

Library Code of Conduct
Appeal of Notice of Exclusion

APPEAL PROCEDURE Patrons who have been issued an exclusion notice may appeal this action by filing a written request with the City Librarian at the administration offices for the Salem Public Library, (585 Liberty St. SE, Salem, OR 97301) within fifteen (15) business days after receipt of the notice, setting forth the name and address of the appellant and the reasons why the exclusion notice should be rescinded. Failure to file an appeal within such fifteen (15) business day period shall be a waiver of all rights to review the action, and any appeal filed after this time shall be dismissed by the City Librarian or the City Librarian's designee. The name and address set forth in the written request for appeal shall be deemed correct, and mailing to the person at such address, by first class mail, shall be deemed delivered three (3) days after the date of mailing. Failure of the person to actually receive notice of the appeal hearing or the City Librarian or designee's decision if mailed to the address set forth in the written request shall not invalidate or otherwise affect the validity of any action or decision. If a request for an appeal is filed, the exclusion notice shall be stayed until such time as the City Librarian or designee has issued a final decision upholding or rescinding the notice.

Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Librarian or designee within fifteen (15) business days of the filing of the request. At least five (5) business days prior to the hearing, the City shall mail notice of the time and location of the hearing to the appellant at the address set forth on the request.

The appellant must personally appear at any hearing regarding the appeal. Failure to appear at the hearing, absent good cause shown, shall result in the dismissal of the appeal.

The City Librarian or designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Librarian or designee deems appropriate. The appellant has a right to be represented by counsel at appellant's sole expense. At the hearing the appellant may present testimony, evidence, and oral argument and may cross-examine any witnesses. The City has the burden of proof to demonstrate, by a preponderance of the evidence, that the issuance of the exclusion notice was based upon the requisite prohibited conduct by the appellant.

The City Librarian or designee shall issue a written decision within ten (10) business days of the hearing date. A copy of the decision shall be mailed to the person's address as set forth on the request and shall be deemed effective upon actual receipt, or three (3) days after mailing, whichever is sooner. If issuance of the exclusion notice is upheld, a period of exclusion shall commence immediately upon the effective date of the decision.

REFERENCE SRC 95.550. Trespass. (a) It shall be unlawful for any person to enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public, or when the entrant is not otherwise licensed or privileged to do so. (b) It shall be unlawful for any person to fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge. (c) It shall be unlawful for any person, with the intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that he has such right, to tamper or interfere with or damage property of another. Chapter 95 page 11 8/2014 (d) It shall be unlawful for any person to enter premises that are open to the public after being lawfully prohibited from entry to the premises.