Title	Exclusions, Appeals and Reinstatement Policy
Policy Number	CPL-26-37
Policy Type	Operational
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Notes	

Purpose

Caledon Public Library ("the Library") is committed to maintaining a welcoming and safe environment in our physical and virtual branches, where everyone is treated with respect and courtesy. To that end the Caledon Public Library has adopted the Public Code of Conduct (CPL-16-11) (the "Code') to ensure the safety, protection and enjoyment of all those using the Library. The Public Code of Conduct will be courteously but firmly enforced by all library staff.

The following document outlines the procedures that staff will follow should members of the public fail to meet the expectations laid out in the Public Code of Conduct.

This policy should be read in conjunction with the Public Code of Conduct.

Definitions

"Appeal" means the process of requesting a review of an exclusion.

"Exclusion" means a member of the public is not allowed to enter any Library location or to be on Library property at any time for any reason during a specified time period.

"Expel" means to remove a person from the Library property.

"Library Property" means all leased or owned property of the Caledon Public Library.

"Library Privileges" includes all use of Library services including those for which a Library card is required or by contacting the Library in person, by phone, email or web service.

"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 and physical ability, or the circumstances of the incident.

"Reinstatement" is when an exclusion from the Library ends and Library privileges are restored.

Guidelines

Everyone is welcome at the Caledon Public Library. The Public Code of Conduct exists to ensure the safety, protection and enjoyment of all those using the library. When possible, the first response to a violation of the Public Code of Conduct will be a conversation with the customer to clarify expectations. Staff will inform the customer how they have violated the Public Code of

Conduct, and how to adjust their behaviour so that they can continue to the use the Library.

Should it be required, customers may be asked to leave the Library for the remainder of the day, so that they may return when their behaviour is aligned with the Public Code of Conduct. Minors may be given a letter requesting that their guardians speak with library staff. Excluding a customer from the Library is required if the customer has demonstrated repeated disregard for the Public Code of Conduct, or particularly inappropriate, egregious, dangerous, or illegal behaviour.

1.0 General Information

When a violation of the Code occurs, the Caledon Public Library has discretion in determining whether a person will be excluded from using library services and the duration of the exclusion. Each situation is unique and the specifics of the violation will be reviewed to determine the length of exclusion. Violations that are more severe in nature will result in longer-term exclusions.

- An exclusion may apply to the branch where the violation occurred or all of Caledon Public Library's locations and online services. Blocks will be placed on library cards, where applicable, for the duration of the exclusion.
- Any person who has been excluded from the Library has a right to appeal (see Section 8).
- The Library is committed to reviewing the Code and Policy and its application to support fair and equitable access for all.

Exclusions

In general, the length of the exclusion will match the severity of the violation of the Public Code of Conduct. The following exclusions are laid out as guidelines, however, the specifics of each situation will be taken into consideration when determining the appropriate exclusion length.

Exclusion Periods

Any Library staff may issue a one (1) day, two (2) week, or three (3) month exclusion for the disregard of the Public Code of Conduct.

- Staff will inform the person of how they violated the Library's Public Code of Conduct;
- The person will be expelled from the Library location;
- The incident and name of the person, if known, shall be recorded in an Incident Log Report;
- For exclusions of longer than one day an exclusion letter will be issued to the person and recorded. It will include:
    a) The period of exclusion;
    b) The reason(s) for the exclusion;
    c) A notification concerning the right to appeal and information on the appeals process (see Appendix A), and;

    d) The date of reinstatement of library privileges.
- Information about the exclusion may be provided to the police.

The Director, Public Service or designate may issue a six (6) month exclusion for a continued, blatant disregard for the Library's Public Code of Conduct or any serious incident. These include but are not limited to violence, vandalism and theft.

- Staff will inform the person of how they violated the Library's Public Code of Conduct;
- The person will be expelled from the library location;
- A written statement of exclusion will be issued to the person and recorded. It will include:
    a) The period of exclusion;
    b) The reason(s) for the exclusion;
    c) A notification concerning the right to appeal and information on the appeals process (see Appendix A) and;
    d) The date of reinstatement of Library privileges.
- Information about the exclusion will be provided to the police.

The CEO/Chief Librarian or designate may issue a permanent exclusion for a persistent, blatant disregard for the Library's Public Code of Conduct or for any serious incident. These include but are not limited to offences related to the Criminal Code of Canada.

- Staff shall inform the person of how they violated the Library's Public Code of Conduct and contact the police.
- A letter will be issued to the person informing of the exclusion and recorded. It will include:
    a) The period of the exclusion;
    b) The reason(s) for the exclusion;
    c) A notification concerning the right to appeal and information on the appeals process;
- Information about the exclusion will be provided to the police.

Parents or Guardians of minors will be required to be present at appeals and reinstatement meetings.

2.0 Minor Violations – Branch Specific

2.1. Leave for the Day

A person may be asked to leave for the day if disregard for the Code continues after they have been informed of a minor violation and been given the opportunity to change their behaviour.

Violations that may result in a request to leave for the day include, but are not limited to:

- Misuse of library facilities, materials or furniture;
- Excessive noise and disruptive behaviours;
- Canvassing or soliciting;

- Refusal to comply with a reasonable request from Library Staff.

2.2. Two-Week Suspension

A two-week suspension may be issued for repeated minor violations of the Code as outlined in Section 2.1, or for Policy violations such as, but not limited to:

- Repeated minor violations such as but not limited to; excessive noise and disruptive behaviours; refusal to comply with Library Staff;
- Cutting, tearing, defacing, breaking or damaging library materials;
- Violating the Acceptable IT Use Policy, including but not limited to; viewing of harmful or inappropriate internet content;
- Directing insulting language or profanity to Library Staff or customers.

3.0 Major Violations – System-Wide

3.1. Three-Month Suspension

A three-month suspension may be issued for repeated minor violations of the Policy where a two-week suspension has previously been issued.

A three-month suspension will be issued for policy violations such as, but not limited to:

- Harassment, malicious damage to library or staff property or equipment;
- Use of discriminatory language;
- Safety concerns, such as tampering with safety equipment or refusal to keep emergency exits or aisles clear;
- Theft of property or equipment belonging to the Library, staff or customers;
- Unauthorized recording of other customers or vulnerable people (e.g., children).

3.2. Six-Month Suspension

A six-month suspension may be issued for repeated violations of the Code where a three-month suspension has previously been issued.

A six-month suspension will be issued for policy violations such as, but not limited to:

- Attempted physical assault or aggressive movement;
- Threatening violence (verbal or gesture);
- Masturbation, indecent exposure or other sexual activity;
- Sexual harassment;
- Preparing, selling or using alcohol, cannabis or illegal substances on library premises;
- Use of library computers for illegal activities.

3.3. Indefinite Suspension

An indefinite suspension may be issued for repeated major violations of the Code where a six-month suspension has previously been issued.

An indefinite suspension will be issued for major violations of the Policy that include, but are not limited to:

- Physical assault;
- Sexual assault;
- Threatening violence with a weapon.

4.0 Exclusion Letter

When a violation of the Code results in a suspension of library privileges, staff will inform the person of how they violated the Code and will inform them that they are excluded from the premises of the Library according to the guidelines listed above.

An exclusion letter will be created and provided to the person. The notice will include:

- The period of exclusion and the date they can return to the Library;
- A notification that they have the right to appeal and information on the appeals process;
- Notice that there may be a further review of the incident and additional action may be taken, including a possible extension of the suspension;

Refusal to accept an exclusion letter or a lack of awareness of an exclusion letter does not nullify the validity of the exclusion.

5.0 Record Keeping and Reporting

Any violation of the Code that results in someone being asked to leave the Library will be recorded in an internal log. The log may include relevant personal information of the parties involved for the purpose of any necessary follow-up actions and for identification (e.g. name, contact, description).

Depending on the severity of the Code violation, Police reports may be filed, and copies of exclusion letters be shared, as appropriate.

6.0 Excluded Customers in the Library

If excluded customers re-enter the Library, staff will ask them to leave. If they refuse, Library Staff will call Ontario Provincial Police (OPP). All trespassing will be noted in an incident report.

7.0 Right to Appeal

A person has the right to appeal each exclusion once during the period of exclusion using the appeal process described below.

Appeals should be in writing, using the Request for Reinstatement of Library Privileges form (available on the Library website), or by writing a letter or e-mail with the following information:

- Name;
- Contact information;
- Location and date of the exclusion;

- Reason for the appeal.

In exceptional circumstances, appeals may be made via telephone call. A person's library privileges shall not be reinstated during the appeal process. Decisions on appeals will be made and communicated by the CEO/Chief Librarian or designate within 30 days from the date of receipt. The decision of the CEO/Chief Librarian shall be final.

The Library uses 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 for appeal or request for reinstatement;
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;
e) Whether the exclusion procedures were applied in accordance with the provisions of this Policy.

8.0 Reinstatement of Library Privileges

For most violations of the Code, a person who has committed a violation resulting in an exclusion will be informed of the date they can return to the premises. Some violations, such as physical or sexual assault, or threatening violence with a weapon, will result in an indefinite suspension.

8.1. Suspension of 6-months or Less

A person who has been served an exclusion letter a two (2) week or three (3) month or six (6) month period may return to the premises on or after their specified return date.

Upon their return, the Library staff may remind the individual of relevant rules and expectations.

8.2. Indefinite Suspensions

A person who has been served an indefinite exclusion for major and/or repeated serious violations of the Policy must apply to the CEO/Chief Librarian for reinstatement of library privileges.

Reinstatement requests will only be considered after a minimum of six months has passed since the exclusion letter was issued.

Reinstatement requests should be submitted in writing, using the CPL Request for Reinstatement of Library Privileges form (available on the Library website), or by writing a letter or e-mail that contains the following information:

- Name;
- Contact information;
- Location and date of the suspension;
- Reasons for requesting reinstatement;
- In exceptional circumstances, reinstatement requests may be made via a scheduled telephone call.
- Decisions on reinstatement requests will be made and communicated by the Chief Librarian/CEO or designate within 30 days from the date of receipt.

9.0 Appeal and Reinstatement Criteria

Only one appeal will be considered during the term of the suspension. The Library uses the following criteria when determining whether to grant an appeal or to reinstate library privileges:

- The safety of the public and Library staff and the circumstances surrounding the exclusion;
- The past behaviour of the person making the application for appeal or reinstatement;
- The person's reasons for appealing his or her exclusion or seeking reinstatement, as well as other mitigating factors;
- Where applicable, whether the person has reimbursed the Library for all expenses incurred as a result of the person's actions;
- Whether the exclusion procedures were applied in accordance with the provisions of this Policy.

10.0 Suspension Violations and Extensions

The Chief Librarian/CEO or designate may extend an exclusion period if an individual continues to attempt re-entry during the period of exclusion, after having been made aware of their exclusion. The length of the extension will depend on the frequency of re-entry attempts and whether additional Policy violations occurred during the re-entry attempt(s). An updated, written exclusion letter will be issued when an exclusion is extended.

The Chief Librarian/CEO may extend the exclusion period for an indefinite period and/or refuse to reinstate the library privileges of a person requesting reinstatement.

Related Policies

- CPL-15-02 Internet and Technology Acceptable Use Policy
- CPL-16-04 Operating Policy
- CPL-16-11 Public Code of Conduct

APPENDIX A

Request for Reinstatement of Library Privileges

To appeal an exclusion or request reinstatement of Library privileges complete the form below and submit to the CEO | Chief Librarian, by mail at 150 Queen Street, Bolton, ON, L7E 1E3 or by email at ceo@caledon.library.on.ca.

Caledon Public Library uses 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 for appeal or reinstatement;
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;
e) Whether the exclusion procedures were applied in accordance with the provisions of this Policy.

Reason (select one)

☐ Appeal an Exclusion
☐ Request Reinstatement of Library Privileges after 12 months
☐ Appeal a Denial of Reinstatement of Library Privileges after 12 months

Contact Information

*First Name:
*Last Name:
*Address:
*Phone number:
Email:
Library Card Number:

*Mandatory Fields

Location and date of the exclusion

Location:
Date:

Reason for the appeal/request for reinstatement (attach additional pages to form if needed)

Signature:
Date:

Personal information is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and will be used, disclosed, and retained only as necessary for the administration of Library services, programs, or activities, and for purposes consistent with that authority.

Questions regarding the collection, use, disclosure, or retention of personal information may be directed to the Office of the CEO and Chief Librarian, Caledon Public Library at 905-857-1400 or ceo@caledon.library.on.ca