and diversity of ideas essential to a democratic society.

Your public library can provide so many wonderful services and resources: from storytimes for preschoolers to instruction in use of the Internet for senior citizens, from summer reading programs for children of all ages to special resources needed by the local business community. As a library board member, you can help ensure that your library provides needed services to everyone in your community. As a volunteer citizen board member, you have direct knowledge of the particular needs of your community and a unique ability to advocate for necessary library services.

We hope that this handbook will assist you with your important responsibilities. Again, thank you for serving as a library trustee—your service is essential to your community and your community's future.

Elizabeth Burmaster
State Superintendent of Public Instruction

Trustee Handbook

Introduction

So you're a trustee! How did that happen, and what is expected of you now?

Your new job has the potential to be exciting, challenging, and rewarding, but it will also require effort. You have obtained this position because the elected officials of your municipality believe you have the ability and dedication to contribute positively to the management of the public library—one of the most accessible and beneficial institutions in your community. Your three-year term gives you an opportunity to help your friends and neighbors take advantage of a wide array of services from the comfort and convenience of their local library.

The municipal governing body has established the public library using laws from Chapter 43 of the Wisconsin Statutes, and this same chapter specifies the appointment procedure and the legal authority of the public library board. (See *Trustee Essential #2: Who Runs the Library?* and *Trustee Essential #18: Library Board Appointments and Composition.*) Your job as a trustee, then, has significant statutory authority vested in it, making it a powerful and important position.

The tasks involved in being a library trustee are varied; they are explained in more detail in the *Trustee Essentials* that comprise this publication. One of the most important things to remember, though, is that a library trustee is part of a decision making team: the library board. By statute, it is the board that has the authority and responsibility for managing the library. For a board to function, however, it must include active, enthusiastic trustees who are prepared to do their part to make the board effective.

Congratulations! And thank you from across Wisconsin for the dedication you have exhibited by accepting this appointment. Your library needs and appreciates you. Your efforts are invaluable.

How this handbook can help

This publication comprises a number of *Trustee Essentials,* along with additional appendices. As the name implies, these *Trustee Essentials* cover the basic, essential information needed by you, the trustee, to serve your community effectively. Almost every *Trustee Essential* includes sources of additional information that can help in case you run into an issue or question not addressed.

It is recommended that these *Trustee Essentials* be used during orientation sessions for new trustees. And, because even experienced trustees benefit from a review of the issues essential to library board operations and trustee duties, it is recommended that these *Trustee Essentials* be used for short continuing education sessions held during regular or special board meetings. (For more information on use of this handbook see *Trustee Essential #27: Trustee Orientation and Continuing Education.*)

To get a quick overview of the topics covered in these *Trustee Essentials,* start with *Trustee Essential #1: The Trustee Job Description.*

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Trustee Essential 1

The Trustee Job Description

JOB TITLE: Public Library Trustee

GENERAL FUNCTION: Participate as a member of a team (the library board) to protect and advance the interests of the broader community by effectively governing the operations and promoting the development of the local public library.

QUALIFICATIONS:

- serious commitment to being a library trustee
- serious commitment to the provision of library services within your community
- ability to attend regularly scheduled board meetings and be an active member of the library board
- willingness to become familiar with Wisconsin library law, standards for libraries, and principles and practices for ensuring that the library provides broad and equitable access to the knowledge, information, and diversity of ideas needed by community residents
- commitment to freedom of expression and inquiry for all people

PRINCIPAL ACTIVITIES:

1. Prepare for and attend regular board meetings.

The library board meeting will be the primary opportunity for you to contribute to the development of your library. To get the most from the meetings, and to be able to share your skills and knowledge, you must attend each meeting after having read and thought about the issues and topics that will be discussed. While you and your fellow trustees are busy people, it is important that the full board meet on a monthly basis to conduct business. You can contribute to the library by encouraging regular meetings and assuring that the meetings are properly noticed in accordance with Wisconsin's open meetings law. (See *Trustee Essential #4: Effective Board Meetings and Trustee Participation* and *Trustee Essential #14: The Library Board and the Open Meetings Law* .)

2. Work with the municipal governing body to obtain adequate library funding. Assist in the review and approval of the annual budget and monthly expenditures as presented by the library director.

One of the library board's most important responsibilities is to work to obtain adequate financial support so that the library can provide a meaningful program of services for the residents of the area. As a trustee, your focus should be on those services and what is required to provide them to the public in the most beneficial manner. Once a determination is made as to how much money will be needed, the request must be carefully and accurately prepared and then presented to the municipal governing body (for example, the village board or the city council). Trustees should attend the governing body meetings when budget requests are presented so that they can answer questions about need and account for how

previous appropriations benefited the citizens and the community. After municipal funding has been approved, the library board must monitor the use of these public funds to assure that they provide what was intended. By law, only the library board has the authority to approve expenditures made by the library. (See *Trustee Essential #8: Developing the Library Budget* and *Trustee Essential #9: Managing the Library's Money.*)

3. Participate in the development and approval of library policies. Review policies on a regular, systematic schedule.

Certainly the money is important to pay staff, buy materials, and maintain the facilities, but a library cannot operate successfully without policies that assure consistent and equitable treatment of all users while at the same time protecting the resources of the institution. Developing and adopting these policies is another important responsibility of a library board. Each trustee acts as a contact with other members of the community and has the chance to hear about concerns or desires relating to the library. The comments you receive from the public can help you and the other members of the board address the community standards through thoughtful and fair policies. Understanding the feelings of community members and the challenges the staff faces in operating the library can prepare you to participate with other board members and the director in defending policies that may provoke controversy. As needs, processes, and services change within the library, there will be a need to review, revise, and add policies. It can be helpful for the board to establish a routine procedure for reviewing policies to be sure that they remain current. This is often accomplished by the board looking at individual policies at meetings throughout the year. (See *Trustee Essential #10: Developing Essential Library Policies.*)

4. Help determine and advocate for reasonable staff salaries and benefits.

If the library is to offer meaningful and accessible services to the residents of your community, it must have a trained, certified library director and other capable assistants to provide those services. To attract capable employees, and to keep them once they are hired and oriented, it will be crucial that the library board offer reasonable and competitive compensation, including a meaningful wage and benefits like health insurance, retirement, sick leave, and vacation. By providing adequate compensation for staff, the library board will help local officials and the public generally to understand the importance of the library and the complexity of the tasks involved with providing good library services. (See *Trustee Essential #7: The Library Board and Library Personnel.*)

5. Assist in the hiring, supervising, and evaluating of the library director.

Though it is hopefully not a regular task, there may come a time when the library board must hire a new director. If this is required, deciding how the process is conducted and who is finally selected will be among the most important decisions a library board will ever make. A library director can be around for many years and have a significant impact on the tone and quality of library service. In the one-person library, the library director often becomes the personification of the entire institution. So it is important that this task be given serious consideration and that each trustee take an active role in selecting and then welcoming and orienting the new director. Finally, in order to assure that you do not have to go through this process unnecessarily, the library board needs to establish a regular procedure and schedule for assessing the performance of the director and providing suggestions for improvements. Your willingness as a trustee to participate in these processes will greatly contribute to the library's overall effectiveness. (See *Trustee Essential #5: Hiring a Library Director;*

Trustee Essential #6: Evaluating the Director; and *Trustee Essential #7: The Library Board and Library Personnel.*)

6. Study the needs and interests of the community and see that they are addressed, as appropriate, by the library.

As a community liaison, you are in a unique position to survey the community, learn of its needs and wants, and include those interests in discussions relating to library development. This opportunity and responsibility is satisfied at an informal and formal level. Informally, just being visible and accessible as a library trustee and communicating with your neighbors will allow you to gather important information about how the library can help its customers. In a more formal fashion, the library board may decide to conduct a community survey and/or call together a focus group to help it pinpoint important issues. Active participation by each trustee at both levels will be invaluable to the library's progress. (See *Trustee Essential #11: Planning for the Library's Future.*)

7. Act as an advocate for the library through contacts with civic groups and public officials.

Gathering information on community needs will certainly put you in contact with your community; the purpose of that activity is to focus development energies. Other kinds of contacts are also important, however, and their purpose will be to raise awareness of the library and promote its services. It has been written that the core of effective politics is the building of rapport. Since local politics are personal, your contacts on behalf of the library with public officials from the municipality, the county, and the state will advance the cause of your institution. In the same way, building rapport and networking with civic and service groups will advance your cause with your customers and potential individual supporters. This is an area where an individual trustee can directly help the library in a significant way. (See *Trustee Essential #13: Library Advocacy.*)

8. Become familiar with principles and issues relating to intellectual freedom and equitable provision of public library services.

Public libraries in our country and state are founded on the principle that for a democracy to function properly it must have an educated electorate, and to be educated, people must have free access to the broadest possible array of information. Libraries, along with other institutions such as the press and the judiciary, have long stood as protectors of the individual's right to have the information that he or she requires to thrive in and contribute to society. Regardless of these basic rights, though, sometimes people seek to limit the access of others to certain ideas and presentations. It is a responsibility of your library board, and each member of that board, to make a commitment to the community's freedom of inquiry and expression, and to be prepared to address calmly and respectfully the challenges that may come before you. While the board must have a carefully devised process for addressing challenges and speak in a single voice on censorship issues to the public and the media, it is up to you as a trustee to take the time to become informed about the principles and issues. While it is said that a public library without something to offend everyone is not doing its job, it is not the job of the library board to offend, but rather to defend the rights of each citizen to search for the truth through his or her own journey. The nation's and the library's future relies on unrestricted access to information. (See *Trustee Essential #22: Freedom of Expression and Inquiry* and *Trustee Essential #23: Dealing with Challenges to Materials and Policies.*)

9. Assist in the formulation and adoption of a long-range plan for the library. Periodically review and revise long-range plan.

Working through the budget process, developing policies, and studying community needs and making contacts with individuals and groups prepares you for the valuable process of formulating plans for the library's future. Your library may be accomplishing great things already, but as the world changes, the library must change with it. Trustees, as the citizen representatives with detailed information about how the library functions, are in an ideal position to assist with planning. Your important role in planning will be to investigate, along with the library director, different planning options and then decide on the most appropriate process for your library. If additional resources are required to fulfill the plans, you can also help to establish the amount and identify sources. Finally, once proposed plans are approved by the full board, you can continue to participate by being active in the annual review of the library's plan, during which you can suggest revisions that will keep the library on course. A plan is a means to an end, and it will be the active participation of each trustee in the planning process that will offer ongoing strength and insight to the library board as it pursues its responsibility for library development. (See *Trustee Essential #11: Planning for the Library's Future.*)

10. Attend Wisconsin Library Association conferences, regional system workshops, and other training opportunities in order to expand knowledge of effective leadership, and consider membership in the Wisconsin Library Trustees Association (WLTA).

As you have probably concluded by now, the library trustee's job is complex and demanding. At the same time, though, it can be stimulating and exceedingly rewarding. One way to maintain energy and enthusiasm, as well as to increase understanding of trusteeship, is to participate in the various opportunities for education that are available to trustees. Through your director or direct mailings, you should be regularly informed of upcoming seminars, workshops, and conferences. Another method for gaining insights and ideas and also a great way to rejuvenate the spirit and not feel alone in the challenges you face is to get involved in the state library trustee association. The network of friends that can be developed through WLTA will keep you interested and vital; your participation in the association will strengthen the statewide library community, and that, in turn, will help your library as well.

So you're a public library trustee! Thank you.

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Trustee Essential 2

Who Runs the Library?

This Trustee Essential covers:

- *Responsibilities of the library board*
- *Responsibilities of the library director*
- *The division of labor between the library director and the board*
- *Responsibilities of the municipal government*

The mission of most public libraries is to support the educational, recreational, and informational needs of the community. Everyone is welcome at the library, from the preschooler checking out his or her first book to the hobbyist looking for a favorite magazine to the middle-aged breadwinner continuing her education by taking a class over the Internet.

Providing a large number of services to meet the needs of a diverse population requires a large supporting cast including trustees, the library director and staff, and representatives of the municipal government. When all members of the team know their responsibility and carry out their particular tasks, the library can run like a well-oiled machine. When one of the players attempts to take on the job of another, friction may cause a breakdown.

Responsibilities of the library board

The separate roles and responsibilities of each member of the team are spelled out in Wisconsin Statutes under Section 43.58, which is titled "Powers and Duties." The primary responsibilities of trustees assigned here include

- Exclusive control of all library expenditures.
- Purchasing of a library site and the erection of the library building *when authorized*.
- Exclusive control of all lands, buildings, money, and property acquired or leased by the municipality for library purposes.
- Supervising the administration of the library and appointing a librarian.
- Prescribing the duties and compensation of all library employees.

This charge from the legislature provides library boards, but not individual trustees, with considerable discretion to operate libraries as they deem necessary independent of direct control by other municipal players—city councils, town boards, mayors, village board presidents, etc. In providing this governance structure for libraries, the legislature was attempting to keep library operations under direct citizen control and as far as possible outside the political sphere of government. Compared with other appointed boards, library boards have extraordinary powers and responsibilities. Many other appointed boards can only recommend actions to an elected board or council higher up the ladder of government. Library board actions are made independently of any further approval by other government bodies or officials as long as such actions are within statutory authority.

The independent authority granted to public library boards is intended to protect the historic role of the public library as a source of unbiased information.

Responsibilities of the director

While the library board is charged with the full responsibility for deciding what services the library will provide, and setting policy to regulate service for the benefit of all, it is the library director who should be delegated responsibility for supervising day-to-day operations of the library.

As stated above, the library board appoints a librarian who shall appoint other employees. This charge of the legislature sets up a clear chain of command between the library board and library employees. The library director is the chief operating officer of the library, reporting to and typically serving at the pleasure of the library board. All other employees report to the library director. The library director is the professional in charge of the library. His or her duties include (but are not limited to):

1. Oversight of the library budget and preparing reports as required by the board.
2. Managing of library collections, including selecting all library material according to policies approved by the board, oversight of the cataloging and classification of library material, and the operation of automated systems.
3. Hiring, training, supervising, and scheduling other library personnel.
4. Supervising circulation of material and record keeping.
5. Cooperating with the board, community officials, and groups in planning library services and publicizing library programs within the community.
6. Supervising the maintenance of all library facilities and equipment.

Depending on the size of the library, the director will provide public services either directly or with the assistance of other staff. In all cases, the library director is an ambassador to the community, the professional consultant to the board, a politician representing the library to municipal officers, and a person skilled in public relations. The days are long gone, even in the smallest library, where all the director is expected to do is to check out books and greet the public.

The division of labor between the library board and the director

The *library board* decides what services the library will provide and to what lengths the director and his or her staff may go to provide those services. However, it is up to the *director*, as the hired professional, to create the procedures needed to carry out the policies of the board and ensure that services are provided effectively and efficiently. While the *board* alone can decide how many employees the library should have, according to Section 43.58(4) it is the *director* who hires and supervises other staff. Except in extreme situations, library trustees should not be discussing library business with employees other than the *director*. The library board may solicit library staff input on the director's performance as part of a formal evaluation process. (See *Trustee Essential #6: Evaluating the Director* for more information about the evaluation process.)

Administration of the budget and expenditure of funds is a frequent source of misunderstanding regarding the division of labor between boards and directors. Section 43.58(2) states that "The library board shall audit and approve all vouchers for the expenditures of the public library." This statement is sometimes interpreted by individual boards to mean they must negotiate the necessity of every purchase with the library director, whether the purchase is an expensive computer system or a two-dollar box of pencils.

Fortunately, in most libraries, the director is given reasonable latitude to administer the budget and expend funds according to board guidelines. The library board must review expenditures and keep an eye on the flow of funds, but should trust the judgment of the director when it comes to which books to purchase or which is the most economical office supply vendor.

Responsibilities of municipal governments

The most frequent source of misunderstanding between library boards and their municipal government regards expenditure of funds. This is actually one area where the statutes are quite clear on what is to happen. When the director, or his authorized staff, makes a purchase of material or service, an invoice is received from the vendor. The director will then prepare a group of invoices for review at the monthly meeting of the library board. Usually, the director will also provide a list of the invoices along with a financial statement indicating how much money will be left in each line of the budget after payment is made. According to Wisconsin Statutes Section 43.58(2), "The library board shall audit and approve all vouchers" and forward these to the appropriate municipal or county financial officer. The municipal or county officer must then pay the bill. No further approval is necessary by any municipal or county body or official.

At times, municipal and county boards believe that this procedure outlined in statute causes them to lose control over library spending. They are, after all, accustomed to approving the expenditures of other city/county departments. In fact, municipal governments maintain a great deal of leverage over library boards, since it is the municipal body that decides on the amount of the annual appropriation for library service. It is the chief municipal officer—mayor, village president, county board chair, etc.—who appoints the library board in the first place. Budgets may be cut in future years or trustees may not be re-appointed in cases where there is too much dissension between the library and its governing municipality. Therefore, close cooperation and communication between the two is essential.

One final point on finances: while the library board has full authority over the expenditure of funds, it is the municipality that holds the money. The library board may take out a bank account and/or entrust library funds to a financial secretary, but only donations and other private funds. All other funds must be deposited in the municipality's (or county's) library fund. The library board has control over the use of the money in the municipality-held library fund, but it does not sign the checks or maintain physical control over the actual dollars and cents in the fund. (See *Trustee Essential #9: Managing the Library's Money* for more information.)

Besides acting as the "banker" for the library, municipalities can help out the library in an infinite variety of other ways. They may help with purchasing, or with private fund raising for a building addition; they may provide invaluable consulting on building maintenance issues; in many smaller communities they may even take over building maintenance for the library. By the same token, the most successful libraries are often partners in promoting municipal service agendas. For example, the library director will attend department-head meetings with other administrators. He or she may attend city council meetings and give a report. The library may provide services on behalf of the municipality, such as maintaining the village web page. Just as the municipality is a partner in providing library service, the library can be a strong partner in providing municipal service to the community.

Discussion Questions:

1. What are the pros and cons of citizen board control of the library?
2. How are requests for expenditures presented and approved at your library?
3. Who prepares the first draft of the library budget?
4. What is the education and background of your director?
5. How do library personnel and/or the board interact with your local government?
6. How can the library board promote a positive relationship with the municipality?
7. How involved, or uninvolved, is your director with the community and municipal government?
8. How is the annual budget and funding request presented to your municipal government?

Sources of Additional Information:

Wisconsin Trustee Training Module #1: Library Board Powers and Duties (available at http://www.dpi.state.wi.us/dltcl/pld/trustee.html)

Your regional library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 3

Bylaws—Organizing the Board for Effective Action

This Trustee Essential covers:

- *Why up-to-date bylaws are needed for effective library board operation*
- *How your board can develop or update their bylaws*

Bylaw basics

Library board bylaws are the rules established by the library board that govern the board's own activities. Well-crafted bylaws help provide for the smooth and effective functioning of a library board.

Library board bylaws must comply with all relevant statutes. The sample bylaws attached to this *Trustee Essential* note the state laws that are relevant to library board operation. Wisconsin Statutes Chapter 43 includes rules for board appointments, board terms, election of board officers, board quorum, etc. (See *Trustee Essential #18: Library Board Appointments and Composition.*) In addition, all board meetings and board committee meetings must comply with Wisconsin's Open Meetings Law (see *Trustee Essential #14: The Library Board and the Open Meetings Law*). State and federal laws supercede any local library bylaw provisions.

At a minimum, library board bylaws should spell out:

1. The library board officers to be elected, how they are elected, and the powers and responsibilities of each officer.
2. When meetings are held, and how meetings are conducted.
3. What committees are appointed, how they are appointed, and what they do.
4. How the bylaws are amended.

A few specific legal requirements

As mentioned above, state and federal laws supercede any local library bylaw provisions. Below are some of the provisions of Chapter 43 you should be aware of as you review your board bylaws.

Generally, no compensation may be paid to the members of a library board for their services. However, board members may be reimbursed for their actual and necessary expenses incurred in performing duties *outside* the municipality if so authorized by the library board. In addition, members may receive per diem, mileage, and other necessary expenses incurred in performing their duties *within* the municipality if so authorized by the library board *and* the municipal governing body (county board for a county library board).

Normally, a majority of the membership of a library board constitutes a quorum, but the library board may, in your bylaws, legally provide that three or more members constitutes a quorum. For library boards in First Class Cities, seven members constitute a quorum.

Annually, within 30 days after the date of the beginning of local library board terms, your library board must hold an organizational meeting and elect one of your members as board president and also elect any other officers provided for in your bylaws.

Crafting your library board's bylaws

Because bylaws are so fundamental to effective (and legal) library board operations, great care must be taken when developing new bylaws or amending existing bylaws. Bylaw language must be clear and unambiguous. Imprecise language can result in confusion and disorder.

For example, confusion can result if it is unclear who has the authority to make decisions for the library. Library board bylaws should make clear that actions by board committees are advisory only. A library board committee cannot act on behalf of the full board—only actions by the full board have legal authority. Likewise, individual board members and board officers can perform official actions on behalf of the board only with specific authorization from the full board.

If your board wants to develop new bylaws or amend existing bylaws, it is recommended that a special committee be appointed to develop drafts for full board review. To change your bylaws, you must follow any procedures required by your current bylaws. Library system staff may be available to review drafts of new or amended bylaws.

Discussion Questions:

1. Can our board bylaws provide for library board membership to individuals who are not appointed according to the relevant provisions of Chapter 43?

2. Can our board bylaws provide for term limits for library board members? What are the pros and cons of library board member turnover?

3. How can your board encourage good meeting attendance?

4. What could you do if a board member regularly misses board meetings?

Sources of Additional Information:

Sample Wisconsin Public Library Bylaws (attached; also available in electronic format at http://www.dpi.state.wi.us/dltcl/pld/bylaws.html)

Robert's Rules of Order (chapter on the development and amendment of bylaws) or *The Standard Code of Parliamentary Procedure* by Alice F. Sturgis

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Sample Board Bylaws

Below are sample library board bylaws that can be adapted to local library use. (Note: material in brackets is for purposes of explanation and should be removed from the final bylaws approved by the board.) A Microsoft Word version of this document can be downloaded from http://www.dpi.state.wi.us/dltcl/pld/bylaws.html.

Article I
Identification

This organization is the Board of Trustees of the _____ Library, located in _____ Wisconsin, established by the Wisconsin municipality [or municipalities, and/or county] of _____, according to the provisions of Chapter 43 of the Wisconsin Statutes, and exercising the powers and assuming the duties granted to it under said statute.

Article II
Membership

Section 1. Appointments and Terms of Office. Appointments and terms of office are as provided by the relevant subsections of Wisconsin Statutes Sections 43.54 [for municipal and joint libraries], 43.57 [for county libraries], and 43.60 [for additional appointments by the county, based on the level of county funding].

Section 2. Meeting Attendance. Members shall be expected to attend all meetings except as they are prevented by a valid reason.

Article III
Officers

[**Note**: Wisconsin Statutes Section 43.54(2), requires the Board only to elect a president "and such other officers as they deem necessary."]

[**Note**: Wisconsin Statutes Section 43.58(7), allows a library board to elect annually a "financial secretary" who may be given the authority to invest library gift, bequest, devise or endowment funds as permitted under Wisconsin Statutes Section 112.10. The library board must require a bond from the financial secretary to the library board of a dollar amount at least equal to the value of property held by the financial secretary. The bond must be in substantially the same form as the bond required from the treasurer of the municipality or county. By statute, the financial secretary must make an annual report to the Board showing in detail the amount, investment, income, and disbursements from the funds in his or her charge. The Board may wish to require, in the Bylaws, monthly or quarterly reports in addition to the annual report.]

Section 1. The officers shall be a president, a vice president, a secretary, and a treasurer, elected from among the appointed trustees at the annual meeting of the Board. No member shall hold more than one office at a time. No member shall be eligible to serve more than two consecutive terms in the same office. Vacancies in office shall be filled by vote at the next regular meeting of the Board after the vacancy occurs.

Section 2. A nominating committee shall be appointed by the president three months prior to the annual meeting and shall present a slate of officers at the annual meeting. Additional nominations may be made from the floor at that time.

Section 3. Officers shall serve a term of one year from the annual meeting at which they are elected and until their successors are duly elected.

Section 4. The president shall preside at meetings of the Board, authorize calls for special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees except the nominating committee, co-sign all checks drawn on funds held in custody of the library (independently of the municipality), and generally perform all duties associated with the office of president.

Section 5. The vice president, in the event of the absence or disability of the president, or of a vacancy in that office, shall assume and perform the duties and functions of the president.

Section 6. The secretary shall keep true and accurate minutes of all meetings of the Board, shall issue notice of all regular and special meetings, and shall perform such other duties as are generally associated with the office of secretary. The library director or a member of the staff may be designated by the Board to perform any or all of the above duties.

Section 7. The treasurer shall co-sign all checks drawn on funds held by the library, sign all vouchers for disbursements from the library fund, and perform such duties as generally devolve upon the office. The treasurer shall be bonded in an amount as may be required by a resolution of the Board, and not less than the value of any property held by him or her. The treasurer shall make monthly reports to the Board showing in detail the amount and investment of, and income and disbursements from, the funds in his or her charge.

Article IV
Meetings

Section 1. Regular Meetings. The regular meetings shall be held each month, the date and hour to be set by the Board at its annual meeting.

Section 2. Annual Meeting. The annual meeting, which shall be for the purpose of the election of officers, shall be held at the time of the regular meeting in _____ (month) of each year.

Section 3. Agendas and Notices. Meeting agendas and notices shall indicate the time, date, and place of the meeting and indicate all subject matters intended for consideration at the meeting.

Section 4. Minutes. Minutes of all meetings shall, at a minimum, indicate board members present, all items of business, all motions (except those that were withdrawn), and the result of all votes taken. Current board minutes shall be posted on a bulletin board in the library.

Section 5. Special Meetings. Special meetings may be called at the direction of the president, and shall be called at the written request of _____ members, for the transaction of business as stated in the call for the meeting. Except in cases of emergency, at least 48 hours notice shall be given. In no case may less than two hours notice be given.

Section 6. Quorum. A quorum for the transaction of business at any meeting shall consist of _____ members of the Board present in person. [For municipal and joint libraries, see the requirements of Wisconsin Statutes Section 43.54(1)(e). For county libraries, see the requirements of Wisconsin Statutes Section 43.57(5)(c).]

Section 7. Open Meetings Law Compliance. All Board meetings and all committee meetings shall be held in compliance with Wisconsin's open meetings law (Wisconsin Statutes Sections 19.81 to 19.98).

Section 8. Parliamentary Authority. The rules contained in *Robert's Rules of Order*, latest revised edition [or *The Standard Code of Parliamentary Procedure* by Alice F. Sturgis], shall govern the parliamentary procedure of the meetings, in all cases in which they are not inconsistent with these bylaws and any statutes applicable to this Board.

Article V
Committees

Section 1. Standing Committees. The following committees:_____, shall be appointed by the president promptly after the annual meeting and shall make recommendations to the Board as pertinent to Board meeting agenda items. [Examples of possible standing committees are Personnel, Budget, Building, and Policy.]

Section 2. Nominating Committee. (See Article III, Section 2.)

Section 3. Ad Hoc Committees. Ad hoc committees for the study of special problems shall be appointed by the president, with the approval of the Board, to serve until the final report of the work for which they were appointed has been filed. These committees may also include staff and public representatives, as well as outside experts. [Examples of possible ad hoc committees are Planning and Automation.]

Section 4. No committee shall have other than advisory powers.

Article VI
Duties of the Board of Trustees

Section 1. Legal responsibility for the operation of the_____ Public Library is vested in the Board of Trustees. Subject to state and federal law, the Board has the power and duty to determine rules and regulations governing library operations and services.

Section 2. The Board shall select, appoint and supervise a properly certified and competent library director, and determine the duties and compensation of all library employees.

Section 3. The Board shall approve the budget and make sure that adequate funds are provided to finance the approved budget.

Section 4. The Board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund and shall audit and approve all library expenditures.

Section 5. The Board shall supervise and maintain buildings and grounds, as well as regularly review various physical and building needs to see that they meet the requirements of the total library program.

Section 6. The Board shall study and support legislation that will bring about the greatest good to the greatest number of library users.

Section 7. The Board shall cooperate with other public officials and boards and maintain vital public relations.

Section 8. The Board shall approve and submit the required annual report to the Division for Libraries, Technology, and Community Learning, and the [city council, village board, town board, county board, and/or any other governing body].

Article VII
Library Director

The library director shall be appointed by the Board of Trustees and shall be responsible to the Board. The library director shall be considered the executive officer of the library under the direction and review of the Board, and subject to the policies established by the Board. The director shall act as technical advisor to the Board. The director shall be invited to attend all Board meetings (but may be excused from closed sessions) and shall have no vote.

Article VIII
Conflict of Interest

Section 1. Board members may not in their private capacity negotiate, bid for, or enter into a contract with the _____Public Library in which they have a direct or indirect financial interest.

Section 2. A board member shall withdraw from Board discussion, deliberation, and vote on any matter in which the Board member, an immediate family member, or an organization with which the Board member is associated has a substantial financial interest.

Section 3. A board member may not receive anything of value that could reasonably be expected to influence his or her vote or other official action.

Article IX
General

Section 1. An affirmative vote of the majority of all members of the Board present at the time shall be necessary to approve any action before the Board. The president may vote upon and may move or second a proposal before the Board.

Section 2. Any rule or resolution of the Board, whether contained in these bylaws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid, may be taken only at a meeting at which two-thirds (_____) of the members of the Board are present and two-thirds of those present so approve.

Section 3. These bylaws may be amended at any regular meeting of the Board by majority vote of all members of the Board, provided written notice of the proposed amendment shall have been mailed to all members at least ten days prior to the meeting at which such action is proposed to be taken.

Adopted by the Board of Trustees of the_____ Library on the _____ day of _____

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Trustee Essential 4

Effective Board Meetings and Trustee Participation

This Trustee Essential covers:

- *The keys to effective board meetings*
- *How individual trustees can contribute to the board and the library*

Preparation is key

To a great extent, the work done *before* each library board meeting will determine the effectiveness of the board.

The board president and library director need to work together in preparing materials to be sent out to board members before each meeting. Typically, the library director will contact the library board president to discuss planned agenda subjects (including any items required because of previous board action). (See attached *Sample Board Meeting Agenda*.) The board president is given the opportunity to add agenda items. Board members wishing to have an item brought before the board should contact their board president.

The library director is usually delegated the responsibility for drafting the agenda and other materials to be included in the board mailing. Those materials should include minutes of the previous meeting, the monthly financial report, monthly bills, a detailed agenda and any other background materials needed to adequately inform the board. Providing detailed written information to the board before meetings allows board members time to consider carefully the issues to be discussed at the meeting. In addition, mailing written reports to the board prior to the meeting (such as the director's report and any committee reports) will save valuable meeting time for board questions and discussion.

Board members can contribute best if they have taken the time to adequately study the agenda and background materials *before* each meeting.

Follow the law

The Wisconsin open meetings law places specific requirements on the content and type of public notice to be made before every board or committee meeting. The law also requires that meetings be open to the public unless the board follows the legally required procedures to hold a closed session. (See *Trustee Essential #14: The Library Board and the Open Meetings Law* for more information.) Also, be sure to avoid conflict of interest situations. (See *Trustee Essential #16: Ethics and Conflict of Interest Laws Applying to Trustees* for more information.)

At meetings

Effective board meetings can begin with a quick review of the agenda to make sure there is adequate time to cover all items and to modify the order of business if necessary. Effective board meetings move at an appropriate pace. Time for questions and full discussion is

allowed, but the president makes sure discussion remains focused and decisions are reached. The president also needs to ensure that a few members do not dominate discussions, that all members have a chance to be heard, and that accountability for follow-through is assigned as needed.

Effective decision-making

It is important to keep in mind that legal responsibility for overall library operations rests in the library board, not individual trustees. Therefore, it is important for the board president to use leadership techniques that promote effective group decision-making on the part of the entire library board, not decision-making by a few board members, or the library director, or any other individual.

Board meetings are the place for you to raise questions and make requests of the library director and/or staff. Individual trustees should never make such requests or demands on their own—you are members of a governing body and must act as a body. Yet, as an individual trustee, you should not hesitate to raise concerns or questions at board meetings. By raising questions and/or concerns, you may help the board avoid rushing into an action without appropriate consideration of all of the ramifications or alternatives.

A "public comment" period during the meeting is not required, but it can be a helpful way for the board to hear about particular public concerns or needs. To avoid open meetings law violations, the board should limit itself to answering basic questions from the public and place any matter on a future meeting agenda if additional discussion or deliberation on the issue is needed. (See *Trustee Essential #14: The Library Board and the Open Meetings Law* for more information.)

More legal requirements

Wisconsin's Public Records Law *requires* that written meeting minutes be kept and be made available to the public (see *Trustee Essential #15: The Library Board and the Public Records Law* for more information). At a minimum, meeting minutes must indicate board members present and all motions that were made and the result of any votes taken. Except for votes on the election of board officers, any board member can request that a roll call vote be taken on any vote, with the vote of each member recorded in the minutes.

Only legally appointed library board members can vote on board matters. Some library boards may consider certain officials *ex officio* board members, such as the library director or city manager. No official or any other person is an official library board member or is legally authorized to vote on library board matters unless he or she has been legally appointed according to the relevant portions of Chapter 43. (See *Trustee Essential # 18: Library Board Appointments and Composition* for further details on the legally required process. *Trustee Essential #16: Ethics and Conflict of Interest Laws Applying to Trustees* discusses certain impermissible appointments under Wisconsin's "incompatibility doctrine," such as the appointment of a library director to the library board.)

Continuing trustee education

Board meetings can be an effective arena for continuing trustee education. For example, time could be set aside at a board meeting to review and discuss one of this series of *Trustee Essentials* or a chapter of the *Wisconsin Public Library Standards*. Staff members can be

invited to make presentations to inform the board more fully about library operations and services. Outside experts, such as municipal personnel specialists, elected officials, or public library system staff, can be invited to make presentations about areas of interest or concern to the library board. (See *Trustee Essential #27: Trustee Orientation and Continuing Education* for other ideas.)

Discussion Questions:

1. Could our board better organize and use our meeting time? How?

2. How can we encourage all board members to contribute to board discussions?

3. Could we incorporate continuing education into our board meetings? Could the board use a "refresher" on certain issues? What issues?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Attached *Sample Board Meeting Agenda*

Attached *Sample Annual Library Board Calendar*

OWLS web page on meetings at http://www.owls.lib.wi.us/info/links/meetings.htm (see especially the links on effective meetings)

Robert's Rules of Order (latest edition) or *The Standard Code of Parliamentary Procedure* by Alice F. Sturgis, revised by the American Institute of Parliamentarians

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Sample Board Meeting Agenda

Below is a sample board meeting agenda. Wisconsin's open meetings law requires that the meeting notice include the time, date, place, and subjects to be discussed and/or acted upon at the meeting. (See *Trustee Essential #14: The Library Board and the Open Meetings Law* for more information on agenda, notice, and posting requirements of the law.)

NOTICE
Hometown Public Library Board Meeting
Date,
Time,
Place

Note: Please contact _____ at _____ if you need accommodations to attend the meeting. [Include TDD number, if you have one.]

1. Call to Order *Board President*

2. Roll call and introduction of guests *Board President*

3. Approval of minutes of previous meeting [Provide copy of minutes to board members in advance of the meeting.]

4. Director's report and statistical report *Library Director*
   [Provide copy of reports to board members in advance of the meeting.]

5. Financial report *Library Director and/or Board Treasurer or Financial Secretary*
   [Provide copy of report to board members in advance of the meeting.]

6. Audit and approval of monthly expenditures [Provide list of bills to board members in advance of the meeting.]

7. Committee reports or other reports [such as a report on legislative or other statewide issues] [Optional—include on agenda only if there is actually something to report]

8. Subject matter of issue to be considered by board [for example, "Consideration of revised library collection development policy"]

9. Additional issues to be considered by board [Be reasonably specific about all subject matters to be considered by board.]

10. Public comment period [This is not required, but it can be helpful for the board to hear about particular public concerns or needs. To avoid open meetings law violations, the board should limit itself to answering basic questions from the public and place the matter on a future meeting agenda if additional discussion or deliberation on the issue is needed.]

11. Board continuing education session to be held to review and discuss [for example] *Trustee Essential #14: The Library Board and the Open Meetings Law*

12. Roll call vote to hold **closed session** for board consideration of the performance evaluation and compensation of the library director as authorized by Wisconsin Statutes Section 19.85(1)(c).

13. Reconvene in open session

14. Approval of the performance evaluation and compensation of the library director.

15. Adjournment

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Sample Annual Library Board Calendar

(Note: The time frame for some of the activities listed below may be different for your library and municipality. Of course, your annual calendar should list the dates of your monthly library board meetings.)

January

Director meets with personnel committee to review his/her annual goals and objectives and progress report on his/her prior year annual goals and objectives [see December].

Board conducts annual performance review of director.

February

Annual report reviewed, approved, and forwarded to municipal [or county] governing body, library system, and DLTCL.

Nominating committee appointed.

Appointing authority notified about upcoming expiring board terms and provided with a list of board-recommended appointees.

March

Library long-range plan and technology plan reviewed and revised, if necessary. Discussion of budgetary implications of plan activities that are scheduled for next year.

April

Appointments of new board members made by the municipality [or county].

Provide prior year usage and expenditure statistics to county [or to system or county library board to compile the statistics and forward them to county] as required by Wisconsin Statutes Section 43.12. Necessary statistics are due to county by July 1.

Continue discussion of budget goals/needs for next year.

May

May 1. New member board terms begin.

Orientation sessions held for new board members.

Board annual meeting held, board officers elected.

Director provides board with preliminary recommendations for budget priorities for coming year, and recommended adjustments to staff salary schedule. Board discusses, revises (if necessary), and approves preliminary recommendations for budget priorities for coming year.

June

Director provides board with draft budget for coming year. Board discusses and directs any needed changes.

July

July 1. Due date for providing prior year usage and expenditure statistics to county.

Budget and funding request approved for upcoming year.

August

Discussion of needed trustee continuing education.

September

Apply for exemption from next year's county library levy.

Board representatives attend municipal [or county] budget hearings to explain and advocate for budget.

October

Library policies reviewed and revised, if necessary.

Trustee continuing education session held during meeting.

Municipality [or county] approves library appropriation.

November

Budget revised, if necessary, based on actual funding approved.

Library policies reviewed and revised if necessary.

Long-range planning committee appointed, if necessary, and given charge and timetable.

Trustee continuing education session held during meeting.

December

Director provides board with his/her annual goals and objectives and progress report on his/her prior year annual goals and objectives.

Library policies reviewed and revised, if necessary.

Trustee continuing education session held during meeting.

Trustee Essential 5

Hiring a Library Director

This Trustee Essential covers:

- *The basic legal parameters for the hiring of a library director*
- *Recommended steps to follow when hiring a new director*

Basic legal requirements

Under Wisconsin law, library boards have the authority to hire, supervise, and, if necessary, fire the library director. The library director, in turn, has responsibility for the hiring and supervision of all other persons in library staff positions (provided the library board has authorized those positions). The library board also has the legal authority and responsibility for determining the compensation and general duties of the director (as well as of all other library positions).

Wisconsin statutes and administrative code rules *require* that all public library directors be properly certified by the Division for Libraries, Technology, and Community Learning. Only libraries with a properly certified director can be library system members. (See *Trustee Essential #19: Library Director Certification*.)

Library trustees must comply with state and federal laws that prohibit discrimination in hiring. (See *Trustee Tool A: Important State and Federal Laws Pertaining to Public Library Operations* for a list of these laws and sources of information about these laws.) Any written or oral questions to be asked of job candidates should be reviewed in advance by a person familiar with state and federal employment and discrimination law. Your municipal attorney and library system staff should be knowledgeable about these laws.

ADA compliance

The ADA requires reasonable accommodations in three areas of the employment process. The first involves the job application process. People with disabilities may only be asked questions asked of all applicants. Certain types of questions are not allowed. For instance, all applicants should be told the essential job functions and then asked whether there was any reason why they could not do perform those functions. But it would not be acceptable to single out someone who uses a wheelchair and ask how that person would do a particular task.

Examples of questions that can and can not be asked during an interview are included at the Cornell University site listed below. The site defines "essential functions" as "fundamental job duties of the employment position the individual holds or desires. The term does not include the marginal functions of the position." Job descriptions should be written so that the essential functions are clear. If pre-employment testing is required, then accommodations must be made, if needed, for people to take the test.

The second area requires reasonable modification or adjustments to the work environment or job procedures and rules, to allow a qualified person with a disability to do the work.

The third area requires equal access to whatever insurance and benefits are offered to other employees.

The ADA does not require employers to drop essential functions of a position in an effort to accommodate a person with disabilities. Employers are not expected to provide personal items not available to other employees, but certain accommodations might be expected, such as adjustable chairs, wrist pads, or modified phones.

Cornell University's School of Industrial and Labor Relations has a web site with special sections devoted to the employment issues under Title I of the ADA. The address for the site is: http://www.ilr.cornell.edu/ped/accessforall/index.htm?page=map.

The long-term effects of this decision

Not all library boards will face the responsibility of selecting a new director. However, trustees who undertake this process must understand that it is singularly important and will have far-reaching and often long-term effects. Be prepared for a great deal of diligent effort—effort that will be worthwhile if you succeed in hiring the best person for the job.

What to look for in a new director

A library director is the chief administrative officer of the library. The director is responsible both for day-to-day management of the organization and for assisting the library board with "big picture" issues like planning and policy-making. In developing the job description and assessing candidates, consider the following:

- experience working with library boards and governing bodies
- knowledge of budget preparation, policy development, administration, and employee supervision
- library experience in the following areas: public service, technical services, public relations, and automation experience
- demonstrated leadership ability and dependability

Steps to follow when hiring a new director

1. Immediately contact your library system—it has experienced staff who will be happy to assist you through this process.
2. Appoint a search and screen committee to develop or revise a draft job description, job ad, etc.
3. Ideally, the next step is to review the library's long-range plan (if you have one) and analyze progress in reaching the goals and objectives. Knowing where the library needs to go will help trustees define the qualifications needed in the next director.
4. The board must approve a position description that reflects the necessary qualifications and duties of the job (including the requirements for certification). A competitive salary range and fringe benefit package must be established if you hope to attract qualified applicants.
5. The board or a board committee checks references of applicants, evaluates qualifications, and arranges interviews with promising candidates (paying part or all of necessary travel expenses). A uniform list of questions should be developed for use in the interviews and for contacting references. Be sure to have these questions reviewed by someone knowledgeable about employment and discrimination law.

6. The board should make clear to candidates any probationary status, performance evaluation and salary adjustment procedures, and all other terms of employment, such as the Wisconsin certification requirement.
7. In addition to contacting listed references, the board may wish to contact current or past colleagues of the top candidate or candidates to get a more complete picture of the qualifications of the applicant. If you plan to do this, you should first get written permission from the candidate.
8. Once the board has made a hiring decision, it contacts the selected applicant and confirms the appointment and starting date in writing. It promptly notifies applicants not selected. The employment contract and/or letter of appointment should specify that as a condition of employment the director must obtain and maintain the appropriate state certification.
9. A thorough orientation program for the new director, similar to that described for trustees in *Trustee Essential #27: Trustee Orientation and Continuing Education*, should be conducted.
10. A six-month or one-year probationary period is a common personnel practice. The board and director should mutually determine short- and long-term goals for this period. The board evaluates performance regularly throughout this period.
11. Assuming successful completion of probation, the board's supervision and evaluation responsibilities continue. Reviews of the director's performance and attainment of goals and objectives should be carried out annually. (See *Trustee Essential # 6: Evaluating the Director*.)

Sources of Additional Information:

Your regional library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

Trustee Essential #19: Library Director Certification

Certification Manual for Wisconsin Public Library Directors, Appendix C, "Library Board Responsibilities and Certification" (also available at http://www.dpi.state.wi.us/dltcl/pld/certappc.html)

Trustee Tool A: Important State and Federal Laws Pertaining to Public Library Operations

ADA "Access Guide," Cornell University, School of Industrial and Labor Relations at http://www.ilr.cornell.edu/ped/accessforall/index.htm?page=map

Great Lakes DBTAC (Disability and Business Technical Assistance Center), University of Illinois–Chicago, Department on Disability & Human Development, 1640 West Roosevelt Road, Chicago, IL 60608, (800) 949-4232, http://www.adagreatlakes.org

Your municipal or county personnel staff and attorney.

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Sample Job Description

[Note: This is an example of a director's job description for a small public library. The job description for your library director should reflect local needs. See *Trustee Essential #5: Hiring a Library Director* for more information.]

Job Title: Library Director

Job Summary: Under the direct supervision of the public library board of trustees, the library director is responsible for the operations of the library and the development and implementation of its service program, including: (A) assisting the board with long-range planning and policy development, and managing all library resources, including human resources; (B) organizing the acquisitions, access, storage, and control of collections; (C) designing and implementing services and programs for users of all ages; and (D) overseeing the maintenance and safety of the library building and grounds. The library director hires and supervises all assistants, substitutes, and volunteers who work in the library.

I. Specific Responsibilities

[Note: Priorities can be assigned to specific responsibilities or areas of responsibility, usually as priority A, B, or C, to help the employee manage time and address the board's most pressing concerns when the work load exceeds the available hours during certain periods of the year.]

Administrative Services:

1. Serve as the library's executive officer.

2. Serve as the technical adviser to the board.

3. Implement the policies of the library as established by the board.

4. Prepare the draft of the annual library budget for board discussion and approval.

5. Participate in the presentation of the adopted budget to local officials.

6. Receive and expend library funds according to established guidelines, and maintain accurate and up-to-date records showing the status of library finances.

7. Recruit, select, hire, supervise, evaluate, and terminate if necessary, library staff in conformity with library policy and state and federal law (and any applicable local civil service regulations and/or union contracts).

8. Prepare library board meeting agendas and necessary reports in cooperation with the library board president, and notify board members of scheduled meetings.

9. Prepare state annual report for review and approval by the library board.

10. Inform and advise the library board as to local, regional, state, and national developments in the library field, and work to maintain communication with other area libraries and the library system.

Collection Management:

1. Select or direct the selection of materials for all media and all age groups, based on the library's approved collection development policy.

2. Catalog and classify library materials according to accepted standards and maintain the public catalog.

3. Process materials to provide appeal, protection, and control.

4. Develop and maintain a regular weeding schedule.

5. Periodically review the collection development policy and make recommendations to the library board for revisions.

6. Oversee the shelving and organization of materials.

7. Prepare and distribute overdue notices to users with overdue or lost materials.

8. Maintain an accurate and up-to-date database of user registrations and activities, including information adequate to support reimbursement requests for nonresident borrowing.

Service and Service Promotion:

1. Develop and execute an array of service programs to address the various needs of users and to make the library more accessible to all. These might include: preparation and dissemination of bibliographies of popular topics and genre collections; tours of the library for school, daycare, and homeschooling groups; inclusion of interesting displays of an educational or cultural nature; presentations to local organizations or groups on the benefits offered by the library; provision of storytime sessions for small children, and teen and adult book discussion sessions; support of a summer reading program; acquisition of special materials and provision of accommodations to encourage use of the library by individuals with special needs; development of a homebound service for residents unable to visit the library.

2. Provide friendly and efficient direct assistance to users checking out materials, requesting directional or community information, or seeking materials or information on specific topics.

3. Prepare news releases and submissions to the media to announce new or special services and events that spotlight the library.

4. Assist and guide local volunteer groups (e.g., Library Friends) who wish to help with library promotion, fundraising, and enhancement of services.

5. Prepare grant applications, when grant opportunities are offered, in order to supplement local funding of library operations and development.

6. Maintain records showing all programs offered and number of attendees at each program.

7. Continually investigate the value, costs, and logistics of adding library services, new media, and new technologies in order to keep the library current and proactive in its service provision to the public.

8. Conduct ongoing evaluations of existing library programs, services, policies, and procedures, and submit recommendations for improvements to the library board.

Facilities Management:

1. Oversee care and maintenance of the library building and grounds.

2. Oversee the work of custodial staff.

3. Regularly review building needs and advise the board in its planning for future expansion or development.

4. Assess the adequacy of existing facilities in regard to the provision of automated services.

II. Essential Functions and Knowledge

1. Excellent interpersonal skills

2. Ability to effectively communicate ideas and information in both verbal and written form

3. Ability to work with governing boards, community groups and elected officials, and make presentations to them

4. Knowledge of public library philosophy, principles, and procedures which will allow effective recommendations to the board and sound decision making when faced with a wide range of circumstances

5. Ability to supervise staff and volunteers and delegate responsibility in an effective manner

6. Ability to read and comprehend print information, including technical, statistical, and financial information

7. Ability to locate and retrieve library materials in a variety of formats throughout the building, as well as from remote locations through networks including the Internet

8. Ability to assist patrons with location and retrieval of materials or information by title, subject, and interest of library patrons

9. Knowledge and ability to perform basic computer operations and troubleshoot problems, and to manage an automated circulation system and access external data bases

10. Ability to understand and implement instructions and directions

11. Ability to establish and maintain proper priorities and meet deadlines

12. Ability to work within a confidential environment

13. Ability to produce and maintain accurate files and reports

14. Ability to use and manage office equipment including a telephone system, fax machine, copier, and security systems

15. Ability to lift up to 40 pounds on a frequent basis (e.g., to retrieve books from outside book drop box, unload crates of interlibrary loan materials, accept delivery shipments of new library materials and supplies, pack and store materials for book sales, shovel snow and assist patrons with building evacuation in an emergency)

16. Knowledge and ability to type, sort and file

17. Ability to work hours and assignments as required by the library board

III. Required Education, Experience and Certification

1. Bachelor's degree from a liberal arts program

2. Grade 3 Wisconsin Public Librarian Certification (Grade 2 if population over 3,000; Grade 1 if population over 6,000) or eligibility for required certification

3. Maintenance of required Certification through necessary coursework and/or qualifying continuing education

4. Three years of progressively responsible public library experience, or five years of experience in a service institution with comparable demands and responsibilities (i.e., staff supervision, working directly with the public, working with governing boards or bodies)

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Trustee Essential 6

Evaluating the Director

This Trustee Essential covers:

- *Reasons for evaluating the director*
- *Who should carry out the review*
- *The basis and criteria for the review*
- *Methods and questions to consider*

Evaluating the library director is often one of the more difficult tasks faced by a public library board of trustees, but it doesn't need to be. It is only difficult when a board is unsure of the process to follow or the criteria to be used to evaluate the job performance of their director. The following is a discussion of the methodology and criteria a board may use to carry out the review. Though this *Essential* is a discussion of evaluating the director, some of these methods may be used by the director to evaluate other staff.

There are several good reasons for carrying out a review of your library director:

- A review provides the director with formal feedback on his/her job performance.
- A review can be a tool for motivation, encouragement, and direction.
- A review can provide the board with valuable information about the operations and performance of the library.
- A review can help to establish a record of unsatisfactory performance if there is ever cause to discipline the director or terminate employment.
- A review can give the board and the director a formal opportunity to evaluate the job description and adjust it as necessary.

A well-executed performance review is the culmination of formal and informal communication carried out throughout the year regarding the activities of the director. Problems are best brought to the attention of the director as they occur, rather than stored up for the annual review. Success, accomplishment, and simple hard work or dedication should be acknowledged as it is observed, as well as at the annual review.

Who should carry out the review?

Though it is the board as a whole that is responsible for oversight of library operations and the activities of the library director, often boards decide to delegate the task of developing a preliminary evaluation of the director to a personnel committee or specially appointed committee of the board. Whether the whole board takes part or a committee does the work depends on the makeup of the board and the time available to board members. Often a board may have experienced managers or human resource professionals among its members. Other board members may be less experienced in personnel management. The key here is consistency and deciding ahead of time who will take part. At any rate, the *entire* board should review, discuss, and approve the final written evaluation.

Those charged with carrying out the evaluation should avoid relying on chance comments from library employees. Comments solicited from employees *with the knowledge of the director* can be helpful when solicited in a formal, organized fashion. Board members should bear in mind that the director is hired to manage the daily operations of the library on behalf of the board and community. The chain of communications should always flow from library employees through the director to the board.

The basis for the review

The performance review should be based on three factors:

1. The director's performance as it relates to a written job description (see attached sample form, which incorporates points from the sample job description furnished with *Trustee Essential #5*).
2. A list of objectives for the preceding year jointly written and agreed upon by the director and the board.
3. The success of the library in carrying out service programs, as well as the director's contribution to that success.

The director's job description should be kept up to date and be a realistic statement of the work that needs to be done. The director needs to know what is expected. For example, what role will the director play in fundraising? Is the director the primary fundraiser, or is a volunteer or member of the board the primary fundraiser? Is the director expected to work a service desk? Is the director expected to attend every city council meeting? A director should not be faulted for failing to do something that was never officially decided at the time of hire or at a later board meeting.

Including a discussion of the director's job description at the time of hire and during the annual performance review provides an opportunity to change the job description as the needs of the organization change. Job descriptions need to change as technology and environmental factors affect them. The library director is the resident authority on what is new at the library and how tasks change in light of new priorities. Board members can learn a lot about the library by discussing changes in staff job descriptions with the director.

Establishing a list of objectives for the director is important to assure continued growth for the director as an individual as well as for the organization. Some objectives may be project oriented, such as completing a weeding of the collection in the coming year, or upgrading the automation system. Other objectives may be more personal, such as those contributing to professional development. Though the director should be the one primarily responsible for suggesting his or her objectives for the coming year, they should be discussed and agreed upon by the board.

The objectives of the director should be closely related to the long-range plan of the library. Establishing objectives can be an exercise in creativity in searching for new ways to improve the library. Failure to attain some objectives does not necessarily indicate poor job performance. Many times, outside factors may have prevented success or a director may simply have been too ambitious in the number of projects planned for a year. Some objectives may not be reached because they were experimental in nature. The important factors to remember when evaluating objectives are progress, initiative, and the willingness of the director to expand the limits of his or her work and understanding. A director who

accomplishes all of his/her objectives may be an exceptional employee or may simply have been quite conservative in what he or she set out to do.

Assessing the degree to which the director contributes to the success of the organization can be especially helpful to library boards as they evaluate the director. Library board members are continually viewing the library from the outside, since they do not participate in the daily management of the organization. Good board members are library users who experience library services first hand. As community leaders, they are aware of the image of the library within the community. The library board needs to be able to examine the resources of the library and the resourcefulness of the director and see how these have been utilized to manage library services successfully.

Examining resource management is a far more reliable tool for reviewing the library director than relying on subjective comments from individuals. The board has a variety of resources at its disposal by which to evaluate resource management. The monthly financial statement and statistical reports are good examples. Your library system office can also suggest a variety of output measures by which the board may judge the success of the library and, by extension, the success of the director.

How to conduct the review

When conducting the annual formal performance review, it is very helpful to have the director fill out review forms as a self-assessment. The board, or review committee, should fill out a second set of forms. By comparing assessments, the director and board can easily establish areas of agreement and work to resolve disagreements. All discussions of the director's job performance should be carried out in legally posted closed session meetings. (See *Trustee Essential #14: The Library Board and the Open Meetings Law.*)

The director's self-assessments may or may not be considered part of the permanent record; however, the director should have the opportunity to respond in writing to reviews placed in his or her permanent file. Written comments should always be part of the permanent record with one copy kept at the library and a second copy kept at city hall. No performance review should ever be placed in a personnel file without the knowledge of the director. The director should sign the review indicating that he or she has been given the opportunity to read and discuss the evaluation. Signing a review should not be construed as agreement.

The basis of the evaluation should be the up-to-date job description and the annual performance objectives agreed to by the director and board. See the *Sample Annual Library Board Calendar* (attached to *Trustee Essential #4: Effective Board Meetings and Trustee Participation*) for a possible evaluation timetable. There are many forms available for your adaptation and use when evaluating a director. Your library system office should be able to furnish you with some samples. (See also the attached *Sample Performance Appraisal Form*.) Here are some key questions to consider in the evaluation process:

1. How well has the director utilized the resources available to him/her? Is library service provided efficiently and effectively at your public library?
2. Does the community like and respect the director? Is he/she accessible? Do people enjoy coming to the library?
3. Is the library in good financial shape? Does the director stay within the budget and provide clear and timely reports to the board? Does the annual budget, as initially drafted by the director, adequately reflect the needs for library service in the

community? Is the director successful in obtaining necessary funding (with the help and involvement of the board)?

4. Does the director communicate effectively to staff? Is he/she a good supervisor?
5. Is use of the library increasing? If not, why not? (Success is not strictly the responsibility of the director, but of course he/she has much direct influence.)
6. Is the director creative, willing to try new things, and does he or she give considerable effort to making programs work?
7. Does the director accurately and fully provide the board with the information you need to do your job? Does the director provide the board with well-considered advice?
8. Has the director put appropriate effort into achievement of the annual objectives agreed to between the board and director? Is the director striving to accomplish the goals and objectives of the library's long-range plan?

This *Trustee Essential* was written to give library trustees a brief overview of the general performance evaluation process. Those boards contemplating establishing a review process, or trustees taking part for the first time, are well advised to contact their system office for assistance.

Sources of Additional Information:

Attached *Sample Performance Appraisal Form*

Your regional library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

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Sample Performance Appraisal Form

[Note: This sample should be adapted to reflect the job description of your director and the needs of your local library.]

Job Title: LIBRARY DIRECTOR

Name: _____ Date: _____

Reason for Appraisal: End of Probation___ Annual___ Final___ Other___

Administrative Services:

Specific Duties:

1. Act as the library board's executive officer.

2. Serve as the technical adviser to the board.

3. Implement the policies of the library as established by the board.

4. Prepare the draft of the annual library budget for board discussion and approval.

5. Participate in the presentation of the adopted budget to local officials.

6. Receive and expend library funds according to established guidelines, and maintain accurate and up-to-date records showing the status of library finances.

7. Recruit, select, hire, supervise, evaluate, and terminate if necessary, library staff in conformity with library policy and state and federal law (and any applicable local civil service regulations and/or union contracts).

8. Prepare library board meeting agendas and necessary reports in cooperation with the library board president, and notify board members of scheduled meetings.

9. Prepare state annual report for review and approval by the library board.

10. Inform and advise the library board as to local, regional, state, and national developments in the library field and work to maintain communication with other area libraries and the library system.

Rating: Excellent < 6 5 4 3 2 1 > Poor

Narrative evaluation and assessment of effort in achievement of annual objectives:

Collection Management:

Specific Duties:

1. Select or direct the selection of materials for all media and all age groups, based on the library's approved collection development policy.

2. Catalog and classify library materials according to accepted standards and maintain the public catalog.

3. Process materials to provide appeal, protection, and control.

4. Develop and maintain a regular weeding schedule.

5. Periodically review the collection development policy and make recommendations to the library board for revisions.

6. Oversee the shelving and organization of materials.

7. Prepare and distribute overdue notices to users with overdue or lost materials.

8. Maintain an accurate and up-to-date database of user registrations and activities, including information adequate to support reimbursement requests for nonresident borrowing.

Rating: Excellent < 6 5 4 3 2 1 > Poor

Narrative evaluation and assessment of effort in achievement of annual objectives:

Service and Service Promotion:

Specific Duties:

1. Develop and execute an array of service programs to address the various needs of users and to make the library more accessible to all. These might include: preparation and dissemination of bibliographies of popular topics and genre collections; tours of the library for school, daycare, and homeschooling groups; inclusion of interesting displays of an educational or cultural nature; presentations to local organizations or groups on the benefits offered by the library; provision of storytime sessions for small children, and teen and adult book discussion sessions; support of a summer reading program; acquisition of special materials and provision of accommodations to encourage use of

the library by individuals with special needs; development of a homebound service for residents unable to visit the library.

2. Provide friendly and efficient direct assistance to users checking out materials, requesting directional or community information, or seeking materials or information on specific topics.

3. Prepare news releases and submissions to the media to announce new or special services and events that spotlight the library.

4. Assist and guide local volunteer groups (e.g., Library Friends) who wish to help with library promotion, fundraising, and enhancement of services.

5. Prepare grant applications, when grant opportunities are offered, in order to supplement local funding of library operations and development.

6. Maintain records showing all programs offered and number of attendees at each program.

7. Continually investigate the value, costs, and logistics of adding library services, new media, and new technologies in order to keep the library current and proactive in its service provision to the public.

8. Conduct ongoing evaluations of existing library programs, services, policies, and procedures, and submit recommendations for improvements to the library board.

Rating: Excellent < 6 5 4 3 2 1 > Poor

Narrative evaluation and assessment of effort in achievement of annual objectives:

Facilities Management:

Specific Duties:

1. Oversee care and maintenance of the library building and grounds.

2. Oversee the work of custodial staff.

3. Regularly review building needs and advise the board in its planning for future expansion or development.

4. Assess the adequacy of existing facilities in regard to the provision of automated services.

Rating: Excellent < 6 5 4 3 2 1 > Poor

Narrative evaluation and assessment of effort in achievement of annual objectives:

Director's objectives for the coming year (mutually agreed to by board and director):

Certification:

Board President's Signature _____ Date _____

Library Director's Signature _____ Date _____

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Trustee Essential 7

The Library Board and Library Personnel

This Trustee Essential covers:

- *The roles of the board and the library director on personnel issues*
- *How board decisions can affect the quality of library staff and library services*

The most important determinant of library service quality is the training, experience, attitude, and motivation of the library staff. Developing and maintaining a high-quality library staff requires careful decision-making and cooperation by both the library board and the library director.

Role of the board / role of the director

The most direct personnel responsibility of the library board is the hiring and supervision of the library director (see *Trustee Essential #5: Hiring a Library Director* and *Trustee Essential #6: Evaluating the Director*), but the board's responsibilities extend to issues that affect all library staff. It is the library director who hires and supervises all other library staff, but the library board has the legal responsibility for establishing the duties and compensation, as well as the personnel policies, for all library staff.

While both the library board and the library director have significant personnel responsibilities, the library will operate most effectively if the two parties cooperate and communicate on important personnel matters, while avoiding intrusion into each other's area of responsibility. Keep in mind that:

- the library director can and should recommend personnel policy changes, but can implement only policies officially approved by the board.
- the library director has the authority to hire staff to fill positions authorized by the library board and to supervise those staff, but should keep the library board informed of important personnel issues and consult with the board, if possible, before making significant personnel decisions.
- the library board's unsolicited intrusion into the director's responsibility to select and supervise staff can undermine the authority of the director and create discord and disorganization in library operations.

Staff duties and compensation are another area where cooperation is essential. While the library board has the legal responsibility for establishing staff duties and compensation, your library will run most effectively if the library board delegates to the director the responsibility for the day-to-day assignment of staff duties and supports the recommendations of the director for changes in staff compensation (within the policies established by the board).

Lines of communication

While trustees will want to know who the staff are and what they think about the library and its policies, services and collections, trustees must be very careful to avoid undermining the

authority of the director if he/she is going to be able to manage effectively. Trustees should direct staff who have complaints about the director, policies, or materials to discuss the situation with their supervisor or the director. If that does not resolve the issue, the staff should be encouraged to follow the library's grievance or complaint procedure provided in the library's personnel policy. Only in extreme situations should staff complaints go directly to the board.

Since the library board may want input from the staff on certain issues, the board should solicit such input through the director. In addition, the library board may decide to obtain library staff input on the director's performance as part of a formal evaluation process. (See *Trustee Essential #6: Evaluating the Director* for more information about the evaluation process.)

Except in unusual circumstances, communication between the library board and library staff about library business should be carried on through the library director. Going behind the director's back undermines the trust necessary for effective and orderly operation of the library.

Staff compensation levels

The ability to attract and retain high-quality staff depends partially on competitive and fair wages and benefits for library staff. Compensation for library staff should be competitive with compensation provided by similar-sized libraries in Wisconsin and nationwide (see the Sources of Additional Information section below for sources of this data). Compensation for library staff should be in line with other community positions that require similar training and responsibilities.

Personnel policy

It is the responsibility of the library board to approve a personnel policy for library staff that formally establishes compensation and benefit policies, rules and conditions of employment for library staff, etc. It is important for these policies to be gathered into a written personnel handbook available to all library staff. These written policies ensure that all staff are treated according to the same rules.

Many state and federal laws govern the relationship between employer and employee, and it is essential that the library's personnel policy comply with these laws. (For more information, see *Trustee Tool A: Important State and Federal Laws Pertaining to Public Library Operations*.) Your municipality or county may have personnel department staff who keep up to date on these laws. Knowledgeable individuals should review all proposed changes in the personnel policy. To simplify maintenance of their personnel policies, many library boards adopt the personnel policy of their municipality as the library personnel policy, subject to those changes approved by the library board.

The library board should also approve a salary schedule that covers all staff positions and written job descriptions that list the essential job duties of each staff position, any educational and experience requirements, the physical and mental requirements of the job, and the salary range. Carefully prepared job descriptions will help the library comply with Title I of the Americans with Disabilities Act (ADA), which deals with employment issues. For more information about the employment-related requirements of the ADA including a sample job description, see *Trustee Essential #5: Hiring a Library Director*.

Sample personnel policies are available from the Wisconsin Public Library Policy Resource Web Page at http://www.dpi.state.wi.us/dltcl/pld/policies.html.

Library employee unions

The right to bargain collectively is guaranteed by federal and state law. The library board must not take actions that interfere with library employees' legal collective bargaining rights.

In Wisconsin, collective bargaining practices are subject to rulings of the Wisconsin Employment Relations Commission (WERC). The WERC has ruled on a number of occasions that the library board (and not the municipality) is considered the "employer" of library employees for collective bargaining purposes. Therefore, it is the library board (or a designee of the library board acting under library board supervision) that negotiates with any union(s) representing library employees. An individual familiar with Chapter 43, library board concerns, and collective bargaining law should handle all labor negotiations on behalf of the board. Knowledgeable individuals should assist in the development of library board collective bargaining strategy. The library board must ratify any union agreements involving library employees.

The library board may not abrogate or delegate its legal responsibilities for establishing library policies and personnel policies or for determining the duties and compensation of all library staff. In addition, the library board may not take away the library director's legal authority to hire and supervise all other library staff.

Personnel records and board meetings on personnel issues

Wisconsin's public records law provides special rules for the handling of staff personnel records, and Wisconsin's open meetings law has special rules for library board proceedings involving collective bargaining and other personnel issues. See *Trustee Essential #14: The Library Board and the Open Meetings Law* and *Trustee Essential #15: The Library Board and the Public Records Law* for more information.

Continuing education for library staff

Library staff members, regardless of their level of employment, should have the opportunity to continue to expand their knowledge of library practice, communication skills, and library technology related to their job responsibilities through participation in workshops, conferences, and other continuing education activities. It is recommended that the library adequately budget for staff continuing education and professional activities, including paid work time for attendance, registration fees, and travel costs. Wisconsin library directors must participate in continuing education as required by Wisconsin librarian certification and recertification rules. (See *Trustee Essential #19: Library Director Certification.*)

Discussion Questions:

1. How can the library board help attract and retain high-quality library staff?

2. How can the library board help promote the professional growth of library staff?

3. What is the library board's role in disciplinary action concerning a library staff member?

4. How can the library board promote orderly functioning of library operations?

Sources of Additional Information:

Your regional library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Your municipal attorney and municipal personnel staff.

Sample personnel policies on the Wisconsin Public Library Policy Resource Page at http://www.dpi.state.wi.us/dltcl/pld/policies.html

Annual Wisconsin Association of Public Libraries *Salary and Fringe Benefit Survey* (contact WLA or your library system for a copy)

Annual nationwide *Public Library Data Service Statistical Report* (available from the Public Library Association)

Wisconsin Association of Public Libraries *Sample Library Position Descriptions* (contact WLA or your library system)

OWLS web page on personnel issues at http://www.owls.lib.wi.us/info/links/personnel.htm

State publications on employment laws at http://www.dwd.state.wi.us/notespub/dwdpub/39e.htm

Federal Laws Prohibiting Job Discrimination: Questions and Answers at http://www.eeoc.gov/facts/qanda.html

ADA "Access Guide," Cornell University, School of Industrial and Labor Relations at http://www.ilr.cornell.edu/ped/accessforall/index.htm?page=map

Great Lakes DBTAC, University of Illinois–Chicago, Department on Disability and Human Development, 1640 West Roosevelt Road, Chicago, IL 60608, (800) 949-4232, gldbtac@uic.edu, http://www.adagreatlakes.org

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Trustee Essential 8

Developing the Library Budget

This Trustee Essential covers:

- *Goals of budgeting*
- *Steps in the budget development process*
- *Sources of library funding*
- *Budget terminology*

The library budget is a tool for turning library dreams into reality. The budget determines the services that will be offered by your library and the resources devoted to each library program. A carefully developed budget will ensure that available funds are effectively utilized to realize your library's service objectives.

The budget development process

The first step in developing a library budget is to look at what the library hopes to accomplish in the next year. The availability of a current long-range plan will make this step much easier, because the plan should already document your community's library service needs and the library activities necessary to meet those needs. So, at the point that the board wishes to begin planning the budget for the coming year, it should review the long-range plan and its chosen objectives, reflecting on the financial implications of the objectives for the coming year.

The second step is to determine the total financial resources necessary for what the library wants to accomplish in the coming year. Often, increased funding is necessary because of increased costs, increased usage, and/or new services that will be offered. Additional resources for new services can also be made available by shifting resources from a lower priority to a higher priority service.

Draft budget documents are prepared by the library director and library staff (following the format required by the municipality or county). (See attached *Sample Format of a Minimal Library Budget* for an example.) The library board and/or library board finance committee may have input into development of budget drafts. The board of trustees will then review the draft budget(s) with the director, propose changes, and finally approve a finished budget.

After the written budget documents are approved by the board and submitted to the municipality or county, the final step in the budget process is securing the funding needed to carry out the planned service program. Trustees, as volunteer public representatives, are especially effective budget advocates. Trustees should be involved in presenting, explaining, and supporting the library budget that was approved by the library board. (See also *Trustee Essential # 13: Library Advocacy*.)

The board may need to make budget changes if the funding needed to balance the budget is not secured. Budget changes may also be required during the budget year if, for example, certain expenditures are higher than expected, or costs are lower than expected.

Sources of funding

One of the most important responsibilities for library trustees is determining the appropriate level of funding for the library and working to secure that funding.

Public library service in Wisconsin is provided through cooperative efforts at the state, public library system, and county and local level. The bulk of the funding for most Wisconsin public libraries is provided by the municipality or county that established the library. To qualify for library system membership and services, funding provided by that governing municipality or county must be maintained at a level at least equal to the average funding provided for the previous three years.

Beginning in 2001, counties must reimburse libraries within the county for at least 70% of the cost of service to county residents who do not live in a library municipality. Municipalities can exempt themselves from the county library tax if they tax themselves for library service at a higher tax levy rate than the county. To retain system membership, counties must also maintain their total public library funding at a level at least equal to the average funding provided for the previous three years.

Fines may be a source of library revenue, but the policy of charging fines is the subject of debate concerning their effectiveness in encouraging the return of materials, and concerning their public relations effects. In establishing a fine policy, a library board should consider not only the possible revenue but also the potential negative public relations effects.

Under Wisconsin law, public libraries may not charge fees for information-providing services. Fees and charges for such things as making computer printouts and using a copy machine are legal. Most fees, charges, and sales by public libraries are subject to the Wisconsin sales tax and any county and special sales taxes. For details, see http://www.dpi.state.wi.us/dltcl/pld/salestax.html.

Grants and gifts can be an excellent source of supplementary funds for special projects. In addition, community citizens are often willing to make significant donations to cover part or all of the costs of a new or remodeled library building.

Grants or donations should never be used to justify reducing or replacing the community's commitment to public funding. Donors will quit donating, volunteers will quit working, and granting organizations will quit awarding grants to your library if they see that their efforts are resulting in reduced public funding for the library instead of improved service. (See also *Trustee Essential #24: Library Friends and Library Foundations*.)

Desirable budget characteristics

There are four practical characteristics that your budget document should include.

1. Clarity: The budget presentation should be clear enough so every board member, every employee, and every municipal governing body member can understand what is being represented.

2. Accuracy: Budget documentation must support the validity of budget figures, and figures must be transcribed and reported carefully, without variation from the documentation.

3. Consistency: Budget presentations should retain the same format from period to period so that comparisons can be easily made. All budgets are comparative devices, used to show how what is being done now compares with what happened in the past and what is projected to happen in the future.

4. Comprehensiveness: Budget reports should include as complete a picture of fiscal activities as is possible. The only way to know the true cost of the library operation is to be certain that all revenue and expenditure categories are included within the budget.

Terms and distinctions

Line item and program budgets

These are two of the most popular styles of budgets. The line item budget is organized around categories or lines of expenditures, and shows how much is spent on the various products and services that the library acquires. The program budget, designed to assist with planning, is organized around service programs (such as children's services, young adult services, reference services) and helps the library board and director see how much is spent on these individual areas. A program budget is usually subarranged in a line item style, so that the individual categories of expenditures for each program are also presented.

Operating vs. capital costs

In planning for the financial needs of the library and recording financial activities, it is important to keep operating and capital activities separated for reporting purposes. Operating activities are those that recur regularly and can be anticipated from year to year. Included as operating expenditures are staff salaries and benefits; books and other media acquired for the library; heating, cooling, and regular cleaning and maintenance of the building; and technology support contracts. Capital activities, in contrast, are those that occur irregularly and usually require special fundraising efforts. These would include new or remodeled library buildings, major upgrades of technology, and usually the purchase of computer hardware. You should present the operating and capital activities separately within your library budget. (See attached *Sample Library Budget* for an example.)

Income vs. expenditures

In both operating and capital budgets, you will need to show income (or revenues) and expenditures. Income should be broken down by the source of the funding—for instance, municipal appropriation, county reimbursement, system state aid, grant projects, gifts and donations, fines and fees. Expenditures are shown in categories (or lines) representing similar kinds of products or services—for instance, wages, benefits, print materials, audio and video materials, telecommunications, staff and board continuing education.

Municipal accounting vs. library accounting

As specified in state law, library boards must deposit most of their funds with their municipality. Since the municipality holds the funds, it will also keep records of how those funds are used. This municipal accounting should be available to the library board upon request. However, even though your city, village, or county is performing this accounting function, it is advisable for the library to also maintain its own set of records. This will

allow the board and director to know the status of finances in a timely manner (if there is a delay in getting figures from the municipality) and to have a check to assure that the municipality is not inadvertently confusing transactions and balances. In addition, there are types of funds (gifts, bequests, devises, and endowments) which can be managed directly by the library board; if the board chooses to manage these funds it must, of course, keep records for accountability. (See also *Trustee Essential #9: Managing the Library's Money*.)

Discussion Questions:

1. What factors will contribute to the size of the appropriation the library board will request from the municipality?

2. What should a trustee's role be in presenting the request for funding from the municipality?

3. How does the library's long-range plan affect budget decisions?

4. In your library, how formal is the pursuit of gifts and donations, and how are these funds most often used?

Sources of Additional Information:

Sample Format of a Minimal Library Budget (attached)

Your regional library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Indianhead Federated Library System budget planning and financial information web page at http://www.ifls.lib.wi.us/budget/index.html

Wisconsin Public Library Standards, Third Edition (2000), available at http://www.dpi.state.wi.us/dltcl/pld/standard.html

Wisconsin Public Library Statistics, available at http://www.dpi.state.wi.us/dltcl/pld/lib_stat.html

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Sample Format of a Minimal Library Budget

Note: This simplified budget roughly corresponds to the *Wisconsin Public Library Standards* 2001 minimum operating budget of $50,000. Actual amounts will vary depending on local needs.

Operating Income	2000 Actual	2001 Budget	2002 Budget
Municipality	$ 33,700	$ 35,500	$ 37,300
County	$ 9,500	$ 10,000	$ 10,500
State / library system	$ 950	$ 1,000	$ 1,050
Federal (LSTA)	$ 950	$ 1,000	$ 1,050
Funds carried forward	$ 475	$ 500	$ 525
Fines	$ 850	$ 900	$ 945
Donations	$ 500	$ 500	$ 500
Fees/other*	$ 100	$ 100	$ 105
Transfer from gift fund	$ 475	$ 500	$ 525
Operating Income Total	$ 47,500	$ 50,000	$ 52,500

Operating Expenditures	2000 Actual	2001 Budget	2002 Budget
Salaries and wages	$ 21,850	$ 23,000	$ 24,150
Employee benefits	$ 6,650	$ 7,000	$ 7,350
Books	$ 6,365	$ 6,700	$ 7,035
Periodicals (including electronic)	$ 1,330	$ 1,400	$ 1,470
Video materials	$ 950	$ 1,000	$ 1,050
Audio materials	$ 380	$ 400	$ 420
Software and other electronic materials	$ 475	$ 500	$ 525
Contracted services	$ 950	$ 1,000	$ 1,050
Staff and board continuing education	$ 950	$ 1,000	$ 1,050
Public programming	$ 475	$ 500	$ 525
Telecommunications	$ 1,425	$ 1,500	$ 1,575
Utilities	$ 3,800	$ 4,000	$ 4,200
Equipment repair	$ 475	$ 500	$ 525
Supplies	$ 1,425	$ 1,500	$ 1,575
Operating Expenditures Total	$ 47,500	$ 50,000	$ 52,500

Capital Income	2000 Actual	2001 Budget	2002 Budget
Municipality	$ 2,000	$ 3,000	$ 3,000

Capital Expenditures	2000 Actual	2001 Budget	2002 Budget
Computer equipment replacement	$ 2,000	$ 2,000	$ 2,000
New shelving		$ 1,000	$ 1,000
Capital Expenditures Total	$ 2,000	$ 3,000	$ 3,000
Total of All Expenditures	**$ 49,500**	**$ 53,000**	**$ 55,500**

*State law requires that all information-providing public library services be provided free of charge. (See *Trustee Essential #8: Developing the Library Budget* for details.)

Trustee Essential 9

Managing the Library's Money

This Trustee Essential covers:

- *Responsibilities for library expenditures*
- *Responsibilities for library financial health and financial reporting*
- *Options for proper handling of gifts and donations*

The library board has ultimate responsibility for all aspects of library financial management—from budgeting to spending to financial reporting. Your community will be much more willing to provide the resources necessary for high-quality library service when they know library finances are carefully controlled and monitored.

The board controls and monitors library finances by:

- Careful development and approval of the budget (see *Trustee Essential #8: Developing the Library Budget*).
- Review and approval of all library expenditures.
- Review and monitoring of monthly financial statements.
- Development of policies for the handling of gifts and donations.
- Accurate financial reporting.
- Careful attention to financial audits.

Approval of library expenditures

Wisconsin Statutes give the library board exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund. The board exercises this control through the approval of the budget, the establishment of financial policies, and the audit and approval of vouchers for all library expenditures.

Basic library financial procedures are as follows:

1. The library board approves the annual budget and any budget adjustments necessary during the year. (See *Trustee Essential #8: Developing the Library Budget.*)
2. The library director is delegated authority to make purchases within the budget and according to board-approved purchasing policies.
3. The library director is responsible for preparing vouchers for all expenditures, a monthly list of all library expenditures, and a monthly financial statement.
4. At the monthly board meeting, the library board audits and approves payment of the expenditures, and reviews and approves the financial statement.
5. The board secretary, or other designee of the board, signs the vouchers and they are forwarded to the municipal clerk for payment.
6. Expenditures approved by the board for payment out of any library-held trust/gift fund accounts are made by the board treasurer or other designee of the board. It is recommended that board policy or bylaws require two signatures (one being the board treasurer or president) for any payment or withdrawal out of a library-held account.

Financial statements

To facilitate the board's monitoring of library finances, the director should present financial statements that the library board and the general public can understand. The library director should provide monthly financial reports that include:

- Last month and year-to-date expenditures for each line item
- Total income and expenditures last month and year-to-date
- Budget balances for each line item and the total budget

To oversee the finances adequately, the board should study financial statements carefully, ask questions, and be sure that they understand any unexpected or unusual expenditures or budget developments.

Gifts and donations

Library boards may deposit gift, bequest, devise, and endowment funds in a savings or checking account held by the library. However, all other library income, including fines and fees, must be deposited with the municipality.

Wisconsin library law provides that library boards have exclusive *control* of all funds collected, donated, or appropriated for the library fund; however, library boards have the legal authority to maintain *custody* of only gift, bequest, devise, and endowment funds. Expenditures of funds held by the municipality for library purposes are made as approved by the library board, with actual disbursements made by the municipal treasurer.

Wisconsin Statutes Section 43.58 (7) provides three alternatives for the handling of a gift, bequest, devise, or endowment provided to the library:

1. The library board may transfer the funds to the treasurer of the municipality or county that established the library.

2. The library board may deposit the funds with a public depository (a bank, credit union, or savings and loan in Wisconsin, or the Local Government Investment Pool). A library board resolution must designate one or more public depositories to be used for these funds.

3. The library board may entrust the funds to a financial secretary (a library board member elected annually by the library board to serve in this capacity), who may invest the funds as permitted under Wisconsin Statutes Section 112.10. A financial secretary must be bonded for at least the value of the funds or property held. The financial secretary must also make at least annual reports to the library board showing in detail the amount and investment of and income and disbursements from any funds held. This report must also be attached to the annual report provided to the municipality, the system, and to the Division for Libraries, Technology, and Community Learning.

For any funds in library custody, it is important that a library adopt policies for financial practices and controls that meet municipal audit requirements. For example, library board policy should require two signatures for any payment or withdrawal out of a library-held

account. Libraries holding substantial funds should have an investment policy approved by the library board. The League of Wisconsin Municipalities has some guidelines for development of an investment policy at http://www.lwm-info.org/legal/faq/faq107.html.

Annual report

The library board is responsible for approving the state-required annual report and providing a copy to the library system, the DLTCL, and to the governing municipality. The library director prepares this report, but it is the library board's responsibility to ensure that the report is accurate and complete. It must show all library income by source and all expenditures in detail, as well as the status of all funds under library board control. Instructions and forms for the annual report are available at http://www.dpi.state.wi.us/dltcl/pld/annrpt.html. A *Sample Trust/Gift Fund Report* is attached.

Audit

In most communities, public library financial records should be audited along with all other records maintained by the municipality or county that serves as the library's fiscal agent. Funds controlled directly by the library board, such as gift funds or endowments, should be audited annually by the municipality, the county, or an outside auditor. If your municipality does not audit your library's financial records, you may want to ask that they do so, or you may budget for an outside auditor to conduct an annual audit. Municipal and library audits are public records and must be publicly available. The library board should examine audit reports and carefully follow any audit recommendations.

Discussion Questions:

1. Why is careful control and monitoring of library expenditures important?

2. What should a library board member do if he/she doesn't understand part of the financial statement or doesn't know the purpose of a particular expenditure?

3. What can your library board do if your library has a large unexpected expenditure—for example, if the air conditioning unit fails and needs to be replaced immediately?

Sources of Additional Information:

Sample Trust/Gift Fund Report (attached)

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology and Community Learning staff (see *Trustee Tool C* for contact information)

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Sample Library Trust/Gift Fund Report

Note: A public library may maintain custody of gifts, donations, bequests, devises, or endowments. (See *Trustee Essential #9* for details.) The library's annual report must show the amount and investment of and income and disbursements from any funds held by the library board.

Date		1-Jan Beginning Balance	Deposits (New Donations)	Interest Earned	Expeditures	Balance
	Anytown National Bank					
	CD #123456					
1-Jan		$ 5,000				$ 5,000
30-Dec				$ 300		$ 5,300
	Anytown National Bank					
	checking acct. #123456					
1-Jan		$ 1,000				$ 1,000
28-Feb	Ms. Smith donation		$ 800			$ 1,800
10-May	Mr. Brown donation		$ 300			$ 2,100
30-May	transfer to operating budget				$ (500)	$ 1,600
4-Jun	purchase of DVDs				$ (300)	$ 1,300
15-Jul	purchase of puppets				$ (100)	$ 1,200
20-Oct	purchase of chair				$ (100)	$ 1,100
Yearly total for all accounts		**$ 6,000**	**$ 1,100**	**$ 300**	**$ (1,000)**	**$ 6,400**

Trustee Essential 10

Developing Essential Library Policies

This Trustee Essential covers:

- *Who is responsible for developing and approving library policies?*
- *How do you develop good (and legal) policies?*
- *Who carries out policies?*

Policies guide the daily operation of the library and the decision-making of the library director and staff. Essentially, policies provide the framework for library operations and services. Carefully developed policies can help ensure high-quality library service that provides for community needs, wise use of library resources, and fair treatment of library staff and library users.

Library boards should approve policies to cover many issues, including the services offered by the library (such as the hours the library is open to the public), circulation of materials, selection of books and other resources, confidentiality of patron records, and use of electronic resources. The library personnel policy (see *Trustee Essential #7: The Library Board and Library Personnel*) and the board bylaws (see *Trustee Essential #3: Bylaws—Organizing the Board for Effective Action*) are two essential statements of policy relating to library and library board internal operations.

Wisconsin Statutes authorize the library board to establish both "external policies" (policies that determine how the library serves the public) and "internal policies" (policies that govern library board operations and library management). Wisconsin Statutes Section 43.52(2) provides that "[e]very public library shall be . . . subject to such reasonable regulations as the library board prescribes in order to render its use most beneficial to the greatest number. The library board may exclude from the use of the public library all persons who willfully violate such regulations." Additional broad authority is granted by Section 43.58(4): ". . . [T]he library board shall supervise the administration of the public library and shall appoint a librarian . . . and prescribe [library employee] duties and compensation."

Policy development steps

The following basic steps provide for careful development and review of library policies:

1. Director, with staff (and maybe public) input, develops recommended policies.
2. Board discusses, revises (if necessary), and approves policies.
3. Director makes sure staff and public are aware of policies.
4. Board reviews policies on a regular cycle so all policies are reviewed at least every three years (perhaps one or two policies could be reviewed per meeting until all of the policies have been reviewed, and revised if necessary).

The library board must approve all policies in properly noticed public meetings (see *Trustee Essential #14: The Library Board and the Open Meetings Law* for details).

In consideration of policy matters, it is important that you give adequate time and attention to the many complex issues that may be involved. All library policies should promote the best interests of the community and be consistent with the library's mission and long-range plan. You should be satisfied that a policy is legal, clear, and reasonable, and that all ramifications (including the effects on the public image of the library) are understood.

After a new policy is established, it is important that the policy be clearly documented and available to staff and public. It is helpful for a library to gather all library policies into a policy manual available to all staff and readily available to all library users. Many libraries are now posting their policies on their web sites (see http://www.dpi.state.wi.us/dltcl/pld/policies.html for examples) to help make the public more aware of the library's services and policies.

Although disagreements during the development of policies are natural, each board member should support staff in implementation of policies once they are established. Challenges to policies are most common on the topics of material selection and public Internet access (see *Trustee Essential #23: Dealing With Challenges to Materials or Policies*).

Legally defensible policies

It is important for policies to be legal. Illegal policies can open the municipality to liability. (See *Trustee Essential #25: Liability Issues*, for more information.) Below are four tests of a legally defensible policy:

Test #1: Policies must comply with current statutes and case law. For example:

- A library policy charging patrons for use of computers in the library would be contrary to Wisconsin Statutes Section 43.52(2), which requires that public library services be provided free of charge.
- A policy that says the library's public meeting room cannot be used for religious purposes would be unconstitutional under a Wisconsin federal district court decision.

Test #2: Policies must be reasonable (and all penalties must be reasonable). For example:

- A library policy that says, "All talking in the library is prohibited, and anyone who talks in the library will permanently lose library use privileges," is clearly an unreasonable rule with an unreasonably harsh penalty.

Test #3: Policies must be clear (not ambiguous or vague). For example:

- A policy that says, "Library use privileges will be revoked if a patron has too many overdue books," is too vague to be fairly administered.

Test #4: Policies must be applied without discrimination. For example:

- If a library charges fines, it cannot give preferential treatment to some individual patrons. For example, if the library sometimes waives fines, that waiver must be available to all patrons on an equal basis—not just to friends of library staff or to politically important people.

Many libraries find that it is helpful when developing or revising policies to review the policies of other libraries. Many examples of Wisconsin public library policies and other resources are available from the *Wisconsin Public Library Policy Resources Page* at http://www.dpi.state.wi.us/dltcl/pld/policies.html.

Policies vs. procedures

In addition to a policy manual, many libraries find it helpful to write up procedure manuals, especially for covering complex activities like the selection, ordering, and processing of new materials. Procedure manuals outline the steps necessary to accomplish various tasks and therefore are especially valuable to new staff.

Procedures must conform to the policies approved by the library board. While it is true that the library board is responsible for the entire administration of the library, your library will operate most effectively if the board delegates responsibility for the development of procedures and the day-to-day supervision of library operations to the library director. A properly trained library director is well equipped to handle this responsibility. "Micro-management" of library operations by the board is, in almost all cases, an unnecessary use of the board's time and a practice that can undermine the authority of the library director. (See *Trustee Essential #6: Evaluating the Director* for recommended procedures for handling any concerns about the director's performance.)

Discussion Questions:

1. What steps can be taken to help a library develop good policies?
2. What would be an example of a "bad" library policy, and why would it be bad?
3. What should a library trustee do if he/she disagrees with a library policy?
4. Who is responsible for carrying out library policies?

Sources of Additional Information:

Wisconsin Trustee Training Module #2: Development of Essential Policies for Public Libraries (available at http://www.dpi.state.wi.us/dltcl/pld/trustee.html)

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Your municipal or county attorney

Wisconsin Public Library Policy Resources Page at
http://www.dpi.state.wi.us/dltcl/pld/policies.html

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Trustee Essential 11

Planning for the Library's Future

This Trustee Essential covers:

- *The importance of planning*
- *Planning essentials—getting started*
- *A plan outline*
- *Where to go for help*

The importance of planning: why plan?

How often do you leave for the grocery store without a list and come back with dozens of items you didn't need, but without the one or two things you absolutely needed? Nobody would ever think of building a house or starting a business without a plan. Yet it is often hard to convince library directors and library boards to create a long-range plan. The most frequent excuse is "We don't have time" or "We are too busy getting our work done."

Information technology, publishing and the book industry, and society itself are in the middle of the greatest series of changes since the invention of the printing press. In 1990, few libraries had computers. Now, they are everywhere. In 1980, women were just entering the workforce in large numbers, and many smaller Wisconsin communities had few, if any, minority residents. Library services need to change to reflect changes in our communities. They cannot exist in a vacuum. The library board or director that refuses to plan is like the shopper going to the store without a shopping list. The library may well be offering dozens of services that are not really needed by the community, while failing to offer the one or two services that might provide a great benefit.

Planning for libraries is a process of envisioning the future of both the community and the library and setting a direction for library movement toward a chosen future vision. Planning helps the staff and board understand the situation of their community, set priorities, and establish methods for achieving those priorities. The planning document provides a record of the decisions made during that process. The document also becomes a guide for decision-making and action by staff and the board.

Planning essentials—getting started

Size doesn't matter. Every library needs a plan, no matter how small or how large the library and community may be. However, just as a shopping list will be different for the single person and the family of ten, the *process* followed to create a plan will depend on the size of library and community involved with the project. Large and even many medium-sized libraries, or those libraries accustomed to planning, may have the resources and experience to undertake a full-blown process such as that described in *Planning for Results.*[1] *Planning for Results* provides a blueprint for creating a vision of the future for a library and its community, along with a blueprint for creating the services that will enable a library achieve its vision. *Planning for Results*, because it is so thorough, describes a fairly time-

[1] Wilson, William James, et al. *Planning for Results: A Public Library Transformation Process.* ALA, 1998

intensive process involving a large cast of players. Any library, including smaller libraries or those new to planning, will benefit from undertaking the process outlined in *Planning for Results* if its board and staff have the commitment, time, and resources to follow through. However, for novice planners, the process is less important than the fact that planning is carried out. First-time planners often want to follow a simplified process that is less time-intensive. Even a simplified process will help the board and staff gain vital information about the library and community, as well as the experience and confidence needed to expand the process during the next planning cycle.

Who should be involved?

The minimum number needed to draft a long-range plan is one. However, just as the grocery shopper benefits from consulting spouse and family before leaving for the store, the long-range plan for the library benefits from input from multiple individuals. The library director, with the help of system staff, can be relied on to gather statistics about a community. Important statistics include:

- Population size of community broken down by age, gender, racial heritage, etc.
- The existence of large or growing groups of newcomers to the community, whether they be urban or rural transplants, new ethnic groups, or other.
- Economic factors regarding the community, such as household incomes and source of payrolls.
- Educational profile of the community.

At the same time, the director and staff can gather facts about the library. Questions to ask include:

- What services are currently being offered?
- How have usage patterns been changing in the past few years?
- What is the composition of the collection? How many books does the library own? How many books on tape? Videos? Children's books, etc.?
- What is the *age* of the collection? What is the average publication date for each section of the nonfiction collection?

By discussing these and similar facts about the library and the community, the staff and board can come to some basic conclusions about the library on which to plan future services. A library with a small large-print collection in a community with a stable, aging population may want to buy more large-print books, for example. A science collection with relatively few titles less than one or two years old probably needs updating.

One of the best ways to gather insight regarding your library is to see how it stacks up against current state recommended standards. *Wisconsin Public Library Standards* is updated about every five years. The Standards are not mandatory requirements from the state; rather they are suggestions for basic levels of service organized by library or community size. They suggest such things as basic collection size for a specific community size. They even recommend a minimum funding requirement for a basic level of library service in the smallest communities. The Standards allow planners to look beyond the confines of their community. (For more information, see *Trustee Essential #12: Library Standards*.)

By talking to other stakeholders, library planners can add to the strength and reliability of their plan as well as obtain buy-in from the public. There is an endless list of individuals and groups that *might* be consulted as part of a basic planning process. Which ones you choose will depend on your particular situation. Suggested players include:

- The mayor and city council (or equivalent)
- Municipal employees such as an economic development officer, senior center director, or recreation department director
- Representatives from the PTA and/or teachers union
- Representatives of active service groups such as Elks, Rotary, or Lions
- Representatives of other social/service organizations such as those representing growing minority populations
- Representatives of the religious community
- Current library users
- Those not currently using the library

You get the picture. The more people you talk to about the community, the more information you will have to create your long-range plan.

How do you gather information?

Probably the most common mistake library planners make when consulting the community in preparation for a long-range plan is to ask people about the library. Neophyte planners ask what library services people are looking for. The real purpose of consulting all of these community representatives is to find out about *them*—what *they* are doing and what is important in *their* lives and work. The library staff and board are the experts in the broad array of possible library services. It is up to the experts to be creative in proposing new services or changes in services to meet emerging needs. The mayor and city council may be interested in developing tourism in a community, but they may never think of the library as a vehicle for collecting and disseminating local information of interest to tourists. If you ask someone what the library should be like, they will answer based on their preconceptions about what a library is. Instead, inquire about community needs and then apply library resources to fashion the services to help the community fill those needs.

There are a variety of ways to ask this large array of players about community needs. One of the simplest but most effective is simply to invite them to the library or a neutral site and talk to them. Find someone who is experienced in conducting focus group interviews. Construct one or more groups built around particular interests, such as the needs of children in the community or the needs of immigrants. Assist the interviewer in eliciting the opinions of interested parties regarding what is important to them.

Library planners probably most often gather information by means of surveys. If you decide to use a survey, consider the following:

- What is the specific question you are trying to answer? What hypothesis are you testing?
- Don't ask questions simply for the sake of asking. If you ask whether the respondent went to college, for example, how will having the information affect your investigation? How will you use the information?

- Will your survey reach the target audience? Surveys done in the library are useless for learning the needs and opinions of nonusers. Current library users do not necessarily represent a cross section of the community.
- How will your survey be distributed?
- How will your survey be tabulated?
- Do a pretest. Make sure that your respondents have the same understanding of the questions you do.

Again, consider enlisting the help of someone experienced in writing and conducting surveys before you get started. This doesn't have to cost anything. You may find a volunteer at a local chamber of commerce or a nearby university, or a local resident may be willing to help who has conducted surveys as part of his or her business. Your local library system should be able to offer assistance. If you write your own survey, at the very least have someone critique it for you. A poorly executed survey can have less value than no survey at all. It may even lead you to opposite conclusions from those you might have reached otherwise.

A plan outline

Okay, you've gathered all your information. What do you do with it? A simple plan might be organized like this:

Introduction:	Discuss the planning process: Who are you? What are your library and community like? How did you find this out? Who did you consult? How did you consult them? What did you find?
Mission Statement:	What vision of the community are you are trying to support? What is the library's role in supporting that vision? What is the reason the library exists? (See *Sources of Additional Information* below for information about developing a mission statement.)
Service Responses:	What are the specific services you will offer and, why?
Activities:	Under each service, list the particular activities that will be carried out and what you intend to accomplish. How do these activities relate to the mission of the library?
Evaluation:	How will you measure the impact these services are having on the target population? How do you know if you are doing it right? What are your alternatives if you are not?

The specific time frame your plan should cover will depend on how ambitious your plan is, or how many activities you hope to carry out. There is no magic formula that dictates that your plan should last five years, three years, or even one year. Do what makes sense for your library and your community. The most important thing you can do is to be adaptive. Follow your plan and revisit it along the way. Make sure it is taking you where you want to go, and revise it as necessary. At the end of the planning cycle, when all evaluations are in, start over. Create a new plan and perhaps go a little farther in your information-gathering process.

Special types of planning

In addition to general long-range planning for the entire library, you may also want to consider planning projects focusing on special issues such as technology or disaster preparedness.

Many libraries participate in technology planning through their library system and therefore do not need to conduct their own technology planning project. Because new technologies can greatly expand the services and resources offered by a library, it is important that all libraries be involved in some type of technology planning.

Most libraries will rarely experience a severe emergency or natural disaster, but it is best to be prepared, just in case. Fires, floods, tornadoes, and hazardous material accidents can endanger lives, and it is important for libraries to have plans and/or policies in place for dealing with these types of emergencies. It is also important for staff to be trained to handle emergencies properly, including medical emergencies.

Plans and/or policies can also be established to prepare for recovery of library materials after an accident or disaster. The Wisconsin Public Library Policy Resources Page (at http://www.dpi.state.wi.us/dltcl/pld/policies.html) has links to examples of emergency and disaster policies. See below for resources to help with accident and disaster preparedness planning.

Discussion Questions:

1. Has your library had a plan before? What did it deal with? When was it done?

2. Who should be involved on the ground floor? Which staff members? Which board members? Who is available with the necessary expertise, including outside volunteers, that might be able to help with the plan?

3. What resources does your library system have to assist you with planning?

4. Are there any other plans out there that you might consult (e.g., a comprehensive development plan written for the municipality; a comprehensive plan written for the school system; any plan written by the chamber of commerce)?

5. What do you hope to accomplish? What will you do with the plan once it is written?

6. How does your library compare with other libraries in similar communities? Do you meet or exceed recommended state standards?

7. Can your library system obtain samples of other long-range plans for your committee to look at? After examining them, ask, What was good about them? What didn't you like?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Wisconsin Public Library Standards, Chapter 1, available at http://www.dpi.state.wi.us/dltcl/pld/chapter1.html

OWLS web page on planning at http://www.owls.lib.wi.us/info/links/plans.htm

McClure, Charles R., et al. *Planning and Role Setting for Public Libraries: A Manual of Options and Procedures*. Chicago, IL: ALA, 1987.

Nelson, Sandra. *The New Planning for Results: A Streamlined Approach*. Chicago, IL: ALA, 2001.

Van House, Nancy A., et al. *Output Measures for Public Libraries: A Manual of Standardized Procedures,* 2nd ed. Chicago, IL: ALA, 1987.

Wilson, William James, et al. *Planning for Results: A Public Library Transformation Process.* Chicago, IL: American Library Association, 1998.

Zweizig, Douglas, et al. *Evaluating Library Programs & Services: TELL IT!* Madison, WI: UW School of Library and Information Studies, 1993.

Disaster Preparedness Clearinghouse web site (http://www.ala.org/alcts/publications/disaster.html), developed by the Association for Library Collections & Technical Services, a division of the American Library Association

Western New York Disaster Preparedness and Recovery Manual for Libraries and Archives, Revised edition 1994, Western New York Library Resources Council (at http://www.wnylrc.org/pub/disman.htm)

Conservation OnLine (CoOL), *Disaster Preparedness and Response* (at http://palimpsest.stanford.edu/bytopic/disasters)

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Trustee Essential 12

Library Standards

This Trustee Essential covers:

- *How your library might benefit from use of library standards*
- *Different ways to use library standards*
- *How standards relate to library planning*

The development of the publication *Wisconsin Public Library Standards* (available at http://www.dpi.state.wi.us/dltcl/pld/standard.html) was guided by the belief that Wisconsin's public libraries play a critical role in providing free access to knowledge, information, and diversity of ideas to all residents of the state. All Wisconsin residents need and deserve at least a basic level of library service. The standards provide a way to measure a basic level of quality for public library service and also provide a pathway to excellence in library service.

Thanks to tremendous advances in information technology and to the cooperation of all types of libraries in Wisconsin, even the smallest library can offer access to an almost unimaginable quantity of both electronic and traditional information resources. But while this new environment presents great opportunities, it also presents great challenges. Today's library staff must master not only the skills and knowledge necessary to provide traditional library services, but also the new and constantly changing skills and knowledge required to utilize the latest in information technologies. Challenges also face the trustees and other government officials responsible for securing the funding and other resources necessary to provide library service that meets current needs and expectations.

Wisconsin Public Library Standards attempts to cover the services, resources, and other requirements for basic library service that should be available to *all* residents of the state, including those who face physical or other barriers to their use of public libraries. Wisconsin's public library standards are entirely voluntary, but every library in Wisconsin is encouraged to meet the standards covered by the checklists in the *Standards* publication. Counties can establish minimum operating standards for libraries within the county under Wisconsin Statutes Section 43.11(3)(d). Libraries that fail to meet county standards may be denied exemption from the county library tax. For more information on county library standards, see http://www.dpi.state.wi.us/dltcl/pld/coplan.html.

How to use the *Standards*

The simplest way to use the *Standards* is to provide a photocopy of the checklists in the *Standards* document to each library board member and review those checklists at your board meetings. If one chapter is covered per board meeting, it will take five meetings to review the *Standards* checklists completely. If your library does not meet certain standards, you can work with your library director to develop a plan to work toward achieving those standards in the future.

Libraries that already meet the minimums represented by the standards can develop service goals based on local needs.

Quantitative standards are provided for a number of library service parameters, such as hours open, staffing levels, collection size, and collection expenditures. Quantitative standards are established at four levels of effort: basic, moderate, enhanced, and excellent. Your library can establish service targets by selecting the appropriate level of effort to apply to each standard or can use the levels to plan for progressive improvements over a period of time.

A handy tool developed by Rick Krumwiede, Director of the Outagamie Waupaca Library System, automatically calculates service targets for your library. All you need to input is your library name, municipal population, and library service population. You can download this tool from http://www.owls.lib.wi.us/info/links/quanstd.xls.

Library planning and the *Standards*

It is most effective to use the *Standards* as a tool to assist with a locally developed planning process. In the context of a local planning process, your planning committee can use the checklists to gather information about the library and the community during the information-gathering phase of the planning process. The *Standards* can also help the planning committee establish objectives for the plan. Chapter 2 of the *Standards* discusses in more detail how to use the *Standards* as part of a planning process. See also *Trustee Essential #11: Planning for the Library's Future* for more information about the planning process.

Discussion Questions:

1. Why should our library be concerned about state standards when those standards are voluntary?

2. Do new technologies reduce the need for your library to provide traditional library services? Why or why not?

Additional Sources of Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Wisconsin Public Library Standards (available at http://www.dpi.state.wi.us/dltcl/pld/standard.html)

Outagamie Waupaca Library System (OWLS) Public Library Standards Web Page at http://www.owls.lib.wi.us/info/links/wistds.htm

Wisconsin public library statistics (at http://www.dpi.state.wi.us/dltcl/pld/lib_stat.html)

Federal-State Cooperative System data (at http://nces.ed.gov/surveys/libraries/public.html)

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Trustee Essential 13

Library Advocacy

This Trustee Essential covers:

- *What are library advocates and why are they needed*
- *How to establish priorities for advocacy*
- *Ways to act as an advocate*

One of your major responsibilities as a public library trustee is to act as an advocate for the library.

In simple terms, a library advocate is someone who understands the value and importance of public library service and who communicates that value and importance to the community, government leaders, and other decision-makers.

Your primary function as a library advocate will be to provide clear, accurate, and timely information on library issues to people who need it in order to make sound decisions on those issues. This information can be provided orally or in writing. It may have such diverse objectives as shaping public opinion in a general way or influencing a specific vote on a library issue by the local unit of government.

Libraries need their trustees to act as advocates for several reasons. Pressures on local, county, and state budgets makes it harder than ever for libraries to obtain adequate funding. As a representative of the general public, you can make a more effective case on the importance of adequate funding for the library than the librarian who may be viewed as having a vested interest in a larger budget. Because public libraries have a unique place in local government, their needs may not be as readily understood by government officials as those of other units of government, and a greater effort is needed to tell the library story.

In addition, because library systems primarily provide "behind the scenes" services, an extra effort is sometimes needed to make government officials aware of their services and the value of those services to the public.

Establish priorities for advocacy

Since the advocacy role is a basic duty of a library board member, it's important to channel these energies carefully. Early each year, the library board acting as a whole should decide which of its goals or positions to advocate most strenuously. Emphasis will vary by library. For instance, you and the library board might work for the adoption of an improved library budget, seek support for enhanced library technology, or inform the public of the need for a library building program. What is important is that you decide with other library board members what the areas of emphasis will be and how board members will go about advocating those goals or positions.

Your goal as an advocate is to shape the local decision-making process, which requires an understanding of how decisions are made in the community and who must be influenced in order to achieve favorable outcomes.

Staying informed

Your effectiveness as an advocate depends on being well informed about library issues at the local, state, and federal levels. See *Trustee Essential #27: Trustee Orientation and Continuing Education* for information on where to turn to stay informed about these issues.

Ways to act as an advocate

As an advocate, you can influence decision-makers by:

- speaking to civic groups about library needs and issues.
- talking to friends about the library, its role in the community, and its needs.
- writing letters to the editor of the local newspaper.
- testifying at local and state budget hearings.
- talking and writing to state and federal legislators about the needs of the library.
- contributing to a library newsletter that is sent to decision-makers.

If you choose to advocate a library-related position not agreed on by the board, be sure to make clear that you are speaking for yourself as an individual, not for the board.

Your work as a library advocate is never done. Each success leads to a new area of effort. Library advocacy does not represent a narrow commitment to a single issue—it's an ongoing commitment to supporting library issues in a wide range of ways.

Discussion Questions:

1. How is library advocacy different from other basic trustee duties?

2. What are some issues being faced by your library on which library board members can exercise influence through advocacy?

3. How does the advocacy role of an individual board member differ from the role of the board as whole?

Sources of Additional Information:

You and your fellow library board members are not alone in advocating for high-quality public library service. There are a number of groups that share your belief in the value of public library service and can provide information and support you in advocacy efforts. Some of these groups are listed below, along with other tools to help you advocate for your library.

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

Wisconsin Library Association (WLA) (at http://www.wla.lib.wi.us)

Wisconsin Library Trustee Association (WLTA) (at http://www.wla.lib.wi.us/wlta)

Association of Library Trustees and Advocates (ALTA) (at http://www.ala.org/alta)

Friends of Wisconsin Libraries (FOWL) (at http://www.cheesestate.com/friends)

Friends of Libraries U.S.A. (FOLUSA) (at http://www.folusa.com)

Who Are My Legislators web page (at http://www.legis.state.wi.us/wamltest)

Contact information for your United States Senators: http://www.senate.gov/contacting

Contact information for your United States Representatives: http://clerkweb.house.gov/mbrcmtee/members/housemem.htm

This *Trustee Essential* was adapted, with permission, from *Tools of the Trade for Trustees: Library Advocacy,* by Milton Mitchell, former Director of the Indianhead Federated Library System.

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Trustee Essential 14

The Library Board and the Open Meetings Law

This Trustee Essential covers:

- *The basics of compliance with Wisconsin's open meetings law*
- *When and how the board can legally conduct a closed session*

Wisconsin's open meetings law supports the principle that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. To this end, all meetings of all state and local government bodies (including library boards) must be held in places reasonably accessible to members of the public and must be open to the public, except as expressly provided by law. Wisconsin's open meetings law provides specific requirements for meeting notice, accessibility of meetings, the conduct of meetings, and legally holding closed sessions. Violations carry significant penalties, so careful adherence to these requirements is essential.

Meeting notice

Public notice of all library board and library board committee meetings is required at least 24 hours in advance of any meeting, except in cases of emergency, when at least two hours notice is required. Notice must be provided to the official local newspaper (if you have one) and to any news organization that has requested notice. If your municipality has no official newspaper, notice must be provided to a news organization likely to give notice in the area. The meeting notice must also be posted in at least one public place, and preferably several. Good locations might be the library, the city/village/town hall, and the post office.

The meeting notice must contain the time, date, place, and *all* subjects to be discussed and/or acted upon at the meeting. The notice should also indicate a phone number (including a TDD number if you have one) that individuals with disabilities can call if they need accommodations to attend the meeting. (See *Trustee Essential #4: Effective Board Meetings and Trustee Participation* for a sample board meeting notice and agenda.)

Location and conduct of meetings

Meetings must be held in a place reasonably accessible to the public. It is strongly recommended that you provide barrier-free access to the meeting room. The board must make a reasonable effort to accommodate any person desiring to record, film, or photograph the meeting as long as this will not interfere with the conduct of the meeting or the rights of the participants. The board may disallow recording of a closed session.

Some boards list an "other business" item on the meeting agenda to handle unforeseen issues that may arise after the agenda has been prepared. This is not advisable and can lead to open meetings law violations. Emergency items can be added to an amended meeting notice that is posted and provided to the media at least two hours in advance of the meeting; however, it is better to postpone consideration of late-arising issues until the next meeting, if possible.

Discussion and consideration of issues at a meeting must be limited to subjects listed in the public notice. However, if the meeting agenda listed a "public comment" period, the board may briefly discuss issues raised by the public during that period.

All board discussions and actions must be conducted during properly noticed meetings open to the public, except that closed sessions are allowed for specific purposes, as long as the legally required procedures have been followed to conduct a closed session.

Meeting minutes

Wisconsin law requires that meeting minutes be kept and be made available to the public as required by the Public Records Law (see *Trustee Essential #15: The Library Board and the Public Records Law* for more information). At a minimum, meeting minutes must indicate the board members present, all motions that were made (except those that were withdrawn) and the result of any votes taken. Except for votes on the election of board officers, any board member can request that a roll call vote be taken on any vote, with the vote of each member recorded in the minutes.

Legal reasons for conducting a closed session

The specific statutory exemptions that may allow for a closed session are in Wisconsin Statutes Section 19.85. Wisconsin Statutes Chapter 19 is available in PDF format at http://www.legis.state.wi.us/statutes/99Stat0019.pdf.

The most common reason for a closed session is to consider personnel-related issues. For most personnel-related issues, the relevant exemption is provided in Wisconsin Statutes Section 19.85(1)(c), which allows closed sessions when the employment, promotion, compensation, or performance evaluation data of any public employee under the jurisdiction of the particular government body is being considered.

Boards should be aware that if they will be considering the dismissal, demotion, or discipline of an employee, a closed session is possible under Section 19.85(1)(b), but the board must give the employee notice of any evidentiary hearing to be held prior to final action and to any meeting at which final action might be taken. The notice to the employee must include a statement that the employee can demand that the evidentiary hearing or meeting be held in open session.

In addition to the two personnel-related exemptions discussed above, closed sessions can be held for certain other reasons, including the following:

- Deliberating or negotiating the purchase of public properties, the investment of public funds, or the conduct of other specified public business, whenever competitive or bargaining reasons require a closed session.
- Preliminary consideration of specific personnel problems or the investigation of charges that would negatively affect the reputation of the person involved.
- Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- Consideration of requests for confidential written advice from an ethics board.

A closed session is *not* allowed for purposes of considering general personnel policies or general staff compensation decisions, such as the general library staff salary scale. Employee compensation discussions may be closed only when they concern a *particular* employee.

A closed session is allowed to formulate collective bargaining strategy, but board deliberations leading to approval of a tentative collective bargaining agreement, as well as the final ratification vote, must be held in open session.

Procedures for holding a closed session

The following steps are **all** required for a library board (or any other government body) to conduct a closed session legally:

1. The meeting notice **must** indicate any contemplated closed session, the subject matter of the closed session discussion, and the specific statutory provision allowing a closed session. If a closed session was not planned, a board may still go into closed session on any subject contained in the meeting notice, whether the notice provides for a closed session or not, if the board follows the procedures below.

2. The board must first convene in open session.

3. The chief presiding officer must announce to all present at the meeting the intention of going into closed session and the purpose of the closed session.

4. The chief presiding officer must state the specific section of the law, by statute number (e.g., Section 19.85(1)(c) for a director evaluation session), which allows for the closed meeting. This announcement should be recorded in the minutes. It is good practice for library staff to prepare in advance the exact wording of the announcement to be used.

5. Going into closed session requires a motion, second, and **roll call vote** to reconvene in closed session. The vote of each board member on this motion must be recorded in the minutes and preserved. A majority vote is required to reconvene in closed session.

6. Attendance at the closed session is limited to the board, necessary staff, and any other persons whose presence is needed for the business at hand.

7. Closed session discussions must be limited to the subject announced in the meeting notice and the chief presiding officer's announcement.

8. Certain votes **may possibly** be legally taken in closed session. But it is a better practice and safer legally to take votes after reconvening into open session. At any rate, all board actions, whether taken in open or closed session, must be recorded in the minutes and be open to public inspection. Secret ballots are allowed only for the election of board officers.

9. The board may legally reconvene in open session as long as that intent was noted in the public notice of the meeting. If there was no advance public notice given that the board intended to reconvene in open session, the board is required to wait at least 12 hours after the completion of the closed session before reconvening in open session.

Avoiding legal penalties

Any library board member who knowingly attends a meeting in violation of the open meetings law will be required to forfeit, without reimbursement from the library or municipality, not less than $25 and as much as $300 per violation. In addition, a court may void board actions taken in an illegal closed session. You are not legally liable if you voted against those actions the board took which caused the violation. Therefore, it is recommended that if you believe the purpose stated for the motion to close a meeting is not legally sufficient you should vote against the motion. In addition, you should confirm that proper notice has been given for each board meeting.

Discussion Questions:

1. What purposes does Wisconsin's open meetings law serve?

2. Is it legal to have a meeting agenda item for "other business" or "miscellaneous business"? Why or why not?

3. How might the required recorded role call vote to hold a closed session protect you from personal liability for an open meetings law violation?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Public records / open meetings information from the Wisconsin Department of Justice (at http://www.doj.state.wi.us/dls/goal.asp#pubrec)

The League of Wisconsin Municipalities' very detailed discussions of Wisconsin's open meetings law available at http://www.lwm-info.org/legal/faq.html#openmtg.

Your municipal attorney, your district attorney, or the Wisconsin Attorney General.

This Trustee Essential provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion.

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Trustee Essential 15

The Library Board and the Public Records Law

This Trustee Essential covers:

- *Actions all boards must take to comply with the law—before and after receiving records requests.*
- *Records that must be available to the public—and records that are confidential.*

Wisconsin's public records law provides that almost all records of state and local government (which includes public libraries) be available for inspection and/or copying by the public.

Responding to requests

Your library must respond to all requests to view or copy public records made by any person (except most requests from individuals who are committed or incarcerated). The request need not be in writing, and the requester need not be a resident of the state. Generally, you cannot require the requester to give his/her name or the purpose of his/her request. Acceptable identification may be required only when necessary for security reasons or when required by federal law or regulation.

Public records requests must be responded to "as soon as practicable and without delay." Any denial of a written request for records must include a written statement of the reasons for denying the request and must inform the requester that the determination is subject to review by mandamus (a writ from a court ordering performance of an act) or upon application to the attorney general or district attorney.

What records must be made available for viewing or copying?

Except as otherwise provided by law, any requester has the right to inspect or receive a copy of any public record. This applies to records in any format—paper, computer file, recording, email, etc.

An important exception to the public records law for libraries is the statutory prohibition on release of records that identify an individual who uses a publicly funded library (Wisconsin Statutes Section 43.30). This information can be released only with the consent of the individual or by court order or (under certain circumstances) to other libraries for interlibrary loan purposes. Any record produced in response to a public records request that contains patron information in addition to information which must be disclosed must first be edited to remove any information which could identify an individual library patron, such as a patron's name, address, or phone number.

The law does not require public access to staff notes, drafts, and similar items prepared for staff personal use. Also excluded are purely personal property having no relation to the

owner's public office and material to which access is limited by copyright, patent, or bequest.

Records custodian responsibilities

Every public library board must approve a resolution designating one or more legal custodians to respond to public records requests. If the board has failed to make such a designation, the library board president and the director are responsible for responding to public records requests. The mayor, village president, or town chair of your community may have the option of appointing the legal custodian for library records. The records custodian(s) must designate one or more deputies to act in his or her absence.

The library board must also approve and prominently display in the library a notice identifying the legal records custodian(s), establishing the time, place, and method for requesting records, and indicating any copying costs. Generally, public records must be available for inspection during all regular office hours.

Personnel records

Common law (judge-made law) allows the denial of certain requests for access to public records if the balance of interests favors nondisclosure. Some of the cases in which the courts have upheld nondisclosure involve certain personnel records of public employees; however, the Wisconsin Supreme Court has also held that personnel records are not automatically excluded from disclosure.

The records custodian is required to balance the public interest in disclosure of the record against the interests that may weigh against disclosure. See the League of Wisconsin Municipalities article on personnel records and the public records law (at http://www.lwm-info.org/legal/faq/faq28.html) for more information.

If, after conducting the balancing test, you determine that a requester is entitled to the release of personnel records or other records with information compromising the privacy or reputation of a person, you should contact your municipal or county attorney. It is likely that you will be required to notify the person who is the subject of the records and give that person an opportunity to contest the release of the records in court.

You should also be aware that employees and former employees have the right to inspect some of the records in their personnel file. The limits to this right are spelled out in Wisconsin Statutes Section 103.13.

If you receive any request for access to personnel records, requests for information about applicants for a library position, or any other request that involves personal privacy interests, it is recommended that you consult with your municipal or county attorney.

Individuals may inspect information about themselves

In addition to the right of citizens to examine public records, any individual or person authorized by that individual has a right to inspect most records containing "personally identifiable information pertaining to the individual." There are limitations to this right,

which are explained in detail in a League of Wisconsin Municipalities article available at http://www.lwm-info.org/legal/faq/faq30.html.

Personal Information Practices Act

This part of the Wisconsin public records law (Sections 19.62 to 19.80) requires state and local government organizations (including libraries) to develop procedures to protect the privacy of personal information kept by the organization. Libraries (and all other government organizations) are required to develop rules of conduct for employees involved in collecting, maintaining, using, and providing access to personally identifiable information. You are also required to ensure that employees handling such records "know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws."

Can we charge for copying and other costs?

You may charge a fee not to exceed "the actual, necessary and direct cost" of reproduction and mailing. A locating fee may be charged only if the "the actual, necessary and direct cost" of locating the records exceeds $50.

Records retention

The law strictly prohibits destruction of records that are the subject of a pending or recently handled records request.

Municipal and county governing bodies can adopt ordinances that provide for the destruction of obsolete public records. However, the period of time for retention provided by these ordinances cannot be less than seven years for most records. Library system official records need to be retained at least ten years, as required by the Wisconsin Administrative Code.

Tape recordings of meetings may be destroyed 90 days after the minutes have been approved and published, if the purpose of the recording was to make written minutes of the meeting.

Prior to destroying public records, you must give the State Historical Society at least 60 days written notice. The Historical Society may, upon application, waive this notice requirement. The Historical Society will preserve any records it determines to be of historical interest.

Penalties for violations

An organization or legal custodian that improperly denies or delays a request may be ordered to pay the requester's attorney fees and other actual costs, besides damages of not less than $100. In addition, an organization or legal custodian that arbitrarily and capriciously denies or delays response to a request, or charges excessive fees, may be required to forfeit not more than $1000 in punitive damages. In addition, there are criminal penalties for destruction or concealment of public records with intent to injure or defraud or for deliberately altering public records.

Discussion Questions:

1. What purpose is served by Wisconsin's public records law?

2. Why are library patron records kept confidential?

3. If the local press requests records related to disciplinary action taken against the library director, must those records be disclosed? Why or why not?

4. How long do we *need* to retain library board meeting minutes? How long *should* we retain library board meeting minutes?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Public records / open meetings information from the Wisconsin Department of Justice (at http://www.doj.state.wi.us/dls/goal.asp#pubrec)

League of Wisconsin Municipalities FAQs on the public records law (at http://www.lwm-info.org/legal/faq.html#records)

The State Historical Society of Wisconsin's *Wisconsin Municipal Records Manual* (available at http://www.shsw.wisc.edu/archives/locrecs/manual)

Your municipal or county attorney, your district attorney, or the Wisconsin Attorney General

This Trustee Essential provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion.

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Trustee Essential 16

Ethics and Conflict of Interest Laws Applying to Trustees

This Trustee Essential covers:

- *Actions you must not take as a library trustee*
- *Business and employment relationships with the library that are prohibited to the trustee*

Most library trustees will rarely encounter situations that invoke ethics or conflict of interest concerns, but familiarity with state and local laws on ethics and conflict of interest will alert you to potential problems. In addition, trustees should keep in mind the potential for damage to the image of the library if any board member or staff member takes an action that appears to involve a conflict of interest.

Wisconsin's ethics and conflict of interest laws for public officials (including library board members) are complex—and local ethics ordinances may add further complexity. Therefore, if you have concerns about the propriety of an action, be sure to seek advice from the municipal attorney, the municipal ethics board (if you have one), or the county corporation counsel.

Wisconsin's primary ethics and conflict of interest law is the code of ethics for local officials (Wisconsin Statutes Section 19.59), but many other laws also apply. Wisconsin's criminal code prohibits public officials from, among other things, private interests in public contracts, misconduct in public office, and bribery. In addition, the "incompatibility doctrine" prohibits library board members (or other municipal officials) from holding most other positions with the library or municipality.

Code of ethics for local officials

Wisconsin's code of ethics for local officials prohibits a trustee from taking any official action that produces a substantial financial benefit to the trustee, the trustee's family, or an organization in which the trustee has a significant financial interest. (This law does not prohibit reimbursement of actual and necessary expenses incurred in performance of board duties outside the municipality, if the reimbursement is authorized by the library board. In addition, per diem payments and reimbursement of mileage and other necessary expenses incurred in performing board duties are legal if authorized by the library board *and* the municipal governing body.)

So, what should you do if you have a conflict of interest on an issue on a library board meeting agenda? The Wisconsin Ethics Board suggests that if a matter in which you should not participate comes before the board, you should leave for that portion of the board's meeting involving discussion, deliberations, or votes related to the matter. The meeting minutes should reflect your absence from that portion of the meeting.

Acceptance of gifts

Wisconsin law prohibits soliciting or accepting anything of value if it could reasonably be expected to influence your vote, official actions, or judgment or could reasonably be considered as a reward for any official action or inaction.

An even more stringent section of the law prohibits accepting anything of "substantial value" offered because of a public position.

The Wisconsin Ethics Board recommends that you answer the following questions to analyze a situation in which you are offered items or services:

1. With respect to the item or service offered:
   a. Is it being offered because of my public position?
   b. Is it of more than nominal or insignificant value?
   c. Is it primarily for my personal benefit rather than for the benefit of my local unit of government?

If you answer **"yes"** to all three questions, you may not accept the item or service.

2. Would it be reasonable for someone to believe that the item or service is likely to influence my judgment or actions or that it is a reward for past action?

If you answer **"yes,"** you may not accept the item or service.

Private interests in public contracts

As a library trustee, you must take great care if you conduct business with the library. It is a felony under Wisconsin Statutes Section 946.13(1)(b) for you, in your official capacity, to participate in the making of a contract exceeding $15,000 if you have a direct or indirect financial interest in the contract.

In addition, this section provides that you may not in your **private** capacity negotiate or bid for or enter into such a contract in which you have a direct or indirect financial interest, if in your public capacity you are authorized or required by law to participate in the making of the contract. Because this section of the law applies to private actions, liability cannot be avoided merely by withdrawing from board involvement with the issue.

Note that Wisconsin's law prohibiting public officials from having a private interest in public contracts includes certain exemptions, including an exemption for contracts involving receipts and disbursements of under $15,000 per year.

Misconduct in office

This section of Wisconsin's criminal law (Section 946.12) applies to both library trustees and library staff. This law makes it a felony to intentionally take actions in excess of your legal authority, or to intentionally make false records or statements. Intentional failure to perform a duty required by law is also prohibited. Moreover, it is a felony to take actions inconsistent with the rights of others and performed with intent to obtain a dishonest advantage.

Employment and "incompatible" positions

The Wisconsin Supreme Court has ruled that the same person cannot simultaneously hold two municipal offices or an office and a staff position where one post is superior to the other or where, from a public policy perspective, it is improper for one person to discharge the duties of both posts. Therefore, it is improper for a library board member to be employed by the library.

A good rule of thumb for you to follow is that you cannot hold more than one office or position with your library or municipality unless specifically authorized by statute.

You should also note that according to Wisconsin Statutes Section 43.17(1), no employee of a member library may be appointed to the board of the library system serving that library.

Penalties

Any person who violates Wisconsin's code of ethics for public officials may be required to forfeit up to $1,000. Violations of the "private interests in public contracts" law can result in fines of up to $10,000 or imprisonment for not more than two years, or both.

Discussion Questions:

1. Why does state law make it generally illegal for a library board member to be financially involved with library business?

2. What should you do if you may have a conflict of interest with an item on the board meeting agenda?

3. Is it appropriate for a library board member to serve on the board if he/she has a relative on the library staff? Why or why not?

Sources of Additional Information:

Your municipal attorney, local ethics board, or county corporation counsel.

The League of Wisconsin Municipalities' discussion of Wisconsin's ethics and conflict of interest law available at http://www.lwm-info.org/legal/faq/faq4.html.

The Wisconsin Ethics Board overview of ethics and conflict of interest laws for local officials (at http://ethics.state.wi.us/LocalOfficials/LocalOfficial1.htm)

This Trustee Essential provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion.

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Trustee Essential 17

Membership in the Library System

This Trustee Essential covers:

- *The benefits of system membership*
- *The requirements for system membership*
- *How you and your library can help make your library system stronger*

Before the development of public library systems in Wisconsin, many state residents had no legal access to any public library. In addition, many other state residents only had access to substandard library service. The goal of library systems has been to provide all Wisconsin residents with access to the high-quality library service needed to meet personal, work, educational, and community goals.

To address the limitations of relying solely on local support and local coordination of library service, the Wisconsin legislature passed legislation in 1971 enabling the creation of regional public library systems. The actual creation and development of public library systems in Wisconsin was a voluntary and gradual process. No county or public library is required to be a member of a library system; yet, as of this writing, all of Wisconsin's 72 counties and 387 public libraries are library system members.

The basic dynamic of library system membership is simple, yet the results can be powerful: a public library agrees to certain membership requirements, including the agreement to serve all system residents equitably; in return, the library system provides a wide range of primarily state-funded services that enhance local library service. Ideally, through this relationship, all residents of the state gain improved library service, as well as the ability to use whichever library or libraries best serve their needs. Municipal libraries participate in library systems because their communities' residents benefit from this arrangement.

Cooperation vs. competition

Competition among municipalities, counties, and other divisions of government is common. Unfortunately, that competition often leads to missed opportunities for cooperation, resource sharing, and economies of scale through cooperative projects.

Libraries, through library systems, have embraced cooperation instead of competition, and local library users (and taxpayers) are the beneficiaries. But, as noted by the Rolling Stones, you can't always get what you want. In all cooperative efforts, sacrifices are sometimes required. Often these sacrifices are for the greater benefit of regional or statewide library users.

Membership requirements for libraries

Your library must meet these six statutory requirements to be a member of a library system:

1. Your library must be established and operated according to the requirements of Wisconsin Statutes Chapter 43. Among other things, Chapter 43 requires that a properly appointed library board control the library building, library expenditures, library policies, hiring and supervision of the library director, and determination of the duties and compensation of all library staff. (See other *Trustee Essentials* for details on these requirements, including *Trustee Essential #2: Who Runs the Library* and *Trustee Essential #18: Library Board Appointments and Composition.*)

2. Your county must belong to the library system and must meet the system membership requirements for counties (see below).

3. Your municipal governing body (or county board for a county library) must approve a resolution authorizing your library to participate in the library system.

4. Your library board must approve an agreement with the library system to participate in the system and its activities, participate in interlibrary loan of materials with other system libraries, and provide to all residents of the system the same services, on the same terms, that you provide to local residents.

5. Each year, your municipality (or county for a county library) must provide funding to your library at a level not lower than the average of the previous three years.

6. You must employ a library director with the appropriate certification from the Wisconsin Department of Public Instruction (see *Trustee Essential #19: Library Director Certification* for details).

Membership requirements for counties

Your county must meet these three statutory requirements to be a member in a library system:

1. Your county must approve a county library plan that meets the requirements of Wisconsin Statutes Sections 43.11(3) and 43.13(1) (see http://www.dpi.state.wi.us/dltcl/pld/coplan.html for details of these requirements).

2. Each year, your county must provide total funding for library service at a level not lower than the average of the previous three years.

3. Your county board must approve an agreement with the library system to participate in the system and its activities and to furnish library service to county residents who do not live in a library municipality.

Required system services

Library systems must provide the following in order to receive state aid:

- Technology and resource sharing planning
- Referral or routing of reference and interlibrary loan requests
- Electronic delivery of information and physical delivery of library materials
- Training for member library staff and trustees
- Professional consultant services
- Support for library service to users with special needs
- Backup reference, information, and interlibrary loan services from the system resource library
- Planning with other types of libraries in the system area
- Service agreements with all adjacent library systems
- Agreements with each member library that require those libraries to serve all residents of the system area on the same basis as local residents

The Division for Libraries, Technology, and Community Learning monitors compliance with these requirements. Each library system is allowed considerable flexibility in developing specific library system service programs so that each system can best meet the needs of the residents of its particular geographical area and the needs of its member libraries. For example, a system in a largely rural area with many small libraries will probably need to devote more resources to professional consultant services than a system in a largely urban area. Each area of the state will have unique needs that the library system can help address.

How to be a good system member

Your library system must respond to the needs of system member libraries and the residents of the system area. This can be a very difficult task, often requiring the balancing of many competing needs and interests. Your library can help the library system with this difficult task by communicating your local needs effectively and constructively and by cooperating in system planning and problem-solving activities. Your board can help by encouraging your library staff to attend system workshops and contribute their time and talents to system committees. Your board should also budget for paid staff time and travel costs for these activities.

Your board may also decide that your library should participate in shared system services (such as a shared automated system) and cooperative activities (such as the sharing of summer reading program performers). Cooperation can often result in better, more cost-effective services to the public—as well as services that would not even be possible without cooperation.

You, as an individual trustee, can also benefit from attendance at system workshops and can contribute to the strength and success of the system by volunteering to serve on your library system's board and/or the system's advisory and planning committees. (For more information about being a system trustee, see *Trustee Essential #26: The Public Library System Trustee—the Broad Viewpoint*.)

Discussion Questions:

1. What are examples of ways your community's residents have benefited from library system services?

2. What are examples of ways your system could better serve your library and your community's residents? How can you and/or your library board influence your system to do those things?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 18

Library Board Appointments and Composition

This Trustee Essential covers:

- *Why citizen boards control public libraries in Wisconsin*
- *The legally required procedures for appointment of library board members*
- *The legally required composition of library boards*

In Wisconsin, as in most states, citizen boards govern public libraries. Citizen governance partially isolates the operation of the library from political pressure—an important concern especially in the development of your library's collection and policies. Public library collections and policies have traditionally supported the ideals of freedom of expression and inquiry—free from any partisan or political pressures. Citizen control helps your library support these ideals. (For more information, see *Trustee Essential #22: Freedom of Expression and Inquiry*.)

Diversity of viewpoint and expertise

Another traditional public library ideal is that the library serves *all* members of the community equitably. A citizen board representing a cross section of the community should help your library do that. A library board composed of members with varying backgrounds and perspectives can contribute to the success of the library. For example, the school district administrator (or administrator's designee) brings expertise in the field of education and often in the field of personnel management practice. A lawyer, a businessperson, a parent, an elected official, and many others, all have knowledge and experience that can contribute to effective library board decision-making.

It is appropriate for the library board to suggest potential appointees to fill upcoming vacancies on the library board. When developing lists of candidates for appointment, keep in mind the importance of having a board that is representative of the entire community and any special need for added expertise on the library board. See also *Trustee Essential #1: The Trustee Job Description* for additional qualities of a good library board member.

Statutory requirements

The appointment, composition, and terms of office for all types of library boards in Wisconsin (municipal, joint, county, and system) must be in accordance with Chapter 43 of the Wisconsin Statutes. To qualify for membership in a library system, your library must have a legally appointed and constituted library board that exercises the statutorily required duties and powers. (See also *Trustee Essential #2: Who Runs the Library* and *Trustee Essential #17: Membership in the Library System*.)

Municipal[1] library boards

The mayor, village president, town chair, or tribal chair makes appointments to a municipal public library board, with the approval of the municipal governing body, for three-year terms. Not more than two board members may reside outside of the municipality. Terms of office for library trustees begin on the date set by local ordinance (usually May 1) and are for three years unless the appointment is to fill an unexpired term. Special terms of office apply for a newly formed library (see Wisconsin Statutes Section 43.54(1)(b)), and when a city council has voted to reduce the size of the board under Section 43.54(3).

One of the members must be a school district administrator or the administrator's representative, to represent the public school district(s) in which the public library is located. The school district administrator or the administrator's designee must still be formally appointed for a three-year term by the mayor, village president, town chair, or tribal chair, with the approval of the municipal governing body.

Although the law does not require that a member of the municipal governing body be appointed, this is a frequent practice and one that often improves communication between the library board and the municipality. The law does, however, specify that at any one time not more than one member of the municipal governing body can be a member of the library board.

If a board member leaves office before the expiration of his or her term, the appointment to fill the position is made in the same way as other appointments, but the term of office is for the unexpired portion of the term (which will be less than three years).

If a county (or another municipality) provides financial support to your library, it may have the option of appointing members to your board. Wisconsin Statutes Section 43.60 (3) provides that whenever a county (or another municipality) appropriates funds for a municipal library equaling at least one-sixth of the amount appropriated by the establishing municipality, the county (or other municipality) may appoint a library board member to serve in addition to those appointed by the municipality. Two board members may be appointed when the county (or another municipality) appropriates at least one-third the amount that was appropriated by the establishing municipality. These appointments are *in addition* to the municipal appointments. So, for example, if your board has seven municipal appointments, and the county appoints one member under the provisions of Section 46.60(3), your board would have a total of eight members.

Village, Town, and Tribal Libraries

Library boards established by a village, town, tribal government or tribal association have either five or seven members appointed by the village president, town chair, or tribal chair, respectively, with the approval of the municipal governing body.

Fourth Class Cities

Library boards established by a Fourth Class City have seven members appointed by the mayor, with approval of the city council.

[1] For purposes of Wisconsin library law, tribal governments and tribal associations are considered "municipalities." Public libraries in a First Class City have special rules for the appointing authority and for library board composition (see Section 43.54(am)).

Second and Third Class Cities

Library boards established by a Second or Third Class City have nine members appointed by the mayor, with approval of the city council. However, the city council may, by a two-thirds vote, reduce the number appointed by the mayor to seven.

First Class Cities

Library boards established by a First Class City have special rules for appointing authority and library board composition (see Wisconsin Statutes Section 43.54(am)).

Joint library boards

A joint public library can be established by two or more municipalities or a county and one or more municipalities located in whole or in part in the county, by appropriate agreement of their governing bodies. The library board of a joint library has seven to eleven members, and the composition of the board must be representative of the participants in the joint library. The joint library agreement must spell out the number of representatives for each participant. The head of each participating governing body appoints board members. The rules discussed above regarding length of terms, unexpired terms, and school district representation also apply to joint library boards.

County library boards

In counties with a consolidated county library, the county board chair, with the approval of the county board, appoints a seven-member or nine-member county library board. In counties with a county library service, the county board chair, with the approval of the county board, appoints a seven-member county library board. Both types of county library boards must have at least one, but not more than two, county board members. In addition, the board must include at least one school district administrator (or that school district administrator's designee) of a school district located in whole or in part in the county.

The board of a county library *service* must also include representatives of municipal library boards of libraries in the county and also persons residing in municipalities not served by municipal libraries.

The same rules discussed above regarding length of terms and filling unexpired terms also apply to county library boards.

Federated public library system boards for a single-county library system

In a single-county library system, a seven-member board is appointed by the county executive or the county board chair (in counties without a county executive) and approved by the county board. Board terms are three years. At least three members of the system board, at the time of their appointment, shall be active voting members of library boards governing public libraries of participating municipalities, and at least one of these shall be a member of the library board governing the resource library. At least one but not more than two members of the county board shall be members of the system board at any one time. No current employee of a member public library may serve on the board. Board terms begin on January 1. If a board member leaves office before expiration of term, the appointment to fill the position is made in

the same way as other appointments, but the term of office is for the unexpired portion of the term (which will be less than three years).

Federated public library system boards for a multicounty library system

In a multicounty library system, the board has between 15 and 20 members. Members are nominated by the county executive or the county board chair (in counties without a county executive) in each county in the system and approved by each county board. Board terms are three years. Appointments must be as closely proportionate to the populations of the respective counties as practical, but each county shall be represented by at least one member on the system board. Each county board may appoint one county board member to the system board. At least one of the appointees shall be a member of the library board governing the resource library. No current employee of a member public library may be appointed to the board. Board terms begin on January 1. If a board member leaves office before the expiration of his or her term, the appointment to fill the position is made in the same way as other appointments, but the term of office is for the unexpired portion of the term (which will be less than three years).

The board may consist of more than 20 members if the county boards, acting jointly, determine that each county in the system shall be represented by at least two members on the system board.

Discussion Questions:

1. What are possible reasons why the statutes provide for a school district representative on the library board?

2. What are possible reasons why the statutes limit board membership to one elected official from the governing body?

3. What groups (demographic, occupational, etc.) are currently represented on the library board? When board positions become vacant, what community groups could be looked to for possible candidates?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 19

Library Director Certification

This Trustee Essential covers:

- *Requirements for certifying your library director*
- *Continuing education to maintain certification*

Background

The Wisconsin Legislature has declared that it is the policy of the state to provide laws for the development and improvement of public libraries. Librarian certification has been part of Wisconsin law since 1921, when the legislature, at the urging of the Wisconsin Library Association, passed the first comprehensive state public librarian certification law. The concern was that the public libraries of the state be headed by qualified library personnel, assuring a high level of professional management and administration of Wisconsin's library resources, programs, and services.

Wisconsin's current public librarian certification law reflects a continuing interest in ensuring that qualified personnel direct Wisconsin's public libraries. The law requires a broad educational background, as well as coursework designed to focus on the issues and concerns relevant in a public library setting. The law also recognizes the need for public librarians to increase their skills and knowledge and be prepared for the challenges and responsibilities of library service in this information age by mandating relevant continuing education.

Library board responsibilities

Public library boards are required to hire library directors who are currently either appropriately certified or eligible for certification. Only libraries with properly certified library directors can be members of a library system.

Library boards recruiting for directors should specify that a required qualification for the job is eligibility for a Wisconsin regular or temporary public librarian certificate appropriate to the library's municipal, joint municipal, or county population. The employment contract and/or letter of appointment should specify that as a condition of employment the director will obtain and maintain the appropriate certification.

A regular certificate signifies that the holder meets all of the general education and library education requirements for the grade level (though Grade III renewal requires more than initial Grade III certification). A temporary certificate signifies that the holder meets all of the general education requirements but not all of the library education requirements for the grade level. Temporary certificates are valid for only a limited time period before they must be replaced with regular certificates. An uncertified new library director needing a temporary certificate *must* apply for it within three months of the date of hire.

It is *not* the intent of the certification law that the various grade levels of certification be used either as conditions of employment for positions other than the library director or as requirements for advancement within an organization.

Summary of certification requirements[1]

A regular certificate is valid for a period of five years, with legally prescribed requirements for recertification every five years. The required level (grade) of certification depends on the population[2] of the library's community. The certification grades and their corresponding educational requirements and populations are:

Grade I: library system directors and library directors of public libraries representing a population of 6,000 or more.

> Educational requirements: Bachelor's Degree and a Library and Information Science Master's Degree from an institution accredited by the American Library Association (ALA).
>
> *Note*: Temporary certification will be granted for one year to applicants for Grade I certification to allow completion of the Library and Information Science Master's Degree.

***Grade II*:** library directors of public libraries representing a population between 3,000 and 5,999.

> Educational requirements: Bachelor's Degree plus twelve semester credits for the following courses:
>
> - Public Library Administration
> - Selection of Materials
> - Organization of Materials
> - Reference and Information Services
>
> *Note*: Temporary certification will be granted to applicants for Grade II certification in order for them to complete the four required courses. Temporary certification will be renewed annually for up to three years (i.e., two renewals) with adequate progress towards completing the educational requirement.

Grade III: library directors of public libraries representing a population under 3,000.

> Educational requirements: for initial certification, 54 college semester credits (including at least 27 in the liberal arts and sciences) plus the following course:
>
> - Basic Library Management (A-50) or Public Library Administration

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[1] While this summary should be helpful to you, you should see the latest edition of the *Certification Manual for Wisconsin Public Library Directors* for the most comprehensive and authoritative treatment of the certification requirements set forth in the *Wisconsin Administrative Code* Chapter PI 6.

[2] For the purposes of this summary, "population" means the population of any village, city, township, or county which operates a public library or the combined population of municipalities participating in a joint library.

A regular grade III certificate will be granted to the applicant after the Basic Library Management or Public Library Administration course is completed; the director will need to have completed these three courses before recertification:

- Selection of Materials
- Organization of Materials
- Reference and Information Services

Note: Temporary certification will be granted for one year to applicants for Grade III certification in order for them to complete the Basic Library Management or Public Library Administration course.

Special *provisional certificates* are granted in certain circumstances, such as for an individual who is employed as the administrator for a public library in which he or she was originally certified at the appropriate grade level but who is no longer properly certified due to population growth. Special *temporary certificates* are granted to individuals who were previously certified and whose certification has been expired for at least one year and who have not served as the administrator of a public library or public library system in Wisconsin during that period. For details see the *Certification Manual for Wisconsin Public Library Directors*.

Continuing education

Library directors are required to participate in continuing education activities in order to maintain their certification. These activities may be library system workshops, college courses, Wisconsin Library Association general and unit conferences, or a variety of other educational programs—as long as the activities are directly related to the individuals' position or will permit advancement in the profession. Every year, librarians should report their continuing education activities to their library system continuing education validator. Every five years, as part of the recertification process, librarians *must* report their participation in continuing education activities. Library directors in all grades must participate in 100 hours of continuing education over the five-year period.

The Division for Libraries, Technology, and Community Learning recommends that, at a minimum, every library should budget sufficient annual funds for the continuing education needed to maintain the library director's certification and improve his/her knowledge. Payment of certification fees is recommended, as well as paid leave time and payment for other expenses needed to pursue continuing education.

Discussion Questions:

1. What is in jeopardy if the library does not have a certified library director?

2. Is it advantageous to look for a director with qualifications higher than your community population requires?

3. Should the library board take some responsibility for assisting its director to acquire continuing education? If yes, to what degree?

Sources of Additional Information:

Certification Manual for Wisconsin Public Library Directors. Department of Public Instruction, 2000 (also available at http://www.dpi.state.wi.us/dltcl/pld/certtoc.html)

Your library system continuing education validator (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 20

The Library Board and Building Accessibility

This Trustee Essential covers:

- *The role of the board and the library director in ensuring that the library building is accessible*
- *How the library building can equitably accommodate all members of the community, including those with disabilities*

Role of the board / role of the director / role of the municipality

As the governing body for the library, the board has a responsibility to ensure that the library and its policies are in compliance with all laws, including the federal Americans with Disabilities Act (ADA). The director has the responsibility to keep the board aware of current issues related to building accessibility. Although the municipality, as the parent agency for the library, is ultimately responsible for ADA compliance, it is very important that the board and director work closely with the municipality to ensure equitable access to the library for all people in the community.

ADA background on building compliance

The Americans with Disabilities Act is a federal law passed in 1990. It is a civil rights law for people with disabilities that ensures people are not discriminated against because they have a disability. Two parts of the law apply particularly to public libraries. Title I requires equal employment opportunities for individuals with disabilities. Title II prohibits discrimination on the basis of disability in state and local government services (including public library buildings and services).

The law provides that all people, including those who have disabilities, have essentially the same rights of access to public buildings and services. The law requires certain universal design characteristics to make buildings accessible to people with disabilities. These building specifications are called ADAAGs (ADA Accessibility Guidelines) and the UFAS (Universal Federal Accessibility Standards). Since the 1970s, Wisconsin's building codes for public buildings have followed higher standards than the federal guidelines. For that reason, many Wisconsin library buildings were already in compliance with the federal law when it was passed. However, many older public libraries remain inaccessible.

The law requires funding agencies to write and maintain an ADA Accessibility Plan. The first step in developing a plan is to evaluate the building and identify areas that do not meet the standards. Then the plan has to specify how the building will be modified, or in some cases replaced, to attain compliance. Finally, the plan has to indicate a time frame within which the problem shall be addressed, typically within five years. The plan should also be updated regularly.

The law requires "reasonable" modifications to buildings. The law permits buildings to remain unchanged if the modifications would be too costly, as long as the plan indicates that the problems are to be resolved if remodeling is undertaken or a new building is built.

It has been more than a decade since the ADA became law and while many libraries have made excellent progress toward compliance, some libraries have made no progress in making their buildings accessible. The responsibility to address and correct the problems is one that is shared by the board and the municipality.

General access issues

Below is a general overview of the requirements of the law. For details on each requirement, please refer to the Americans With Disabilities Act Technical Assistance Manual, or contact the Great Lakes DBTAC (Disability and Business Technical Assistance Center). See below for contact information.

All buildings open to the public must meet federal specifications, but government buildings are held to a higher standard by those specifications. There are some specific regulations for public libraries, which are discussed below. There are also some exceptions for designated historical buildings.

Outside the library

Your review can start with consideration given to features outdoors. There should be appropriate curb cuts at the sidewalk, and there must be adequate parking reserved for people with disabilities. The law specifies how many parking stalls must be provided, the way the stalls must be painted, the wording on the signs for that parking area and their placement. The law also specifies how buildings must be signed to indicate accessible entrances.

The entrance itself is of critical importance to an accessible building. It may be necessary to create a new entrance if a ramp cannot easily resolve the problems steps create. Automatic door openers are not required by the ADA but are certainly very helpful to people who have disabilities. If the library does not have an automatic door opener, the law requires a doorbell or some other way for the person who uses a wheelchair or who cannot open the door to signal a need for assistance. The law specifies the acceptable weight limit for the door and the type of door handles that must be used.

Inside the library

The federal specifications indicate that *all* public areas of the building should be accessible to someone who uses a wheelchair. However, if a staff person should become disabled, or a person with a disability is hired, all staff areas would have to be modified to make them accessible as well.

The regulations define an "accessible path" and specify the width of doorways and aisles, turn radius at certain points in the room, requirements for the floor surfaces, and bathrooms' signage and design, including stalls, toilets, counter tops, legroom under counters, and placement of grab bars, mirrors, soap, and towel dispensers. The law specifies the placement and design of water fountains and public telephones. The height of service desks is also specified. Lever door hardware must be used, rather than round doorknobs.

All levels of the building must be accessible, and all meeting rooms. The person with a disability should not be expected to leave the building and enter a lower level from an outside entrance; he or she should be able to get to different levels in the building using an elevator.

The federal law indicates that certain types of permanent directional signs must be in braille. The most common ones include labels on rooms, such as bathroom doors, and elevator instructions.

Specific ADA regulations for public libraries

Public libraries must meet all the general requirements indicated above and address the following areas as well.

Reading and Study Areas—A certain percentage of the seating area must be accessible to people using wheelchairs so that they can sit at a table. Specific clearances must be allowed between pieces of furniture so people who use wheelchairs can move between them.

Checkout Areas—At least one part of the checkout desk has to be a specific height for people who use wheelchairs. Security gates must accommodate wheelchairs.

Library Catalogs—There is a maximum height for card catalogs. There must be accessible workstations for use of an online catalog. (Though not addressed in the 1990 technical guidelines, this point falls under the need to make services accessible.)

Magazine and Reference Areas—There must be access to these areas for people who use wheelchairs, and there is a maximum height for shelving in these areas.

Book Stacks—There is not a maximum height for the general book stacks, but the library staff must accommodate people by helping them get the materials they need. There are width specifications between the book stacks, and there must be a turn radius at the end of each one.

Everyone benefits when the libraries are accessible

Generally, when the topic of accessible buildings comes up, people tend to think that the benefit of the modifications is for people who use wheelchairs or walkers, or perhaps people who use leg braces or crutches. But the reality is that accessible buildings make life easier for everyone. Most people become at least temporarily disabled at some point in life. They may break an arm and not be able to open a heavy door. They may be using crutches because they broke a leg, had a hip replacement, or had surgery for a sports injury.

When parents arrive at the library with a child in a stroller, they appreciate being able to walk right in and not having to squeeze through aisles and around tables. Healthy, active seniors appreciate not having to struggle with heavy doors and having safety bars in the bathroom. Children appreciate service counters that are at their height and don't force them to stand on tiptoe or look way up to talk to library staff. And busy library staff appreciate doors that open automatically when they approach with an armload of heavy books.

Discussion Questions:

1. Has the municipality or board completed an ADA Plan and building assessment? If so, has it been updated?

2. What accessibility concerns were identified in the early 1990s and what has been done to resolve them? Can more progress be made?

3. How many taxpayers in the community are unable to access the services of their public library because they cannot enter or move freely through the building, due to a disability? What would the impact be on the library if it could increase its services to about ten percent more of the community who are not currently being served? (Ten percent is the general estimate of people with disabilities in most communities.)

4. Have board members experienced difficulty in getting themselves or family members into nonaccessible buildings? Do board members appreciate electronic doors at the grocery store and elevators in multistory buildings? How do these features make life easier for them, and how might an accessible library building benefit the community?

5. Are other municipal buildings accessible? Are there community meeting rooms in other buildings that are accessible? Are area stores, doctors' offices, post offices, etc., accessible? How does the library building compare?

Sources of Additional Information:

Americans with Disabilities Act. The most helpful section for building accessibility questions is the *Title II Technical Assistance Manual* available at http://www.usdoj.gov/crt/ada/taman2.html and also available on CD-ROM. For a free copy, see http://www.usdoj.gov/crt/ada/adatacd1.htm (or call 1-800-514-0301).

Pocket Guide to the ADA: Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, edited by Evan Terry Associates. John Wiley & Sons, Inc, 1997.

Great Lakes DBTAC (Disability and Business Technical Assistance Center), University of Illinois–Chicago, Department on Disability & Human Development, 1640 West Roosevelt Road, Chicago, IL 60608, (312) 413-1407, http://www.adagreatlakes.org

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 21

The Library Board and Accessible Services

This Trustee Essential covers:

- *How to make your library services accessible to all members of the community*
- *Your responsibility in regard to implementing ADA (Americans with Disabilities Act) requirements for accessible services*

Role of the board / role of the director

The board is the governing body for the library and, as such, has a responsibility to assure that the library and its policies are in compliance with all laws, including the federal Americans with Disabilities Act (ADA). The section of the ADA that will be discussed in this *Trustee Essential* requires that all library services must be accessible to people with disabilities. The director has the responsibility to stay abreast of current issues related to making services accessible and to present the options to the board for its consideration.

ADA background on accessible services

The ADA, passed in 1990, was written to ensure that people who had disabilities would not be denied access to the services and buildings that everyone else had access to.

The requirement to provide accessible services is not dependent on a building's being accessible. Public library services must be made available in some way if the building is not accessible. The best way to provide access to most library services is to have an accessible building. But some accommodations can and must be made until such time as the building is remodeled or a new building is constructed. Provision of certain services may require accommodations even if the building is accessible.

Types of disabilities that may require accommodations to make library services accessible

Mobility impairments

People who use wheelchairs, crutches, and/or braces may have difficulty accessing library services, even if they can get into the building. Other people may also need accommodations, if they have limited ability to walk, or to reach, or grasp, or turn pages. If the building itself is not accessible, the problem of providing access to services is more complicated. Some libraries offer services by phone and make selections for their patrons and then either bring the materials out to the people who cannot come into the building or else deliver them to their homes. Some libraries offer a drive-up window with customized service to make pickup and delivery easier for people with disabilities—and provide a great convenience to the general public. Many libraries offer outreach services to nursing homes. One helpful service public libraries can provide is to refer people with severe mobility limitations to the Wisconsin Regional Library for the Blind and Physically Handicapped,

from which they can borrow recorded materials and automatic page turners if they are unable to hold a book or turn pages.

Tables and seating areas should be designed so those patrons who use wheelchairs have adequate access to them. Computer workstations can be adapted in several ways to make use of computers easier for people who use wheelchairs. The table must accommodate wheelchairs in terms of height and legroom under it. A long cord can be added to the keyboard so it can be lifted down onto the tray of a wheelchair. A trackball can be added as an alternative to a mouse, or in addition to one. Trackballs are easier for some people to manipulate. The service desk is required to have at least one section that is no higher than 36 inches. Service dogs (certified dogs should be wearing a collar or backpack that identifies them as trained service companions) must be allowed to accompany their owners in public buildings.

All library patrons, including those who have any type of disability, should be welcomed, and staff should try to talk directly to them, rather than to friends or family who may be with them. Children with physical disabilities should be welcomed at programs that are developmentally appropriate for them. Accommodations at story hours or other programs should be made to help every child feel comfortable, accepted, and an active participant in the program.

The library collection should include resource materials on physical disabilities. Some collections include toys adapted for children with mobility impairments. Library publicity should routinely include a phone number (and a TDD number if available) to call if accommodations are needed.

Blindness and vision impairments

Public libraries frequently act as an intermediary in connecting people who are blind with the Wisconsin Regional Library for the Blind and Physically Handicapped, where they can receive audio recordings of books and braille materials. Computer workstations can be adapted with software that reads the text aloud. This feature would also be very helpful to people with learning disabilities, adults who are just starting to learn to read, and people who are learning English as a second language. The library's web page can follow universal design recommendations, so that it can be read easily by people who use a screen reader.

The library can purchase or borrow descriptive videos (which describe the action in a video when there is no dialog). Library materials in braille and/or on tape can be added to the collection. The library's regular collection of audiocassettes, CDs, computer software and books on tape can be made accessible to patrons who are blind if clear braille labels are added. Braillist organizations can do this for the library at very little cost. Large-print materials should be available for both adult and child patrons who have some vision but can more easily read large-print. Library brochures and fliers should be routinely printed in large print, or large print versions should be made available. Audio materials may also be of interest to patrons who have limited vision. The library can also, upon request, be a referral point to the Wisconsin Center for the Blind and Visually Impaired in Janesville, especially if the patron is a child.

Computer workstations can easily be adapted for large print, often using the features built into the standard computer, although larger monitors also help. The ability to change the background colors and contrasts is also very helpful. Many libraries offer in-house

magnifiers; some allow them to be checked out. An intensely bright table or floor lamp that can be moved around in the library is a very useful accommodation. Some libraries have machines that can enlarge photos or text. Some have machines that can read text out loud. Computer scanners can also be used to scan and then enlarge text and images. Photocopy machines can be used to enlarge pages of text for people who use large print. Some libraries have adapted toys for children who are blind or who have severe vision impairments.

Deafness and hearing impairments

As with many disabilities, the biggest barrier to service for people who are deaf is often other people's attitude. People who are deaf may use sign language, read lips, use an interpreter, write their communication, or use a combination of all of these when they want to access public library services. Service desk staff need training to understand how best to offer services to people who are deaf or who have a significant hearing loss. Patrons should be allowed to decide individually how they want to communicate, and the staff should try to work with each patron to meet his or her needs.

Programs for both adults and children and all public meetings should routinely include sound amplification by the use of a microphone. This single accommodation is typically enough to meet the needs of most people who are hearing impaired. A closed sound system (which amplifies the sound only for the person using the equipment) can also be used. Libraries must provide an interpreter for any programs or meetings when one is requested.

It is difficult for people who use a Telecommunications Device for the Deaf (TDD or TTY) to call for reference service unless the reference desk has access to a TDD. Signs should be posted indicating the library has a TDD, and people who need to use one should be allowed to use it. Often a hearing family member needs to call home to communicate with someone who may be using a TDD, and having one at the library makes this much easier. Some libraries use the state Relay Service for the Deaf as an alternative to having a TDD. That is acceptable as long as the staff is trained to use the service and the number is readily available at all service desks.

Libraries should routinely flash their lights when announcements are made, especially for emergency announcements, and to warn patrons that the library is closing soon. Flashing lights is a technique commonly used with people who are deaf to get their attention. It alerts the patron that something important is happening. Adaptations can be made in story hours to help a child who is deaf or hearing-impaired get more out of the program. Some libraries circulate special toys that light up or vibrate for children who are deaf. Libraries often order open- and closed-captioned videos. All libraries should have current information on deafness and hearing loss in their collections.

Developmental delays / brain injury / mental illness

People who have a developmental delay, have suffered a brain injury, or have emotional or mental illness may need accommodations when they are in the library. Staff should be trained to treat all patrons with respect, to enforce all rules fairly, and to be tolerant of behavior that may be unusual but not threatening or may be involuntary. Staff should strive to make all patrons feel welcome in the library.

Age restrictions for programs are sometimes relaxed for people who have developmental delays and for whom the programs might be appropriate for their mental age rather than their

chronological age. Extra assistance and reminders are sometimes needed when patrons with developmental or emotional disabilities attend programs and meetings at the library. The library can be an important resource for families who have a member with a developmental delay, a brain injury, or an emotional illness. More importantly, the public library has a role in making the family and individual feel accepted and a part of the larger community. Being at a public library is a very "normalizing" experience.

Discussion Questions:

1. What would the impact be on the library if it could increase its services to about ten percent more of the community who are not currently being served? (Ten percent is the general estimate of people with disabilities in most communities.)

2. If people in wheelchairs, or who are blind, or deaf, or have developmental disabilities are not currently using the library, what barriers do you think the library has to overcome so that these people become library patrons?

3. Make a list of at least five things that have no new cost the library could do to make its services accessible.

Sources of Additional Information:

The DLTCL Special Needs Web Page at http://www.dpi.state.wi.us/dltcl/pld/special.html has links to resources and agencies serving people with various types of disabilities.

Wisconsin Regional Library for the Blind and Physically Handicapped, 813 West Wells Street, Milwaukee, WI 53233, 414-286-3010

Wisconsin Center for the Blind and Visually Impaired, 1700 W. State Street, Janesville, WI 53546, 800-758-6161

Wisconsin School for the Deaf and Educational Service Center for Deaf and Hearing Impaired, 309 W. Walworth Avenue, Delavan, WI 53115, 262-740-2066

Great Lakes DBTAC, University of Illinois–Chicago, 1640 West Roosevelt Road, Chicago, IL 60608, (312) 413-1407, http://www.adagreatlakes.org

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 22

Freedom of Expression and Inquiry

This Trustee Essential covers:

- *How the public library promotes freedom of expression and inquiry*
- *Library board-approved policies that help protect intellectual freedom*

Free access to ideas and freedom of expression are bedrock principles of this country. These principles must be upheld for democracy to survive and thrive. Public libraries are institutions dedicated to the ideal of freedom of expression and inquiry. The public library is the provider of access for *all* citizens to the full range of ideas, including controversial or unpopular ideas.

If we all knew for sure what the right answers were for important questions, there would be no controversies and no need to foster freedoms of inquiry and expression. But, because we cannot know for sure, our survival and progress as a culture and as a species require that we actively promote wide-ranging inquiry and the freest possible expression of ideas so that we may correct errors and continue to progress toward better answers. This requires that your library, within the limits imposed by budget, time, and space, seeks to represent the widest range of materials and to provide unrestricted access to electronic resources—so that inquiry is encouraged and creativity stimulated.

In Wisconsin, as in most states, citizen boards govern public libraries. Citizen governance partially isolates the operation of the library from political pressure—an important concern especially in the development of your library's collection and policies. Citizen control is designed to help your library support the ideals of freedom of expression and inquiry—free from partisan and political pressure.

The federal and state Constitutions support the ideals of freedom of expression and inquiry, as do the Wisconsin statutes. The very beginning of Chapter 43 (Wisconsin's library law) says: "The legislature recognizes: (a) The importance of free access to knowledge, information and diversity of ideas by all residents of this state; (b) The critical role played by public, school, special and academic libraries in providing that access; (c) The major educational, cultural and economic asset that is represented in the collective knowledge and information resources of the state's libraries; (d) The importance of public libraries to the democratic process."

Collection development policy

Every public library should have a collection development policy that supports the ideals of freedom of expression and inquiry. A sound collection development policy assures the continuous growth of a collection appropriate to your library's defined mission and goals, while recognizing the cultural diversity and pluralistic nature of your community. It is recommended that, at a minimum, the policy cover the following points:

- purpose and scope of collection (separately defined for the adult and children's sections)
- types of materials to be purchased

- staff responsibility for selection; use of professional selection tools
- basis and method of withdrawing and disposing of materials
- acceptance of gift materials (usually with the understanding that the same selection standards will be applied to gift materials as to those purchased and that staff will have discretion in judging what gift materials will actually be added to the collection)
- affirmations of intellectual freedom, such as an endorsement of the Library Bill of Rights (available at http://www.ala.org/work/freedom/lbr.html) and Freedom to Read Statement (available at http://www.ala.org/alaorg/oif/freeread.html) issued by the ALA

See *Trustee Essential #10: Developing Essential Library Policies* for guidelines on the process to follow when developing library policies.

The collection development policy should include a procedure to follow if materials in the library collection are challenged. (See *Trustee Essential #23: Dealing with Challenges to Library Materials and Policies*.)

Internet access policy

The Internet brings a wealth of information to even the smallest library. It is recommended that every library develop an Internet "acceptable use policy." The National Commission on Libraries and Information Science (NCLIS) provides the following questions for consideration in developing an "acceptable use policy."

- Can children use the Internet independently, or do they need parental supervision or permission?
- Will the library adopt a code of conduct that must be signed by a parent and child before the child accesses the Internet?
- Will the library provide a gateway to guide its patrons?
- Will the library adopt a clear statement that Internet terminals may not be used for illegal activities?
- How does the library define illegal activities?
- Will users have to sign up to use Internet terminals?
- Will there be time limits on the use of Internet terminals?
- Will the results of users' research be visible to other users or will the library install privacy screens or other means to restrict public viewing?
- What does the library do when a user is discovered using an Internet terminal for illegal or improper purposes?
- How does the library handle user and staff complaints about others gaining access to illegal or objectionable sites?
- How will the library handle false accusations about illegal or improper use?
- How will the library handle access to functions such as chat and email?
- How can the library instill practical "street smarts" in librarians and users?
- How does the library train the governing board itself on the promise and perils of the Internet?
- How do the library and its governing board transmit concerns about Internet access to its funding authority?
- How will the library involve the local community through focus groups, public hearings, and/or other means in the development of Internet use policy?
- How will the library seek legal review of its Internet policy, both from its own legal counsel and from other legal experts?

Sample Internet use policies are available from the Wisconsin Public Library Policy Resources Page (at http://www.dpi.state.wi.us/dltcl/pld/policies.html).

Internet filtering

Library boards should be aware that certain Internet filtering polices have been found by federal courts to violate First Amendment guarantees. On the other hand, Congress has passed a law (the Children's Internet Protection Act or CIPA) requiring library filtering in order to qualify for certain uses of federal aid. That law has been challenged on First Amendment grounds. Libraries need to stay informed as cases are decided and as possible new legislation develops. See below for resources to help you stay informed about these issues.

Meeting room, exhibit, and display policies

Public library meeting room and display policies should also support the ideals of freedom of expression and inquiry. In fact, federal courts have ruled that certain public library meeting room and display policies are contrary to the First Amendment.

In an April 2000 case, a federal court ruled that a Wisconsin library violated an individual's First Amendment rights when it refused him permission to use the public library's meeting room for a program about creationism. The library's policy prohibited use of the meeting room for religious services, religious instruction, and partisan political meetings.

The Federal District judge ruled that the library's policies and practices permitting the use of the meeting room for various groups had created a "designated public forum." In a designated public forum, content-based restrictions on speech are permissible only if they are the least restrictive means to a compelling government interest. The judge ruled that the city failed to show a compelling government interest in excluding the plaintiff from use of the meeting room.

"It may be that the exclusion of partisan political meetings and religious services or instruction is based on the library's desire to avoid controversy," the judge said. "However, the avoidance of controversy is not a valid ground for restricting speech in a public forum."

Reasonable regulations on time, place, and manner of speech are permissible in a designated public forum. For example, the judge implied that the library's prohibition on the use of the meeting room for regular meetings of clubs and other organizations was probably a constitutional regulation because it was intended to make the room available to a wide variety of organizations. The judge also suggested that the policy excluding use of the meeting room for "commercial sales or presentations promoting specific companies or products" was also constitutionally acceptable.

Library exhibit and display policies must conform to the same basic constitutional principles that apply to meeting room policies. Libraries may wish to review their meeting room, exhibit, and display policies for conformance with constitutional requirements. Sample meeting room and exhibit and display policies are available from the Wisconsin Public Library Policy Resources Page (at http://www.dpi.state.wi.us/dltcl/pld/policies.html).

Staff development and public information

One of the keys to staff and community support for the principles of intellectual freedom is continuing education and public information on this topic. The better informed all parties are regarding the importance of freedom of expression and inquiry, and related library policies and practices, the less likely it is that your library will be required to defend the library's collection or policies.

Discussion Questions:

1. How does your library support the democratic ideal of a well-informed citizenry?

2. Does citizen (library board) control of the library help your library support the ideals of freedom of expression and inquiry? How else does citizen board control benefit your library?

3. Can the use of library Internet filters be consistent with the ideals of freedom of expression and inquiry, and the First Amendment? Why or why not?

Sources of Additional Information:

Intellectual Freedom Manual, latest edition, published by the Office for Intellectual Freedom, American Library Association

CIPA, Filtering and "Safe Surfing" Issues in Public Libraries web page (at http://www.dpi.state.wi.us/dltcl/pld/lib_nii.html#cipa)

Wisconsin Public Library Policy Resources Page (at http://www.dpi.state.wi.us/dltcl/pld/policies.html).

Dealing with Selection and Censorship, 1999, Wisconsin DPI

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 23

Dealing with Challenges to Materials and Policies

This Trustee Essential covers:

- *The need to have a written policy to deal with challenges*
- *Your responsibility as a trustee in a challenge*

One of the most difficult tasks you may face as a public library trustee is that of dealing with an objection to materials in the library's collection, or an objection to library policies.[1] This is why it is essential for every library to have a written policy in place that specifies how complaints will be handled, including a procedure to be used by concerned citizens.

The challenge policy

The policy should be written so that it calls for at least the initial steps of the process to be handled by staff; and in many, if not most, instances the issue can be resolved at that level. However, there may be times when the library board becomes involved more directly. Again, what is most important is for the board to have a policy and a corresponding procedure for dealing with either circumstance.

Regardless of the level of board involvement, it is important for you as a trustee to be committed to the principles of freedom of expression and inquiry that are fundamental to the role of public libraries. The entire community benefits collectively when democratic institutions uphold the right of access to information. Public libraries are for everyone and for every inquiry, and as such must include materials with varying points of view and a wide range of subjects. However, throughout history there have always been those who seek to limit what others may read, see, or listen to, and when this occurs in a public library setting it must be addressed thoughtfully and carefully by those ultimately responsible for all library operations, i.e., the library board.

When you became a library trustee, you may already have had considerable knowledge about intellectual freedom and censorship. However, many trustees need to learn more about these issues so that if an objection is raised they will be prepared. There are many resources; one of the most complete is the *Intellectual Freedom Manual* published by the Office for Intellectual Freedom of the American Library Association. The manual is updated frequently, and your library should have a copy of the latest edition. Other resources are listed at the end of this *Trustee Essential*. (See also *Trustee Essential #22: Freedom of Expression and Inquiry*.)

The trustee role in dealing with challenges

So what is your role when a complaint against a specific book, video, music CD, or policy is made? In many communities (especially smaller ones) you may receive the complaint personally through a phone call or a face-to-face conversation rather than as an item of

[1] While this *Trustee Essential* focuses primarily on complaints or challenges to materials, a similar procedure can be used for objections to library policies such as those governing use of meeting rooms, the Internet, etc.

business at the next board meeting. If this happens, you will be better able to respond appropriately if there is a policy and procedure already in place.

An important first step is to communicate with the library director about the complaint, since you and your fellow trustees have, no doubt, delegated to the director the responsibility for selecting materials. This means that you should not express your own personal views to an individual citizen, but should instead refer the complaint to the director promptly. Inform the citizen that there is a policy for handling objections, and explain that you are not individually responsible for deciding what will be done. Make sure the objector understands there is a process, and that he/she has the right to use that process. See the attached *Sample Complaint/Concern Form,* which includes a sample policy for dealing with complaints.

In other instances, the complaint may be made directly to the library director, either orally or in writing. In both cases, the objection may become a formal challenge if it cannot be resolved through informal dialog. You and your fellow trustees should be informed by the director that a challenge has been received and kept informed of the steps in its resolution. Or the trustees may receive a challenge as a formal item of business, and the process will start from that point.

If a formal challenge has been received, it may become known to the general public, sometimes generating debate in the media and among other public officials. This can create great stress for library trustees, for you may be contacted for your opinion by members of the public or by the media, or even by members of the municipal board which confirmed your appointment. Again, it is your responsibility not to engage in public debate as an individual. Your library's policy for dealing with challenges should specify that all deliberations involving trustees will be made at open board meetings; it should also specify that there is an official spokesperson (often the library director, sometimes the board president) through whom all information will be given out, especially to the media.

Public hearings

Most challenges are resolved before they become issues of public debate. Depending on your challenge policy, occasionally the library board may decide to hold a public hearing at which testimony is taken. This process must be carefully and thoroughly crafted to allow both sides of the issue to be heard, and to prevent (as much as possible) undue sensationalism. (The *Intellectual Freedom Manual* has an excellent section on planning a public hearing.) While the steps of this process need not be spelled out in your library's policy, there should be a statement that refers to the process.

If a hearing is held, it is important for trustees to listen as carefully as possible and not to participate in the debate. They should also defer any decision on the challenge until a later meeting. This meeting should be scheduled fairly soon after the hearing but allow enough time for trustees to consider the issues that have been raised in a less emotional atmosphere.

Regardless of how the challenge ultimately arrives before the trustees, it is probable that you will eventually make your views known through a vote that will decide the outcome. This is the time to make a public statement giving the reasons for your vote. Such a statement is not obligatory, but it gives trustees a forum to reiterate the principles of intellectual freedom, and why you do (or do not) support them in this instance. Once the board has decided the outcome, there is usually no further recourse for action by the challenger except a court case.

A formal challenge can be an opportunity for growth for all parties: the challenger, the library director and staff, and perhaps most of all for trustees. Having a policy in place that describes the process to be followed and the responsibilities of the various participants in a challenge will make it much easier for you and your fellow board members to deal with attempts at censorship.

Discussion Questions:

1. Why is it important for a library to have a policy for dealing with challenges to library materials and policies?

2. Does your library have an adequate policy and procedure for handling challenges? Are there any ways your policy and procedure could be improved?

Sources of Additional Information:

Attached *Sample Complaint/Concern Form*

Intellectual Freedom Manual, latest edition, published by the Office for Intellectual Freedom, American Library Association

Dealing with Selection and Censorship, 1999, Wisconsin DPI

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Children's Cooperative Book Center, University of Wisconsin-Madison (for challenged children's materials), http://www.education.wisc.edu/ccbc

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Sample Complaint/Concern Form*

Your complaint or concern is about (please check):

- ❑ Book
- ❑ Audio item
- ❑ Video item
- ❑ Internet web site
- ❑ Library policy
- ❑ Other, please explain:

Please indicate (if relevant):
Title:
Author/Producer/URL:

What is your concern about this material, resource, or policy? (Please tell us all you can to help us understand your concerns.)

Please print your name and address:

Signature:_____

[On the back of the form, include the board-approved policy for dealing with written complaints about materials. See the next page for an example.]

* Sometimes called a material reconsideration or challenge policy.

Sample Board Policy for Handling Material Complaints/Concerns

The library director (or staff responsible for selecting materials in this area) will:

1. Examine the material, reviews, and other information about this title or similar titles.
2. Decide whether the item should be kept, moved to another section of the library, or withdrawn.*
3. Write the person who filed the complaint with a decision and explanation within ____days of receiving the complaint.

If the person who filed the complaint is not satisfied with the decision, he/she can appeal to the library board. Upon receiving an appeal, the board will:

1. Set up a committee with board members, library staff, and/or community members to examine the material.
2. Consider the committee's recommendation to the board.
3. Hold a public hearing if deemed desirable by the board.
4. Make a final decision on the material.*

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*The U.S. Supreme Court has ruled that officials may not legally remove materials from a library collection "simply because they dislike the ideas contained in those books and seek by their removal to prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion."

Trustee Essential 24

Library Friends and Library Foundations

This Trustee Essential covers:

- *The role of Friends of the Library groups and library foundations*
- *How to develop a good relationship between the library board and support groups like the Friends of the Library or the library foundation*
- *Financial support from the Friends of the Library or the library foundation*

"Friends" organizations

Friends of the Library organizations exist in many Wisconsin communities. Friends organizations are groups of citizens who join together to support, improve, and promote the library. Some are formally incorporated, not-for-profit bodies; some are informal groups of library supporters. (Information about establishing a Friends organization and ideas for Friends activities and projects is available from Friends of Libraries U.S.A. [FOLUSA] at http://www.folusa.com.)

As volunteers who actively support the library, Friends can be extremely helpful to the library in a number of ways. Friends often offer financial support for a special library program or service, advocate for the library budget or library capital project, and volunteer assistance with children's summer reading programs and other services.

While the library board and the Friends share a common vision, they are separate, autonomous bodies—each with a distinct role. The two groups work together most effectively if they respect the distinct role of each organization. Below are a few suggestions that may help create an effective working relationship:

- Friends recognize that they do not perform a decision-making role for the library.

- The library board values and encourages input and opinions from the Friends.

- The library board appoints a liaison to the Friends (often the library director or other library staff member).

- Friends decide how to spend their funds only after conferring with the library director and library board.

- The library board provides the Friends with a "wish list" of items not included in the budget, to aid the Friends in their fund-raising efforts.

- The Friends' activities support library board long-range plans and policies.

- The library board expresses appreciation to the Friends for their support and service.

- The library board invites and welcomes Friends to library board meetings, especially when discussing issues that may be of interest to the Friends.

Library foundations

Individuals in some Wisconsin communities have created library foundations to solicit donations to support the library. Library foundations are independent nonprofit organizations established according to the relevant state and federal regulations. A separate library foundation may have certain benefits, including greater political independence. Establishing a foundation normally requires the assistance of a lawyer. A lawyer and/or accountant may also be needed to comply with the IRS 501(c)(3) filing requirements for a nonprofit foundation.

Because library foundations, like Friends groups, are autonomous organizations, many of the same suggestions discussed above for working with the Friends also apply to developing a positive working relationship with a library foundation.

The primary distinction between a Friends of the Library group and a library foundation is that a library foundation will typically have a single purpose: to raise private funds for the support of the library, often including support for library building projects. Friends organizations also often raise money for the library, but, in addition, Friends groups typically support the library through volunteer work in the library and through organized library advocacy work.

Financial support from Friends and library foundations

It is important that library donations, including financial and material support from the Friends and any library foundation, be used to enhance or enrich library services. The availability of Friends' support should never be the occasion for reducing or replacing the community's commitment to public funding. Donors will quit donating and volunteers will quit working if they see that their efforts are resulting in reduced public funding for the library instead of improved service.

Often, Friends groups will underwrite a pilot project for a year or two until the value of the new service is proven in the community. They might provide assistance in the furnishing and/or decorating of the library building beyond bare necessities. They might make special collection enrichment gifts to help the library keep pace with an unanticipated increase in the need for special materials (to better serve Spanish-language residents or day-care centers, for example). In addition, Friends groups often provide financial support for special programming.

In many communities, the library donates withdrawn books to the local Friends organization for sale to the public. This practice probably falls within the authority of the library board; however, because public property is involved, special care should be taken. We recommend that the library board enter into a written agreement with the Friends that makes clear that all proceeds from sale of the books (and any other materials) be used to support the programs and services of the library.

Donations to the library

Under Wisconsin law, the library board itself may accept and manage donations on behalf of the library. Donations to a public library, like donations to any government organization, meet the IRS definition of a "charitable contribution" to a "qualified organization." No application to the IRS is needed to get this status. According to the IRS publication on Charitable Contributions (Publication #526): "To become qualified organizations, most organizations other than churches and governments, as described below, must apply to the IRS." The publication goes on to define as one type of "qualifying organization" any state or any of its subdivisions that perform substantial government functions. A public library established and operated according to Wisconsin Statutes Chapter 43 clearly meets that definition.

See *Trustee Essential #9: Managing the Library's Money* for options for the deposit and handling of gifts and donations to the library.

Discussion Questions:

1. Discuss the pros and cons of using donations from the Friends, a foundation, or another outside source to fund existing library services.

2. How can the Friends/foundation and the library board be sure that Friends/foundation expenditures provide the greatest benefit to the library?

3. What are the pros and cons of the establishment of a library foundation?

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

The Friends of Libraries U.S.A. (FOLUSA) web page at http://www.folusa.com has information about establishing a Friends organization and ideas for Friends activities and projects. It also has information on establishing a library foundation.

Friends of Wisconsin Libraries (FOWL) (at http://www.cheesestate.com/friends)

The Foundation Center has information on establishing a non-profit organization at http://fdncenter.org/learn/faqs/starting_nonprofit.html

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Trustee Essential 25

Liability Issues

This Trustee Essential covers:

- *Basic issues concerning trustee and municipal liability*
- *Actions you can take to limit liability*

Generally, library trustees need fear no personal loss or liability for the honest performance of their official duties and exercise of powers granted by law. Wisconsin Statutes (Section 893.80(4)) and court cases generally provide that public officials are immune from individual liability for actions performed within the scope of their office.

But personal liability is still possible for intentional or careless injuries or damages, illegal use of public funds or authority, ethics and conflict-of-interest law violations, public records law violations, and open meetings law violations. In the case of open meetings law violations, an individual board member who is found to be in violation of the law may be fined and must pay the fine personally, without reimbursement from the library or municipality.

Library boards must also avoid taking actions that violate rights guaranteed by the federal constitution or federal law. Special care must be exercised in actions that concern discrimination laws, employment laws, and First Amendment rights. Before taking any actions that may jeopardize these rights, it is strongly recommended that the board seek the advice of the municipal attorney (or county corporation counsel in the case of a county library board).

Wisconsin Statutes provide that if a claim is brought against the library board because of an act or omission of the library board, and the claim is disallowed by the library board, the claimant may bring action against the municipality or county (Section 43.58(3)). Because the municipality or county is ultimately liable for any legal missteps by the library board, municipal and county attorneys are very willing to assist the library board with any legal questions.

Under most circumstances, municipalities have a legal responsibility to provide legal counsel to officers and employees (including library officers and employees) in proceedings brought because of actions taken while carrying out the duties of the office or position. Generally, under these circumstances, the municipality must also indemnify or pay for judgments for damages as well as other costs and legal fees. (See Wisconsin Statutes Section 895.46(1) for the details, including the limitations, of this law.)

Protections from liability

You can greatly lessen the possibility of liability if you, and your fellow board members, do all of the following:

- Become knowledgeable about the various laws that apply to library board actions and library operations (such as the state open meetings and public records laws, state and

local ethics laws and state and federal employment laws). See *Trustee Essential #7, #14, #15,* and *#16* for more information about these laws.

- Adopt written policies for operating the library and review all library policies on a regular cycle, ensuring that all policies (including the personnel policy) are reviewed at least every three years. See *Trustee Essentials #7* and *#10* for more information.

- Exercise care and diligence in board consideration of new or revised policies. Review each policy in light of the "four tests of a legally defensible policy" from *Trustee Essential #10: Developing Essential Library Policies*.

- Vote against any proposed board action that you believe is illegal or improper. Vote to table an issue if you believe insufficient information has been provided on which to base an informed opinion. Make sure the minutes reflect your vote.

- Act and speak for the library only when authorized to do so by the full board.

- Avoid even the appearance of conflict of interest. (See *Trustee Essential #16: Ethics and Conflict of Interest Laws Applying to Trustees* for more information.)

- Consult with library system staff and/or the municipal or county attorney if you have concerns about the legality of any action or failure to take an action.

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology and Community Learning staff (see *Trustee Tool C* for contact information)

This Trustee Essential provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion.

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Trustee Essential 26

The Public Library System Board—the Broad Viewpoint

This Trustee Essential covers:

- *Background on the creation of public library systems*
- *System services and accountability*
- *Responsibilities of the library system board*

Note: This *Trustee Essential* is primarily addressed to library system trustees.

As a library system trustee, you occupy a unique position in Wisconsin's pattern of library services. You can benefit from virtually all the other *Trustee Essentials* and the *Trustee Tools* (see in particular *Trustee Essential #1: The Trustee Job Description*), yet you must deal with relationships, authorities, and specific responsibilities that deserve separate treatment. Perhaps most important of all, when you represent the library system, you need to consider not only your community or your county, but the entire region served by your library system and the many libraries and users of that region.

Background

Before the development of public library systems in Wisconsin, many state residents had no legal access to any public library. In addition, many other state residents only had access to substandard library service. The goal of library systems has been to provide all Wisconsin residents with access to the high-quality library service needed to meet personal, work, educational, and community goals.

To address the limitations of relying solely on local support and local coordination of library service, the Wisconsin legislature passed legislation in 1971 enabling the creation of regional public library systems. The actual creation and development of public library systems in Wisconsin was a voluntary and gradual process. No county or public library is required to be a member of a library system; yet, as of this writing, all of Wisconsin's 72 counties and 387 public libraries are library system members.

The basic dynamic of library system membership is simple, yet the results can be powerful: a public library agrees to certain membership requirements, including the agreement to serve all system residents equitably; in return, the library system provides a wide range of primarily state-funded services that enhance local library service. Ideally, through this relationship, all residents of the state gain improved library service, as well as the ability to use whichever library or libraries best serve their needs. Municipal libraries participate in library systems because their communities' residents benefit from this arrangement.

In return for agreeing to the membership requirements, membership in a system brings benefits to libraries and their patrons because state aid:

- expands and improves the interlibrary loan network
- provides specialized staff assistance and continuing education opportunities to local library staff and trustees
- facilitates delivery services and communications
- guarantees mutual borrowing privileges
- expands the use of new technologies
- supports various other cooperative services and projects

The creation of public library systems fostered the establishment of a strong network of resource sharing and mutually beneficial interdependence. Wisconsin's seventeen public library systems developed in distinct ways in response to the needs of their member libraries and area residents. The systems have continued to evolve as changes in society, resources, and technology create new demands and opportunities.

System services and accountability

In Section 43.24(2) the statutes clearly state the services a public library system must provide. (For a list of these services, see *Trustee Essential # 17: Membership in the Library System*.) However, considerable flexibility is allowed in setting priorities so that each system can meet the needs of its particular geographic area and member libraries. As a system trustee, you are called on to use your insight and judgment to the fullest in establishing your system's priorities.

The fact that systems receive significant funding directly from the state sets them apart from other public library institutions. It means that system boards are accountable to the Division for Libraries, Technology, and Community Learning and must focus on the mandates of service itemized in Wisconsin Statutes Section 43.24(2). In addition to its participation in a statewide sharing network, the system's accountability to the state for funding means that system boards must maintain a broader view of the development and provision of services.

Many of you will also be serving on the boards of member libraries or on county governing boards. (See also *Trustee Essential # 17: Membership in the Library System*.) Each of you has a responsibility to represent your constituency by bringing questions or concerns to the attention of the system board. At the same time, when that board deliberates and acts, it does so on behalf of the entire service area; and that service area is part of the larger statewide network. Thus, to be effective as a system trustee, you must strive for fairness and consider systemwide goals and the interests of all residents served by the system.

Responsibilities of the public library system board

A public library system board of trustees has the same legal powers as a municipal library board with respect to systemwide functions and services that a municipal library board has with respect to local functions and services. Therefore, most of the other *Trustee Essentials* dealing with library board responsibilities also apply to system library boards.

Each public library system board of trustees must hire a thoroughly qualified system director to carry out the system's often-complex responsibilities. The director should possess a detailed knowledge of the profession and of the state's overall library program so that information, options, and explanations can be clearly presented for board deliberation. Library system directors must hold Grade I Certification from the Division for Libraries, Technology, and Community Learning.

(See also *Trustee Essential #5: Hiring a Library Director* and *Trustee Essential #19: Library Director Certification*.)

Library system boards have significant responsibilities for fiscal policy-making, fiscal planning, and fiscal oversight. In single-county public library systems (with the statutory exception of the Milwaukee County Federated Library System) the county's officers maintain custody of most funds and pay system bills. All other library systems, however, must develop and maintain their own policies and procedures for handling fiscal matters. Each operates its own business office, paying bills and wages, keeping personnel records, complying with state and federal tax regulations, and maintaining full records of income and disbursements. Library systems are required to have annual audits of their financial activities. All system employees involved in handling funds should be bonded appropriately. (See also *Trustee Essential #8: Developing the Library Budget*, *Trustee Essential #9: Managing the Library's Money*, and *Trustee Essential #11: Planning for the Library's Future*.)

Under Wisconsin law, public library system employees are eligible to participate in state retirement and insurance programs. If the system does not choose those options, it must provide its own coverage.

Public library systems must comply with Wisconsin and federal laws dealing with equal opportunity and nondiscrimination. In addition, the system must develop its own job descriptions, wage scales, vacation and sick leave policies, and other personnel policies. (See *Trustee Essential #7: The Library Board and Library Personnel* and *Trustee Essential #10: Developing Essential Library Policies.*)

Relationships to member libraries and member counties

Like your counterparts at other service levels, you are policy-makers. As a system trustee, however, you cannot make policies for any system member libraries. You should avoid any unnecessary interference with the autonomy of member libraries. (See also *Trustee Essential #10: Developing Essential Library Policies.*)

On the other hand, public library systems do have the power to expel, or reduce aid or service to, any member municipality or county that does not meet the system membership requirements (see *Trustee Essential # 17: Membership in the Library System*).

For purposes of governmental cooperation, a public library system is defined as a "municipality" (Wisconsin Statutes Section 66.30) and therefore is able to enter into contracts with other "municipalities" (cities, towns, villages, counties, other library systems). Contracts entered into by public library systems include those for access and services with all member libraries, counties, adjacent and other systems, and the system's resource library. These contracts form a large part of the operational structure of each system. You should be aware of the content, purpose, and effect of each contract entered into by the board.

You and the other system trustees, together with the system director, should be willing to meet with boards of member libraries whenever invited to explore topics of mutual concern, to explain system objectives and procedures, and to build strong bridges of communication. (See also *Trustee Essential #17: Membership in the Library System*.)

Public library systems are expected to take a leadership role in studying and implementing new capabilities and technologies which can help all members extend and enhance services to their customers. You need to develop your skills as a visionary and an evaluator in order to be open to

opportunities for improvements in regional services. You will also need to help your board determine what priority will be placed on library enterprises of a regional nature which might require system investment. This is an area of responsibility where the broader viewpoint of the library system trustee is crucial.

Additional responsibilities

Effective public library system trustees should be willing to assume a leadership role in legislative lobbying or advocacy at the state and federal level. Like other library trustees, you should recognize that the political process, at all levels, is the means by which scarce financial resources are distributed. Those who make the best case for their funding needs are heeded. "Lobbying" need not carry a negative connotation; informative communications (written and/or in person) to local, state, and federal representatives will keep them aware of citizen concern for access to high-quality library service. These elected representatives are, in the final analysis, just that: representatives. For them to represent the public, they will need to hear about public desires, needs, and values. (See also *Trustee Essential #13: Library Advocacy*.)

Public library systems are firmly in place as examples of effective resource sharing among public libraries. The systems are also vehicles for exploring means of cooperation among other types of libraries. You will need to become familiar with the other types of library organizations in your region.

These types can be defined as follows:

- *Academic libraries* are an integral part of a college, university, or other academic institution for postsecondary education. They are organized and administered to meet the learning and research needs of students, faculty, and affiliated staff of the institution.

- *School libraries / media centers* support the curricular needs of a single elementary or secondary school. Their collections and related equipment serve students, teachers, and affiliated staff.

- *Special libraries* can be found in business firms, professional associations, government agencies, research laboratories, and other organized groups and are established to serve a specialized clientele.

The degree to which formal agreements and contracts have been developed between a public library system and any or all of the other types of libraries within the system's service area varies greatly. You should recognize that investigations and decisions about this form of cooperation are part of your responsibility as a system trustee.

Sources of Additional Information:

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Trustee Essential 27

Trustee Orientation and Continuing Education

This Trustee Essential covers:

- *The importance of new trustee orientation*
- *Why continuing education is essential for all trustees*
- *Opportunities for continuing education even for busy trustees*

Trustee orientation

To carry out their duties effectively, new trustees need information about the library's services, needs, and plans. They also need some understanding of the legal responsibilities of the library board and the relationship of the board to the municipality, and to the library director and other library staff. A good orientation will provide new trustees with the answers they need to undertake their duties confidently.

The orientation program should be planned step by step by the library board, with the assistance of the library director. Orientation should start as soon as possible after the new board member is appointed—before the first meeting, if possible. See the attached *Sample Trustee Orientation Outline* for ideas.

Trustee continuing education

Even the most knowledgeable and experienced library trustee needs continuing education to stay informed about new laws, new technologies, and new possibilities for library service. Library services and library policies must constantly change to keep pace with changing community needs, new laws, and new technologies. Library leaders, including library trustees, who stay informed of these changes will be better able to provide high-quality library service to their community.

Probably the most valuable type of continuing education experience for trustees is attendance at system or statewide workshops or at conferences such as the annual Wisconsin Association of Public Libraries (WAPL) and Wisconsin Library Association (WLA) conferences. One of the most rewarding aspects of system and statewide workshops is the opportunity to share experiences and ideas with trustees from other libraries. Information about these workshops and conferences is available in your system newsletter and in WISDOM (WISconsin Data On Meetings), a listing of upcoming library-related meetings, conferences, and programs. Local, state, and national-level programs are included. WISDOM is maintained by the Public Library Development Team of the DLTCL and is on the web at http://www.dpi.state.wi.us/dltcl/pld/wisdom.html.

Because trustees are busy people with many commitments, it may be difficult to find the time to participate in many workshops and conferences. Fortunately, there are many other ways to learn and stay informed.

Newsletters

Your library system's (print and/or electronic) newsletter is a great source of regional and statewide library news and developments. Another excellent source of statewide library news is *Channel*, a newsletter published every other month by the Division for Libraries, Technology, and Community Learning. Its primary purpose is to provide information on services of the DLTCL and matters of interest to libraries and school libraries / media centers in Wisconsin. Copies of *Channel* are provided to every library and library system in Wisconsin for distribution to every trustee. *Channel* includes a regular column, "Trustee Corner," which deals with questions and issues commonly faced by library trustees.

One of many benefits to membership in the Wisconsin Library Trustee Association (WLTA) is the WLTA newsletter, which contains news and information important to Wisconsin library trustees.

If you have email, you can keep up on the latest statewide library information and news by subscribing to *Channel Weekly*, DLTCL's electronic newsletter. Instructions for subscribing to *Channel Weekly* are available at http://www.dpi.state.wi.us/dltcl/eis/chwksbsc.html.

The DLTCL sponsors an email discussion list, WISPUBLIB, as a way to allow the Wisconsin public library community to share news and ideas and to get answers to questions about public library services, policies, laws, etc. The Division strongly encourages all public library and library system staff and trustees, as well as anyone with an interest in public library issues, to subscribe to this email list and participate in the discussions. Instructions for subscribing to WISPUBLIB and for sending messages to the list are available at http://www.dpi.state.wi.us/dltcl/pld/wispublib.html.

Other continuing education ideas

Short continuing education sessions can be held during library board meetings. This is a way to reach every trustee on the board (hopefully) and also a way to involve the board in brainstorming or problem-solving discussions on issues that may be important to the library.

The *Trustee Essentials* that make up this handbook can be used for short continuing education sessions held during regular or special board meetings. The meeting agenda should alert board members that a particular *Trustee Essential* will be reviewed at the next board meeting. Each board member should read the *Trustee Essential* in advance of the meeting and bring to the meeting any questions or thoughts concerning the issues raised by the *Trustee Essential.* Most of the *Trustee Essentials* include discussion questions. Perhaps a board member (especially one with experience on the topic to be covered) or the library director or a library system staff person could volunteer in advance to lead the discussion.

The DLTCL is producing Trustee Training Modules that can also be used to guide trustee continuing education sessions at regular or special board meetings. These modules are available in PowerPoint and web versions at http://www.dpi.state.wi.us/dltcl/pld/trustee.html. These modules are designed to be used for continuing education sessions led by a knowledgeable trustee or librarian.

Keep in mind that your library system offers professional consulting services to member library staff and member library boards. These consultants are knowledgeable about a wide range of library practices and issues, as well as new laws and new technologies that may be

of interest to your library. Consider inviting a library system consultant or other expert to lead a continuing education session at a regular or special board meeting.

Active involvement in an organization like the Wisconsin Library Trustees Association (WLTA) and/or the Association of Library Trustees and Advocates (ALTA) is another excellent way to keep up to date on library issues and share ideas with fellow trustees.

Web sites

The DLTCL maintains a Wisconsin Library Trustee Resource Page at http://www.dpi.state.wi.us/dltcl/pld/trustee.html. This web page features the Trustee Training Modules discussed above, as well as many other resources to support the activities of library trustees. Many library system web sites also have important information for library trustees.

Budgeting for trustee continuing education

The annual library budget should include funding for trustee continuing education. Funding should be provided to pay the expenses for trustees to attend library system workshops and send at least one trustee per year to the annual WAPL and/or WLA conferences. Funding should also be provided for at least one trustee's membership in WLTA (and WLA).

Discussion Questions:

1. What issues do you want to learn more about? Where can you turn to learn more about those issues?

2. Should the Wisconsin Library Trustee Association look into voluntary certification for library trustees? If so, what should be required to earn certification?

Sources of Additional Information:

Attached *Sample Trustee Orientation Outline*

Your regional library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

Wisconsin Library Trustee Resource Page at http://www.dpi.state.wi.us/dltcl/pld/trustee.html

Wisconsin Library Trustee Association (WLTA) (at http://www.wla.lib.wi.us/wlta)

Association of Library Trustees and Advocates (ALTA) (at http://www.ala.org/alta)

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Sample Trustee Orientation Outline

Your library's orientation program can generally follow these steps:

1. The board president (or library director or other board designee) should contact the new trustee to welcome him/her to the board and schedule the orientation session or sessions.

2. Immediately send the new trustee a packet that includes:

   - a copy of this handbook
   - bylaws of the board
   - a list of board members, indicating terms of office and board officers
   - board committee membership lists
   - calendar of upcoming meetings

   At a later point, you may also wish to share the following information with the new trustee:

   - the library's latest annual report
   - the library's long-range/strategic plan and current technology plan (if any)
   - the library's policies
   - the library's current and previous year's budget
   - the board's meeting minutes for the previous six months
   - the director's reports for the previous six months
   - the latest monthly statistical report and financial report
   - an organizational chart of the library staff with names and titles
   - the library board's annual calendar, including legal requirements and deadlines
   - Wisconsin Statutes Chapter 43 (Wisconsin's library law)
   - a copy of the *Wisconsin Public Library Standards*
   - a copy of a brochure or other concise information about your library system

3. The orientation should include a tour of the library, with the director, to introduce staff and discuss library programs and services.

4. The orientation should include meetings with the library director (and perhaps a library board representative) to discuss library services, library plans, and other important issues. A possible plan for the remainder of the orientation program could be as follows:

   a. A meeting/discussion with the library director to learn:

      - how the library is organized and governed
      - how the library is funded
      - how the library is operated day to day
      - how the library serves the needs of the community
      - how the library is linked to other resources, other libraries, and the library system
      - how the library could better serve the community

b. A meeting/discussion with one or more board representatives to talk about:

- library board statutory powers and duties (review *Trustee Essential #2: Who Runs the Library?*)
- board bylaws, organization, officers, and committees (review Trustee Essential #3: Bylaws—Organizing the Board for Effective Action)
- location, schedule, and conduct of meetings (review *Trustee Essential #4: Effective Board Meetings and Trustee Participation*)
- responsibilities and expectations of board members (review *Trustee Essential #1: The Trustee Job Description*)
- library long-range plans, and the status of activities to meet the objectives of those plans
- recent library accomplishments
- board relationship to the library director, the library staff, and the municipality (review *Trustee Essential #2: Who Runs the Library?*)

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Trustee Tool A

Important State and Federal Laws Pertaining to Public Library Operations

The primary law concerning the establishment and operation of Wisconsin public libraries and public library systems is Wisconsin Statutes Chapter 43. Many of the provisions of Chapter 43 are summarized in this publication. The full text of Chapter 43 is available at http://www.dpi.state.wi.us/dltcl/pld/pdf/libstat.pdf. If you need a paper copy of Chapter 43, contact your library director, your library system, or the Division for Libraries, Technology, and Community Learning.

Many other state and federal laws apply to aspects of public library operations, and to required as well as prohibited conduct of library boards, individual library trustees, and library employees.

Employment and equal rights laws

An extensive body of both federal and state law applying to public library operations concerns employment law and equal rights law. The applicable *federal* laws prohibiting job discrimination are:

- Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin.
- The Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially comparable work in the same establishment from sex-based wage discrimination.
- The Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older.
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector and in state and local governments.
- The Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination.

Answers to frequently asked questions about these laws is available from the Federal Equal Rights Commission web site at http://www.eeoc.gov/facts/qanda.html. Every employer covered by the nondiscrimination and equal employment opportunity laws is required to post on its premises the poster about these laws available at http://www.dol.gov/dol/esa/public/regs/compliance/posters/pdf/eeobw.pdf.

The Federal Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, record-keeping, and child labor standards. A *Handy Reference Guide to the Fair Labor Standards Act* is available at http://www.dol.gov/dol/esa/public/regs/compliance/whd/hrg.htm.

Most employers must provide certain types of family leave under both the state and the federal Family Medical Leave Acts (FMLA). A comparison of the requirements of these two laws is available at http://www.dwd.state.wi.us/notespub/dwdpub/2322/ERD-9680-P.pdf. Employers that fall under both the state and the federal FMLA must comply with the provisions most beneficial to the employee.

Wisconsin has many other laws dealing with employment and employment discrimination. The Wisconsin Department of Workforce Development has many publications on employment laws and equal rights laws available at http://www.dwd.state.wi.us/notespub/dwdpub/39e.htm. State employment law posters are also available from that web address.

As discussed in *Trustee Essentials #20* and *#21,* the federal Americans with Disabilities Act (ADA) has two parts that apply to public libraries. Title I requires equal employment opportunities for individuals with disabilities. Title II prohibits discrimination on the basis of disability in state and local government buildings and services (including public library buildings and services).

Other state laws

Below are other Wisconsin laws that must be followed by Wisconsin library boards, individual library trustees, library employees, and others.

Public records and property law. Wisconsin Statutes Sections 19.21 to 19.39. See *Trustee Essential #15*.

Code of ethics for public officials and employees. Wisconsin Statutes Sections 19.41 to 19.59. See *Trustee Essential #16*.

Personal information practices act. Wisconsin Statutes Sections 19.62 to 19.80. See *Trustee Essential #15*.

Open meetings law. Wisconsin Statutes Sections 19.81 to 19.98. See *Trustee Essential #14*.

Municipal officials' procedures for payment of public library (and other) expenditures. Wisconsin Statutes Section 66.0607(4):

> Except as provided in sub. (3m), if a board, commission or committee of a county, city, village, town or school district is vested by statute with exclusive control and management of a fund, including the audit and approval of payments from the fund, independently of the governing body, payments under this section shall be made by drafts or order checks issued by the county, city, village, town or school clerk upon the filing with the clerk of certified bills, vouchers or schedules signed by the proper officers of the board, commission or committee, giving the name of the claimant or payee, and the amount and nature of each payment.

Open personnel records law. Wisconsin Statutes Section 103.13. (See http://www.dwd.state.wi.us/notespub/dwdpub/237a/ERD-7749-P.pdf for explanation.)

Misconduct in office. Wisconsin Statutes Section 946.12. See *Trustee Essential #16*.

Private interests in public contracts. Wisconsin Statutes Section 946.13(1)(b). See *Trustee Essential #16.*

Theft of library materials. Wisconsin Statutes Section 943.61:

> (1) In this section:
> (a) "Archives" means a place in which public or institutional records are systematically preserved.

(b) "Library" means any public library; library of an educational, historical or eleemosynary institution, organization or society; archives; or museum.
(c) "Library material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

(2) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be penalized as provided in sub. (5).

(3) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

(4) An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

(5) Whoever violates this section is guilty of:
(a) A Class A misdemeanor, if the value of the library materials does not exceed $1,000.
(b) A Class E felony, if the value of the library materials exceeds $1,000 but not $2,500.
(c) A Class C felony, if the value of the library materials exceeds $2,500.

This Trustee Tool provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion.

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Trustee Tool B

Library System Map and Contact Information

Wisconsin's Seventeen Public Library Systems and Their Headquarter Cities

Contact Information for the Library Systems

Arrowhead Library System
210 Dodge Street
Janesville, WI 53545-3809
(608) 758-6690 or 758-6693 (direct)
Fax: (608) 758-6689

Eastern Shores Library System
4632 S. Taylor Drive
Sheboygan, WI 53081-1107
(920) 208-4900, Ext 12
Fax: (920) 208-4901

Indianhead Federated Library System
1538 Truax Boulevard
Eau Claire, WI 54703-1569
(715) 839-5082
Fax: (715) 839-5151

Kenosha County Library System
812 56th Street
PO Box 1414
Kenosha, WI 53141-1414
(262) 605-2160, Ext. 1024
Fax: (262) 605-2170

Lakeshores Library System
106 W. Main Street
Waterford, WI 53185-4130
(262) 514-4500
Fax: (262) 514-4544

Manitowoc-Calumet Library System
707 Quay Street
Manitowoc, WI 54220-4539
(920) 683-4870, Ext. 337 for Director, Ext. 333 for Coordinator
Fax: (920) 683-4873

Mid-Wisconsin Federated Library System
Renaissance Center
201 N. Main Street, Rm 22
PO Box 267
Mayville, WI 53050-0267
(920) 387-7284
Fax: (920) 387-7288

Milwaukee Co. Federated Library System
709 N. 8th Street
Milwaukee, WI 53233-2414
(414) 286-8149
Fax: (414) 286-3209

Nicolet Federated Library System
515 Pine Street
Green Bay, WI 54301-5194
(920) 448-4414
Fax: (920) 448-4420

Northern Waters Library Service
Ashland Industrial Park
3200 E. Lakeshore Drive
Ashland, WI 54806-2510
(715) 682-2365
Fax: (715) 685-2704

Outagamie Waupaca Library System
225 N. Oneida Street
Appleton, WI 54911-4780
(920) 832-6190
Fax: (920) 832-6422

South Central Library System
5250 E. Terrace Drive, Suite A-2
Madison, WI 53718-8345
(608) 246-7970
Fax: (608) 246-7958

Southwest Wisconsin Library System
1775 Fourth Street
Fennimore, WI 53809-1137
(608) 822-3393
Fax: (608) 822-6251

Waukesha Co. Federated Library System
831 N. Grand Avenue, Suite 220
Waukesha, WI 53186-4822
(262) 896-8081
Fax: (262) 896-8086

Winding Rivers Library System
800 Main Street
La Crosse, WI 54601-4122
(608) 789-7151
Fax: (608) 789-7106

Winnefox Library System
106 Washington Avenue
Oshkosh, WI 54901-4985
(920) 236-5220
Fax: (920) 236-5228

Wisconsin Valley Library Service
300 N. First Street
Wausau, WI 54403-5405
(715) 261-7251 or 261-7250
Fax: (715) 261-7259

Trustee Tool C

Division for Libraries, Technology, and Community Learning Contact Information

The following are the primary staff dealing with public library and public library system issues.

Cal Potter, Division Administrator

Public Library Development Team Staff	Areas of Responsibility
Larry T. Nix 608/266-7270 larry.nix@dpi.state.wi.us	Public Library Development Team Director
Bob Bocher 608/266-2127 robert.bocher@dpi.state.wi.us	public library technology, E-rate, Public Library Development Team web site
Peg Branson 608/266-2413 peg.branson@dpi.state.wi.us	Library Services and Technology Act (LSTA), public librarian certification and continuing education
Mike Cross 608/267-9225 michael.cross@dpi.state.wi.us	public library administration and funding, library law
Barb Huntington 608/267-5077 barbara.huntington@dpi.state.wi.us	public library youth services and special services
Alan Zimmerman 608/266-3939 alan.zimmerman@dpi.state.wi.us	public library system administration and finance
George W. Hall 608/267-9222 george.hall@dpi.state.wi.us	Program Assistant
Kelly Osborn 608/267-9280 kelly.osborn@dpi.state.wi.us	Program Assistant

The fax number for all Public Library Development Team staff is 608/266-2529.

Trustee Tool D

Glossary of Terms and Acronyms

Acquisition. The process of acquiring the library materials that make up the library's collection.

ALA. American Library Association, the national professional library organization.

ALTA. Association for Library Trustees and Advocates, a division of the American Library Association (ALA).

Automation. Use of a computer system for such tasks as circulation, cataloging, acquisitions, and interlibrary loans.

BadgerLink. A program supported and funded through the Department of Public Instruction, Division for Libraries, Technology, and Community Learning. Its goal is to provide Wisconsin residents with increased access to electronic information sources free of charge, in cooperation with the state's library community.

Bequest. Money or property given by will. In Wisconsin a library board can retain custody of bequests to the library.

Cataloging. The process of describing an item in the collection and assigning it a classification (call) number.

Capital funds. Funds for acquisition of or additions to fixed assets, such as building sites, new buildings and building additions, new equipment (including major computer installations), initial book stock, furnishings for new or expanded buildings, and new vehicles. This excludes replacement and repair of existing furnishings and equipment, regular purchase of library materials, and investments for capital appreciation. Note: Municipal accounting practices determine whether a specific item is a capital expense or an operating expense regardless of examples in the definitions. Expenditures for books, other than initial book stock, are not capital expenditures.

CCBC. Cooperative Children's Book Center. A review center for books published in the U.S. for children, administered by the UW–Madison School of Education.

CD-ROM. Compact Disc, Read-Only Memory. A disc upon which data and/or multimedia information have been digitally recorded as optical rather than magnetic bits, to be read out by a laser beam mechanism in a CD-ROM player.

CE. Continuing Education.

Certified library director, librarian, or library administrator. A librarian maintaining proper certification from the DPI, as prescribed by the Wisconsin Administrative Code to fulfill the requirements of *Wisconsin Statutes* Chapter 43 for library membership in a public library system.

Chapter 43. The chapter of *Wisconsin Statutes* governing the establishment and operation of public libraries and library systems.

Circulation. The act of loaning material from the library's collection for use outside the library. This activity includes either manual or electronic checkout of an item to a patron, and also its renewal, each of which is reported as a circulation transaction. Interlibrary loan of an item to one library by another is NOT counted as a circulation, but the recipient library's checkout of the item to a patron is counted as a circulation by the recipient library.

COLAND. Council on Library and Network Development. An advisory council to the DPI, the governor, and the state legislature on libraries and other information services, appointed by the governor and including library professionals and lay people.

Collection. The total accumulation of all library materials and electronic resources provided by a library for its clientele.

Crossover borrowing. A term often used to describe the borrowing of materials from a library by residents of another community which has its own library.

Devise. Real estate given by will (or the clause in a will which thus bestows real estate). In Wisconsin a library board can retain custody of and hold title to property given to the library in a will.

DLTCL. Division for Libraries, Technology, and Community Learning, part of DPI.

DPI. Department of Public Instruction, State of Wisconsin.

DVD. Digital video (or versatile) disc. Essentially a high-capacity CD requiring a special (DVD) player, often used for video recordings.

E-Book. A general term used to describe a text or monograph which is available in an electronic form and is read using a computer or other electronic device.

Endowment. Donated funds providing for the continuing support and/or maintenance of the library. In Wisconsin a library board can retain custody of endowments given to the library.

FOLUSA. Friends of Libraries U.S.A. The national organization for Library Friends groups.

FOWL. Friends of Wisconsin Libraries. The state organization for Library Friends groups.

FTE. Full-time equivalent. A standard measurement of staff size, determined by summing the total hours worked per typical week by all library employees and dividing by forty.

ILL or Interlibrary loan. A transaction in which library material is loaned by one library to another outside its branch system for the use of an individual patron.

IMLS. Institute of Museum and Library Services. The federal agency that administers the Library Services and Technology Act (LSTA).

LAN. Local area network. A network of computers within an office or building (or other small area) linked together so as to be capable of direct communication with one another to share resources. (Compare WAN.)

LC. Library of Congress. The national library for the United States.

LD&L. Library Development and Legislation Committee. The committee of the Wisconsin Library Association that recommends, monitors, and lobbies for library legislation.

Linked system. A general term for a system formed by linking two or more separate automated library systems together to allow at least the simultaneous searching of the linked catalogs.

LSTA. Library Services and Technology Act. The major federal library funding law. The abbreviation LSTA is often also applied to the grant program funded by the act.

MARC. MAchine Readable Cataloging. The standard formats approved by the Library of Congress for the representation and communication of bibliographic and related information in computerized (automated) library systems.

MLS. Master of Library Science. An advanced degree for librarians.

Municipal population. The total number of persons who live within the library's legal service jurisdiction, that is, the governmental unit(s) establishing the public library.

NLW. National Library Week.

OCLC. Online Computer Library Center, Inc. Producers of an international bibliographic utility (often itself called OCLC) used by libraries for cataloging information and a variety of related services.

OPAC. On-line Public Access Catalog. A computer-based library catalog.

Nonresident. A library user who lives outside the library's legal service jurisdiction, that is, the governmental unit(s) establishing the public library.

Periodical. A publication with a distinctive title intended to appear in successive numbers or parts at stated or regular intervals and, as a rule, for an indefinite time; magazines and newspapers are periodicals.

PLA. The Public Library Association. A division of ALA (see above).

PLDT. Public Library Development Team. A team in the DPI's Division for Libraries, Technology, and Community Learning.

Processing. The carrying out of the various routines to be performed before material is ready for circulation, including cataloging and physical preparation.

Public access workstation. Any computer or terminal available exclusively for public use in the library.

R&LL. Reference and Loan Library. The building that houses the Interlibrary Loan and Resource Sharing Team and the library collection of the DLTCL.

Resident. A person who lives within the library's legal service jurisdiction, that is, the governmental unit(s) establishing the public library.

Resource library. A (usually) large public library that serves a special function within a library system.

Selection. The process of choosing the books and other materials to be bought for a library.

Service population. The municipal population (see above) plus an estimated value for an additional service area population.

Shared system. A computerized catalog and circulation system shared by a number of libraries.

SLP. Summer Library Program, an umbrella term for the children's activities and programs that a public library carries out during the summer.

SRLAAW. System and Resource Library Administrators' Association of Wisconsin. An organization composed of the administrators (directors) of all seventeen Wisconsin public library systems and the seventeen corresponding resource libraries.

TDD. Telecommunications device for the deaf. See TTY.

TTY. Teletypewriter. TTY is interchangeable with TDD, but TTY is the term more generally used among the deaf. Also called a "text telephone."

TEACH. Technology for Educational Achievement in Wisconsin. A state agency that administers technology grants, loans, and discounts to schools and public libraries.

Title. A title is a publication that forms a separate bibliographic whole, whether issued in one or in several volumes, reels, discs, slides, or parts. The term applies equally to printed materials, such as books and periodicals, and to audiovisual materials and microforms. Duplicate copies represent one title.

Union catalog. A consolidated catalog of holdings from several libraries.

Volume. Volumes are the physical units or items in a collection. Items that are packaged together as a unit, e.g., two compact discs, two films, or two videocassettes, and are generally checked out as a unit, should be counted as one physical unit, one volume.

WAN. Wide area network. A network of computers connecting widely separated offices or buildings (such as separate libraries across a region) and linked together so as to be capable of direct communication with one another to share resources. (Compare LAN.)

WAPL. Wisconsin Association of Public Libraries. A division of WLA.

Weeding. The selection of library material from the collection to be discarded, sold, or transferred to storage because of poor physical condition, outdated content, or limited popularity.

WiLS. Wisconsin Library Services. The organization that administers products of the Online Computer Library Center, Inc. (OCLC) in Wisconsin and provides interlibrary loan access to the collections of the University of Wisconsin libraries.

WISCAT. Wisconsin Catalog. The statewide database of holdings contributed to by Wisconsin libraries of all types; currently available on the World Wide Web.

WiscNet. A not-for-profit organization that connects many Wisconsin libraries, educational agencies, and other government organizations to the Internet.

Wisconsin Regional Library for the Blind and Physically Handicapped. A federally funded library located in Milwaukee which provides books and periodicals on discs and audio cassettes and in braille to blind and physically handicapped citizens of all ages throughout Wisconsin.

WLA. Wisconsin Library Association. The state professional library association.

WLTA. Wisconsin Library Trustee Association. A division of the Wisconsin Library Association.

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