

**POLICY: RULES OF CONDUCT – EXCLUSION, REINSTATEMENT
AND APPEALS**

SECTION: III - Public Service Policies

MOTION#/DATE: 13 - 016 – January 21, 2013

Policy Objective

The policy outlines how Toronto Public Library applies the Rules of Conduct to maintain a safe and welcoming environment for the public and staff. The policy identifies the types of misconduct that lead to exclusions under the Ontario *Trespass to Property Act* and the appeals process for people who are excluded as a result of misconduct.

Underlying Principles

Toronto Public Library's mission is to provide free and equitable access to services that meet the changing needs of Torontonians. The Library preserves and promotes universal access to a broad range of human knowledge, experience, information and ideas in a welcoming and supportive environment. The Library establishes Rules of Conduct to foster this environment for all users. The Library is committed to applying the Rules of Conduct in a fair and equitable manner.

Policy Statement

To maintain a safe, supportive and welcoming environment for Library users and staff, Toronto Public Library has the right and obligation to enforce the Rules of Conduct in a fair and consistent manner.

When a breach of the Rules of Conduct occurs, Toronto Public Library has discretion in determining whether a person will be excluded, the time period of the exclusion, and will take into consideration the severity of the misconduct, the circumstances surrounding the incident and any mitigating factors.

Any person who has been excluded from the Toronto Public Library for two, six or 12 months has the right to appeal the exclusion, and for exclusions of 12 months, the



person has the right to appeal if his or her request to have Library privileges reinstated is denied.

Toronto Public Library is committed to reviewing the Rules of Conduct and their application on a regular basis to support fair and equitable access for all.

Suspensions and Exclusions

1. 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. Some or all of the following actions may be taken by Library staff:
 - a. Staff will inform the person of how he or she violated the Library's rules.
 - b. An immediate verbal warning will be given to the person by the staff member in charge of the branch at the time of the occurrence.
 - c. The person will be expelled from the branch.
 - d. A written warning will be issued to the person.
 - e. Staff will keep a record of the name of the person responsible for the breach of the Rules of Conduct.
2. 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. Some or all of the following actions may be taken by Library staff:
 - a. Staff will inform the person of how he or she violated the Library's rules.
 - b. An immediate verbal warning will be given to the person by the staff member in charge of the branch at the time of the occurrence.
 - c. The person will be expelled from the branch.
 - d. A written warning will be issued to the person.
 - e. Staff will keep a record of the name of the person responsible for the breach of the Rules of Conduct.
 - f. A letter will be issued to the person informing him or her that he or she is excluded from one branch of the Toronto Public Library for a period of two months. The letter will include:
 - i. The period of exclusion;
 - ii. The reason(s) for the exclusion;
 - iii. A notification to the person that he or she has the right to appeal and information on the appeals process; and,

- iv. Notice that there will be a further review of the incident and additional action may be taken, including a possible extension of the two-month branch suspension.
- 3. 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. Some or all of the following actions may be taken by Library staff:
 - a. Staff will inform the person of how he or she violated the Library's rules.
 - b. The person will be expelled from the branch.
 - c. A letter will be issued by the Director to the person informing him or her that he or she is excluded from all properties and services of the Toronto Public Library for a period of six months and that his or her Library privileges are revoked for that time period. The letter will include:
 - i. The period of exclusion;
 - ii. The reason(s) for the exclusion;
 - iii. A notification to the person that he or she has the right to appeal and information on the appeals process; and,
 - iv. The date of reinstatement of Library privileges.
- 4. 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. The following actions may be taken by Library staff:
 - a. Staff will inform the person of how he or she violated the Library's rules.
 - b. The person will be expelled from the branch.
 - c. A letter will be issued by the City Librarian to the person informing him or her that he or she is excluded from all properties of the Toronto Public Library for a period of 12 months and that his or her Library privileges are revoked. The letter will include:
 - i. The period of exclusion;
 - ii. The reason(s) for the exclusion;
 - iii. A notification to the person that he or she has the right to appeal and information on the appeals process; and,
 - iv. Information about how to request to have his or her Library privileges reinstated after the 12-month exclusion period is over.

Right to Appeal

A person has a right to appeal a letter of exclusion or extension of an exclusion, in writing, to the Toronto Public Library within 21 days of receipt of the letter of exclusion, unless there are mitigating factors or new information.

The person is entitled to appeal once during the period of exclusion using the appeal process described below.

Criteria for Considering Appeals and Reinstatement

Toronto Public Library will use the following criteria when determining whether to grant an appeal or the reinstatement of Library privileges:

- a. The safety of the public and Library staff and the circumstances surrounding the exclusion;
- b. The past behaviour of the person making the application with regard to the Rules of Conduct;
- c. The person's reasons for appealing his or her exclusion or seeking reinstatement, as well as other mitigating factors;
- d. Where applicable, whether the person has reimbursed the Library for all expenses incurred as a result of the person's actions.

How to Appeal

The contact information for submitting an appeal will be included in the exclusion letter.

The person may appeal by using a form available on the Toronto Public Library website or by writing a letter with the following information:

- Name;
- Address where he or she can be contacted/phone number/Library card number (if available);
- Location and date of exclusion;
- Reason for appeal.

Local exclusion of two months from one branch:

The excluded person may appeal to the Library Service Manager whose contact information will be provided in the letter.



The decision of the Library Service Manager is final and there are no further steps in the appeals process.

Reinstatement is automatic at the end of the two-month exclusion period if the appeal is not granted.

System-wide exclusion of six months from all properties and services of Toronto Public Library:

The excluded person first appeals to the Director issuing the exclusion letter.

Upon receipt of the Director's decision, the person may further appeal to the City Librarian.

The decision of the City Librarian is final and there are no further steps in the appeals process.

Reinstatement is automatic at the end of the six-month exclusion period if the appeal is not granted.

System-wide exclusion of 12 months from all properties and services of Toronto Public Library:

The person may first appeal to the City Librarian.

Upon receipt of the decision of the City Librarian, the person may further appeal to the Rules of Conduct Appeals Working Group.

Upon receipt of the decision of the Rules of Conduct Appeals Working Group, the person may further appeal to the Library Board

The decision of the Library Board is final and there are no further steps to be taken in the appeals process.

Note: Individuals must apply to be reinstated once the 12-month exclusion period has expired.

Reinstatement Process after 12-month exclusion

Reinstatement is automatic at the end of the exclusion period with the exception of 12-month exclusions. Individuals that are excluded for 12 months must apply for reinstatement of Library privileges.



A person has a right to apply for reinstatement, in writing, to the City Librarian.

The person may apply by using a form available on the Toronto Public Library website or by writing a letter with the following information:

- Name;
- Address where he or she can be contacted/phone number/Library card number (if available);
- Location and date of exclusion;
- Reasons for requesting reinstatement.

To Appeal a Denial of Reinstatement

For persons whose request for reinstatement of Library privileges after 12-month exclusion is denied by the City Librarian and the exclusion is extended:

The person may first appeal to City Librarian.

Upon receipt of the decision of the City Librarian, the person may appeal to the Rules of Conduct Appeals Working Group.

Upon receipt of the decision of the Rules of Conduct Appeals Working Group, the person may further appeal to the Library Board

The decision of the Library Board is final and there are no further steps in the appeals process.

The person must apply to be reinstated once the exclusion period has expired.

Notes Regarding the Rules of Conduct Appeals Working Group:

The Rules of Conduct Appeals Working Groups includes Library staff and Board members.

Appeals to the Rules of Conduct Appeals Working Group will be scheduled in a timely manner.

The person who is appealing will be given the opportunity to make oral or written submissions to the Rules of Conduct Appeals Working Group.



Subsequent to the meeting and after considering the appeal, the Rules of Conduct Appeals Working Group shall render a decision.

The excluded person will be advised of the decision of the Working Group. The decision of the Rules of Conduct Appeals Working Group may be appealed to the Library Board.

Specific Directives

Toronto Public Library will provide the Rules of Conduct Appeals Policy with related forms and procedures on the Toronto Public Library website in accessible format.

Information regarding the appeals process will be included in exclusion letters.

Toronto Public Library will make every effort to communicate decisions regarding appeals in a timely manner after investigation.

Staff Roles and Responsibilities

The City Librarian or designate is accountable for the overall administration of the Rules of Conduct and related policies.

The Directors and public service managers or designates are accountable for the application of the Rules of Conduct and related policies and appeals processes within their respective areas.

Appendices

Appendix 1: Definitions

Appeal: The process of requesting a review of an exclusion from Library properties or the request to review the decision of the City Librarian regarding reinstatement.

Exclusion: A member of the public is banned and is not allowed to enter the specified Library buildings or be on Library property at any time for any reason for the time period that the exclusion is in place.

Library property: All Library branches, buildings and property of the Toronto Public Library whether leased or owned.



Library privileges: Includes all use of Library services, as well as contacting the Library in person, by phone, email or using web services for which a Library card is required.

Mitigating factors: 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: When an exclusion from Toronto Public Library ends and Library privileges are restored. For exclusions of two or six months, a reinstatement occurs automatically when the exclusion period ends. For exclusions of 12 months, the person must apply for reinstatement to the City Librarian after the 12-month exclusion period has ended.

Suspension: A member of the public who is not allowed to enter a specific branch of the Toronto Public Library for a specified amount of time, but still retains use of his or her Library privileges.

Violence: for the purpose 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.