

WEBER COUNTY LIBRARY

BOARD OF TRUSTEES

MINUTES

Date: January 7, 2014

Board Members

in Attendance: Marie Irvine
Eric Jacobson
Scott Spencer
Spencer Stokes
Tom Taylor
Commissioner Jan Zogmaister

Board Members

Excused: Kathleen Herndon

Others in

Attendance: Randy Dryer, Board Consultant
Monette Hurtado, Deputy Weber County Attorney
Evelyn Bertilson, Friends of the Library
Lynnda Wangsgard, Library Director
Karen Burton, Associate Library Director
Scott Jones, Assistant Library Director
Sarah Lovato, Southwest Branch Manager

Call to Order and Approval of Minutes:

Irvine called the meeting to order at 5:00 p.m.

Spencer moved acceptance of the December 3, 2013 meeting minutes. Zogmaister seconded the motion and all voted in the affirmative.

Director's Report:

Board members' packets contained budget and service metrics reports, current as of November 30, 2014. The budget report illustrated that expenditures were within overall budgeted allocations and on target to complete the year within established parameters. Tentative year-end reports will be presented, if available from the County Auditor's Office, during the February meeting.

There were no questions concerning the service metrics report. The 2013 year-end service metrics report will also be presented for review during the February Board meeting.

Social Media Policy and Terms of Use of Social Media Sites Operated by Weber County Library System:

Dryer had been selected to consult with administrators in preparing model policies to guide the use of social media in the Library System. Dryer became a full-time member of the University of Utah faculty during 2011, and had since been named a Presidential Honors Professor, with a joint appointment at the S. J. Quinney College of Law and the University Honors College. Prior to his faculty appointment, he practiced law with Parsons Behle & Latimer, Utah's largest law firm, for 30 years and taught as an adjunct professor at the University for eight years.

Dryer is a nationally-recognized expert in Media and First Amendment Law and Crisis Management. During his legal career, he has represented virtually every major news organization in the State of Utah and many national news organizations, including the New York Times, CNN, the Associated Press, 60 Minutes, Scripps-League Newspapers, Bloomberg News and Redbook magazine. He speaks frequently on First Amendment issues and regularly advises businesses in preparing crisis management plans and in responding to a crisis when one occurs. He teaches courses in Media Law, Pretrial Practice, Crisis Management, Cyberlaw and Privacy at the University of Utah.

Dryer was in attendance to present two draft policies, "Social Media" and "Terms of Use of Social Media Sites Operated by Weber County Library," respond to questions, and create a context within which the Board could assess the two documents. He began his presentation by lauding the Library administration and Board for developing a policy instead of waiting for controversy to erupt. Lack of policy, he noted, puts government in a bad light.

Dryer noted it is important to recognize that social media is a new communications platform that is pervasive and consistent with the Library mission, but it is just as important that parameters be established so administrators and employees will be aware of what is appropriate and inappropriate. The goal is to balance legitimate civility interests of Library communications with free speech interests of employees and the general public. The two draft policies had been designed to be flexible so they will not have to be updated or redone as technology changes.

Dryer noted that three principles should be kept in mind in reviewing the policy.

1. The Library as an entity has a legally recognized interest in protecting its professional environment and standing in the community; the proposed social media policy supports this principal as do other policies adopted by the Board; e.g., sexual harassment, communications, acceptable Internet use, etc.
2. The lines between an individual's personal and professional lives are becoming increasingly blurred. As a consequence, an employee can make an offensive or inappropriate post on a personal site that can adversely affect the organization's image and cause problems in the work environment.
3. Government employees do not surrender their free speech rights, as do private employees, when they come to work. However, government employees' free speech rights are not absolute, and can be the basis for discipline if actions unduly disrupt the work environment.

Entities have a legitimate interest in regulating what employees say on behalf of the institution. Gray area arises when someone is not expressly speaking on behalf of an institution, but implies they are; or even if they are seen as speaking only on their own behalf but their content has adverse consequences. Sexual harassment and bullying are circumstances where an employee may cause workplace disruption with entirely personal posts on social media. Private thoughts, cautioned Dryer, as expressed on social media, which is by its very nature a public forum, may have deleterious results and an institution has right to take appropriate action.

Dryer addressed suggested language changes provided by Jacobsen, indicating he did not have an issue with making the document easier to understand, but did not want to make the policy too broad to allow for enforcement.

Stokes noted the issue with social media is that people forget they include their professional connections on personal sites, giving the impression in some cases that they are speaking as a representative of their employer. Their statements can be detrimental to internal culture of organization.

Jacobson asked if Dryer felt the proper balance had been struck between individual first amendment rights and the Library's ability to manage the workplace and sponsored social media sites.

Stokes built on Jacobson's question, inviting clarification on the difference between "personal interactions" and "virtual interactions" as related to the content of what is said.

Dryer noted what is permissible is related both to what you say, beating one's dog vs. one's child for example, and who and how many heard or saw the information.

Stokes expressed a major issue inherent in the proposed policies: the Library wants to protect free speech including that of employees. Jacobson expressed a concern that employees need to be able to go home and have a private life; "social media should not make a difference." Dryer, acknowledged the difficulty in balancing the two objectives but reminded the Board that when you send an electronic message, you lose control. It is now public and actionable under the law.

Dryer noted that those who were opposed to setting parameters for civil engagement via social media should vote against the policies, acknowledging the drafts were written to give protection to the organization and County. He also noted, however, that without a policy the employee is flying blind and has no idea what is acceptable. Whether or not the Library has a policy does not change the law, and employees will be held accountable by the law.

By way of example, Dryer noted most sexual harassment has evolved beyond groping in the workplace and now takes place via lewd comments online. Just because harassment takes place on an employee's own time and is posted to their own Facebook page, doesn't make it legal. The County has liability if the post is reported to supervisors and action is not taken.

Employees voiced support for the stable limits set by the proposed policy, Wangsgard noted. They want to know what the limits are, what actions should be taken, and that they are protected. Dryer reiterated that the trend is for government to give this guidance to employees.

Jacobson again noted he thought the action taken by an employer should be against content, not the method of communication.

Lovato asked Dryer to address the difficulty in removing an inappropriate post from a social media site, stating that “even if a site is taken down, it really doesn’t go away, right”?

To great extent, yes, transparent digitized information does not go away, Dryer responded, there should be no expectation of privacy. Post something that is funny at the time, but inappropriate a few years later, and it will stay around to haunt. The proposed policies are opportunities to help employees and the general public understand the context of social media and recognize that individuals have a real persona and on-line persona. Once an online persona is established, it is hard to delete or change so you can present the real “you.”

There being no further questions or comments, Dryer summarized the intent of the two draft documents, noting the first policy for consideration, “Social Media,” affects communications between and among staff. It is an internal document. The second policy, Terms of Use of Social Media Sites Operated by Weber County Library System, relates to sites the Library runs and tells users there are some terms that they must abide by if they wish to participate; that is, no racist comments and no commercial use, for example. This policy looks outward.

Irvine asked if they were ready to call for a vote on the two policies.

Stokes made a motion to approve the Social Media Policy. Taylor second, the motion. There being no further discussion, it was approved by unanimous vote.

Stokes moved to approve the Terms of Use of Social Media Sites Operated by Weber County Library System. Taylor seconded the motion. There being no further discussion, the motion passed by unanimous vote.

Irvine thanked Dyer for his counsel and noted that in her view the policies will work well to guide civil interactions between and among the staff and members of the public. She acknowledged the innate danger to people who do not understand their own settings on Facebook, or who do not have an awareness of changes made in the transparency of their posts by those who host social media sites. We all need to be wary, she noted.

Hurtado concurred, pointing out that one way to consider social media interactions is to think of the posts as producing evidence.

Three-Year Technology Services Plan:

Jones presented the 2014-2016 Library Technology Plan, noting the Board approved plan will be sent to the State Library for their information. In the past, the Plan was required for participation in State and Federal grant funding opportunities, but that requirement no longer exists. Nonetheless, the approved Plan will be forwarded to give State officials insight into the direction taken by the Library System.

Jones reviewed major elements of the plan, including the mission statement; strategic plan and justification; a technology inventory, arranged by building and equipment/software type; and

future hardware, software, and telecommunications service plans. All of the items in the 2014 procurement list had been approved in the current year budget allocation.

Stokes noted that self-scanning kiosk was a timely acquisition and should be welcomed by the public.

Taylor asked for a review of the difference between Sierra and Encore software systems.

Jones explained Sierra is a new platform that upgrades all the modules of the current library integrated (computer) system (LIS). Modules include, but are not limited to, materials acquisitions, cataloging, interlibrary loan, materials borrowing, serials management, and inventory control. The Sierra upgrade will be completed this spring and the staff will master the new technology in time for full integration into the Headquarters Library when it opens in late 2015. Encore is the name given to the public access catalog. It will be upgraded to Encore ES. The Encore upgrade will have many advantages for the public, including access to the catalog via cell phones and tablets. The Encore ES upgrade will be complete before the Sierra upgrade begins.

Jacobson asked for a review of those items that were accomplished during 2013 and asked if any items were carried over to 2014. Jones noted some items were carried from one year to the next, as they are either multi-year projects or his team may not have yet found the right package. For example, after research and development, they may find a future software release is a better fit than immediate implementation. Encore could have been upgraded during 2013, but it was determined that time and resources would be better utilized by waiting for the enhanced system version available in 2014. Jones will provide a complete update during a subsequent meeting.

Taylor moved acceptance of the plan. The motion was seconded by Jacobson. There being no further discussion, all voted in favor of adoption of the plan as presented.

Other:

Stokes asked that the Board to set some time aside, perhaps in a work session or during the next meeting select an official spokesperson for the Board.

There being no further business, Stokes proposed and Spencer seconded a motion to adjourn at 6:10 p.m. All voted in the affirmative.

Respectfully submitted: Julia Valle 4 Feb 2014
Julia Valle Date