

**Subject:** Patron Conduct  
**Effective:** March 2005  
**Revised:** February 2010

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## 1.0 PURPOSE

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This policy provides a framework for handling inappropriate patron conduct and complaints of patron conduct in a public library by:

- identifying behaviour that is not acceptable in a library;
  - providing a process for resolving behaviours and complaints; and
  - identifying the responsibilities of all parties in resolving a behaviour and/or complaint.
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## 2.0 APPLICATION

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This policy applies to:

- public library service offered in a physical or virtual environment, whether used in person or by telephone, fax, e-mail, or on-line.
- New Brunswick Public Library Service (NBPLS) employees, volunteers and patrons.
- library security personnel (where applicable) who are helping staff enforce a library suspension issued.
- patrons using internet access computers and/or personal communication devices (e.g. laptops, notebooks, etc.) in public/public-school libraries; see also NBPLS Policy 1073 – Internet Access.

This policy **does not** apply to:

- patrons' unpaid library fines and fees; for this subject see NBPLS Policy 1055 – Library Fines and Fees.

Prohibitions issued under the New Brunswick [Trespass Act](#) do not apply to public or public-school libraries. See section 6.8 of this policy for requirements on permitting access to the library in such cases.

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### 3.0 DEFINITIONS

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- 3.1 Library** (including bookmobile herein) refers to the physical facility and/or specific service used by a patron. It does not include the surrounding property.
- 3.2 Library suspension** refers to a prohibition from entering a specific library or from using a specific library service for a defined period of time, **not to exceed one year**. A suspension issued in one library does not apply to other libraries in the New Brunswick public library system.
- 3.3 Child or youth** refers to an individual who is under 19 years of age.
- 3.4 Library employee in charge** refers to the Library Manager / Director of the library or Bookmobile Supervisor.
- 3.5 Designate** refers to the library employee assigned to handle inappropriate patron conduct, complaints, and library suspensions in the absence of the library employee in charge.

### 4.0 LEGAL AUTHORITY

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Under the [New Brunswick Public Libraries Act](#), paragraph 12.1(d) the Minister may establish in consultation with the New Brunswick Public Libraries Board, policies, standards and guidelines for the effective operation of the public library system.

### 5.0 GOALS / PRINCIPLES

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- 5.1** Under the [Canadian Library Association's Intellectual Freedom Position Statement](#), and La charte des droits du lecteur of the [Association pour l'avancement des sciences et des techniques de la documentation](#), it is the responsibility of libraries to:
- guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular or unacceptable. To this end, libraries shall acquire and make available the widest variety of materials;
  - guarantee the right of free expression by making available all of the library's public facilities and services to all individuals and groups who need them;
  - libraries should resist all efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

- 5.2 All library patrons are equal in dignity and human rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or gender.
- 5.3 All library patrons, **regardless of age**, are expected to follow the same rules of conduct.
- 5.4 Library patrons and employees have the right to expect a safe, comfortable environment that supports library services. To this end, patrons have an individual right to address conduct they feel is inappropriate by communicating their concern directly to another patron and/or by advising library staff.
- 5.5 To foster a positive environment for all, library employees take a proactive role to inform patrons about appropriate conduct in the library.

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## 6.0 REQUIREMENTS / STANDARDS

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### 6.1 CONDUCT IN A PUBLIC LIBRARY

- 6.1.1 Behaviour that prevents the legitimate use of the library and its services **may result in a library suspension from one day to four weeks.**

Examples include but are not limited to:

- noisy actions (talking too loudly/horseplay);
- misuse of property (materials, equipment);
- refusal to follow library usage rules.

***Library staff will use their discretion to determine if a staff incident report will be filed for incidents that do not result in a suspension. An incident report must be filed for all incidents resulting in a suspension.***

- 6.1.2 The following behaviours, exhibited by any patron, will not be tolerated in a library and **may result in a library suspension from three to twelve months.** The following behaviours may also require police involvement:

- harassment, intimidation and violence;
- discrimination based on race, color, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, or gender.
- selling or soliciting (see NBPLS Policy 1015 – Selling and Soliciting in the Library);

- loitering in a public place and in any way obstructing persons who are in that place;
- theft or intentional property damage;
- rendering property dangerous, useless, inoperative or ineffective;
- any behaviour which threatens the health or safety of any person (e.g. arson, bomb threats and tampering with safety equipment such as fire alarms);
- creating or attempting to create a disturbance, using threatening or abusive language and speaking or acting in such a way as to impair use of the library by others;
- uttering threats (communicating intent to: cause bodily harm or death, destroy or damage property);
- physical violence;
- criminal harassment (causing a person to fear for their safety or the safety of a person known to them by: (a) repeatedly following from place to place, (b) repeatedly communicating directly or indirectly (e.g. by leaving notes or other indications of having been present, calling on the phone, etc.), (c) stalking or (d) engaging in threatening behaviour);
- creating, accessing, viewing, storing, sending, disseminating, or printing any text, images, sound or any other file/document which is considered to be unlawful, e.g. *obscene (any publication in which the dominant characteristic is exploitation of sex or of sex and crime, horror, cruelty and violence), child pornography, hatred and sedition*;
- possession/use/selling of weapons (a weapon is any object used, designed to be used, or intended to be used to cause injury or death, or to threaten or intimidate a person);
- possession/use/selling of illegal or dangerous substances or objects (examples include the use of illegal drugs and alcohol, possession of drug paraphernalia and possession of explosives);

- any other behaviour which contravenes the [Criminal Code of Canada](#) (e.g. being nude in a public place; openly exposing or exhibiting an indecent exhibition in a public place).

***A staff incident report, witness statement (where applicable), and a manager's incident analysis report will be filed in all cases.***

- 6.1.3 In order to protect the investment in library materials for public use, library staff may exercise the right to examine a patron's personal items when leaving the library.
- 6.1.4 In the event that a patron refuses to leave the library after being issued a library suspension or if a patron tries to gain access to the library before the suspension period expires, the police or security will be requested to escort the patron from the premises.

## **6.2 HANDLING INAPPROPRIATE BEHAVIOUR**

- 6.2.1 An effective way to end a **non-threatening behaviour** is to communicate concerns directly to the patron by telling him/her that the behaviour is inappropriate or unwelcome and that it needs to stop.
- 6.2.2 If after the patron has been informed of the inappropriate or unwelcome behaviour and has been given a reasonable amount of time to change his/her behaviour, and still does not comply, then the library employee in charge (or designate) will be informed and the following will occur:
- a staff incident report, patron complaint form (where applicable), an incident witness statement (where applicable), and a Manager's incident analysis report will be filed (see Appendices A through D of this policy for forms);
  - the library employee in charge (or designate) **may** do one of the following:
    - require the patron to leave the library for the day;
    - issue a verbal library suspension that is in effect until further notice.

### 6.3 HANDLING COMPLAINTS

- 6.3.1 Patrons will be informed if a complaint has been made against them and will have the opportunity to respond to the complaint before any action is taken (i.e. a library suspension).
- 6.3.2 Library staff may assist the parties in reaching a resolution to a complaint. If a resolution cannot be reached, library staff may recommend further involvement by the library employee in charge (or designate).
- 6.3.3 A **formal complaint** may be submitted by the patron to the library employee in charge. The complainant must provide a written and signed statement giving an accurate account of the incident or incidents including times, places and parties involved (see Appendix B of this policy for a patron complaint form).
- In consultation with the Regional Director, the library employee in charge will review the written complaint, interview the complainant, and determine whether or not the complaint is justified under this policy and whether it should be investigated further.
  - The library employee in charge will inform the patron of the complaint made against him or her, and present the patron with the complaint statement and give an opportunity for the patron to respond.
  - In consultation with the Regional Director, the library employee in charge will gather and analyze the information, summarize the findings and complete a Manager's Incident Analysis report (see Appendix D of this policy) and determine the appropriate action, which may include a library suspension.
  - The parties of the complaint will be informed in writing of the outcome by the library employee in charge.

### 6.4 REPORTS

- 6.4.1 A staff incident report, a manager's incident analysis report and an incident witness statement (where applicable) must be written for incidents that result in a library suspension of more than one day or for formal patron complaints submitted under 6.3.3.

- 6.4.2 A staff incident report will be written for notable incidents / complaints that do not result in a library suspension. For example, incidents that do not permit the intervention of staff or the library employee in charge (or designate) because the patron left the library before the behaviour or complaint could be addressed.
- 6.4.3 The original copy of all incident/complaint reports must be sent to the Regional Director for review and signature. A copy of all reports will be kept in the library, with confirmation (e.g. e-mail) that they have been reviewed by the Regional Director.
- 6.4.4 Handling of incident/complaint reports must be in accordance with the Province's [Protection of Personal Information Act](#), with respect to confidentiality and records management. Reports are to be kept for the current year plus five years and then destroyed.

## 6.5 LIBRARY SUSPENSIONS

- 6.5.1 Library suspensions (including one day suspensions) are issued by the library employee in charge or designate; whenever possible a library employee or security officer should serve as a witness.
- 6.5.2 Library suspensions that are longer than one day will require writing a notice of library suspension to the patron as soon as possible (see Appendix F of this policy for sample notice of library suspension).
- 6.5.3 The **length** of the library suspension will be determined by the library employee in charge and Regional Director. In some cases, the length of the library suspension will be made in conjunction with outside authorities (e.g. police or court of law).
- 6.5.4 In public-school libraries, the library suspension given to a student of the school will be mutually agreed upon by the library employee in charge, the school principal and the Regional Director.
- 6.5.5 In public and public-school libraries, the parent or legal guardian of children or youth under 19 years of age will be notified and present **whenever possible**, when his/her child or youth is issued a library suspension.
- 6.5.6 A library suspension may be appealed by contacting the Executive Director of New Brunswick Public Library Service.

## 6.6 RESPONSIBILITIES OF LIBRARY STAFF

6.6.1 Library employees will be proactive with regards to addressing behaviour / complaints in the library by:

- calling the police or emergency services when a patron's behaviour endangers the lives, safety or health of the public, or threatens to cause physical injury to any person;
- as appropriate to the situation, communicating with the patron directly when faced with inappropriate behaviour and reviewing this policy with the patron as needed;
- advising a patron when a complaint has been made against him/her as soon as possible after the complaint has been made; assisting the patron and complainant in voluntarily reaching an acceptable solution whenever possible;
- seeking the library employee in charge (or designate) when a behaviour or complaint cannot be resolved or when uncomfortable approaching a situation;
- writing staff incident reports for incidents/complaints in which they are the first responder and result in a library suspension;
- writing staff incident reports for notable incidents/complaints that do not result in a library suspension (as deemed appropriate) and submitting them to the library employee in charge or designate (see Appendix A of this policy for staff incident report form);
- in public-school libraries, notifying school personnel when a student's behaviour requires immediate attention. During instructional hours, school personnel (e.g. teachers) are responsible for supervising students in the library. Any behaviour / complaint will be addressed by school personnel. This is in keeping with the [Education Act](#). In public-school libraries, after instructional hours, any behaviour / complaint will be addressed by library employees. This is in keeping with the [New Brunswick Public Libraries Act](#).

## 6.7 RESPONSIBILITIES OF THE LIBRARY EMPLOYEE IN CHARGE

6.7.1 The library employee in charge will be proactive regarding patron conduct by:

- ensuring all library staff (including students, volunteers and security personnel) are familiar with this policy and that a library employee is designated to handle inappropriate conduct or complaints when the employee in charge is unavailable;
- ensuring the library has posted notices in the library regarding patron conduct as outlined in Appendix E of this policy;
- ensuring the library has posted a notice at the entrance and inside the library indicating that a patron's personal items may be examined when leaving to protect the investment in library materials (see Appendix E of this policy for standard signage);
- ensuring any changes or additions to signage regarding patron conduct posted in the library are approved by the Regional Director;
- ensuring incident/complaint reports are completed in a timely manner;
- issuing appropriate library suspensions when deemed appropriate; notifying the parent or legal guardian and having them present **whenever possible**, when his/her child or youth is issued a library suspension;
- reviewing unresolved complaints; mediating and recommending courses of action, including library suspensions when deemed appropriate;
- issuing a notice of library suspension to patrons as soon as possible, when it is for longer than one day (see Appendix F of this policy for a sample notice of library suspension);
- requesting the appropriate authority (police or security) to escort the patron from the premises if the patron refuses to leave when a library suspension has been issued.

## 6.8 RESPONSIBILITIES UNDER THE TRESPASS ACT

- 6.8.1** The [Trespass Act](#) does not apply to public or public-school libraries. A person, who is prohibited from trespassing on the premises of a shop, store, shopping mall/plaza or school where a public or public-school library is located, is permitted to use the public or public-school library.
- 6.8.2** In the case where a person is prohibited from trespassing on the premises of a shop, store, shopping mall/plaza or school where a public or public-school library is located, the person will be required to make an appointment to visit the library and the library employee in charge will make arrangements with person in charge of the building to have someone of appropriate authority (e.g. a security officer, a staff member of the school or library) to escort the person to and from the library.

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## 7.0 GUIDELINES / RECOMMENDATIONS

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- 7.1** It is recommended that one or more library staff be trained in conflict resolution and mediation skills in each library.
- 7.2** All employees should be familiar with the Government of New Brunswick Administrative Manual System Policy on Workplace Harassment (AD-2913).
- 7.3** Some recommended learning resources for library employees include:
- NBPLS online catalogue, subject heading: Public libraries -- Security measures
  - The American Library Association (ALA) website

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## 8.0 REGIONAL GUIDELINES AND PROCEDURES

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In consultation with the Provincial Office, Regional Directors may develop additional guidelines and procedures consistent with and necessary to support this policy.

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## 9.0 REFERENCES

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Administrative Manual System Policy (AD-2913) – Workplace Harassment. (<http://intranet.gnb.ca/intellinet/adminman/>).

American Library Association. (<http://www.ala.org/>).

Criminal Code of Canada (<http://canada.justice.gc.ca/en/>)

Education Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

Intellectual Freedom Position Statement. Canadian Library Association.  
(<http://www.cla.ca>).

La charte des droits du lecteur. Association pour l'avancement des sciences et des techniques de la documentation. (<http://www.asted.org/>).

New Brunswick Human Rights Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

New Brunswick Public Libraries Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

New Brunswick Public Library Service. Policy 1015 – Selling and Soliciting in the Library.

New Brunswick Public Library Service. Policy 1055 - Library Fines and Fees.

New Brunswick Public Library Service. Policy 1056 - Responsibility for Children who use the Library or Bookmobile.

New Brunswick Public Library Service. Policy 1073 – Internet Access.

New Brunswick Public Library Service. Policy 1076 – Use of Meeting Rooms.

Protection of Personal Information Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

Trespass Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

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## 10.0 CONTACTS FOR MORE INFORMATION

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NBPLS Provincial Office, (506) 453-2354

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