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Policy on Expressive Activity

A. **Preamble: Statement of Philosophy, Scope, and Purpose**

1. In part, the “mission of the Batavia Public Library is ... to create a welcoming place to gather, exchange ideas, and participate in cultural events.”¹
2. Pursuant to this mission, the Batavia Public Library (“Library”) has a significant public interest in promulgating First Amendment principles, as well as protecting patrons’ access to the Library.
3. Further, the Library strives to treat all Library users in a fair, consistent, and equitable manner.
4. The Library has chosen to operate consistently in compliance with its Statement of Mission and First Amendment doctrines.
5. Therefore, this Policy designates a portion of the Library campus as a “limited public forum” for expressive activity and regulates such activity.

B. **Definitions:** As used in this Policy:—

1. The term “Library” means the Batavia Public Library.
2. The term “campus” means the Library’s premises; that is, the building (indoor spaces) and grounds (outdoor spaces, including parking lots) occupied by the Library, which the Library considers a non-public forum.
3. The term “expressive activity” means circulating petitions, distributing leaflets, conducting surveys, engaging in demonstrations, and other activities that are considered as protected speech and in the public interest pursuant to First Amendment principles, with the exception of commercial speech—the primary purpose of which is to sell a product or service, or related thereto—and fundraising activities, which are not allowed on the Library’s campus.

¹STATEMENT OF MISSION: The mission of the Batavia Public Library is to provide and ensure access to materials and services to meet the lifelong learning needs of residents and organizations, as well as to create a welcoming place to gather, exchange ideas, and participate in cultural events.

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4. The term “limited public forum” means a non-public forum that has been designated by government fiat—in this instance by the Board of Library Trustees, the Library’s governing body—as open to expressive activity consistent with the Library’s Statement of Mission and regulated pursuant to First Amendment principles.

C. Policy on Expressive Activity

1. **Building:** Expressive activity is prohibited in the Library’s building.
2. **Grounds:** Expressive activity is allowed on the Library’s grounds, as follows:—
 - a. **Time:** Expressive activity is allowed only during the Library’s hours of operation.
 - b. **Place:**—
 - (1) Expressive activity is allowed on the private east–west sidewalk that lies between the east–west driveway adjacent to the parking lot (upper level) and the courtyard walls, and which runs east from (and perpendicular to) the public sidewalk adjacent (and parallel) to Batavia Avenue past the main entrance, and which terminates at (and slightly beyond) the exterior stairway to the lower level, except as follows:—
 - (a) That area that runs south from the main entrance to the curb of the parking lot and extends ($\approx 34\frac{1}{2}$ feet, east–west) from the east side of the colonnade to the west side of the colonnade.
 - (b) That area that runs east from the eastern end of the East Courtyard wall to the end of the private sidewalk.
 - (2) In order to ensure public safety, prevent disturbances, and promote the free flow of traffic—that is, maintain clear, safe, unfettered ingress to and egress from the building—expressive activity is prohibited in the following areas (as illustrated in Exhibit A, q.v.):—
 - (a) This clearly defined area will ensure that people who wish to engage in expressive activity will have access to all visitors entering or exiting the building while, at the same time, ensuring that visitors will have clear, safe, unfettered access to and from the main entrance and the exterior stairway to and from the lower level.
 - c. **Manner:**—
 - (1) No application or registration is required to engage in expressive activity; however, for review of compliance with this Policy, statistical purposes, and reasons of public safety:—
 - (a) People who plan to engage in expressive activity are encouraged to inform the Library Director or the person-in-charge of their intent.
 - (b) The Library Director or the person-in-charge is authorized to collect information on expressive activity.
 - (2) For reasons of public safety, the Library reserves the right to limit the number of people allowed to engage in expressive activity at any one time.
 - (3) Activities that are not considered expressive activity, and thus not allowed, include any activity prohibited by the “Policy on Conduct,” q.v., as well as

any activity that is not considered as protected speech and in the public interest pursuant to First Amendment principles, including but not limited to commercial speech—the primary purpose of which is to sell a product or service, or related thereto—and fundraising activities.

D. Administrative Rules and Regulations

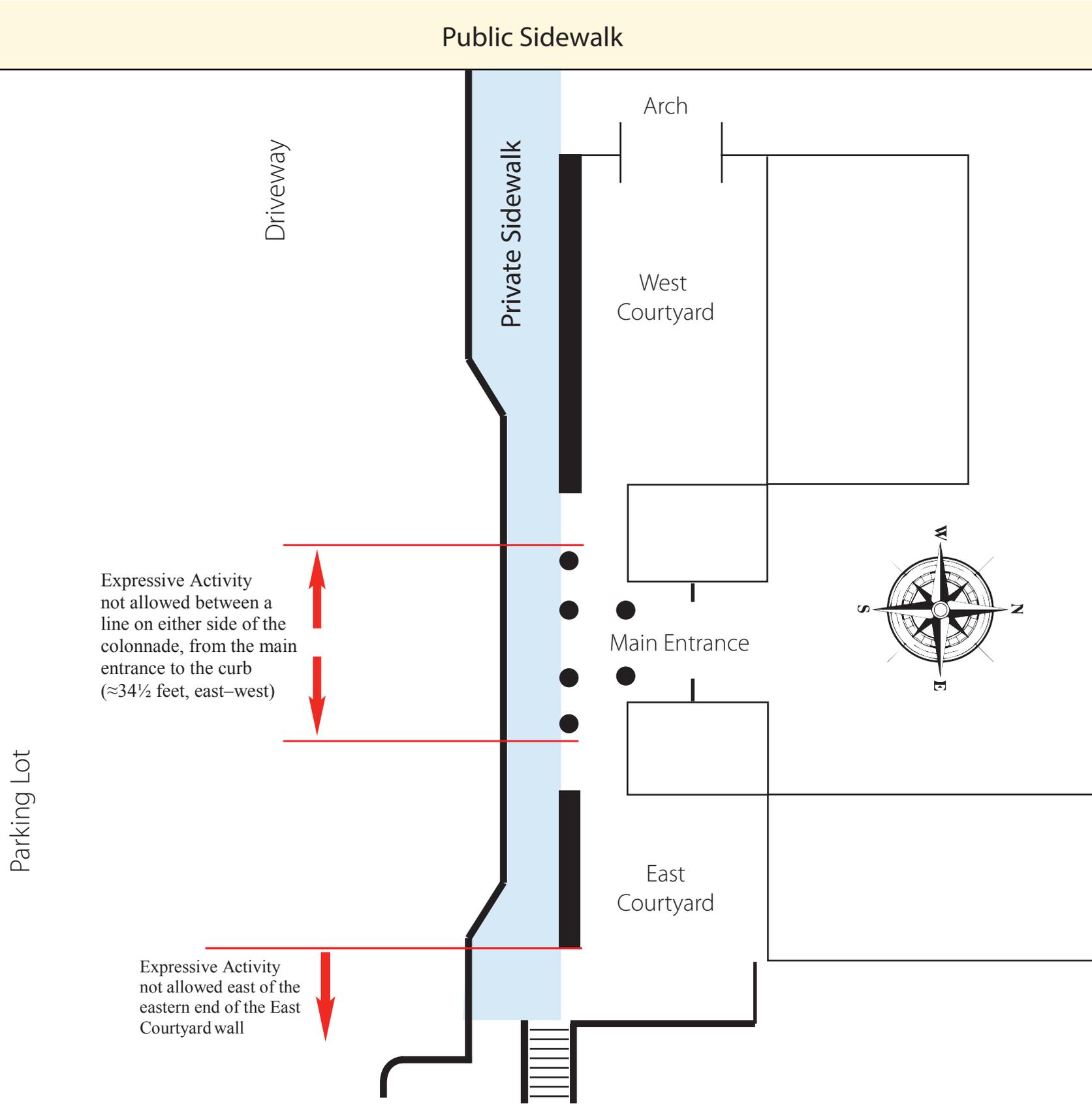
1. **Administrative Rules and Regulations:** Employees designated by the Library Director are authorized to prepare (and edit or otherwise modify from time to time as may be needed) standard operating procedures that are not inconsistent with this Policy.
2. **Conflict or Inconsistency:** In the event that there is any conflict or inconsistency between the terms and provisions of the administrative rules and regulations / standard operating procedures (if any) and this Policy, the terms and provision of the latter shall prevail.

Approval History:

- “Policy on Expressive Activity” adopted by the Board of Library Trustees on Tuesday, 21 March 2017 (Resolution 2017–003)

Exhibit A

Library Site Plan: Upper Level (Main Entrance, Private Sidewalk, Driveway)



Public Sidewalk

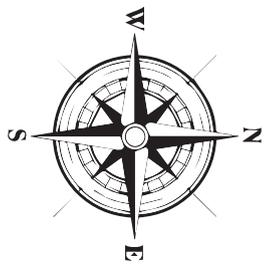
Driveway

Private Sidewalk

Arch

West Courtyard

Expressive Activity not allowed between a line on either side of the colonnade, from the main entrance to the curb (≈34½ feet, east-west)



Main Entrance

East Courtyard

Parking Lot

Expressive Activity not allowed east of the eastern end of the East Courtyard wall