



# Woodstock Public Library Policy

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**Policy Name:** Trespass Policy

**Category:** Library Services

**Version:** 4 July 2022

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## POLICY STATEMENT AND RATIONALE

The Woodstock Public Library is committed to creating and maintaining a safe and welcoming environment for everyone in our community. We ask that all patrons do their part in making the library an enjoyable space for all, by following the Library's Patron Code of Conduct.

This policy outlines the approach to handling situations in which a person's disregard for appropriate conduct at the Library requires action that may in some cases include the issuing of a Trespass Notice under the *Ontario Trespass to Property Act*. It also identifies the appeals process for people who are excluded as a result of misconduct.

## SCOPE

This policy shall apply to all patrons of the Woodstock Public Library, across physical and virtual locations.

## DEFINITIONS

In reading and interpreting this policy, the following definitions shall apply:

"CEO" means the Chief Executive Officer of the Woodstock Public Library.

"Exclusion" means when a member of the public loses access to all library services and is not allowed to enter the Library or be on Library property at any time, for any reason, during a specified period of time.

"*Library privileges*" means all library services, as well as contacting the Library in person, by phone, email or using digital services for which a Library card is required.

"*Library*" means the Woodstock Public Library.

"*Library Board*" means the City of Woodstock Public Library Board.

*“Library property”* means all library buildings and property of the Woodstock Public Library, whether leased or owned.

*“Mitigating factors”* means factors that impact the severity of the exclusion or the culpability of the act and may influence the length of exclusion, including, but not limited to, the individual’s age, mental or physical ability, or the circumstances of the incident.

*“Reinstatement”* means the end of an exclusion and restoration of all library privileges.

*“Staff”* means an employee of the City of Woodstock Public Library.

*“Suspension”* means when a member of the public is not allowed to enter the Library premise or property for a specified amount of time, but still retains the use of their library privileges.

*“Violence”* for the purposes of this policy, includes, but is not limited to physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault) and any verbal threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property, even in the absence of fear of immediate bodily harm.

## **POLICY, PROCEDURE AND IMPLEMENTATION**

### **1.0 Authority**

- 1.1 The Library Board has legal authority under Section 23(4)c of the *Ontario Public Libraries Act, R.S.O. 1990, c. P.44*, to make rules *“for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property.”*
- 1.2 The Library Board may exclude individuals from library property under the *Ontario Trespass to Property Act, R.S.O, c. T.21*.
- 1.3 The Board authorizes the CEO to exclude persons from the Library and issue Notices of Trespass, as deemed necessary by the CEO and designated staff.
- 1.4 The CEO is accountable for the overall administration of this policy.

### **2.0 General Guidelines**

- 2.1 Staff will apply this policy in a fair and equitable manner, both substantively and procedurally.
- 2.2 The severity of the penalty imposed will reflect the nature of the offence.
- 2.3 When possible and appropriate, staff will inform the person of how they violated the Library’s Patron Code of Conduct, and ask the offending individual to change

their behaviour to conform to the Code. If such a change is not evident or forthcoming, that individual will be asked to leave the premises.

- 2.4 Any violation of the Patron Code of Conduct may result in cost-recovery charges, suspension of library privileges, exclusion from the library, and prosecution.
- 2.5 Staff are instructed to call police immediately if they consider that a member of the public is breaking the law, or poses a real or potential threat to the safety and well-being of other patrons and/or library staff.
- 2.6 During virtual programs and events, participants are bound by all applicable library policies, including the Library's Patron Code of Conduct, and will be removed from the Library's virtual environment as deemed necessary by staff.

### **3.0 Suspensions**

- 3.1 A suspension of one day from the library may be applied when a minor transgression of the Patron Code of Conduct occurs, that may include, but not limited to, disruptive, intrusive, threatening, abusive or discriminatory language or behavior, attempted theft and minor vandalism.
- 3.2 Suspensions may be issued by a manager, supervisor, staff person in-charge (PIC), or a librarian.
- 3.3 Some or all of the following actions may be taken by the staff depending on the nature of the situation:
  - a) Staff will inform the person of how they have violated the Library's Patron Code of Conduct.
  - b) An immediate verbal warning will be given to the person by the staff member.
  - c) The person will be expelled from the Library.
  - d) In every case, staff will complete an incident report recording the name of the person responsible for the breach in the Rules of Conduct.

### **4.0 Exclusions**

- 4.1 An exclusion for a period of one (1) month to three (3) years from the Library may be applied when a major transgression of the Patron Code of Conduct occurs, that may include, but not limited to, violence, threat of violence, vandalism, theft or persistent disregard for the Code.
- 4.2 In extreme circumstances, a life-time ban may be imposed on an individual at the discretion of the CEO.

- 4.3 Some or all of the following actions may be taken by the staff depending on the severity of the situation:
- a) Staff will inform the person of how they violated the Library's rules.
  - b) The person will be expelled from the Library and property.
  - c) A Notice of Trespass letter will be issued by the CEO or designated staff to the person, informing them that they have been excluded from the Library building, property and services. The letter of notice will include:
    - i. The period of exclusion.
    - ii. The reason for the exclusion.
    - iii. A notification that the person has the right to appeal the exclusion and the information on the appeals process.
    - iv. The date of reinstatement of Library privileges.
- 4.4 Extensions to exclusion periods may be added by the CEO, if the individual ignores the conditions for their exclusion. The length and reason for the additional time will be communicated by letter to the excluded individual, along with a new date of reinstatement.
- 4.5 At the discretion of the CEO, excluded individuals may be allowed access to the Library's digital collections and resources, while denied in-person onsite library services during the period of their exclusion.

## **5.0 Appeals**

- 5.1 A patron has a right to appeal an exclusion or extension of exclusion, in writing to the CEO.
- 5.2 Appeals must include the following information:
- a) Name, address and phone number.
  - b) Library card number.
  - c) Email address.
  - d) Date of exclusion.
  - e) Reasons that demonstrate why the individual should be reinstated and what has changed since the exclusion was implemented.

## **6.0 Criteria for Appeals**

- 6.1 The Library will use the following criteria when determining whether to grant an appeal or reinstatement of Library privileges:
- a) The circumstances surrounding the exclusion.
  - b) The safety of the public and staff.
  - c) The past behaviour of the person making the application with regard to the Patron Code of Conduct.
  - d) The person's reasons for appealing their exclusion or seeking reinstatement, as well as other mitigating factors.
  - e) Where applicable, whether the person has reimbursed the Library for all expenses incurred as a result of the person's actions.
  - f) Whether the exclusion procedures were applied in accordance with the provisions of this policy.
- 6.2 Decisions made by the CEO on appeals are final.

## **7.0 Reinstatement**

- 7.1 For exclusions of one (1) to twelve (12) months, a reinstatement occurs automatically when the exclusion period ends.
- 7.2 For exclusions of more than one (1) year, the person must apply for reinstatement to the CEO in writing after the period has ended.

## **RELATED DOCUMENTS AND POLICIES**

*Public Libraries Act, R.S.O. 1990, c. P.44*

*Trespass to Property Act, R.S.O, c. T.21.*

*Woodstock Public Library – Code of Conduct (Public) Policy*

## **DOCUMENT REVISION RECORD**

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