



STAFF REPORT ACTION REQUIRED

Proposed Changes to the Rules of Conduct and Rules of Conduct - Exclusion, Reinstatement, and Appeals Policies

Date: January 27, 2025

To: Toronto Public Library Board

From: City Librarian

SUMMARY

The purpose of this report is to seek Toronto Public Library Board approval for the changes that are being recommended to Toronto Public Library's (TPL's) Rules of Conduct Policy and the related Rules of Conduct – Exclusion, Reinstatement and Appeals Policy.

These two policies support the Library's mission to provide free and equitable access to services which meet the changing needs of Torontonians.

The combined policies set out expectations for acceptable behaviour in Library spaces, supporting safe and welcoming access to Library services and programs while laying out consequences for violations of the rules, associated exclusions, and the process for customers to request reinstatement or to appeal an exclusion.

Effective communication, implementation and administration of the rules of conduct and appeals process ensure that TPL balance a residents' right to access Library service with the Library's responsibility to maintain a safe and welcoming environment for both public and staff. The combined policies are reviewed from time to time to ensure that they appropriately support staff's ability to manage services while supporting safe and welcoming spaces. This most current review applies a trauma-informed lens to both policies. The policies have also been reviewed from a legal, human rights and equity perspective.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves the Rules of Conduct Policy, appended as Attachment 1; and
2. approves the Rules of Conduct – Exclusion, Reinstatement, and Appeals Policy, appended as Attachment 2.

FINANCIAL IMPACT

There is no financial impact associated with this report.

The Director, Finance & Treasurer has reviewed this financial impact statement and agrees with it.

ALIGNMENT WITH STRATEGIC PLAN

The updated Rules of Conduct Policy and the Rules of Conduct – Exclusion, Reinstatement and Appeals Policy enables TPL to advance the strategic priority of accelerating the enhancement of Library physical spaces to establish more welcoming, safe, inclusive, and sustainable multi-use environments that build resilience and belonging in every neighbourhood.

EQUITY IMPACT STATEMENT

The updated Rules of Conduct Policy and the Rules of Conduct – Exclusion, Reinstatement, and Appeals Policy will have a positive impact on all equity-deserving groups by creating and maintaining work and public service environments where everyone is welcomed, included and supported, and that are grounded in tolerance and mutual respect. This will enable Library customers, partners, staff and the public to freely and equitably access or deliver Library services which meet the changing needs of Torontonians.

DECISION HISTORY

The Rules of Conduct were first approved by the Toronto Public Library Board at its meeting on [January 29, 1998](#), making it one of the first TPL policies approved by the Library Board post-amalgamation.

At its meeting on [September 17, 2007](#), the Library Board approved revisions to the Rules of Conduct Policy and two other related policies, the Rules of Conduct – Exclusion/Reinstatement Policy, and Rules of Conduct – Appeals Policy.

In 2013, staff revised the Rules of Conduct Policy and consolidated the Rules of Conduct – Exclusion/Reinstatement Policy, and Rules of Conduct – Appeals Policy into one policy, the Rules of Conduct - Exclusion, Reinstatement, and Appeals Policy. These two policies were approved by the Board at its meeting on [January 21, 2013](#).

The Rules of Conduct - Exclusion, Reinstatement, and Appeals Policy was further streamlined and updated to incorporate procedural improvements and presented to the Library Board for approval at its [April 28, 2014](#) meeting.

ISSUE BACKGROUND

The Rules of Conduct Policy was last reviewed by the Library Board in January 2013, while the Rules of Conduct – Exclusion, Reinstatement and Appeals Policy was last reviewed in April 2014. The Rules of Conduct and related policies were first approved by the Library Board in 1998 and were based on best practices of the former pre-amalgamated Library systems. The Rules of Conduct and

related policies were further refined and updated in 2007. In 2013, staff made minor revisions to the Rules of Conduct Policy and consolidated the Rules of Conduct – Exclusion/Reinstatement Policy, and Rules of Conduct – Appeals Policy into one policy, the Rules of Conduct - Exclusion, Reinstatement, and Appeals Policy. Further revisions were made to the Rules of Conduct – Exclusion, Reinstatement and Appeals Policy in 2014 in order to incorporate and address procedural issues and related changes.

The rules, policies and related procedures have been used effectively throughout the years to maintain a safe and welcoming environment for both the public and staff. The Library has detailed procedures and protocols, training and security measures to support staff in dealing with incidents effectively. A strong policy framework is an important support in creating a safe and welcoming environment.

COMMENTS

Staff completed an environmental scan of Rules of Conduct Policies, Code of Conduct Policies, and other similar policies and guidelines from thirty-seven Canadian public libraries, two City of Toronto divisions and thirty-eight American public libraries. In reviewing the policies, staff applied a trauma-informed approach and the policies were further reviewed from a legal, human rights and equity perspective.

Based on the findings of the environmental scan and overall review, Staff updated the Rules of Conduct Policy to achieve the following:

- Define space to incorporate both physical and virtual spaces, including Library branches, programs and events, online programs; telephone, email, and social media interactions and well as the website.
- Outline shared responsibilities of customers and staff in maintaining a safe and welcoming environment in any Library space or space where the Library is a contributor or collaborator.
- Link to TPL's Values, Vision and Mission, Equity Statement, Intellectual Freedom Statement, and Reconciliation Statement.

- Link to relevant legislation, such as the Ontario Human Rights Code, Canada's Criminal Code, Ontario Occupational Health and Safety Act, and Public Libraries Act.
- Link to TPL policies, such as Access to Information & Protection of Privacy Policy, Accessibility for Persons with Disabilities Policy, Display and Distribution of Information to the Public Policy, Human Rights and Anti-Harassment/Discrimination Policy, Online and Social Media Policy, Rules of Conduct - Exclusion, Reinstatement and Appeals Policy.
- Incorporate language for when and how staff may take action to mediate behaviour.
- Use broader categories to the Rules of Conduct so the policy is easier to understand for customers and easier for staff to reference and explain.
- Incorporate positive, clear, and inclusive language to convey customer responsibilities in a trauma-informed way.
- Define violent behaviour as described in the Ontario Occupational Health and Safety Act.
- Define harassing behaviour as described in the Ontario Occupational Health and Safety Act.
- Clarify disruptive behaviour to describe instances that impedes others' use of Library space.
- Clarify that filming and photography for personal use are permitted, except where a recording occurs in situations where there is an expectation of privacy, or where such activity violates the law or conflicts with another rule or Library policy.
- Highlight that parents and caregivers are to supervise the activities and choices of those for whom they are accompanying to the Library, and are responsible for ensuring that children under their care comply with this policy and all other TPL policies.
- Stress that customers will ensure that their conduct, and the conduct of any person they are supervising, complies with laws, by-laws and TPL policies.

Similarly, staff updated the Rules of Conduct - Exclusion, Reinstatement and Appeals Policy to achieve the following:

- Define space to incorporate both physical and virtual spaces, including branches, programs and events, online programs; telephone, email, and social media interactions and well as the website.
- Clearly and consistently articulate the actions staff will take in instances of a suspension or exclusion.
- Introduce an exclusion of one month from a single branch for persons under the age of 18 in recognition that the expectations for children and teens behaviour may be different than adults.
- Include language clarifying an extension of an exclusion.
 - A two-month exclusion may be extended when another incident in violation of the Rules of Conduct occurs. If the incident occurs during an existing two-month exclusion period, the person may receive an additional two-month exclusion.
 - A one or two-month exclusion may also be extended to a six or twelve-month exclusion when the criteria for a six or twelve-month exclusion is met.
- Highlight the restorative practice of requiring the excluded person to meet with a Manager to review the incident and expected behaviour in the Library when requesting an appeal.

CONCLUSION

The revised Rules of Conduct Policy and the Rules of Conduct – Exclusion, Reinstatement and Appeals Policy will continue to support TPL in fulfilling its mission of providing residents with equitable access to public library service while maintaining a safe and welcoming environment for both public and staff.

CONTACT

Moe Hosseini-Ara; Director, Branch Operations & Customer Experience; Tel: 416-397-5944; Email: mhoss@tpl.ca

SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

Attachment 1	Rules of Conduct Policy
Attachment 2	Rules of Conduct – Exclusion, Reinstatement, and
Appeals Policy	

Policy Title: Rules of Conduct

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Policy Classification: Board Policy

Rules of Conduct

Policy Classification: Board Policy

Motion # and Approval Date:

98 - 025 - January 29, 1998

07 - 158 - September 17, 2007

13 - 016 - January 21, 2013

Motion # and Last Revision Date: [Add date of Board Meeting]

Effective Date

[provide the date when the policy, or revision, is to come into effect.]

Purpose

This policy is intended to support a welcoming environment and ensure the dignity and safety of the public and staff, while maintaining the security of Toronto Public Library (TPL or “the Library”) property without disruption to library services.

Scope

This policy applies to all customers using library services, including any space on or off library property where library service is provided, including library branches, programs and events, online programs, telephone, email, social media, and website.

Underlying Principles

This policy is driven by principles as defined in the Library's Values, Vision and Mission and in TPL's Equity Statement and Intellectual Freedom Statement.

TPL is committed to creating and maintaining work and public service environments that are grounded in tolerance, mutual respect, and is trauma-informed so that library customers, partners, staff and the public can freely and equitably access or deliver library services.

Policy Statement

Everyone has the right to equal treatment with respect to the access and use of the Library's services and facilities without discrimination or harassment on the basis of race, ethnic group, nationality, immigration status, socioeconomic status, sex, gender identity, gender expression, sexual orientation, ability, language, religious affiliation, beliefs, age, or any other prohibited grounds under the *Ontario Human Rights Code*. Discrimination and/or harassment will not be tolerated under any circumstances. These rules are intended to prevent such conduct and to ensure the dignity and safety of the public and the staff and to maintain the security of library property without disruption to library services. TPL welcomes diversity and supports equity and inclusion by welcoming everyone, without judgement, to pursue their interests at the library, provided they do not violate these Rules of Conduct, the Ontario Human Rights Code, or Canada's Criminal Code or other applicable laws and policies. This is noted in TPL's Equity and Intellectual Freedom Statements.

We acknowledge that TPL has responsibility to ensure that the Library is a culturally safe and relevant space for Indigenous communities in Toronto as noted in TPL's Reconciliation Statement.

TPL is committed to its obligations to protect and support staff under the Ontario *Occupational Health & Safety Act*. These rules align with those obligations to support the creation of a safe space for all.

Any behaviour that does not support a welcoming environment and/or violates the Rules of Conduct may result in cost-recovery charges, suspension of library privileges, exclusion from the Library, engagement of law enforcement or another regulatory body, and/or prosecution. These Rules have been approved by the Toronto Public Library Board. An Individual has the right to appeal their exclusion as described in the Rules of Conduct - Exclusion, Reinstatement and Appeals Policy.

1. Respect and be considerate of others

Customers are participants in a shared public space and are expected to conduct themselves accordingly. Everyone using the space will be courteous, respectful,

and understanding of others. Discrimination and/or harassment will not be tolerated under any circumstances. Everyone using the space will follow the direction of library staff. At any time, staff may approach customers to intervene or mediate behaviour that does not support a welcoming environment.

Conduct that violates this principle includes but is not limited to:

- 1.1 Violent or threatening language or conduct, which includes
 - The exercise of physical force by a person against another that causes or could cause physical injury.
 - An attempt to exercise physical force against another that could cause physical injury.
 - A statement or behaviour that it is reasonable for someone to interpret as a threat to exercise physical force against another that could cause physical injury.
- 1.2 Harassing language or conduct, which includes
 - Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, including sexual harassment.
 - Code-based harassment, which includes engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome based on one or more of the prohibited grounds listed in the Ontario Human Rights Code, that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful.
 - Racial harassment, which is harassment on the ground of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic background, citizenship or even a person's language.
- 1.3 Requests for service, or refusal of service from staff, based on prohibited

grounds of discrimination under the Ontario Human Rights Code.

2. Respect and be considerate of shared spaces

Customers participating in library space are responsible for the appropriate use of library resources and will conduct themselves in a respectful and safe manner.

Conduct that violates this principle includes, but is not limited to:

- 2.1 Vandalism, which includes damaging library materials, equipment, or property.
- 2.2 Theft of library materials, equipment or property, as well as theft of another individual's personal items.
- 2.3 Disruptive behaviour, which includes any behaviour that impedes others' enjoyment of library services, including but not limited to:
 - Interfering with the designated use of computers and networks.
 - Using unauthorized entrances and exits or entering "Staff Only" areas without permission.
 - Monopolizing library space, furniture, electrical outlets, or equipment resulting in the exclusion of other customers.
 - Obstructing aisles or monopolizing space with items, packages, parcels, or bundles.
 - Occupying designated children's and youth spaces as an adult when not accompanying a child or youth
 - Bringing into the library a wheeled or electrified vehicle other than a wheelchair, mobility scooter, or other accessibility device, or baby carriage stroller
 - Posting notices, distributing circulars or petitions, soliciting or engaging in any commercial activity on library property, as indicated in the **Display and Distribution of Information to the Public Policy**.
 - Not wearing shirts, shoes and other appropriate attire.

For greater clarity, the following conduct is permitted:

- 2.4 Filming and photography for personal use are permitted, except where a recording occurs in situations where there is an expectation of privacy, or where such activity violates the law or conflicts with another rule or library policy.
- 2.5 Eating and drinking are allowed except in designated areas where they are prohibited. Consumption of alcoholic beverages or controlled substances is not allowed with the exception of events that receive prior permission.
- 2.6 TPL welcomes service animals to assist persons with disabilities, as indicated in the Library's Accessibility for Persons with Disabilities Policy.

3. Supervise children

Parents and caregivers are to supervise the activities and choices of those for whom they are accompanying to the library, and are responsible for ensuring that children under their care comply with this policy and all TPL policies.

Conduct that violates this principle includes but is not limited to:

- 3.1 Leaving children requiring supervision unattended on library premises

4. Comply with laws and by-laws

At all times, customers will ensure that their conduct and the conduct of any person they are supervising, complies with laws, by-laws and TPL policies.

Examples of conduct that violates this requirement include but are not limited to:

- 4.1 Trespassing while under exclusion.
- 4.2 Disruptive behaviour that violates a law or by-law:
 - Consuming alcoholic beverages or controlled substances
 - Being under the influence of alcohol or controlled substances in a manner that causes a disruption.
 - Smoking or use of e-cigarettes/vaporizing devices.

Specific Directives

In the course of administering and enforcing this policy, TPL may create, collect, use and disclose personal information about customers who violate or are suspected of violating these rules of conduct to notify individuals of violations or exclusions, reinstate individuals or otherwise re-establish a welcoming environment, and document violations or suspected violations. This information is collected under the authority of *Public Libraries Act*, sections 20(a), 20(d), 20(c). Personal information will be handled and protected according to the TPL Access to Information & Protection of Privacy Policy. TPL may communicate with individuals using contact information provided to us. Questions about how the library handles personal information can be directed to the Privacy Office at Toronto Public Library, 5120 Yonge Street, Toronto, ON, M2N 5N9, or by telephone: 416-395-5604, or by email: privacy@tpl.ca

Accountability

The Director of Branch Operations and Customer Experience is responsible for implementation of this policy.

Related Legislation

Public Libraries Act
Ontario Human Rights Code
Canada's Criminal Code
Occupational Health & Safety Act

Related Library Policies

Access to Information & Protection of Privacy Policy
Accessibility for Persons with Disabilities Policy
Display and Distribution of Information to the Public Policy.
Human Rights and Anti-Harassment/Discrimination Policy
Online and Social Media Policy
Rules of Conduct - Exclusion, Reinstatement and Appeals Policy

Contact

Director, Branch Operations and Customer Experience

DRAFT

Policy Title: Rules of Conduct – Exclusion, Reinstatement, and Appeals Policy
Policy Classification: Board Policy

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Rules of Conduct – Exclusion, Reinstatement, and Appeals Policy

Policy Classification: Board Policy

Motion # and Approval Date:

13 - 016 – January 21, 2013

14 - 080 – April 28, 2014

Motion # and Last Revision Date: [Add Board approval date]

Effective Date

[provide the date when the policy, or revision, is to come into effect.]

Purpose

This 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 **from library space** and the appeals process for people who are excluded as a result of misconduct.

Scope

This policy applies to all customers using library services, including any space on or off library property where library service is provided, including library branches, programs and events, online programs, telephone, email, social media, and website (referred to as "library space" in this policy).

Underlying Principles

This policy is driven by principles as defined in the Library's Values, Vision and Mission and in TPL's Equity Statement and Intellectual Freedom Statement.

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 and is committed to applying the Rules of Conduct in a fair and equitable manner, both substantively and procedurally.

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 violation of the Rules of Conduct occurs, Toronto Public Library has discretion in determining whether a person will be excluded **from library space, the duration** 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 twelve months has the right to appeal the exclusion. For exclusions of twelve months, the person has the right to appeal if their request for reinstatement following their twelve-month exclusion 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.

1. Suspensions and Exclusions

1.1 One Day Suspension

A suspension of one day from a single branch or library space may be applied when disregard for the Rules of Conduct occurs, including disruptive, harassing or discriminatory language or behaviour, attempted theft and minor vandalism. Some or all of the following actions will be taken by Library staff:

- a. Staff will inform the person of how they violated the Library's rules.
- b. An immediate verbal warning or written 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 excluded from select library space(s) and retain access to other library spaces and services.
- d. A written warning letter will be issued to the person (and their parent/caregiver if under the age of 18) informing them that they are excluded from a single branch or from a library space of the Toronto Public Library for a period of one day. The letter will include, as applicable:
 - The branch or space(s) the person is excluded from;
 - The period of exclusion;
 - The reason(s) for the exclusion;
 - Notice that there will be a further review of the incident and additional action may be taken, including a two-month exclusion;
 - The end date of the exclusion; and
 - The name and contact information for the relevant manager.
- e. Staff will record information about the identity of the individuals involved, as well as the nature of the violation, in the incident management system and/or in other designated files, which will be retained in accordance with the TPL Records Retention Schedule.

1.2 One Month Exclusion

In recognition that the expectations for children and teens behaviour may be different than adults, the exclusion period for persons under the age of 18 may be one month. An exclusion of one month from a single branch or from a library space may be applied when disregard for the Rules of Conduct occurs, including disruptive, harassing or discriminatory language or behaviour, attempted theft and minor vandalism.

Some or all of the following actions will be taken by Library staff:

- a. Staff will inform the person of how they violated the Library's rules.
- b. An immediate verbal or written warning will be given to the person by the staff member in charge at the time of the occurrence.
- c. The person will be directed to leave the branch or specific library service.

- d. Staff will record information about the identity of the individuals involved, as well as the nature of the violation, in the incident management system and/or in other designated files, which will be retained in accordance with the TPL Records Retention Schedule.
- e. A letter will be issued to the person (and their parent/caregiver if under the age of 18), informing them that they are excluded from a single branch or from a library space of the Toronto Public Library for a period of one month. The letter will include:
 - The branch or space the person is excluded from;
 - The period of exclusion;
 - The reason(s) for the exclusion;
 - A notification to the person that they have the right to appeal and information on the appeals process;
 - Notice that there will be a further review of the incident and additional action may be taken, including a possible extension of the one-month exclusion;
 - The end date of the exclusion; and
 - The name and contact information for the relevant manager.

1.3 Two Month Exclusion

An exclusion of two months from a single branch or from a library space may be applied when disregard for the Rules of Conduct occurs, including disruptive, harassing or discriminatory language or behaviour, attempted theft and minor vandalism. Some or all of the following actions will be taken by Library staff:

- a) Staff will inform the person of how they violated the Library's rules.
- b) An immediate verbal or written warning will be given to the person by the staff member in charge at the time of the occurrence.
- c) The person will be directed to leave from the branch or specific library service.

- d) Staff will record information about the identity of the individuals involved, as well as the nature of the violation, in the incident management system and/or in other designated files, which will be retained in accordance with the TPL Records Retention Schedule.
- e) A letter will be issued to the person (and their parent/caregiver if under the age of 18), informing them that they are excluded from a single branch or from a library space of the Toronto Public Library for a period of two months. The letter will include:
 - The space the person is excluded from;
 - The period of exclusion;
 - The reason(s) for the exclusion;
 - A notification to the person that they have the right to appeal and information on the appeals process;
 - 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 exclusion;
 - The end date of the exclusion; and
 - The name and contact information for the relevant manager.

1.4 Six Month System-wide Exclusion

A system-wide exclusion of six months from all Library **spaces** may be applied when violence, threat of violence, vandalism, theft or persistent disregard for the Rules of Conduct occurs. The following actions will be taken by Library staff:

- a) Staff will inform the person of how they violated the Library's rules.
- b) The person will be directed to leave from the branch or specific library service.
- c) The person will be excluded from all library branches and spaces.
- d) Use of their membership/card will be suspended.
- e) The person will be directed to leave from the branch or specific library service.

- f) Staff will record information about the identity of the individuals involved, as well as the nature of the violation, **in the incident management system and/or in other designated files**, which will be retained in accordance with the TPL Records Retention Schedule.
- g) A letter will be issued by the Director to the person **(and their parent/caregiver if under the age of 18)**, informing them that they are excluded from all properties and spaces of the Toronto Public Library for a period of six months and that their Library access have been suspended for that time period. The letter will include:
 - The period of exclusion;
 - The reason(s) for the exclusion;
 - A notification to the person that they have the right to appeal and information on the appeals process, **including the name and contact information for the manager to which the person may appeal**; and,
 - The end date of the exclusion which also includes reinstatement of access to all library branches and spaces as well as Library access.

1.5 12-Month System-wide Exclusion

A system-wide exclusion of 12 months from all **library spaces** may be applied when violence, threat of violence, vandalism, theft or persistent disregard for the Rules of Conduct occurs. A twelve-month exclusion will include the suspension of a person's library membership card.

The seriousness of the misconduct requires a further review prior to the exclusion being lifted and the person's access being reinstated. A person excluded for twelve months must apply to have his or her access reinstated.

The following actions will be taken by Library staff:

- a) Staff will inform the person of how they violated the Library's rules.
- b) **The person will be directed to leave from the branch or specific library service.**
- c) The person will be **excluded from all library branches and spaces**.

- d) Use of their membership/card will be suspended.
- e) The person will be directed to leave from the branch or specific library service.
- f) Staff will record information about the identity of the individuals involved, as well as the nature of the violation, in the incident management system and/or in other designated files, which will be retained in accordance with the TPL Records Retention Schedule.
- g) A letter will be issued by the Director to the person (and their parent/caregiver if under the age of 18), informing them that they are excluded from all properties of the Toronto Public Library for a period of 12 months and that their Library access have been suspended. The letter will include:
 - The period of exclusion;
 - The reason(s) for the exclusion;
 - A notification to the person that they have the right to appeal and information on the appeals process including the name and contact information for the manager to which the person may appeal;
 - The end date of the exclusion; and
 - Information about how to request to have their Library access reinstated after the 12-month exclusion period ends.

2. Extension of an Exclusion

- 2.1 A two-month exclusion may be extended when another incident disregarding the Rules of Conduct occurs. If the incident occurs during an existing two-month exclusion period, the person may receive an additional two-month exclusion.
- 2.2 A one or two-month exclusion may also be extended to a six or twelve-month exclusion when the criteria for a six or twelve-month exclusion is met.
- 2.3 A letter will be issued by the Director to the person informing them that they

are excluded and that the exclusion applies to all library space and their Library access have been suspended for that time period. The letter will include:

- The space(s) the person is excluded from;
- The period of exclusion;
- The reason(s) for the exclusion;
- A notification to the person that they have the right to appeal and information on the appeals process, including the name and contact information for the manager to which the person may appeal; and,
- The end date of the exclusion, which also includes reinstatement of access.

2.4 A six-month system-wide exclusion may also be extended to a twelve-month system-wide exclusion when violence, threat of violence, vandalism, theft or persistent disregard for the Rules of Conduct occurs.

2.5 A letter will be issued by the Director to the person informing them that they are excluded from all properties and services of the Toronto Public Library for a period of six months and that their Library access have been suspended for that time period. The letter will include:

- The period of exclusion;
- The reason(s) for the exclusion;
- A notification to the person that they have the right to appeal and information on the appeals process, including the name and contact information for the manager to which the person may appeal; and,
- Information about how to request to have their Library access reinstated after the twelve-month exclusion period is over. TPL will review specific situations and retains the right to determine an appropriate exclusion based on the facts.

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

3.1 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 they can be contacted/phone number/Library card number (if available);
- Space(s) from which they were excluded and date of exclusion;
- Reason for appeal.

The Library will provide an accessible format of the appeal form, and communication supports and attendant services upon request and with advanced notice.

3.2 Appeal of a One Month or Two Month Exclusion from a single space

An individual may appeal their exclusion to **the Manager** whose contact information was provided in the exclusion letter.

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

Reinstatement is automatic at the end of the **one- or** two-month exclusion period.

3.3 Appeal of a Six-month Exclusion

An individual may appeal their six-month exclusion to the City Librarian.

As part of the appeal to the City Librarian, the excluded person may be required to meet with a Manager to review the incident and expected behaviour in the library.

Following the meeting with the excluded person, the Manager will make a recommendation to the City Librarian.

Upon receipt of the decision of the City Librarian, the person may further appeal to the Toronto Public Library Board.

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

Reinstatement is automatic at the end of the six-month exclusion period.

3.4 Appeal of a 12-Month Exclusion

An individual may appeal their twelve-month exclusion to the City Librarian.

As part of the appeal to the City Librarian, the excluded person may be required to meet with a Manager to review the incident and expected behaviour in the library.

Following the meeting with the excluded person, the Manager will make a recommendation to the City Librarian.

Upon receipt of the decision of the City Librarian, the person may further appeal to the Toronto Public Library Board.

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

Individuals must apply to be reinstated once the twelve-month exclusion period has expired.

3.5 Reinstatement Process after 12-month exclusion

Reinstatement is automatic at the end of a one-day suspension as well as one-month, two-month or six-month exclusion. Individuals that are excluded for twelve months must apply for reinstatement of Library access.

A person has a right to apply for reinstatement following a twelve-month exclusion, in writing, to the Director.

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);
- Space(s) from which they were excluded and date of exclusion;
- Reasons for requesting reinstatement.

As part of the application for reinstatement, the excluded person may be required to meet with a Manager to review the incident and expected behaviour in the library.

Following the meeting with the excluded person, the Manager will make a recommendation to the Director.

3.6 To Appeal a Denial of Reinstatement

For persons whose request for reinstatement of Library access after a twelve-month exclusion is denied by the City Librarian:

The person may first appeal their request for reinstatement to the City Librarian.

As part of the appeal to the City Librarian, the excluded person may be required to meet with a Manager to review the incident and expected behaviour in the library.

Following the meeting with the excluded person, the Manager will make a recommendation to the City Librarian.

Upon receipt of the decision of the City Librarian, the person may further appeal to the Toronto Public Library Board.

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

Reinstatement is not automatic; the person must apply to be reinstated once the exclusion period has expired.

3.7 Criteria for Considering Appeals and Reinstatement

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

- 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 behaviour during their exclusion and whether there were additional incidents, including trespassing;
- 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; and
- f. Whether the exclusion procedures were applied in accordance with the provisions of this Policy.

Specific Directives

Toronto Public Library will provide the Rules of Conduct - Exclusion, Reinstatement and 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.

Appeals to the Toronto Public Library Board will be scheduled in a timely manner in accordance with regularly scheduled board meetings.

The person who is appealing will be requested to attend the board meeting where their appeal will be heard. If the person does not attend the board meeting, the board will proceed with deliberations and make a decision in their absence.

The person who is appealing will be given the opportunity to make reasonable oral or written submissions to the Toronto Public Library Board and a reasonable opportunity to reply to the information provided by staff.

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

Accountability

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.



Definitions

Appeal: The process of requesting a review of an exclusion or the request to review the decision of the Manager or Director regarding reinstatement.

Children: Persons age 0-12

Exclusion: A member of the public may not enter the specified Library **building, property or space** at any time for any reason for the during the exclusion period.

Extension of an Exclusion: A decision to extend the period of time that an individual is excluded from a library space when another incident violating the Rules of Conduct occurs.

Harassment: Harassing language or conduct, which includes

- Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, including sexual harassment.
- Code-based harassment, which includes engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome based on one or more of the prohibited grounds listed in the Ontario Human Rights Code, that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful.
- Racial harassment, which is harassment on the ground of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a

person's religious belief, ethnic background, citizenship or even a person's language.

Library space: Library Space includes any space on or off library property where library service is provided, including library branches, programs and events, online programs, telephone, email, social media, and website

Library property: All Library branches, buildings and property, including both interior and exterior grounds of the Toronto Public Library whether leased or owned.

Library access: Includes all use of Library programs, collections and 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 that 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 ends and library access is restored, **the individual is allowed back into library spaces.** 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 to the Director for reinstatement after the 12-month exclusion period has ended.

Suspension: **Where** 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 still retains use of their other Library access.

Violence: Violent or threatening language or conduct, which includes

- The exercise of physical force by a person against another that causes or could cause physical injury.
- An attempt to exercise physical force against another that could cause physical injury.

- A statement or behaviour that it is reasonable for someone to interpret as a threat to exercise physical force against that could cause physical injury.
- **Teens:** Persons ages 13-17

Contact

Director, Branch Operations and Customer Experience

DRAFT