

23.



**STAFF REPORT  
ACTION REQUIRED  
with Confidential  
Attachments**

## **Appeal of Exclusion by a Customer**

**Date:** October 25, 2022

**To:** Toronto Public Library Board

**From:** City Librarian

**Reason for Confidential Information:**

This report involves personal matters about an identifiable individual – *Public Libraries Act*, R.S.O 1990, Chapter P. 44, s. 16.1 (4) (b).

### **SUMMARY**

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The purpose of this report is to consider an appeal of an exclusion by a customer from the branches and to provide confidential information (Attachment 4) of the appeal currently under consideration.

### **RECOMMENDATIONS**

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**The City Librarian recommends that the Toronto Public Library Board:**

1. receives the Appeal of Exclusion by a Customer;
2. informs the individual, in writing, of the Board's decision; and

3. requests that the confidential information not be made public as it relates to personal information about an identifiable individual.

## **FINANCIAL IMPACT**

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There is no financial impact to the 2022 operating budget arising from the recommendations in this report.

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

## **DECISION HISTORY**

A member of the public was excluded from all properties, buildings and services of the Toronto Public Library Board for a period of 12 months, beginning May 27, 2022. The individual appealed to the City Librarian. The appeal was denied and the individual was advised of the appeals process. Under the [Rules of Conduct – Exclusion, Reinstatement and Appeals Policy](#), the individual may further appeal to the Toronto Public Library Board. The individual requested to appeal to the Library Board.

The individual was advised by registered mail and telephone message that an appeal would be heard by the Board on September 19, 2022. The appellant did not appear before the Board on that date. The Board agreed to defer the item until the October 25 Board meeting to give the appellant another opportunity to participate.

## **COMMENTS**

The individual has been advised that the appeal would be heard on October 25, 2022. Registered mail has been returned to the Library advising that the individual has moved. A voicemail message has been left advising the individual of the date and time that the appeal will be heard.

The appeal is considered under the [Rules of Conduct – Exclusions, Reinstatement and Appeals Policy](#). The appeal will be heard according to the procedures in Attachment 3.

## CONTACT

Moe Hosseini-Ara; Director, Branch Operations and Customer Experience;  
Tel: 416-397-5944. Email: [mhoss@tpl.ca](mailto:mhoss@tpl.ca)

## SIGNATURE

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Vickery Bowles  
City Librarian

## ATTACHMENTS

Attachment 1: Procedure for Hearing an Appeal to the Toronto Public Library Board  
Attachment 2: Confidential Report



### **Procedure for hearing an Appeal by the Toronto Public Library Board**

An excluded customer denied his/her appeal or appeal to a request for reinstatement by the City Librarian may further appeal to the Toronto Public Library Board.

#### **Procedure:**

1. On receipt of application or letter the Library Board Officer will schedule the appeal in a timely manner and notify the City Librarian and appropriate Director to conduct an investigation.
2. 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.
3. 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.
4. ROC Appeals Committee conducts the investigation following the Procedures for ROC Appeals Committee.
5. Director reviews package with City Librarian.
6. The Board will meet in a closed session with all staff asked to leave with the exception of the City Librarian, Director responsible for the exclusion, Director of HR and the Library Board Officer.
7. All documentation prepared for the Board Members will be made available in email and hard copy to the appellant three clear days ahead of the meeting as set out in the Toronto Public Library Board Procedural By-law.
8. All documentation submitted by the appellant will be made available to the Toronto Public Library Board.

9. The person who is appealing or his/her representative will be given reasonable opportunity to make oral and/or written submissions to the Toronto Public Library Board.
10. The Board will have the opportunity to ask questions of the appellant.
11. Staff will present their findings to the Board.
12. The Board may ask questions of Staff.
13. The appellant will be afforded a reasonable opportunity to reply to the information provided by Staff.
14. The appellant will be informed that he/she will be advised of the Board's decision in writing.
15. The appellant and Staff will be excused from the meeting.
16. The Board will make a decision and the Library Board Officer will record the decision and any conditions that may apply.
17. The appellant will be informed in writing, signed by the Board Chair, of the Board's decision.
18. If there are conditions associated with the reinstatement as outlined by the Board, the City Librarian will develop an implementation plan in consultation with the Director.

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