

Vermont Statutes and Standards Related to Libraries

Catherine Delneo,
State Librarian and Commissioner,
Department of Libraries
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Title 22:

Libraries, History, and
Information Technology

<https://legislature.vermont.gov/statutes/title/22>

Chapter 4: Library Patron Records

Library record confidentiality; exemptions (22 V.S.A. § 172)

(a) A library's patron registration records and patron transaction records shall remain confidential.

Chapter 4: Library Patron Records

Definitions (22 V.S.A. § 171)

(1) “Library” means a public library as defined in subdivision 101(2) of this title; **any college, university, or school library; or any other library or archive that is open on a regular basis and makes available on site or circulates materials to the public without a fee.**

Chapter 4: Library Patron Records

Definitions (22 V.S.A. § 171)

(2) “Patron registration records” means library records that contain information a library patron must provide in order to be eligible for borrowing privileges at a library.

Chapter 4: Library Patron Records

Definitions (22 V.S.A. § 171)

(3) “Patron transaction records” means library records that contain names or other personal identifying information that discloses an individual’s activities within a library, including the materials that have been viewed in print or electronic form, research questions posed, materials in any format that the patron has requested through interlibrary loan or has borrowed, or any other library service or consultation that the patron has requested.

Chapter 4: Library Patron Records

Library record confidentiality; exemptions (22 V.S.A. § 172)

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

- (1) with the written permission of the library patron to whom the records pertain;
- (2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;
- (3) **in response to an authorized judicial order or warrant directing disclosure;**
- (4) to custodial parents or guardians of patrons under age 16; or
- (5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

<https://www.ala.org/ala/washoff/contacttwo/oitp/emailtutorials/privacya/10.htm>

Chapter 4: Library Patron Records

Library record confidentiality; exemptions (22 V.S.A. § 172)

c) Statistical records pertaining to the patronage, circulation activities, and use of any service or consultation the library provides, provided that they do not contain the names of patrons or any other personally identifying information, shall be exempt from the provisions of this chapter.

Chapter 4: Library Patron Records

Right of Patron Action (22 V.S.A. § 173)

Any person whose confidential patron registration records or patron transaction records have been disclosed, except as provided in this chapter, is authorized to bring a civil action against the library that disclosed the records.

Chapter 3: Public Libraries

<https://legislature.vermont.gov/statutes/chapter/22/003>

What is a Public Library?

22 V.S.A. § 101

“Public library” means any library established and maintained by a municipality or by a private association, corporation, or group to provide basic library services free of charge to all residents of a municipality or a community and which receives its annual financial support in whole or in part from public funds.

<https://legislature.vermont.gov/statutes/section/22/003/00101>

Public Libraries Are Essential Resources

22 V.S.A. § 67

(a) The General Assembly declares it to be the policy of the State of Vermont that free public libraries are essential to the general enlightenment of citizens in a democracy and that every citizen of the State of Vermont should have access to the educational, cultural, recreational, informational, and research benefits of a free public library. <https://legislature.vermont.gov/statutes/chapter/22/003>

Two Types of Public Libraries

Incorporated

Trustees to whom real or personal property is devised, bequeathed, granted, conveyed, or donated for the foundation and establishment of a public library, may, unless otherwise provided by the deviser, grantor, or donor of the property, in order to promote the establishment, maintenance, and management of the library, form a corporation under the provisions of this section and section 103 of this title. **22 V.S.A. § 102(a)**

The Vermont Nonprofit Corporation Act, in Title 11B of the Vermont Statutes, governs nonprofit organizations in Vermont. <https://legislature.vermont.gov/statutes/title/11b>

Municipal

(a) A municipality may establish and maintain for the use of its residents public libraries. (b) A municipality may provide library services to the residents of other municipalities, upon terms to be agreed upon, and may annually contract with a library or library corporation to furnish library materials to its residents free of charge and may appropriate money for that purpose and may annually appropriate money for the maintenance, care, increase, and support of a library held in trust for the residents of the municipality. **22 V.S.A. § 141(a)**

Incorporated Libraries

22 V.S.A. § 102

Trustees to whom real or personal property is devised, bequeathed, granted, conveyed, or donated for the foundation and establishment of a public library, may, unless otherwise provided by the devisor, grantor, or donor of the property, in order to promote the establishment, maintenance, and management of the library, form a corporation under the provisions of this section and section 103 of this title.

The Vermont Nonprofit Corporation Act, in Title 11B of the Vermont Statutes, governs nonprofit organizations in Vermont.

<https://legislature.vermont.gov/statutes/title/11b>

Role and Number of Trustees: Incorporated Libraries

22 V.S.A. § 103

An organization formed under the provisions of section 102 of this title shall be a body corporate and politic to be known by the name stated in its certificate. It shall have and possess the ordinary rights and incidents of a corporation, and shall be capable of taking, holding, and disposing of real and personal estate for the purposes of its organization. The provisions of a will, deed, or other instrument by which an endowment of a library is provided, and accepted by the trustees, managers, or directors shall, as to such endowment, be a part of the organic and fundamental law of such corporation.

<https://legislature.vermont.gov/statutes/section/22/003/00103>

22 V.S.A. § 104

The trustees, managers, or directors of such corporation shall compose its members and shall not be more than 15 nor less than five in number. <https://legislature.vermont.gov/statutes/section/22/003/00104>

Role and Number of Trustees:

Municipal Libraries

22 V.S.A. § 143

(a) Unless a municipality which has established or shall establish a public library votes at its annual meeting to elect a board of trustees, the governing body of the municipality shall appoint the trustees. The appointment or election of the trustees shall continue in effect until changed at an annual meeting of the municipality. The board shall consist of not less than five trustees who shall have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library. The board may appoint a director for the efficient administration and conduct of the library. <https://legislature.vermont.gov/statutes/section/22/003/00143>

Public Libraries are Tax Exempt

In Vermont, both municipal public libraries and incorporated libraries are tax exempt.

22 V.S.A. § 109

When the instrument providing the endowment declares that the institution shall be a free public library, such library and other property of the corporation shall be forever exempt from taxation.

<https://legislature.vermont.gov/statutes/section/22/003/00109>

Typical Library Board Responsibilities

- Bylaws: review and update
- Policies: create, review, and update
- Strategic and long-range planning
- Hire & supervise the library director
- Establish the library budget and request municipal funds
- Stewardship of the library building and grounds
- Meet regularly and effectively
- Be a champion for the library
- Ensure compliance with funding and grant terms

Chapter 13: Department of Libraries

<https://legislature.vermont.gov/statutes/chapter/22/013>

22 V.S.A. § 605 Duties and Functions

The duties and functions of the Department of Libraries shall be to provide, administer, and maintain:

- (1) A law library to serve the Supreme Court, the Attorney General, other members of the Judiciary, the legal profession, members of the Legislature, officials of State government, and the general public.
- (2) A collection of federal documents.
- (3) An information and reference service to State government, including a comprehensive collection of current information relating to matters of public policy and topics pertinent to State government.
- (4) A general library collection of a sufficient size and scope to reinforce and supplement the resources of local and regional libraries. All materials of the Department of Libraries shall be available for free circulation to all citizens, institutions, and organizations under regulations of the State Librarian except that the State Librarian may restrict rare or reference-type materials to one location. The Department shall arrange, classify, and catalog all materials in its custody and provide for their safekeeping and shall rebind books as needed. The Department shall provide service to other libraries in the State, schools, and individuals and may provide service by mail or book wagon or otherwise.
- (5) A service of advice and consultation to all libraries in the State, in order to assist them in realizing their potential. This service shall be provided at a regional level as well as at the State level. The Department may provide centralized cataloging and other related technical services to libraries in the State to the extent feasible.
- (6) All libraries in State correctional institutions and all State institutions for the treatment of persons with a mental condition or psychiatric disability and persons with an intellectual disability.
- (7) Reading materials for persons who are blind and persons with a physical disability.

22 V.S.A. § 606 Other Duties and Functions

The Department, in addition to the functions specified in section 605 of this title:

- (1) Shall administer any grants-in-aid to libraries which may be available from State funds, and may prepare plans and applications to obtain federal aid monies which may be available.
- (2) Shall provide consultative services to other libraries in the State, and shall encourage formation of central records of library holdings.
- (3) Shall promote improved communications among libraries in the State as well as cooperative use of facilities.
- (4) May provide facilities in cooperation with other libraries for storage of little-used materials.
- (5) May conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State.
- (6) May receive and administer gifts of real and personal property accepted by the Governor on behalf of the State under 29 V.S.A. § 101.
- (7) May dispose of by sale or exchange, or may discard, material which is obsolete or has ceased to be useful, because of its physical condition or otherwise. Any proceeds from the sale or disposition of materials shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department for the purchase of library materials.
- (8) Shall be the primary access point for State information, and provide advice on State information technology policy.

Chapter 2: Interstate Library Compact

<https://legislature.vermont.gov/statutes/section/22/002/00021>

22 V.S.A. § 21 Policy and purpose—Article I

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

Minimum Standards for Vermont Public Libraries

Vermont Department of Libraries,
Effective November 1, 1986.

<https://libraries.vermont.gov/sites/libraries/files/PublicLibraries/1986%20Minimum%20Library%20Standards.pdf>

Standards Emphasize Four Essentials

- Public Service,
- Public Access,
- Interlibrary loan cooperation, and
- Community involvement.

The public should have access to library services.

1. is open for service to all ages throughout the year at least 14 hours a week, including at least 4 hours after 5 pm or on weekends.
2. has a sign with the library's name clearly visible from the street and has hours of service posted in a location accessible to the public at all times.
3. has a telephone listed under the library's name.
4. is willing to serve all Vermonters. Basic library services are provided free of charge to all residents of the town or designated service area. Nonresident support not to exceed local per capita tax support may be charged. (Fines or deposits may levied. Privileges may be denied irresponsible borrowers.)
5. serves the handicapped.
6. has cataloged its collection to allow public access.

A public library draws support from its community and should spend its money responsibly.

7. receives and expends total local support of at least \$3.00 per capita, of which at least some is local tax support. Documented in-kind contributions may be included.
8. has separately designated budget items for adult and children's library materials (books, periodicals, tapes, sound recordings, films, etc., not including supplies).
9. expends for library materials either (a) at least 15% of the total library operating expenditures or (b) at least \$1.00 per capita.
10. budgets funds to reimburse staff for attendance at workshops or professional meetings, as well as travel to the regional library to select supplementary collections.

Public libraries should cooperate with other libraries to broaden their services.

11. contributes catalog cards at least annually to the Vermont Union Catalog.
12. supplies all statistical data required by the Department of Libraries.
13. communicates and cooperates with its local school library and other area libraries.
14. communicates and cooperates with its regional library, including sending a representative to the regional library, as needed, to select supplementary collections of books.
15. is willing to loan and borrow materials through the statewide interlibrary loan network according to the Vermont Interlibrary Loan Code.

A public library must have a librarian responsible for its overall operation.

16. is responsible for carrying out the policies of the board of trustees and takes an active role in policy development, planning and budgeting.

17. is not a trustee of the library, but attends board meetings.

18. and staff (except volunteers) receive at least the federal or state minimum hourly wage (whichever is higher) and are covered by Social Security, according to federal law. The library may be staffed entirely by volunteers.

19. possesses either a library science degree or a Vermont certificate of library training; or has actively worked toward one of these in the past twelve months.

20. is responsible for collection development, including materials selection and weeding.

The board of trustees represents the community and is responsible for policymaking.

21. is responsible for assessing community needs, developing responsive plans of service, and evaluating library performance.

22. has adopted and annually reviews a written policy including:

- a. a statement of purpose,
- b. affirmation of principles of intellectual freedom,
- c. confidentiality of library records,
- d. collection development guidelines.

A copy of the current policy must be filed with the Department of Libraries.

23. has a written job description for the librarian and evaluates the librarian's performance at least annually.

24. includes the librarian in all meetings with the exception of executive sessions.

25. meets at least every three months in meetings warned and open to the public, according to the Vermont Open Meeting Law (1 V.S.A. 312 - 317).

26. makes an annual financial and statistical report to municipal authorities and the public, which is included in the town, city or village report.

27. has at least one member appointed by municipal authorities or one member publicly elected at a duly warned town, city, or village election.

A "community" library (a combined school-public library) or a public library located in a school or other multi-purpose building (town clerk's office, senior center, etc.) must make special effort to meet the needs of the general public.

28. provides ready public access by being in a location convenient to all users, by having an entrance

directly accessible by the public, and by having its own telephone listed under the library's name.

29. provides materials and reading space for all ages.

30. conducts public relations and/or sponsors programs specifically aimed at those who might not readily come to the facility (In a school setting, this would include preschoolers and adults; in a senior center, this would include children; etc.)

31. is administered year-round by a librarian who is responsible for serving the total community.

32. has a board which represents the community served (In a school setting, no more than half of the board members may come from the school sector) and addresses the unique division of responsibility resulting from the shared situation.

Voluntary in Nature

“Meeting standards is purely voluntary. The Department of Libraries provides service to all public libraries, whether they meet standards or not. It may, however, offer additional services to those public libraries which meet standards.”

Administrative Procedure Act (APA)

The screenshot shows the website <https://sos.vermont.gov/secretary-of-state-services/apa-rules/>. The page features the Vermont Secretary of State logo and a photo of Secretary Copeland Hanzas. The navigation menu includes: Notices of Rulemaking, Newspapers of Record, APA Forms, and Filing Tools. The main content area is titled "Administrative Procedure Act (APA)" and contains the following text:

The Vermont Administrative Procedure Act was first adopted in 1968 (Act No. 360 of 1967 Adj.), and governs the process by which administrative rules are to be adopted by state agencies. It can be found at [Title 3 V.S.A. Chapter 25](#).

The Office of the Secretary of State is charged with specific duties under this statute, including:

- creating forms for rule filings
- receiving rule filings
- publishing [notices of rulemaking](#) online
- publishing notices of rulemaking in [newspapers of record](#)
- arranging publication of a bulletin of rules (aka [Code of Vermont Rules](#))
- providing a repository for rule filings

Rule on Rulemaking

The Office of the Secretary of State has adopted the [Rule on Rulemaking](#) for the effective administration of Title 3 V.S.A. Chapter 25. Please note that the Rule on Rulemaking has been amended and went into effect as of October 15, 2010. Please download the most [up-to-date forms](#) for each filing.

If you have general questions about the rulemaking process, please email sos.statutoryfilings@vermont.gov or call **802-828-3700**.

The sidebar on the left includes "Relevant Laws & Rules" with links to [3 V.S.A. Chapter 25](#), [CVR 04-000-001 \(Rule\)](#), and [Rule on Rulemaking](#). It also features a search bar, "Quick Links" for [Notices of Rulemaking](#), [Newspapers of Record](#), [APA Forms](#), [Filing Tools](#), and [Publication Calculator](#), and a "Visit the Calendar Page" button.

<https://sos.vermont.gov/secretary-of-state-services/apa-rules/>
<https://sos.vermont.gov/media/ejdio5by/ruleonrulemaking.pdf>

Vermont Open Meeting Law

The Vermont Secretary of State's **Guide to Open Meetings** is resource for all public bodies.

<https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>

Per the Minimum Standards, *all* public libraries are encouraged to “meet at least once every three months in meetings warned and open to the public, according to Public Meeting Law.”

- Municipal public library boards are public bodies so *must* adhere to Vermont Open Meeting Law.
- Incorporated public library boards are not public bodies, so are not *required* by law to adhere to Vermont Open Meeting Law.

Records Retention

The Vermont Secretary of State has published an Agency Specific Record Schedule for Municipal Library, Board of Trustees

https://sos.vermont.gov/media/hfei51zd/municipallibraries_approvedrecordschedule.pdf

- Municipal public library boards *must* adhere to the Agency Specific Record Schedule for Municipal Library Board of Trustees.
- Incorporated public library boards are not public bodies, so are not *required* by law to adhere to Public Meeting Law but are encouraged by the Department to do so.

Access to Public Records

Title 1: General Provisions

Chapter 5: Common Law Subchapter 3: Access to Public Records

<https://legislature.vermont.gov/statutes/section/01/005>

- Municipal public library boards *must* adhere to the statute pertaining to access to public records.
- Incorporated public library boards are not public agencies, so are not *required* by law to adhere to statute pertaining to access to public records but are encouraged by the Department to do so.

Questions?