

# Rules of Conduct Exclusions, Appeals and Reinstatements

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# TPL: Rules of Conduct

1. Violent, threatening, abusive, discriminatory or harassing language or conduct of any kind is not allowed.
2. Disruptive or intrusive behaviour is not allowed.
3. Damage, misuse, or theft of Library materials, equipment and property is not allowed. Interfering with the designated use of computers and networks is also not allowed.
4. Members of the public may not make requests for service based on prohibited grounds of discrimination under the *Human Rights Code*.
5. Children requiring supervision must not be left unattended on Library premises.
6. Members of the public may only use authorized entrances and exits and are not allowed in "Staff Only" areas without permission.
7. Members of the public must open all bags, books and papers for inspection if requested by staff.
8. Library materials may not be taken into washrooms.
9. Posting notices, distributing circulars or petitions, soliciting or engaging in any commercial activity on Library property must not be conducted without prior written approval of the Library.
10. Photographing, filming or video recording of Library staff and users on Library property must not be conducted without prior written approval of the Library.
11. Members of the public must wear shirts and shoes and other appropriate attire. Use of sports equipment is not allowed on Library property.
12. Eating and drinking are allowed except in designated areas.
13. Service animals are welcome in the Library. Other animals are only allowed during authorized programs.

# Rules of Conduct: Suspensions and Exclusions

## Considerations:

- Time period of the exclusion
- Severity of the misconduct
- Circumstances surrounding the incident
- Other mitigating factors

# Rules of Conduct: Suspensions and Exclusions

## Suspension: One day

A suspension of one day from one branch may be applied when disregard for the Rules of Conduct occurs, including disruptive, intrusive, threatening, abusive or discriminatory language or behaviour, attempted theft and minor vandalism. This is a local exclusion the individual can still use other branches.

Can be served by: In-charge staff at the branch

# Rules of Conduct: Suspensions and Exclusions

## Exclusion: Two month

An exclusion of two months from one branch may be applied when disregard for the Rules of Conduct occurs, including disruptive, intrusive, threatening, abusive or discriminatory language or behaviour, attempted theft and minor vandalism. This is a local exclusion the individual can still use other branches.

Can be served by: In-charge staff, Library Service Manager

# Rules of Conduct: Suspensions and Exclusions

## Exclusion: Six month (system-wide)

A system-wide exclusion of six months from all Library properties and services may be applied when violence, threat of violence, vandalism, theft or persistent disregard for the Rules of Conduct occurs. Individual is automatically reinstated following their 6 month exclusion.

Served by: Director

# Rules of Conduct: Suspensions and Exclusions

## Exclusion:

### Twelve month (system-wide)

A system-wide exclusion of 12 months from all Library properties and services, after which the excluded person must reapply to have his or her Library privileges reinstated, may be applied when violence, threat of violence, vandalism, theft or persistent disregard for the Rules of Conduct occurs, and the seriousness of the misconduct requires a further review prior to the person's Library privileges being reinstated.

## Rules of Conduct: Appeals

The contact information for submitting an appeal will be included in the exclusion letter. The person may appeal by using the form available on the Toronto Public Library website or by submitting a letter.

# Rules of Conduct: Appeals

## **Local exclusion of two months from one branch**

- Appeal to Library Service Manager

## **System-wide exclusion of six or twelve months from all properties and services of TPL**

- Appeal to City Librarian
- If denied, may appeal to TPL Board

# Rules of Conduct: Procedure for an Appeal of Six or Twelve Month System-Wide Exclusion

The person may first appeal to the City Librarian.

- On receipt of application or letter, the City Librarian will notify the appropriate Director to conduct an investigation based on the criteria for considering appeals and requests for reinstatement.
- Director provides ROC Committee with all related documents submitted to Director's office regarding the exclusion, including the incident reports, letters and incident reports summary. Director notifies the Chair, Rules of Conduct Committee that there is an appeal.

# Rules of Conduct: Procedure for an Appeal of Six or Twelve Month System-Wide Exclusion

- The Chair, ROC Committee requests two members of the committee to form the Rules of Conduct Appeals Committee to conduct the investigation. The two members of the committee are unrelated to the location(s) where the incident took place so they are impartial to the investigation. The Chair acts as a consultant on procedure as needed.
- ROC Appeals Committee conducts the investigation following the Procedures for ROC Appeals Committee and reports recommendations and draft letter to the Director.

# Rules of Conduct: Procedure for an Appeal of Six or Twelve Month System-Wide Exclusion

- Director reviews recommendations and draft letter with City Librarian who determines if appeal is approved or denied.
- If the appeal is approved, City Librarian informs customer by letter.
- If the appeal is denied, City Librarian informs customer by letter.
- Upon receipt of the decision of the City Librarian, the person may further appeal to the Toronto Public Library Board.

# **Rules of Conduct: Procedure for an Appeal of Six or Twelve Month System-Wide Exclusion**

- Reinstatement is automatic at the end of a Six Month System-Wide Exclusion period if the appeal is not granted.
- Individuals issued a 12 Month System-Wide Exclusion must apply to be reinstated once the 12-month exclusion period has expired.

# Rules of Conduct: Procedure for an Appeal of Six or Twelve Month System-Wide Exclusion

- Director reviews recommendations and draft letter with City Librarian who determines if appeal is approved or denied.
- If the appeal is approved, City Librarian informs customer by letter.
- If the appeal is denied, City Librarian informs customer by letter.
- Upon receipt of the decision of the City Librarian, the person may further appeal to the Toronto Public Library Board.

# Rules of Conduct: Criteria for Considering Appeals and Requests for Reinstatement

- Behaviour of the individual during the exclusion period, including trespass and violations of the Rules of Conduct
- Previous violations and acknowledgment of the Rules of Conduct
- Where applicable, payment of any charges for property damage
- Commitment to follow the Rules of Conduct in the future
- (See Attachment 1 – Criteria for Considering an Appeal)

Thank you!

Questions?

## Criteria for Considering Appeals

- History of previous incidents and severity of those incidents
- Were the exclusion procedures applied in accordance with the provisions of the Rules of Conduct Policy?
- Behaviour of the individual during the exclusion period, including trespass and violations of the Rules of Conduct
  - Has the individual attempted to trespass at a library location?
  - During these attempts to trespass, has the individual exhibited any of the following behaviours:
    - Repeated disregard of Rules
    - Disruptive, intrusive, abusive or discriminatory language or behaviour towards customers or staff
    - Attempted theft
    - Vandalism
    - Misuse of Library property
    - Entering unauthorized areas
    - Photographing/filming/ or video recording of library staff and users without permission
    - Violent behaviour
    - Threat of violence
    - Sexual misconduct
  - Has the individual attempted to contact the library by phone, letter, e-mail or social media and exhibited the following behaviours:
    - Repeated disregard of Rules
    - Disruptive, intrusive, abusive or discriminatory language or behaviour towards customers or staff
    - Threat of violence
- Acknowledgement of previous violations of the Rules of Conduct
  - Has the individual, in their written request for an appeal, acknowledged the behaviours that led to their exclusion from the library?
  - Has the individual, in their verbal communication with library staff, library management, library board or other community service agencies, acknowledged the behaviours that led to their exclusion from the library?
  - Has the individual, in their written request for an appeal, apologized for the behaviours that led to their exclusion from the library?
  - Has the individual, in their verbal communication with library staff, library

- management, library board or other community service agencies, apologized for the behaviours that led to their exclusion from the library?
- What are the individual's reasons for appealing his or her exclusion or seeking reinstatement, as well as other mitigating factors?
  - Are there particular programs or services to which the individual requires access, for example public computing, library settlement worker support, certification programs, adult literacy?
- Where applicable, has there been payment of any charges for property damage?
  - Has the individual paid or offered to pay for any charges for property damage?
  - Does the individual have the means to pay for any charges for property damage?
- Commitment to follow the Rules of Conduct in the future
  - Has the individual, in their written request for an appeal, committed to following the Rules of Conduct in the future?
  - Has the individual, in their verbal communication with library staff, library management, library board or other community service agencies, committed to following the Rules of Conduct in the future?