

RUSHFORD FREE LIBRARY POLICY GOVERNING FIRST AMENDMENT AUDITS

This policy will be used by the Rushford Free Library to address concerns related to non-employees photographing, recording and/or broadcasting/streaming images on Library property (whether or not those conducting the stream or making the recording call it a “First Amendment Audit”).

The Library is obligated to ensure information access, patron privacy, and Library service.

To help fulfill those obligations, it is the policy of the Library to honor state and federal law with respect to photographing, recording, broadcasting, and streaming images of the premises, patrons, and employees while on Library property (for the sake of clarity, all such activity is referred to in this document as “recording”).

1. The Rushford Free Library recognizes and respects the rights of individuals engaged in a First Amendment audit to be in our facilities and/or on library property. We are very proud of our facilities, and we encourage our staff to show them to others.
2. While we recognize that the library is a public place and we recognize a First Amendment auditor’s right to take photos or record audio/video of public employees engaged in their jobs, the library buildings are considered a “limited public forum” under federal law. As such, public libraries may reasonably restrict the exercise of free speech rights in their buildings, particularly when the conduct may be disruptive to, or interfere with, the other patrons or staff or if the conduct is inconsistent with the library’s mission.
3. Subject to the preceding paragraph and other paragraphs set forth in this established policy, visitors are permitted to take photos and audio/video recordings within the public spaces of library facilities provided it does not create a safety hazard and does not block library aisles, walkways, stairwells, doors, or exits and does not violate library rules, regulations, and ordinances. Library access by First Amendment auditors may be limited either by time constraints or to specific areas depending upon such impact or effect such sessions could have upon other library users.
4. The right to take photos and video and audio recordings does not extend to taking photos or recording audio/video in non-public spaces within the library. For example, the taking of photographs or audio/videos is strictly prohibited in the following non-public spaces: the children’s section, teen section, restrooms, areas reserved for staff use only, employee offices and other areas of library facilities not open to the public.
5. In addition, the rights of First Amendment auditors do not supersede any other rights, rules, regulations, and ordinances at our library. For example, the actions involved in the audit must not interfere with ordinary library operations or other patrons’ right to privacy. Persons taking photographs and audio/videos shall not compromise an individual patron’s right to receive

information free from harassment, intimidation, or threats to their safety, well-being, and privacy rights.

6. The Rushford Free Library has a series of Board approved rules, regulations, and ordinances that govern the public's actions and behaviors while in the library. Persons taking photographs and/or audio/videos shall not violate these or any other rules, regulations, or ordinances of the Library in their activities and shall not trespass into non-public spaces, become physically violent, or be unreasonably disruptive to an employee's ability to serve other citizens.

7. The Library Director and Staff shall act as the Board's designees while enforcing all of the Board's ordinances, resolutions, regulations, and policies.

Adopted by the Board of Trustees July 24, 2023