

UMB Administrative Policies & Procedures

REFER QUESTIONS TO: Library Administration EFFECTIVE DATE: March 30, 1987
EXTENSION: 6-7545 REVISED DATE: January 15, 2002
APPROVED BY:

PURPOSE: To establish policy concerning misuse, mutilation, or theft of library resources and violation of loan policies.

I. PROFESSIONAL CODE OF CONDUCT

Students, faculty, administrators, and other staff at UMB are expected to demonstrate the highest standards of integrity at all times. Faculty and administrators, as role models for students and as professional representatives of UMB, are expected to maintain professional stature. All members of the UMB community are expected at all times to conduct themselves in accordance with all codes of conduct and rules and regulations of their respective schools or administrative units at UMB and with all campus rules, library rules, and library loan policies. Other individuals who are privileged to utilize UMB library resources similarly are expected to comply with applicable campus rules, library rules, and library loan policies. Failure to observe library policies due to negligent or willful disregard of rules disrupts library functions and inconveniences colleagues. Mutilation, misuse, or theft of library resources are serious offenses inconsistent with the standards of integrity and professionalism established for UMB students, faculty, and staff and required of individuals granted privileges to use UMB library resources.

II. POLICY

Mutilation, misuse, or theft of library resources results in a significant financial drain on the libraries of UMB and hinders the scholastic efforts of students, faculty, administrators, and others who utilize UMB library facilities. In order to deter such abuses and to sanction such abuses when they do occur, a campus-wide policy applicable to mutilation, misuse, or theft of library resources or failure to comply with library loan policies (collectively, “library offenses”) is in effect. This policy is applicable to students, faculty, administrators, and others privileged to use UMB library resources. All library offenses will be sanctioned under this policy and, in addition, may be punishable under codes of conduct that UMB schools or administrative units have adopted as applicable to their respective students, faculty, and staff, as well as under applicable federal and State law. The President of UMB, the library director, or the dean of a school at UMB may initiate charges of library offenses against any student, faculty member, or staff member. Any person charged with an

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intentional library offense may request a hearing to determine whether the charge is valid (see Part III of this policy).

Library resources are defined as any property owned, loaned, leased, licensed, or otherwise managed or under the control of a UMB library including, but not limited to, a book, journal, digital storage device or media, electronic hardware or software, furniture, fixtures and the library building itself. The penalties under this policy are as follows:

- Part 1. For improper removal of library resources:
- a. Intentionally or unintentionally leaving a library with resources that do not circulate or which have not been properly checked out is a violation of library rules.
 - b. The library director shall impose the following penalties on any person stopped at the library entrance carrying unauthorized library resources.
 - i. For a first offense, a two-week suspension of library privileges.
 - ii. For a second offense, an additional four-week suspension of library privileges.
 - iii. For a third offense, termination of library privileges.
 - c. The penalties in b are sanctions for violations of rules. Imposition of a penalty under b does not mean it has been determined that a library user intended to steal resources or willfully disregarded circulation policies.
 - d. If improper removal of resources involves mutilation or destruction of resources, the procedures described below under II.2 will be applicable.

The library director or a designee will report all incidents resulting in penalties under Part 1 to the appropriate dean if a student or faculty member is involved, or to the appropriate director or senior administrator if a University employee is involved. The appropriate dean, director, or senior administrator may determine if additional penalties are warranted. The library will be informed of any additional punitive action. In cases involving persons who are not UMB students, faculty, or staff, Campus Police will be notified of any decision regarding suspension of library privileges, and in cases where the person is faculty, staff, or a **UMB**

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- e. student from another university, college, or school, the library director or designee will report the incident to the proper body of that school.
- f. The library director may proceed under Part 2 rather than Part 1 if circumstances of a library user's attempt to leave the library with unauthorized material clearly indicate attempted theft.

- Part 2. For mutilation and/or theft or for misuse of library resources, including failing to comply with the terms of use for hardware, software, electronic publications, or other digital or licensed resources or attempts to compromise the integrity of electronic resources or computer-based systems, and/or failure to comply with library loan policy (excluding any matter subject to Part 1 above) the library director may impose all or any combination of penalties as described in the following paragraphs a and b:
- a. All UMB library privileges will be immediately suspended or terminated by the library director.
 - b. A fine of \$250 will be imposed; the offender will be required to pay the cost of replacing or repairing lost, stolen, misused, or damaged resources; the offender will be required to reimburse the library for fines or penalties imposed due to the library user's wrongful acts; the offender may be required to perform a number of hours of community service.
 - c. A summary of the incident will be placed in the student, faculty, or staff member's permanent file.
 - d. In cases involving students or faculty, the dean involved will refer the matter to the disciplinary body of the offender's school for action, and, if guilt is conceded or is established, for determination of additional penalties. Supervisors of staff who are in violation may choose to pursue further discipline.
 - e. In cases involving unaffiliated persons, Campus Police will be notified of any decision regarding suspension of library privileges, and in cases where the person is faculty, staff, or a student from another university, college, or school, the library director or designee will report the incident to the proper body of that school.

III. HEARINGS; ADDITIONAL DISCIPLINARY PROCEDURES

Any person accused of a library offense under Part II.2 of this Policy may request a hearing. The library director or a designee will notify any person accused of a violation of this policy in writing. Within 72 hours after receipt of notice, the person must advise the library director whether he or she wishes a hearing.

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If no hearing is requested, the library director may impose sanctions as outlined in this Policy. In addition, in cases subject to Part II.2 of this Policy (involving mutilation and/or theft of resources), the library director shall report the violation to the school or administrative unit in which the offender is enrolled or appointed, and the matter shall be reviewed there for possible further disciplinary action under applicable school or University policies and rules. The purpose of further review will be to determine if additional sanctions should be imposed and what these sanctions should be.

If a hearing is requested, library privileges will be suspended pending the outcome of the hearing.

If a student or faculty member requests a hearing to determine the validity of a charge of a library offense, the hearing will be conducted by the judicial body of the school if there is a policy in place in the school providing for such a hearing. The Vice President for Academic Affairs or designee(s) will conduct the hearing in the absence of an applicable policy.

In matters involving UMB staff and persons who are neither students nor employees of UMB, the hearing will be conducted by the appropriate administrative unit (e.g. Human Resources).

All hearings will be conducted under procedures affording due process as required by law.

The results of any hearing under this section will be reported to the library director, who will determine penalties as provided in Part II. These penalties may be in addition to any penalties imposed by the judicial body.

IV. ENFORCEMENT; LEGAL ACTION

Payment of fines and charges assessed under Part II will be a condition of re-enrollment or graduation in the case of students. For others, UMB will rely upon all available administrative and legal resources to collect fees and charges.

In addition to any sanctions specified in this policy, civil or criminal action may be taken for violation of applicable Maryland and federal law and to recover the library's damages.

V. REINSTATEMENT OF LIBRARY PRIVILEGES

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Any person disciplined under this Policy who complies with all penalties imposed by the library director may apply for reinstatement of terminated library privileges by writing a formal letter of petition directed to the attention of the library director. This letter may be published or otherwise displayed for review by library patrons whose access to library resources has been affected. The library director will decide whether privileges should be reinstated. The director's decision shall be final.