



ETHEL EVERHARD MEMORIAL LIBRARY

Effective July 9, 2018

Ethel Everhard Memorial Library • 117 East 3rd Street, Westfield, WI 53964 • Telephone 608-296-2544

INTERNET USE POLICY

In response to advances in technology and the changing formats of information the Internet, as an information resource, enables the library to offer information beyond the confines of its own collection. Individuals who use the Internet at the Ethel Everhard Memorial Library or through the library's wireless connections are expected to do so in a responsible, ethical way.

The Ethel Everhard Memorial Library provides Internet access for the public. Patrons can choose to use the computers provided by the library or to use their own equipment. If using their own equipment, they will still be expected to comply with provisions of the Internet Use Policy. If using the library's equipment, users are also limited to 60 minutes when there is a waiting list.

The Ethel Everhard Memorial Library assumes no responsibility or liability for the use of the Internet by children. All responsibility for a child's use of the Internet rests with the parent, guardian or caregiver. Parents should monitor their children's use of all library materials, including the Internet. All minors must have parental consent in the form of a signed "Acceptable Internet Use Agreement" to be kept on file at the library prior to using the Internet.

Computer sign-in data may be kept on file but is considered confidential. Users of library Internet services should realize they can have no expectation of privacy while using the Internet as this is a public, shared service.

Library staff is available to assist in use of the Internet but may not be familiar with every application you wish to use. There may not always be an Internet trained librarian on duty. Library staff cannot provide complete technical support.

Information on the Internet may be fact or opinion; it may be reliable and current, or it may be inaccurate, out-of-date or unavailable at times. Some content may be offensive or illegal. It is not possible for the library to review and protect patrons from all such information; therefore, patrons must exercise their responsibility as discriminating information consumers by constantly questioning the validity and appropriateness of the information they find. By accessing the Internet through the library, patrons agree that the library will not be responsible for any indirect, consequential, special or punitive damages or losses which may arise in connection with such use.

Internet users should exercise caution when sharing personal information (name, address, password, telephone number, school or work, credit card number, etc.) on the Internet. This includes but is not limited to email, instant messaging, online purchasing, social media sites and commercial sites. The library cannot be responsible for security of personal information shared on or with non-library sites. The Ethel Everhard Memorial Library assumes no liability for any loss or damage to the user's data or equipment or other injury that may occur from the individual's use of the library's Internet services.

USAGE AGREEMENT

The library expects that anyone who accesses the Internet at the library or through the library's wireless connections will agree to the following:

- Resources will not be used for illegal or unethical purposes.
- The privacy of others will be respected by not: misrepresenting oneself as another user, attempting to crash, degrade performance, modify or gain unauthorized access to the library's or any other computer system, network or database.
- Users will not send, receive or display text or graphics that may be reasonably construed as harassment, obscene, harmful, threatening, abusive or offensive to either adults or minors as defined by Wisconsin State Statute Sec. 948.11 (see attached).
- Users will only make authorized copies of copyrighted or licensed data as defined by U.S. copyright law (Title 17, U.S. Code).

U.S. copyright law (Title 17, U.S. Code) prohibits the unauthorized reproduction or distribution of copyrighted materials, except as permitted by the principles of fair use. Users may not copy or distribute electronic materials (including electronic mail, text, images, programs or data) without the explicit permission of the copyright holder. Any responsibility for any consequences of copyright infringement lies with the user; the Ethel Everhard Memorial Library expressly disclaims any liability or responsibility resulting from such use.

Misuse, abuse, unauthorized use or unethical use of the Internet will result in application of the following disciplinary steps: 1st offense: The patron will be reminded of the Library's policy. 2nd offense: The user will lose that day's computer privilege. 3rd offense: Patron will be suspended from the computer for four weeks. 4th offense: Patron will be suspended from the computer for one year. If the offender is a minor under the age of 16, his/her parent will also be notified of each incident.

Illegal uses of the library's computers or wireless networks may also be subject to prosecution by local, state or federal authorities.

Use of the Library's Internet access constitutes acceptance of this agreement.

Approved 04/09/2001

Amended 11/13/2006

Amended 07/09/2018

Acceptable Internet Use Agreement for Minors

I understand that the Ethel Everhard Memorial Library and its staff cannot be responsible for information accessed through online resources and that there are NO FILTERS on the library computers.

I will limit my use to 60 minutes when there is a waiting list and pay 20 cents per page for anything I print out.

I will make only authorized copies of copyrighted or licensed material.

I will respect the privacy of others by not misrepresenting myself as another user.

I will not send, receive, or display text or graphics, which may reasonably be construed harassment, obscene, harmful, threatening, abusive, or offensive.

I will not use the Internet for illegal or unethical purposes.

I understand that I will be responsible for any damage to the library's software or hardware, and that the use of personal software is not allowed.

I understand that a minor's access to the Internet at the library is the responsibility of the parent or legal guardian.

I understand that any misuse of the Internet at the library will result in the loss of Internet access at the Ethel Everhard Memorial Library.

I HAVE READ THE ABOVE POLICY AND AGREE TO THE TERMS OUTLINED.

Last Name

First

Birth Date

User's Signature Date

Parent or Guardian's Signature Date

Approved 04/09/2001

Amended 11/13/2006

Amended 07/09/2018

Wisconsin State Statute Sec 948.11

Exposing a child to harmful material or harmful descriptions or narrations.

(1) DEFINITIONS. In this section:

(ag) "Harmful description or narrative account" means any explicit and detailed description or narrative account of sexual excitement, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality that, taken as a whole, is harmful to children.

(ar) "Harmful material" means:

1. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body that depicts nudity, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and that is harmful to children; or
2. Any book, pamphlet, magazine, printed matter however reproduced or recording that contains any matter enumerated in subd. 1., or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and that, taken as a whole, is harmful to children.

(b) "Harmful to children" means that quality of any description, narrative account or representation, in whatever form, of nudity, sexually explicit conduct, sexual excitement, sadomasochistic abuse, physical torture or brutality, when it:

1. Predominantly appeals to the prurient, shameful or morbid interest of children;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for children; and
3. Lacks serious literary, artistic, political, scientific or educational value for children, when taken as a whole.

(d) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(e) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(f) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(2) CRIMINAL PENALTIES.

(a) Whoever, with knowledge of the character and content of the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful material, with or without monetary consideration, is guilty of a Class I felony if any of the following applies:

1. The person knows or reasonably should know that the child has not attained the age of 18 years.
2. The person has face-to-face contact with the child before or during the sale, rental, exhibit, playing, distribution, or loan.

(am) Any person who has attained the age of 17 and who, with knowledge of the character and content of the description or narrative account, verbally communicates, by any means, a harmful description or narrative account to a child, with or without monetary consideration, is guilty of a Class I felony if any of the following applies:

1. The person knows or reasonably should know that the child has not attained the age of 18 years.
2. The person has face-to-face contact with the child before or during the communication.

(b) Whoever, with knowledge of the character and content of the material, possesses harmful material with the intent to sell, rent, exhibit, play, distribute, or loan the material to a child is guilty of a Class A misdemeanor if any of the following applies:

1. The person knows or reasonably should know that the child has not attained the age of 18 years.
2. The person has face-to-face contact with the child.

(c) It is an affirmative defense to a prosecution for a violation of pars. (a) 2., (am) 2., and (b) 2. if the defendant had reasonable cause to believe that the child had attained the age of 18 years, and the child exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence.

(3) EXTRADITION. If any person is convicted under sub. (2) and cannot be found in this state, the governor or any person performing the functions of governor by authority of the law shall, unless the convicted person has appealed from the judgment of contempt or conviction and the appeal has not been finally determined, demand his or her extradition from the executive authority of the state in which the person is found.

(4) LIBRARIES AND EDUCATIONAL INSTITUTIONS.

(a) The legislature finds that the libraries and educational institutions under par. (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings and audiovisual materials that reflect the cultural diversity and pluralistic nature of American society. The legislature further finds that it is in the interest of the state to protect the financial resources of libraries and educational institutions from being expended in litigation and to permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.

(b) No person who is an employee, a member of the board of directors or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while in his or her capacity as an employee, a member of the board of directors or a trustee:

1. A public elementary or secondary school.

2. A private school, as defined in s. [115.001 \(3r\)](#), or a tribal school, as defined in s. [115.001 \(15m\)](#).

3. Any school offering vocational, technical or adult education that:

a. Is a technical college, is a school approved by the department of safety and professional services under s. [440.52](#), or is a school described in s. [440.52 \(1\) \(e\) 6., 7. or 8.](#); and

b. Is exempt from taxation under section [501 \(c\) \(3\)](#) of the internal revenue code, as defined in s. [71.01 \(6\)](#).

4. Any institution of higher education that is accredited, as described in s. [39.30 \(1\) \(d\)](#), and is exempt from taxation under section [501 \(c\) \(3\)](#) of the internal revenue code, as defined in s. [71.01 \(6\)](#).

5. A library that receives funding from any unit of government.

(5) SEVERABILITY. The provisions of this section, including the provisions of sub. (4), are severable, as provided in s. [990.001 \(11\)](#).

History: [1987 a. 332](#); [1989 a. 31](#); [1993 a. 220, 399](#); [1995 a. 27 s. 9154 \(1\)](#); [1997 a. 27, 82](#); [1999 a. 9](#); [2001 a. 16, 104, 109](#); [2005 a. 22, 25, 254](#); [2009 a. 302](#); [2017 a. 59](#).

This section is not unconstitutionally overbroad. The exemption from prosecution of libraries, educational institutions, and their employees and directors does not violate equal protection rights. *State v. Thiel*, [183 Wis. 2d 505, 515 N.W.2d 847](#)(1994).

An individual violates this section if he or she, aware of the nature of the material, knowingly offers or presents for inspection to a specific minor material defined as harmful to children in sub. (1) (b). The personal contact between the perpetrator and the child-victim is what allows the state to impose on the defendant the risk that the victim is a minor. *State v. Trochinski*, [2002 WI 56, 253 Wis. 2d 38, 644 N.W.2d 891, 00-2545](#).

Evidence was not insufficient to sustain the jury's verdict solely because the jury did not view the video alleged to be "harmful material," but instead heard only the children victim's and a detective's descriptions of what they saw. *State v. Booker*, [2006 WI 79, 292 Wis. 2d 43, 717 N.W.2d 676, 04-1435](#).

"Verbally" in sub. (2) (am) is most reasonably read as proscribing communication to children of harmful matter in words, whether oral or written, and to distinguish sub. (2) (am) from sub. (2) (a), which primarily proscribes visual representations. *State v. Ebersold*, [2007 WI App 232, 306 Wis. 2d 371, 742 N.W.2d 876, 06-0833](#).

When the jury was instructed that the state had to prove only that the defendant exhibited harmful material to the child and the instruction did not include the word "knowing" or "intentional," in light of the instructions in the case and reviewing the proceedings as a whole, there was a reasonable likelihood that the jury was confused and misled about the need for the state to prove an element of the crime. *State v. Gonzalez*, [2011 WI 63, 335 Wis. 2d 270, 802 N.W.2d 454, 09-1249](#).