

Governance Protocol: Systematic Policy Development and Management for New Hampshire Library Trustees

1. The Statutory Foundations of Library Governance

In New Hampshire, the efficacy of library governance is defined by a Board's mastery of the New Hampshire Revised Statutes Annotated (RSA). These statutes represent the non-negotiable legal floor for all operations. For Trustees, understanding this framework is not merely a compliance exercise but a strategic mandate to protect the library's institutional autonomy. Under New Hampshire law, the library is not a standard municipal department; it is a specialized institution with a unique fiduciary and legal status. The Board's authority is primarily codified in RSA 202-A:11 and RSA 202-A:6. Trustees must recognize that their power to adopt policies and manage property is coupled with the fiduciary risk of improper oversight.

Table 1: Statutory Authority Mapping

RSA Section	Trustee Responsibility	Governance Mandate
RSA 202-A:11	Bylaws and Rules	Adopt bylaws and rules for the board's business and library government.
RSA 202-A:11	Budget Preparation	Prepare and present the library budget to municipal officials.
RSA 202-A:11	Personnel Appointment	Appoint the Library Director and necessary staff.
RSA 202-A:6	Property Management	"Exercise ""entire custody and management"" of all library property."
RSA 202-A:1	Public Policy	Uphold libraries as essential for the preservation of a free government.

The landmark precedent of *Littleton vs. Taylor* reinforces this statutory independence by clarifying that library employees are the direct responsibility of the Board, not the municipal governing body. This autonomy is the primary shield against the "politicization of library collections"—a risk the New Hampshire Library Trustees Association (NHLTA) explicitly opposes. Trustees must exercise their authority to protect intellectual freedom and ensure the library remains a neutral forum for inquiry, independent of shifting local political volatility. Rigorous, legally grounded policy is the only mechanism that transforms this abstract autonomy into a defensible reality. From these legal foundations, the Board must construct a practical policy architecture organized into three distinct pillars.

2. The Three Pillars of Library Policy Documents

Classifying policies into distinct categories ensures operational clarity and facilitates legal compliance. By segregating board governance, employment practices, and public service standards, Trustees maintain a clear record of institutional intent. As identified by the NHLTA, governance rests on three pillars:

I. Bylaws (Board Governance)

Bylaws are the rules of engagement for the Board itself.

- **Essential Components:** Election procedures, terms of officers, position descriptions for Trustees, meeting schedules, and templates for agendas and minutes.

II. Personnel Policies (Employment Governance)

These must be library-specific, as the Board is the legal employer.

- **Essential Components:** Position descriptions and classifications, **conditions of work** , **employment practices** , benefits (leave/vacation), **paycheck distribution** , and grievance procedures.

III. Library Policies (Public Service)

These define how the library interacts with the community.

- **Essential Components:** Hours of operation, patron conduct, **staffing and employee conduct** , collection development, use of building/equipment, and material reconsideration procedures.

Strategizing the Policy-Procedure-Rule Divide

Trustees must remain at the "Policy" level to avoid the trap of "cognitive offloading" or operational interference.

- **Policies:** Broad management decisions derived from objectives (Board level).
- **Procedures:** The specific steps to implement policy (Director level).
- **Rules:** The daily "do's and don'ts" (Director level). **Mandate:** Trustees who drift into the Director's realm of "procedures" create operational bottlenecks and introduce significant liability. The Board sets the *direction* ; the Director manages the *execution* . This distinction is vital for maintaining professional boundaries and institutional memory, which is secured through a repeatable development lifecycle.

3. The Six-Stage Policy Development Lifecycle

A repeatable framework ensures that policy development is not reactive but systematic, fostering equity and defensibility across all governance documents.

- **Inventory:** Identify where current policies are posted (website, manual, board files). Audit for last review dates and practical consistency.
- **Synthesize:** Integrate external authority including NH RSAs, the NHLTA Manual, ALA Library Bill of Rights, and peer library benchmarks.
- **Identify Gaps:** Enumerate risks where existing policy fails to meet statutory floors or current professional standards (e.g., missing AI or Social Media sections).
- **Draft:** Produce a document that matches the library's professional tone, ensuring it functions as a "living" entity.
- **Review (The Three Critical Lenses):**
- **Staff Review:** The Director confirms the policy is operationally feasible and enforceable.
- **Legal Review:** Counsel validates compliance with the **First Amendment, ADA,**

and RSA 91-A .

- **Community Input:** For high-impact policies (like Reconsideration or Meeting Rooms), the Board should hold a dedicated public hearing to ensure transparency.
- **Adopt and Schedule:** Conduct a formal vote in a **public session per RSA 91-A** , record the vote in minutes, and set a mandatory review date. This structured process ensures that all policies remain compliant with New Hampshire's rigorous privacy and transparency mandates.

4. Critical Compliance Guardrails: Privacy and Transparency

RSA 201-D:11 and RSA 91-A are the primary legal constraints on library operations, protecting the right to free inquiry through strict confidentiality and public transparency.

RSA 201-D:11: The Absolute Privacy Mandate

This statute establishes that library records identifying users are confidential. It creates a **specific carve-out from Right-to-Know requests** , meaning patron data is shielded from standard public records inquiries.

- **Protected Records:** Circulation data, reference inquiries, computer use logs, database search history, and meeting room reservations.
- **The Absolute Prohibition:** The library **cannot and shall not voluntarily share** these records, even if "asked politely" by town officials, family members, or law enforcement.
- **Exceptions:** Disclosure is permitted **only** with (1) written consent, (2) a court order, or (3) as otherwise required by law.

The "So What?" Layer: Audit and Enforcement

Trustees must recognize that RSA 201-D:11 imposes a **mandatory contractual requirement** for vendor management. Boards must audit all vendor contracts (e.g., ILS, Libby, Wi-Fi providers) to ensure they do not violate NH law. Furthermore, staff must be trained to decline informal requests for information, citing the statute to prevent legal liability.

Compliance Checklist

Policies that **must** reference RSA 201-D:11:

- Confidentiality of Library Records
- Computer and Internet Use
- Meeting Room Use
- Records Retention
- Social Media (regarding private messages/identifiable data) These privacy mandates are the foundation for managing emerging technological risks, particularly those involving artificial intelligence.

5. Special Protocol: Artificial Intelligence and Source-Grounded Governance

The shift to "Source-Grounded AI" (like NotebookLM) allows Boards to use AI as a research assistant that is restricted to a closed corpus of primary documents (NH RSAs, ALA

guidelines), eliminating the "hallucinations" common in general-purpose models.

The Hooksett Framework: Avoiding the "Whack-a-Mole" Trap

To remain operationally efficient, Boards must distinguish between two types of AI:

- **General-Purpose AI:** Standalone tools (ChatGPT, Claude) that require explicit Board/Director approval and tool vetting.
- **Incidental/Embedded AI:** AI already inside approved tools (Canva, Email, Microsoft 365). These do not require individual approval cycles unless they involve patron data or content generation, preventing the Board from needing to approve every software update.

The "No Human, No AI" Principle

Consistent with ARL and ALA 2026 guidance, the library must mandate a **human-in-the-loop**. AI is an assistant, not a decision-maker. Humans must verify every AI-generated output for bias, accuracy, and adherence to NH law before adoption or publication.

Prohibited Uses

- **Absolute PII Prohibition:** Inputting Patron Identifiable Information (PII) or non-public staff/financial data into any AI tool is strictly forbidden.
- **Automated Decisions:** AI shall not be used as the sole basis for hiring, discipline, or service denial.

Modular AI Policy Framework

1. **Tool Vetting:** The Director must maintain an "Approved Tool List" based on privacy impact.
2. **Disclosure:** Patrons must be notified when AI is substantially used in a service or response.
3. **Bias Mitigation:** Regular audits are required to ensure AI tools do not produce discriminatory outcomes.

6. Implementation, Validation, and Maintenance

Library policy is a "living" document. A policy that sits unreviewed is a liability that may conflict with updated state or federal law.

Pre-Adoption Checklist

Before a final vote, the Board must mandate and confirm:

- **Attorney Review:** Vetted for First Amendment and RSA 91-A compliance.
- **Statutory Floor:** Checked for conflict with **RSA 202-A:11** or Federal/State law.
- **Staff Training:** The Director has a plan to train staff on the new policy (policy is liability if staff are unaware of changes).
- **Public Process:** The adoption process follows **RSA 91-A** (public session, recorded minutes).

Policy Review Cadence

Policy Type,Review Interval

Established Policies,Every 3 years

"High-Volatility (AI, Technology)",Every 6–12 months

Bylaws,Annual or Biennial

By adhering to this systematic protocol, Trustees fulfill their statutory role as the guardians of the public library, ensuring it remains a cornerstone of free government through disciplined, professional governance.

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