Chapter 1

Duties of the Director and Library Board

Public Library standards (590 IAC 6) define the role of the director and board members (see Chapter 3).

A. Library Director and Library Board

The library board is responsible for hiring a full-time library director with the education and experience required by the Librarian Certification Rule (590 IAC 5).

The director is the administrative head of the library and is responsible to the library board for the operation and management of the library.

The library board and director shall maintain their functions as follows:

1) The board is responsible for **governance and policy**.
2) The director is responsible for **administration**, and is responsible to library board for the operation and management of the library.

IN the Public Trust is the trustee manual. According to page D-2, **the director has the responsibility to:**

- Implement board policies
- Represent the library in negotiations, public relations and other public events
- Recommend staff for hiring
- Direct, supervise, educate, evaluate and discipline all staff
- Prepare the annual budget for approval by the board
- Manage the finances of the library
- Oversee the assets of the library
- Plan the annual operations of the library to fit into the long-range plan of the board
- Assist the board in the governance of the library by informing the board of the status of the library and recommending policy direction for the board
- Report to the board the results of board actions
- Remain current and knowledgeable about the library and appropriate methods of operation
- Prepare an annual report of the progress of the library and submit that report to the

board and to the Indiana State Library.

The library director is the person ultimately responsible for the library. Even though the board is governing the library, the director is managing it and all of its resources. This includes the facilities, finances, personnel, and inventory.

Depending on the size of the library, you will either be working with a team of professionals which you will oversee in their management of select resources, or you will be the one and only manager juggling the management of everything – or something in between.

The first duty of the new director is to find out which scenario fits your library, and roll with it. Either you will be fixing a stopped-up toilet and scraping ice off of the sidewalks in between budget and programming meetings, or you will be making sure that these tasks get done while you deal with issues only the large libraries encounter, such as investments and foundations.

One thing you need to realize, however, is that you are not alone. That is what this guide is all about – to provide you with the resources and contact information you will need to manage your library. The State Library is here to aid you in your quest to provide Indiana residents with top-notch library service.

Another resource is your peers. Many directors in Indiana have mentored new library directors in the past, and many continue to do so. Get on a listserv www.in.gov/library/listservs.htm ask questions, check out statistics on the ISL website www.in.gov/library/plstats.htm to find libraries of similar size and call those directors. Librarians in Indiana are a very giving bunch, so don't reinvent the wheel. You will be asked to provide payback someday!

The following is adapted from the Small Library Project Pamphlet #3, "The Trustee of a Small Public Library," published by American Library Association. Also included here are requirements found in section 6-1-4 of **590 IAC 6 Minimum Standards for Public Libraries.** Please see Chapter 2 in this manual for full recommendations.

Recommended Duties of the Library Board

1. Maintain separate function from the director: board is responsible for governance and policy.
2. Operate in compliance with Ind. laws
3. Employ a full-time library director with the education and experience required by the Librarian Certification Rule (590 IAC 5)
4. Know the program and needs of the library in relation to the community; keep abreast of standards (see Chapter 3 for newest standards).
5. Comply with state and federal laws affecting the library and employment procedures.
6. Adopt proposed library budget that adequately funds library's programs and purpose.
7. Establish a library policy for book and materials selection commensurate to your community size and adhering to standards.

8. Establish, support and participate in a planned public relations program.
9. Attend all board meetings and see that accurate records are kept on file at the library.
10. Attend regional, state, and national trustee meetings and workshops, and affiliate with the appropriate professional organizations.
11. Be aware of the services of the Indiana State Library.
12. Report regularly to governing officials and the general public.

Recommended Duties of the Director

1. Maintain separate function from the board: director carries out policy of board, and is responsible for administration, operation and management of library.
2. Keep the board informed of Indiana Laws and legislation.
3. Keep board informed on certification requirements and keep up-to-date on certification.
4. Prepare regular reports embodying the library's current progress and future needs; cooperate with the board to plan and carry out the library program. Comply with newest standards. (See chapter 3)
5. Provide documentation for board drafting personnel policies and procedures.
6. Prepare an annual budget for the library in consultation with the board and give a current report of expenditures against the budget at each meeting.
7. Select and order books and materials to support your community adhering to standards with regard to your community.
8. Maintain an active program of public relations.
9. Attend all board meetings.
10. Affiliate with state and national professional organizations and attend professional meetings and workshops.
11. Make use of Indiana State Library services and library consultants.
12. Report regularly to the library board, to the officials of local government, and to the general public.

B. Working with the Library Board

(Excerpt from the Idaho Librarian Survival Manual)

When you were hired, you became an employee of your library's board of trustees. Most of the time, working with your library board will be easy, because you and the library board have a common interest and a common mission: to provide your community with the best possible library service. Good board members will be your best allies in working for better service. They will bring ideas, encouragement and enthusiasm to the library.

The keys to working with your library board are **respect, communication, and tact**. As a new librarian, recognize that the library and the library board have a history. The board is used to doing things in certain ways. Unless they have had serious problems, board members are not likely to be interested in changing what they see as successful. They are not likely to change things unless you can give them good reasons, and even then, it may take some time for them to develop trust of your judgment.

During your first year, you probably will want to spend more time in trust building rather than in problem solving with your library board. Try to get to know each board member personally, find out what they think about the library and where they want the library to be going.

It is also vitally important to communicate as much information as possible to your library board members. If you see a potential difficulty coming up, make sure that the board is aware of it, even if you are afraid it reflects badly on you. No one likes to be surprised by a major problem that everyone else saw coming. At the same time, do not dwell on the negative. Make sure that the board knows about the library's successes too.

While it is true that the library board is charged with setting policy, you will know more about the day-to-day operations of the library. Board members sometimes have ideas that simply are not workable or that will end up hurting the library. As the library director, it is your duty to inform the board of what you expect the practical consequences of their decisions will be. However, once the decision is made, it is your responsibility to carry it out to the best of your ability, even if you don't agree with it.

Another problem that sometimes occurs is when a board member interferes with the administration of the library. The trustee may come in and tell you to make changes, interfere with the work of your staff, or go out into the community and misrepresent the library's position on various issues. In these cases, it is important for you to remember that legally individual board members have no power over the library. It is only when the board acts as a group at an official meeting that library policy is made.

It is all well and good to know that an individual board member doesn't have the authority to interfere with the administration of the library, but s/he still represents one seventh of your boss. If this trustee has been on the board for a long time or is an officer of the board, s/he may even have more power than that with the board. What do you do in a case like this?

1. First, remember to keep your cool. Treat the request with respect and tact.
2. Second, tell the board member that you do not feel comfortable making the change without the full board acting on it. Tell the board member that you will ask the board chair to put the issue on the agenda for the next board meeting or even to call a special meeting if necessary.
3. Third, look for some alternative that you can use without board approval to solve the problem between the time the problem arises and the next board meeting. Make sure that the alternative that you choose conforms to present policy.

What should you do if the board makes a decision that you do not agree with? Unless the decision is illegal or unethical, it is your responsibility to carry out the decision as best you can.

Try to make it work and don't express your negative opinion to the public or staff. If the decision creates problems for the library, document these and bring them to the board. Don't forget if the decision turns out to be a good one, however, to compliment the board on it.

New Trustee Orientation

Once new trustees have come on the board, it is very useful if your board members and you can give the new trustee an orientation to the library. You should also make sure that new trustees have received a copy of **IN the Public Trust**, the manual for Indiana public library trustees, as well as copies of important local documents, such as bylaws, policy statements, and minutes from the previous year. Please download a copy of **IN the Public Trust** from the Library Development Office website at www.in.gov/library/3274.htm. If you need assistance with this, please contact the office at 1-800-451-6028, or ldo@library.in.gov. By working with trustees while they are new on the board, you can build the kind of positive relationship that will most benefit your library.

Certificate of Appointment for Public Library Board Members

Once appointed by an appointing authority, according to IC 36-12-2-19, the appointing authority needs to provide the new board member with a completed "Certificate of Appointment". The new board member must take the oath of office within 10 days of receiving the Certificate of Appointment. A copy of the Certificate of Appointment must be provided to the library director for the purpose of filing the certificate with the official papers of the library. The Certificate of Appointment must also be filed with the clerk of the circuit court in your county within 30 days from taking the oath of office or the library board appointment becomes **null and void** (IC 5-4-1).

The certificate is found at this URL: www.in.gov/library/files/plbmcertap.pdf.)

Ensuring attendance of board members at meetings

The simplest way to get better attendance is to ask an attorney to explain board member liability to your board members. Missing a meeting is risky. If those who attend take action

that is illegal, even those who were not there to vote are at risk. Being there and voting "no" on the action is much better protection. A vacancy occurs whenever a member is absent from six (6) consecutive regular board meetings for any cause other than illness. The appointing authority shall be notified by the secretary of the board of a vacancy. (IC 36-12-2-20(b))

A few points to consider regarding your board meetings:

1. Are meetings businesslike and productive?
2. Are meetings under two hours?
3. Are the agenda items board level items or are the board dealing with trivial matters?
4. Is everyone encouraged to participate?
5. Does another board member contact the missing board member(s) after the meeting and encourage them to attend next time?

Engaging Board members in planning and participating in library projects

Be positive. Get board members to buy into planning. As ideas are mentioned and discussed, ask the board member who seems most interested or who suggested something in particular to chair a committee to develop that plan or policy. Be sure to use people from the community, staff, Friends of the Library, teachers, etc., on the committee with the board member. It is always good to get the ideas of a wide range of the community. Again, be positive. Get the board excited. Brainstorm, but don't run a topic into the ground. Your excitement can be contagious. Serve food!

Sample Library Board Bylaws

These are **suggestions** only. They indicate the points to be covered, but each library board must adapt them to fit local conditions. Bylaws are required by Indiana Public Library Standards, 590 IAC 6, in order for the library to be in compliance with standards and qualify for state and federal funds and must be on file at Indiana State Library. 590 IAC 6-1-4(g) "The library shall have written bylaws that outline its purpose and its operational procedures and address conflicts of interest issues and nepotism. The by-laws shall be reviewed at least every three years. A copy of the bylaws shall be submitted to the Indiana State Library."

Article I Membership, Purpose and Authority

Section 1. The _____ Public Library is a municipal corporation and Class [#] library organized under the public library provisions of IC 36-12. The purpose of the library is to meet the educational, information, and recreational interests and needs of the public.

Section 2. In accordance with the provisions of IC 36-12, the library board of _____ Public Library shall consist of members chosen for their fitness for public library trusteeship.

Section 3. The library board shall govern the library under according to the purposes and authority set forth in IC 36-12, as amended, and such other Indiana and federal laws as affect the operation of the Library.

Article II Officers

Section 1. Officers of the board shall be a President, Vice President, Secretary and Treasurer.

Section 2. The officers shall be elected at the January meeting and shall serve a term of one year. Vacancies in office shall be filled at the next regular meeting of the board after the vacancy occurs.

Section 3. The duties of the officers shall be such as by custom and law and the rules of this board usually devolve upon such officers in accordance with their titles. (Or the duties might be defined here.)

Article III Meetings

Section 1. The library board shall meet on the (___) of each month at (___) o'clock at the (location). The (name a month) meeting shall be the annual meeting.

Section 2. Special meetings may be called by the President, or upon written request of 2 members, for the transaction of business as stated in the call. Notice stating the time and place of any special meeting and the purpose for which called shall be given each member of the board at least 2 days in advance of such meeting and to the local media 48 hours in advance, as according to law.

Section 3. A quorum for the transaction of business shall consist of a majority-equal to 50% of the number of seats established by law-plus one. This is regardless of any current vacancies on the library's board. Any vote by a board which does not have a quorum present may be legally invalid.

Section 4. Order of business may be:

Call to order

Reading and approval of minutes

Approval of bills

Report of the librarian

Committee reports

Communications

Unfinished business

New business

Adjournment

Section 5. *Robert's Rules of Order*, last revised edition, shall govern the parliamentary procedure of the board.

Article IV Committees

(Suggestion: Special committees for the study of special problems may be appointed by the chairman, with the approval of the board, to serve until the final report of the work for which they were appointed has been filed at a regular library board meeting. Bylaws might include provision for standing committees appointed by the president at the first meeting following the annual meeting, to serve for one year. A **finance committee**, which might be either a standing committee or a special committee, would assist the library director in preparing the annual budget and represent the library board to justify it before the governing body.

In most matters, the board's most effective operation is as a committee of the whole. Boards of larger libraries may need other committees to advise the librarian and to represent the board in the community on such subjects as buildings and maintenance, personnel, library program, and extension of service.

Special committees may investigate, study, and report all matters on which the board can **act** more expeditiously as a whole.)

Article V Library Director

The library director shall be considered the executive officer of the board and shall have sole charge of the administration of the library under the direction and review of the board. The

library director shall be held responsible for the care of the building(s) and equipment, for the employment and direction of the staff, for the efficiency of the library's service to the public, and for the operation of the library under the financial conditions set forth in the annual budget. The library director shall attend all library board meetings, except those at which her/his appointment, salary, or performance is to be discussed or decided.

Article VI Ethics for Library Trustees

Trustees, in the capacity of trust imposed upon them, shall observe ethical standards with absolute truth, integrity and honor.

Trustees must promote a high level of service while observing ethical standards.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the institution.

Trustees will not use the library for personal advantage or the personal advantage of friends or relatives.

It is incumbent upon any Trustee to disqualify himself/herself immediately whenever the appearance of a conflict of interest exists.

Article VII Nepotism

Board members and their immediate family members (as defined below) will be excluded from consideration for employment by the organization.

Employees shall not hold a position with the organization while they or members of their immediate family (as defined below) serve on the board of directors or any committee of the board.

Employees may not hold a job over which a member of their immediate family exercises supervisory authority. In this section and sections 1 and 2 above, immediate family includes the following: husband, wife, son, son-in-law, daughter, daughter-in-law, father, father-inlaw, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, and grandchildren.

Article VIII Amendments

These bylaws may be amended at any regular meetings of the library board with a quorum present, by majority vote of the members present, providing the amendment was stated in the agenda for the meeting.

Sample Nepotism Template to Include in the Bylaws

Part One

1. Board members and their immediate family members (as defined below) will be excluded from consideration for employment by the organization.
2. Employees shall not hold a position with the organization while they or members of their immediate family (as defined below) serve on the board of directors or any committee of the board.
3. Employees may not hold a job over which a member of their immediate family exercises supervisory authority. In this section and sections 1 and 2 above, immediate family includes the following: husband, wife, son, son-in-law, daughter, daughter-inlaw, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, and grandchildren.

Part Two

It is well accepted that employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In these circumstances, all parties, including supervisors, leave themselves open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, performance evaluations, promotions, demotions, disciplinary actions, and discharge. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

It is XYZ's policy that relatives of persons currently employed by XYZ may be hired only if they will not be working directly for or supervising a relative. If already employed, they cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned shall decide who is to be transferred. If that decisions is not made within 30 calendar days, management shall decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purpose of this policy, a relative is defined to include spouses, parents, children, brothers, sisters, brothers-and sisters-in-law, father-and mothers-in-law, stepparents, stepbrothers, stepsisters, and stepchildren. This policy also applies to individuals who are not legally related but who reside with another employee.

Part Three

EMPLOYMENT OF SPOUSES: With respect to the employment of relatives, XYZ reserves the right to: Refuse to place one spouse under the direct supervision of the other spouse where such has the potential for creating an adverse effect on supervision,

safety, security, or morale.

a. Refuse to place both spouses in the same department, division, program or facility where such has the potential for creating an adverse effect on supervision, safety, security, morale, or involves potential conflicts of interest.

EMPLOYMENT OF OTHER RELATIVES: Relatives, up to and including first cousins of any agency employee, board of trustee or any:

a. Person exercising, hiring, promotion, and termination authority may not be hired into agency service without approval of the chief executive or the executive committee of the board of trustees.

b. Relatives within the third degree of kinship by blood or marriage of any agency employee, regardless of status, will not be hired in the same department, division, program, or facility where such has the potential for creating an adverse effect on supervision, safety, security, morale or involves potential conflicts of interest without the written prior approval of the chief executive.

c. If two (2) employees marry or become related, or cohabit and a conflict arises, only one (1) of the employees will be permitted to stay with XYZ unless reasonable accommodations can be made to eliminate the potential problems. The decision as to which relative will remain with XYZ must be made by the two (2) employees within three (3) calendar days or by XYZ on the basis of service value.

IC 35-44.1-1-4 Conflict of interest
http://iga.in.gov/legislative/laws/2015/ic/titles/035/articles/44.1/

IC 5-16-11-5.5 Conflicts of interest; consultants

http://iga.in.gov/legislative/laws/2015/ic/titles/005/articles/016/chapters/011/

IC 5-16-11-6 Conflict of interest disclosure; filing

http://iga.in.gov/legislative/laws/2015/ic/titles/005/articles/016/chapters/011/

Lucrative Office

http://iga.in.gov/legislative/laws/const/

Article 2 Section 9 of the Constitution of Indiana, states:. No person holding a lucrative office or appointment under the United States or under this State is eligible to a seat in the General Assembly; and no person may hold more than one lucrative office at the same time, except as expressly permitted in this Constitution. Offices in the militia to which there is attached no annual salary shall not be deemed lucrative.

(History: As Amended November 6, 1984).

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

State Form 54266 (R2 / 6-15) / Form 236
STATE BOARD OF ACCOUNTS

Indiana Code 35-44.1-1-4

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from IC 35-44.1-1-4. Care should be taken to review IC 35-44.1-1-4 in its entirety.

1. **Name and Address of Public Servant Submitting Statement:**_____

   _____

2. **Title or Position With Governmental Entity:** _____

3. a. **Governmental Entity:** _____

   b. **County:** _____

4. **This statement is submitted (check one):**

   a._ as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or

   b._ as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. **Name(s) of Contractor(s) or Vendor(s):** _____

   _____

   _____

6. **Description(s) of Contract(s) or Purchase(s)** *(Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship.)*:

   _____
   _____
   _____
   _____
   _____

7. **Description of My Financial Interest** *(Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.)*:

_____
_____
_____
_____
_____
_____

(Attach extra pages if additional space is needed.)

8. **Approval of Appointing Officer or Body** *(To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university.)*:

I (We) being the _____ of
(Title of Officer or Name of Governing Body)

_____ and having the power to appoint
(Name of Governmental Entity)

the above named public servant to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 35-44.1-1-4; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

_____	_____
_____	_____
_____	_____
Elected Official	Office

9. **Effective Dates** *(Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.)*:

_____	_____
Date Submitted *(month, day, year)*	Date of Action on Contract or Purchase *(month, day, year)*

10. **Affirmation of Public Servant:** This disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: _____
(Signature of Public Servant)

Date: _____
(month, day, year)

Printed Name: _____
(Please print legibly.)

Email Address: _____

Within fifteen (15) days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts by uploading it here https://gateway.ifionline.org/sboa_coi/ which is the preferred method of filing, or by mailing it to the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2765 and the Clerk of the Circuit Court of the county where the governmental entity took final action on the contract or purchase.

Board Composition

The 237 Public Library Districts in Indiana vary in territory composition and classification. These include: City/Town Libraries, County Libraries, City/Town/Township(s) Libraries. Many are Class 1 libraries governed by a seven member appointed board.

A library board appointee needs to reside in the library district at the time of their appointment and needs to have resided there for at least two years immediately preceding the appointment. Typically a seven member board for a Class 1 library consists of:

- 1 county commission appointment
- 1 county council appointment
- 3 school board appointments

And the last two appointments vary based on the territorial composition of the library district (for example, library is only in one city; library is in one township, etc.)

In addition to the library types mentioned above with seven member library boards, there are four county contractual libraries in Indiana that appoint a separate four member board. The four (4) additional members of a county contractual library board required by IC 36-12-6-2 are appointed as follows:

> (1) Two (2) members appointed by the executive of the county in which the county contractual library district is located.
>
> (2) Two (2) members appointed by the county superintendent of schools, or if there is no county superintendent of schools, by the county auditor of the county in which the library district is located.

There are a handful of libraries which are an exception to the seven member library boards and the additional 4 member boards that represents contractual library composition. In general, the remaining libraries are endowed libraries that have board appointments that represent their endowment interests.

Resources referenced in this chapter:

- Certificate of Appointment Public Library Board Member www.in.gov/library/files/plbmcertap.pdf
- Uniform Conflict of Interest Disclosure Statement – Form 54266 State Forms Online Catalog at http://www.in.gov/iara/2362.htm
- IN The Public Trust

  www.in.gov/library/3274.htm
- Idaho Librarian Survival Manual

  http://files.eric.ed.gov/fulltext/ED381172.pdf

Other Helpful information:

Library law found here http://iga.in.gov/legislative/laws/2015/ic/titles/036/articles/012/

IC 36-12-2 and IC 36-12-3 Public Libraries: Organization and Board Members

The code includes board appointment information, terms, meetings, treasurer information, duties, powers, etc.

Additional Trustee Trainings:

Contact the LDO Office at (800) 451-6028 to arrange an onsite presentation of trustee-related topics. Sample training topics include:

1. The Public Library Trustee: General Overview of what they do, how to do it, and what to do next.
2. Everything You Wanted to Know About a Public Library Budget from Creation to Execution
3. The Public Library Trustee and the Public Library Director- Governance and Management
4. The Public Library Trustee and Policies
5. The Unserved Area and How to Begin to Bring It into Your Library District
6. Committees, Meetings, and the Open Door Law