

THE MARSHALL PUBLIC LIBRARY INTERNET USE POLICY

Purpose For Providing Internet Use

The Marshall Public Library provides limited access to the Internet in a non-public forum, as a service to the citizens of Marshall and Harrison County. The Internet is a resource that enables the Library to provide the public access to information beyond the confines of its own collection. Currently, the Internet is an unregulated medium and while it makes available material that is personally, professionally, culturally and educationally enriching, it also provides access to sites containing material that some patrons may find offensive or objectionable as well as access to sites that are illegal, unlawful or obscene.

The Marshall Public Library is not a commercial Internet service provider. It is the City's policy to provide Internet access to the public within the limits of available space, equipment, time, personnel, and other resources at the Library. The City cannot guarantee access to the Internet at any given time. In offering Internet access, it is not the intent of the City to create a public forum with respect to the receipt and communication of information through the Internet.

The City of Marshall does not promote or condone the use of its computer system for illegal purposes and expressly prohibits the same as well as accessing illegal sites. Further, the City finds there is material on the Internet while not obscene, is not appropriate for minors due to explicit sexual descriptions or graphics. The City recognizes that while it is a Library policy for minors to be accompanied by parents or guardians, minors do utilize all Library resources, including the Internet, outside of their parents' presence. The City of Marshall, through the Library, has a compelling interest to assist parents in protecting the welfare of minors (persons under the age of 18 years of age) who are vulnerable and unable to make critical decisions in an informed and mature manner, particularly when viewing illegal material on the Internet.

This Internet Policy is intended to affirm and serve to advance the following governmental interests:

- (1) The protection of children from exposure to obscene material, child pornography, or material harmful to them; and
- (2) The prevention of the creation of a sexually hostile work environment for library Staff and patrons, and the prevention of discriminatory conduct; and
- (3) The minimization of providing access to illegal pornography; and
- (4) The aid and support of Federal and state criminal and civil laws designed to deter and punish trafficking in obscenity, child pornography, stalking, and harassment by means of computer; and
- (5) The aid and support of parents and/or the guardians of children in the discharge of their primary responsibility for their children's well being.

In providing computer access as an information resource, such as the use of or providing access to or through the Internet, the City realizes that electronic display is more public in nature than other print media. It also recognizes that while it is impossible to monitor totally all the information or images that can be accessed on the Internet, some amount of control can be exercised. The City will seek to facilitate, provide, and encourage Internet use that is in accord with general community standards. The public dissemination of obscene material or child pornography is not necessary or required under the Library's mission and is inconsistent with public policy and community standards.

Prohibited Access Criteria

To address the above stated concerns, the City will implement software, network control, and/or filter mechanisms designed to limit or restrict access to sources of information or images, which could be characterized as illegal materials as defined in the Texas Penal Code. Illegal materials are those that meet the definition of obscenity, harmful materials to minors, and child pornography as defined by the Texas Penal Code Sections 43.21, 43.24 and 43.26 as follows:

- A. The Texas Penal Code defines obscenity as:
"Material the average person applying contemporary community standards would find that taken as a whole, it appeals to prurient interest in sex; and depicts or describes patently offensive representation or descriptions of: patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals in discernibly turgid state or device designed and marketed as useful for simulation of the human genital organs; and taken as a whole, lacks serious literary, artistic, political, scientific value."
T.P.C. 43.21.
- B. The Texas Penal Code defines material harmful to minors as:
"Material whose dominate theme taken as a whole appeals to the prurient interest of a minor, in sex, nudity, or excretion; is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and, is utterly without redeeming social value for minors."
T.P.C. 43.24
- C. The Texas Penal Code defines child pornography as:
"Visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct."
T.P.C. 43.26

Unblocking Procedure

- A. Any library patron who finds himself or herself blocked from an Internet site he or she believes contains material that does not meet the Criteria listed above may make a request that the specific site be unblocked. The request shall be made pursuant to the appeal procedure detailed in the Rules of Use for the Internet policy.
- B. An adult library patron may request unfiltered access to the Internet for serious literary, artistic, political, or scientific purposes, and the City may temporarily disable the software and/or control mechanisms.
- C. When a request is received under Subsection (A) or (B), the Library must make its decision as soon as possible, but not later than the close of the following working day. If a decision is not made by such time, the request shall be granted pending review.

Disclaimers Regarding Internet Use

The City cannot verify or be held responsible for the accuracy, reliability, quality, timeliness, or legality of information found on the Internet. Even filters cannot insure that obscene and other illegal materials are not available. Due to the Internet capability to constantly change and establish new sites, user expertise, and other technology, it is still possible to access illegal, obscene or offensive sites. The City of Marshall makes no guarantee that such access will not occur even with the use of filtering software. The selection of a filtering program is solely within the discretion and judgment of the City. Users accept responsibility for information displayed or printed during their Internet session.

The City also reserves the right to adopt regulations setting time limits on any of its workstations in order to maximize the efficient and effective use of the Internet and other Library information resources.

The City of Marshall cannot guarantee that access to sites containing adult entertainment, pornography, or illegal activities will be blocked. The City of Marshall expressly disclaims any liability or responsibility resulting from the use of its computer system or selection of a filtering program.

Because of the unsettled state of applicable state and federal laws, this policy is considered to be a working document. The City reserves the right to make any changes in this policy at any time.

Supervising Minors' Use

Because the Internet includes information, which parents and guardians may deem to be inappropriate for their children, parents and guardians must provide the necessary guidance and oversight of their children. The Library System and Staff cannot act in the place of a parent or guardian. The safety and security of minors using electronic mail and other forms of direct electronic communication are the responsibility of the parent/guardian.

Rules and Regulations Governing Use of Internet

The City shall develop Rules of Use For the Internet and any other additional regulations or alter existing ones, as necessary, to ensure reasonable use of the Internet, to protect Library equipment, or to initiate new services available through the Internet. Violation of the Library's Internet Use Policy and of any other rules and regulations may result in a loss of access to the Internet through the Library's Internet connection and/or a loss of other Library privileges.

Approved by the City Commission on June 13, 2002.

RULES OF USE FOR THE INTERNET AND COMPUTER WORKSTATIONS

As a condition of Internet use at the Marshall Public Library, each user must agree to comply with all applicable laws, rules, and regulations, including without limitation, all rules and regulations, which may be established from time to time by the City. The City reserves the right to refuse access to the Internet to any person or persons for the violation of this or any other policy of the City, in accordance with applicable law.

- A. In order to use the Internet or Gates computer workstation, you must:
1. Present a valid Marshall Public Library card in your name;
 2. Register your use of the workstation with the library staff;
 3. Obtain the written consent of your parent or legal guardian specifying your privileges, if you are under the age of 18 years of age;
 4. Agree to abide by all of the rules of use established by the City of Marshall and the library Board of Trustees.
- B. Users may not:
1. Use workstations to gain access to the Library's networks or computer systems or any other network or computer system;
 2. Obstruct other patron's work by consuming gratuitously large amounts of system resources;
 3. Make any attempt to damage computer equipment or software;
 4. Make any attempt to alter software configurations or add or delete bookmarks;
 5. Use any Library workstation for any illegal or criminal purpose;
 6. Insert any diskette into a workstation that has not been acquired during that visit to the library from the library staff; You may not use your own software programs, nor your own diskettes on the Internet access computer; (If you wish to save files, diskettes can be purchased from the library staff for a minimal charge);
 7. Install or download any software into the workstation;
 8. Attempt to use library Internet connections for any commercial purpose;
 9. Create disruptions (loud talking, cell phone use, crawling or crying babies, etc.) in the area of the Internet workstations or participate in disruptive behavior;
 10. Attempt to use the workstations for "chat rooms" or "games".
 11. Make any attempt to cause degradation of system performance.
 12. Engage in any activity which is deliberately and maliciously offensive, libelous, or slanderous.
 13. Violate copyright laws or software licensing agreements in their use of Library workstations.
- C. U. S. Copyright Law (Title 17, U.S. Code) prohibits the unauthorized reproduction or distribution of copyrighted materials, except as permitted by principles of "fair use." Users may not copy or distribute electronic materials (including electronic mail, text, images, programs or data) without the explicit permission of the copyright holder. Any responsibility for any consequences of copyright infringement lies with the user; the Library expressly disclaims any liability or responsibility resulting from such use.
- D. Time on the workstation is limited to thirty (30) minutes (or 60 minutes 10:00-3:00 Monday – Friday) when others are waiting to use it. You may reserve in advance the use of a workstation for two non-consecutive hours per week. In the event that a workstation has been reserved through the library staff and you are using that workstation during that reserved time period, you may have to discontinue use when a reserved use period arises.
- E. If a user is blocked from a site, they may request that the specific site be unblocked. Request should be emailed to the following address: library@marshalltexas.net. All requests should include the complete URL address of the site that is blocked and an email address to which a response may be sent. All requests will receive a response no later than the close of the next business day.
- F. Should a user desire to access a workstation without the filtering software, the user may be allowed access to a workstation without the filtering software under the following conditions:
1. Access shall be available only after the user:
 - a. Has attempted to access a site on a filtered computer and has been denied access; and
 - b. Has employed the appeal procedure outlined above in section F.
 2. Requests for unfiltered access to a workstation should be emailed to library@marshalltexas.net. All requests will receive a response no later than the close of the next business day.
 3. The user shall not access information or images that meet the prohibited access criteria as provided in the library's Internet Use Policy.
 4. The Internet Use Policy shall apply in every aspect at any workstation without the software and/or network control mechanisms.
- G. Confidentiality
Transaction logs and any other information that can be used to identify a user with specific data, files, programs, or other electronic materials are considered to be confidential as provided for the Texas Government Code § 552.124.