

# GUIDELINES FOR THE DEVELOPMENT OF POLICIES AND PROCEDURES REGARDING USER BEHAVIOR AND LIBRARY USAGE

## Introduction

Libraries are faced with problems of user behavior that must be addressed to ensure the effective delivery of service and full access to facilities. Library governing bodies should approach the regulation of user behavior within the framework of the *ALA Code of Ethics*, the *Library Bill of Rights* and the law, including local and state statutes, constitutional standards under the First and Fourteenth Amendments, due process and equal and equitable treatment under the law.

Publicly supported library service is based upon the First Amendment right of free expression. Publicly supported libraries are recognized as limited public forums for access to information. Courts have recognized a First Amendment right to receive information in a public library. Library policies and procedures that could impinge upon such rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

There is a significant government interest in maintaining a library environment that is conducive to all users' exercise of their constitutionally protected right to receive information. This significant interest authorizes publicly supported libraries to maintain a safe and healthy environment in which library users and staff can be free from harassment, intimidation, and threats to their safety and well-being. Libraries should provide appropriate safeguards against such behavior and enforce policies and procedures addressing that behavior when it occurs.

In order to protect all library users' right of access to library facilities, to ensure the safety of users and staff, and to protect library resources and facilities from damage, the library's governing authority may impose reasonable restrictions on the time, place, or manner of library access.

## Guidelines

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based upon constitutional principles, to develop policies and procedures governing the use of library facilities:

1. Libraries are advised to rely upon existing legislation and law enforcement mechanisms as the primary means of controlling behavior that involves public safety, criminal behavior, or other issues covered by existing local, state, or federal statutes. In many instances, this legal framework may be sufficient to provide the library with the necessary tools to maintain order.
2. If the library's governing body chooses to write its own policies and procedures regarding user behavior or access to library facilities, services, and resources, the policies should cite statutes or ordinances upon which the authority to make those policies is based.
3. Library policies and procedures governing the use of library facilities should be carefully examined to ensure that they embody the principles expressed in the *Library Bill of Rights*.
4. Reasonable and narrowly drawn policies and procedures designed to prohibit interference with use of the facilities and services by others, or to prohibit activities inconsistent with achievement of the library's mission statement and objectives, are acceptable.
5. Such policies and the attendant implementing procedures should be reviewed frequently and updated as needed by the library's legal counsel for compliance with federal and state constitutional requirements, federal and state civil rights legislation, all other applicable federal and state legislation, and applicable case law.

6. Every effort should be made to respond to potentially difficult circumstances of user behavior in a timely, direct, and open manner. Common sense, reason and sensitivity should be used to resolve issues in a constructive and positive manner without escalation.
7. Libraries should develop an ongoing staff training program based upon their user behavior policy. This program should include training to develop empathy and understanding of the social and economic problems of some library users.
8. Policies and regulations that impose restrictions on library access:
  - a. should apply only to those activities that materially interfere with the public's right of access to library facilities, the safety of users and staff, and the protection of library resources and facilities;
  - b. should narrowly tailor prohibitions or restrictions so that they are not more restrictive than needed to serve their objectives;
  - c. should attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to supersede those of the majority of library users;
  - d. should be based solely upon actual behavior and not upon arbitrary distinctions between individuals or classes of individuals. Policies should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behaviors that could disrupt library service;
  - e. should not restrict access to the library by persons who merely inspire the anger or annoyance of others. Policies based upon appearance or behavior that is merely annoying or that merely generates negative subjective reactions from others, do not meet the necessary standard. Such policies should employ a reasonable, objective standard based on the behavior itself;
  - f. must provide a clear description of the behavior that is prohibited and the various enforcement measures in place so that a reasonably intelligent person will have both due process and fair warning; this description must be continuously and clearly communicated in an effective manner to all library users;
  - g. to the extent possible, should not leave those affected without adequate alternative means of access to information in the library;
  - h. must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner.

The user behaviors addressed in these Guidelines are the result of a wide variety of individual and societal conditions. Libraries should take advantage of the expertise of local social service agencies, advocacy groups, mental health professionals, law enforcement officials, and other community resources to develop community strategies for addressing the needs of a diverse population.

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Adopted by the Intellectual Freedom Committee

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