Internet Policy

This is the Lincoln Public Library Internet Policy document.

Internet Policy - Lincoln Public Library

Purpose:
Internet access at the Lincoln Public Library enables the Library to provide information beyond the confines of its own collection thus extending the Library's commitment to meeting the community's information needs.

Disclaimers:

Internet access is an institutional tool provided by the Lincoln Public Library, and is a privilege which may be taken away. The Library reserves the right to access site histories and to deny a patron the privilege of Internet access if his or her use of the Internet is in violation of state or federal law, or this policy, or any other applicable rules or regulations.

The Library is not responsible for the content, accuracy or availability of information on the Internet. Information found on the Internet may be out of date, inaccurate, unreliable or incomplete. Patrons need to exercise judgment and discretion in the use of information received from the Internet. The Library board and its employees assume no responsibility for damages of any type arising from the use of any information, software or data obtained from the Internet.

The Library board and its employees are not responsible for damages to patron owned equipment including laptops and PDA devices using the Library's internet connection. This includes but not limited to, damage caused by configuration changes, viruses, spyware or other malicious code received via the Library's internet connection. The Library is not responsible for insuring the privacy of any information on a patron electronic device or data sent or received while using the Library's Internet connection.

Terms of Use:

- A parent or guardian must accompany children under the age of eight (8) while using the Internet.
- The time limit for any Internet session is 30 minutes if other patrons are waiting. Patrons must close their work and leave the computer workstation when requested by staff.
- Patrons are not permitted to physically connect their laptops and PDA devices to the Library's local area network. Instead, patrons may use the Library's wireless Internet connection to access the Internet from their laptops and PDA devices.
- The Library reserves the right to limit the number of people at each workstation. This is usually limited to two patrons at a workstation at any one time.

Prohibited Conduct:

- Patrons may not use the Library's Internet workstations or connection to display or to transmit threatening or harassing material or engage in any activity that is deliberately offensive or creates an intimidating or hostile environment. Loud or disruptive behavior is prohibited.
- Hacking (purposely violating computer or network security) or the dissemination of viruses, harmful computer code, hoaxes, or deceptions is prohibited. Violations of copyright or software licensing agreements are prohibited. The proper authorities will be notified of any violations.
- Patrons may not damage, alter, or degrade computer equipment, peripherals, software, or operating configurations. Installation of software applications or directly accessing or altering computer hard drive files is not permitted. Patrons may not shut down computer workstations.

- Patrons may not access, display, distribute, or print images or graphics of obscene or pornographic materials or material that violates laws relating to child pornography (including but not limited to Mass. G.L. c. 272, §§29A, 29B, 29C), or laws relating to possession and/or distribution of obscene material or material "harmful to minors" (including but not limited to Mass. G.L. c. 272, §29) while using Library workstations or using the Internet connection. For purposes of this policy, a matter is defined as "obscene" and/or "harmful to minors" in accordance with Mass. G.L. c. 272, §31.
- The use of telnet, FTP, chat and instant messaging protocols is not allowed at Library Internet workstations or through the Library's Internet connection.

Filtering:
The Lincoln Public Library reserves the right to filter out any Internet site or sites that violate this agreement or causes Library computers or the Internet connection to malfunction.

Printing and Downloading:
Downloading is available only to floppy disks or USB portable storage devices (thumb drives). There is a charge for printed copies. Patrons are responsible for paying for everything they print. Fees cover ink and paper costs, therefore "mistakes" are included in printing charges.

Use of the Internet by Children:
Librarians do not serve in the place of parents and cannot act in place of parents in providing supervision of children as they explore the Internet. The responsibility for what minor children read or view on the Internet rests with parents or guardians. The Library reserves the right to restrict Internet use by children to the Internet workstations located in the Children's Department and designated workstations. The Library reserves the right to restrict Internet use by teenagers to the Internet workstations in the Children's Department at the Library. The terms of this Policy apply to the use of the Internet at workstations located in all departments.

Violations:
The Library staff reserves the right to terminate any Internet session at any time. Patrons violating this Internet Policy may lose their Internet privileges and/or other Library privileges, as appropriate.

Staff Assistance:
Library staff can offer basic instruction as time permits on how to navigate the Internet and use email. However, the time available for instruction may be limited as a result of other staff responsibilities, and patrons must be willing to explore and search the Internet on their own. If you encounter any problems, or if you observe that another patron is engaged in conduct in violation of this Policy, please let us know.

Close of Day:
The Library staff closes down Internet workstations and the wireless Internet connection ten (10) minutes before the Library closes.

Approved by the Trustees on September 13, 2005

Revised by the Trustees on January 27, 2009

Approved by Library staff and Lincoln Police Department on September 7, 2005.

Approved by Lincoln's Town Counsel on August 24, 2005

Appendix
Massachusetts General Laws Cited in this Internet Policy

CHAPTER 272. Crimes Against Chastity, Morality, Decency and Good Order

Chapter 272: Section 29A Posing or exhibiting child in state of nudity or sexual conduct; punishment

Section 29A. (a) Whoever, either with knowledge that a person is a child under eighteen years of age or while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, and with lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to pose or be exhibited in a state of nudity, for the purpose of representation or reproduction in any visual material, shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment.

(b) Whoever, either with knowledge that a person is a child under eighteen years of age or while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to participate or engage in any act that depicts, describes, or represents sexual conduct for the purpose of representation or reproduction in any visual material, or to engage in any live performance involving sexual conduct, shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment.

(c) In a prosecution under this section, a minor shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

(d) For the purposes of this section, the determination whether the person in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such person, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, or by expert medical testimony as to the age of the person based upon the person's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

Chapter 272: Section 29B Dissemination of visual material of child in state of nudity or sexual conduct; punishment

Section 29B. (a) Whoever, with lascivious intent, disseminates any visual material that contains a representation or reproduction of any posture or exhibition in a state of nudity involving the use of a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

(b) Whoever with lascivious intent disseminates any visual material that contains a representation or reproduction of any act that depicts, describes, or represents sexual conduct participated or engaged in by a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or whoever has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand nor more than fifty

thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

(c) For the purposes of this section, the determination whether the child in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such child, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, by testimony of a person who observed the visual material, or by expert medical testimony as to the age of the child based upon the child's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

(d) In a prosecution under this section, a minor shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

(e) Pursuant to this section, proof that dissemination of any visual material that contains a representation or reproduction of sexual conduct or of any posture or exhibition in a state of nudity involving the use of a child who is under eighteen years of age was for a bona fide scientific, medical, or educational purpose for a bona fide school, museum, or library may be considered as evidence of a lack of lascivious intent.

Chapter 272: Section 29C Knowing purchase or possession of visual material of child depicted in sexual conduct; punishment

Section 29C. Whoever knowingly purchases or possesses a negative, slide, book, magazine, film, videotape, photograph or other similar visual reproduction, or depiction by computer, of any child whom the person knows or reasonably should know to be under the age of 18 years of age and such child is:

(i) actually or by simulation engaged in any act of sexual intercourse with any person or animal;

(ii) actually or by simulation engaged in any act of sexual contact involving the sex organs of the child and the mouth, anus or sex organs of the child and the sex organs of another person or animal;

(iii) actually or by simulation engaged in any act of masturbation;

(iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal;

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context;

(vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or

(vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed genitals, pubic area, buttocks or, if such person is female, a fully or partially developed breast of the child; with knowledge of the nature or content thereof shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two and one-half years or by a fine of not less than $1,000 nor more than $10,000, or by both such fine and imprisonment for the first offense, not less than five years in a state prison or by a fine of not less than $5,000 nor more than $20,000, or by both such fine and imprisonment for the second offense, not less than 10 years in a state prison or by a fine of not less than $10,000 nor more than $30,000, or by both such fine and imprisonment for the third and subsequent offenses.

A prosecution commenced under this section shall not be continued without a finding nor placed on file.

The provisions of this section shall not apply to a law enforcement officer, licensed physician, licensed psychologist, attorney or officer of the court who is in possession of such materials in the lawful performance of his official duty. Nor shall the provisions of this section apply to an employee of a bona fide enterprise, the purpose of which enterprise is to filter or otherwise restrict access to such materials, who possesses

examples of computer depictions of such material for the purposes of furthering the legitimate goals of such enterprise.

Chapter 272: Section 31 Definitions

Section 31. As used in sections twenty-eight, twenty-eight C, twenty-eight D, twenty-eight E, twenty-nine, twenty-nine A, twenty-nine B, thirty and thirty D, the following words shall, unless the context requires otherwise, have the following meanings:--

"Disseminate'', to import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display.

"Harmful to minors'', matter is harmful to minors if it is obscene or, if taken as a whole, it (1) describes or represents nudity, sexual conduct or sexual excitement, so as to appeal predominantly to the prurient interest of minors; (2) is patently contrary to prevailing standards of adults in the county where the offense was committed as to suitable material for such minors; and (3) lacks serious literary, artistic, political or scientific value for minors.

"Knowing'', a general awareness of the character of the matter.

"Lascivious intent'', a state of mind in which the sexual gratification or arousal of any person is an objective. For the purposes of prosecution under this chapter, proof of lascivious intent may include, but shall not be limited to, the following:

(1) whether the circumstances include sexual behavior, sexual relations, infamous conduct of a lustful or obscene nature, deviation from accepted customs and manners, or sexually oriented displays;

(2) whether the focal point of a visual depiction is the child's genitalia, pubic area, or breast area of a female child;

(3) whether the setting or pose of a visual depiction is generally associated with sexual activity;

(4) whether the child is depicted in an unnatural pose or inappropriate attire, considering the child's age;

(5) whether the depiction denotes sexual suggestiveness or a willingness to engage in sexual activity;

(6) whether the depiction is of a child engaging in or being engaged in sexual conduct, including, but not limited to, sexual intercourse, unnatural sexual intercourse, bestiality, masturbation, sado-masochistic behavior, or lewd exhibition of the genitals.

"Minor'', a person under eighteen years of age.

"Nudity'', uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered.

"Matter'', any handwritten or printed material, visual representation, live performance or sound recording including but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances.

"Performance'', any play, dance, exhibit, or such similar activity performed before one or more persons.

"Obscene'', matter is obscene if taken as a whole it

(1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed;

(2) depicts or describes sexual conduct in a patently offensive way; and

(3) lacks serious literary, artistic, political or scientific value.

"Sexual conduct'', human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, and any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

"Sexual excitement'', the condition of human male or female genitals or the breasts of the female while in a state of sexual stimulation or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

"Visual material'', any motion picture film, picture, photograph, videotape, book, magazine, pamphlet that contains pictures, photographs or similar visual representations or reproductions, or depiction by computer. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.