MANAGING PROBLEM PATRONS

Are Legislation-Based Codes the Key?

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Problem Patrons: The Eternal Challenge

In Assyrian Ninevah –

“Whosoever shall carry off this tablet, or shall inscribe his name on it, side by side with mine own, may Ashur and Belit overthrow him in wrath and anger, and may they destroy his name and posterity in the land.”

From a Tablet in the Library of Ashurbanipal, King of Assyria (668 to 627 BCE).
Problem Patrons: The Eternal Challenge

In Roman Athens –

“No book shall be taken out, since we have sworn an oath to that effect.”

Problem Patrons: The Eternal Challenge

In Medieval England –

“I belonge to the Chapell of gunvylle hall;
He shal be cursed by the grate sentens
That felonlys faryth and berith me thens.
And whether he bere me in pooke or sekke,
For me he shall be hanged by the nekke,
But I be restored theder agen.”

I belong to the Chapel of Gonville Hall;
He that feloniously ferries me and bears me from thence
Shall be cursed by this great sentence:
Whether he bears me in a pouch or sack,
On account of me he shall be hanged by the neck,
Unless I be returned there again.

Bishop Wm Bateman’s *Breviary* (c. 1350), Library of Gonville & Caius College, University of Cambridge.
Problem Patrons: The Eternal Challenge

In the Young U.S. Republic –

If a student who shall take a volume from the library, shall by any means, deface or abuse it, he shall pay according to the damage done, as estimated by the faculty even to the replacing of the set; and if he shall lose it he shall pay the librarian for it, the price at which the faculty shall value the set, or else he shall replace the whole as before. If he shall not return it in three weeks after taking it out of the library, he may be deemed to have lost it, and the faculty may proceed accordingly. If the student shall refuse to comply with the decisions of the faculty, he shall be admonished, suspended or expelled as the nature of the case may require.

*Library Rules*, University of North Carolina (1799).
Problem Patrons: A Dual Confusion

Ranganathan’s Laws of Library Science

Books Are for Use
Every Reader His Book
Every Book Its Reader
Save the Time of the Reader

and

Tax-Supported Library

Patron sense of entitlement, esp. for the visitor who is not currently affiliated with the university but has some need.
For Problem Academic Patrons: A Legislation-Based Code of Conduct

Why? … It’s THE LAW!

“The maintenance and preservation of the normal educational process at the institutions of higher learning of the state of Louisiana and the ability of each individual student to pursue an education are essential to the welfare of the State of Louisiana . . .

“Presence at the institution of higher learning is a privilege, not a right.”

*Louisiana Revised Statutes* Title 17, §3101.

[“Normal educational process” and “Institution of higher learning” are defined in §3102.]
Facilities Policy. As an academic library serving an institution of higher learning of the State of Louisiana, the Library and its users are afforded the fullest protection under the Law from any and all interference, so that the normal educational process is carried out in and around the Library’s building and with the Library’s property.

Consequently, use of the Library, its building and contents, is a privilege, not a right:

Anyone who wishes to use the Library may do so in any manner consistent with or supportive of the normal educational process at the University; and,

Anyone whose conduct and/or presence, interferes with, disrupts, or otherwise hinders the normal educational process of the University must not be in or around the Library building, must not use any of the Library’s property, and must immediately leave the building and environs, if in or about the building.
Legislation-Based Code: Part B

**Code of Conduct.** To ensure the comfort and safety of all University students, faculty, staff, and administration ... as well as that of other individuals seeking reasonable assistance with their educational needs ... the Library at State University requires all individuals inside the library building, on the library’s outside porch, or the steps, sidewalks and parking lot-and-spaces serving the library to strictly obey the following Code of Conduct.

Any conduct or presence that interferes with, disrupts, or otherwise hinders the principal mission-and-purpose of this Academic Library ... that is, serving the instruction, research, and study needs of the University’s students, faculty, staff, and administration in an atmosphere free from assaults, harassment, obstruction (active or passive), threats, or violence ... or might reasonably be expected to do so, is absolutely prohibited.

Such prohibited conduct or presence includes, but is not at all limited to: ...
Legislation-Based Codes: The Good

- “Cover of Law” – Response/protection when challenged … “It’s the Law!”

- Incorporate relevant University Policy into Code of Conduct – “Cover of Policy” … e.g., from university “mission statement” to “antidiscrimination,” “violence & harassment free” and “no drug & tobacco use” policies.

- In Writing (duly adopted) and Posted (due notice).

- “Good Faith” … incorporating unconstitutional laws and policies knew/should have known unenforceable provides no protection.
Legislation-Based Codes: The Bad

- There is a common patron confusion of public university libraries with public parish libraries … ‘both are tax supported, so they must be alike.’

- The academic libraries in Louisiana’s public universities are NOT “public libraries” … by Law – State university & community college systems are “bodies corporate” that manage the institutions under them. *Louisiana Constitution* Article 8, §§6-7.1.

Parish & municipal public libraries are established by/responsible to “local governments.” *Revised Stats. Title 25, §211; Constitution* Article 6, §44.

‘Presence in a university library is a privilege’ & may not interfere with ‘the normal educational process at the university.’ *RS 17, §3101.*
Legislation-Based Codes: The Ugly

- There is always the occasional patron who considers self special ... they refuse to believe policies they dislike reflect The Law or apply to them –
  - Asserting “taxpayer rights,” and/or
  - Claiming to be afraid to come to the Library, because policies are so lawyerly & broad, they don’t know what can/can’t do.

Hold Fast ... the Law controls!

- Have a law-based code to stop those who interfere with, disrupt or otherwise hinder the Library’s educational mission; and,
- Codes evolve as new interferences, etc. appear.
Other Lib Conduct Codes: Academics

▪ **LSU** … “Borrowers have these responsibilities: Return or renew materials checked out to you on or before their due date; Protect all materials from damage and theft; Keep materials in good condition.  

Three stars Our goal in Middleton Library is to provide library materials, services, and an orderly facility to today's library users as well as future library users. * * *  

To preserve the library collections, equipment, and facilities, library patrons should be careful when consuming food and drink in the library.  

Three stars.”

▪ **LaTech** … “Courteous, responsible use is expected by all users which may include: (i) members of the LaTech community, (ii) local community residents, and (iii) members of other academic institutions.  

Three stars It is important that you have some form of current personal identification while in the Library  

Three stars Alcohol, illegal drugs, firearms, knives, tobacco products (smoke & smokeless), and other items dangerous to persons or damaging to property are not allowed in the Library. Please read the Food & Drink Policy regarding what items are allowed and disallowed.”
Other Lib Conduct Codes: Academics

▪ Baton Rouge CC  …  “BRCC is a community of individuals engaged in the task of learning and the advancement of knowledge. * * * Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law. * * * BRCC will not tolerate any form of harassment or intimidations, including, but not limited to sexual, racial, religious, age, or other forms of discrimination. * * * The following activities listed below are some examples of behavior that is unacceptable and not in keeping with the educational aims, mission, and philosophy of BRCC … * * * Visitors on campus are expected to comply with the rules and policies of the college.”

▪ River Parishes CC  …  “The RPCC Library will be a safe and welcoming environment for all students, faculty, staff, and members of the community. * * * All students are expected to adhere to [RPCC] behavior guidelines * * * Non-students using Library materials and facilities will also be expected to conduct themselves in a manner that reflects the highest behavioral standards.”
Other Lib Conduct Codes: Publics

- **East Baton Rouge PL** …  “EBPL is a public agency supported by the taxes of the citizens of the parish, and they have the right to expect an atmosphere conducive to study, reading, and the legitimate use of library materials and services. To foster such an environment, patrons must act in a considerate and appropriate manner. Any behavior that disrupts the orderly use of the library or that affects the staff’s ability to provide service is strictly prohibited. * * * ”

- **New Orleans PL** …  “The following behaviors are prohibited on NOPL property … any illegal or improper activity on the part of any customer that violates any federal, state, or local laws, including, but not limited to, the following … ”

**Note:** These public library codes of conduct are ‘lawyerly & broad,’ may on violation result in “suspension of library privileges,” in “banning from the Library,” and, in the case of EBP citizens, specifically apply to them as “taxpayers.”
Managing Problem Patrons through Legislation-Based Codes of Conduct

by

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