

# AGENDA

## Regular Meeting #2023-05

### Kingston Frontenac Public Library Board

May 24, 2023 at 5:00 PM

#### Meet 1, Central Branch

The Kingston Frontenac Public Library acknowledges that our work takes place on the traditional territories of the Algonquin, Anishinaabe, Haudenosaunee and Huron-Wendat and is home to Shabot Obaadjiwan First Nation, one of ten communities that make up the Algonquins of Ontario. We acknowledge the Mohawks of the Bay of Quinte and recognize that our region is home to First Nations, Métis, and Inuit from across Turtle Island, as well as Indigenous Peoples from other areas of the world.

1. Call to Order / Regrets
2. Adoption of the Agenda (motion)
3. Disclosure of Conflict of Interest
4. Adoption of Minutes
  - 4.1. Regular KFPL Board Meeting #2023-04 of April 26, 2023 (attached) (motion)
  - 4.2. Committee of the Whole Meeting #2023-CW02 of May 10, 2023 (attached) (motion)

#### Consent Agenda

5. Information Items
  - 5.1. Correspondence / Information Received and Sent  
(no correspondence to report on as of May 16, 2023)
6. Information Reports
  - 6.1. Chief Librarian Communication (attached)
  - 6.2. Request for Review of Library Materials (Q1-2023) (attached)
  - 6.3. Statistical Report (Q1-2023) (distributed separately)
  - 6.4. Annual Report (distributed separately)
7. Motion to accept Consent Agenda (motion)

## **Action Agenda**

### 8. Business Arising from the Minutes

8.1.

### 9. Monitoring Reports

9.1. Communication and Counsel (report attached) (motion)

9.2. Staff Relations and Volunteers (report attached) (motion)

9.3. Asset Protection (external audit)

9.3.1. Presentation of 2022 Draft Financial Statements, Lori Huber (Partner, Audit), KPMG

9.3.2. Audit Approval Consent (2022 Draft Financial Statements) (distributed separately) (motion)

### 10. Policy Review and Approval (report attached)

10.1. Occupational Health and Safety (policy attached) (motion)

10.2. Workplace Harassment (policy attached) (motion)

10.3. Workplace Violence Prevention (policy attached) (motion)

10.4. Procurement of Goods and Services (policy attached) (motion)

## **Other Business**

11. Notice of Motion – amendments to KFPL By-laws (report and policy attached)

## **Adjournment and Next Meeting**

Regular Board Meeting, Wednesday, June 28, 2023 at 5:00 p.m., Meet 1, Central Branch.

## MINUTES (unconfirmed)

### Regular Meeting #2023-04

#### Kingston Frontenac Public Library Board

April 26, 2023 at 5:00 PM

Meet 1, Central Branch

#### Attendance:

Present: Laura Carter (Chief Librarian / Chief Executive Officer), Dr. Mark Asberg, Anne Brunner, Alicia Cappello, Mary Beth Gauthier, Jane Kingsland (arrived at 5:03 p.m.), Louise Moody (virtual), Alan Revill (Chair), Jennifer Ross (Vice-Chair), Councillor Wendy Stephen (virtual)

Staff Present: Nicole Charles (Director, Facilities and Technology), Kristen Lemay (Manager, Branches and Collections), Kimberly Sutherland Mills (Director, Service Design and Delivery), Shelagh Quigley (Director, Human Resources), Chris Ridgley (Budget/HR Analyst), Amy Rundle (Recording Secretary), Tim Stranak (Manager, Facilities)

CUPE 2202 / 2202.01: Jillann Rothwell

Absent / Regrets: Dr. Elizabeth Goodyear-Grant, Councillor Ray Leonard

#### 1. Call to Order

The meeting was called to order at 5:01 p.m.

#### 2. Adoption of the Agenda

Motion #: 2023-28

Moved by: A. Cappello      Seconded by: J. Ross

That the agenda be adopted as distributed.

Carried

#### 3. Disclosure of Conflict of Interest

There were no declarations of conflict of interest.

#### 4. Adoption of Minutes

Motion #: 2023-29

Moved by: M. Gauthier      Seconded by: A. Cappello

That the minutes of Regular Meeting #2023-03 of the Kingston Frontenac Public Library Board held March 22, 2023 be adopted as circulated.

Carried

## **Consent Agenda**

### **5. Information Items**

#### 5.1. Correspondence / Information Received and Sent

5.1.1. To the City of Kingston, a letter dated March 23, 2023 notifying the City Clerk of a vacancy on the KFPL Board.

5.1.2. From the City of Kingston, a letter dated April 6, 2023 confirming the appointment of Mary Beth Gauthier to the KFPL Board.

### **6. Information Reports**

6.1. Chief Librarian Communication

6.2. 2022 Annual Report

The Annual Report is still being finalized and will be distributed separately.

6.3. Budget Variance Report as of March 31, 2023

A Board member inquired about the correlation between actual to budget percentages and the quarterly timeline. L. Carter stated that the actual to budget percentages for lines with predictable or regular expenditures (e.g., staffing, utilities) remain fairly consistent with the quarterly timeline. However, some budget lines have annual payments deducted early in the year (e.g., digital services subscriptions), or cover unexpected repairs/maintenance (e.g., contracted services), that can make the actual to budget percentages seem high in Q1 and Q2. The budget variance report is also impacted by revenue that is only received in one annual installment later in the year.

### **7. Motion to accept Consent Agenda**

Motion #: 2023-30

Moved by: M. Asberg

Seconded by: J. Ross

To accept the Consent Agenda, thereby accepting the materials on the consent agenda.

Carried

## **Action Agenda**

### **8. Business Arising from the Minutes**

There was no business arising from the minutes.

### **9. Monitoring Reports**

9.1. Financial Condition (L-5) Q1-2023

Motion #: 2023-31

Moved by: A. Brunner      Seconded by: J. Kingsland

That the Board has assessed the Chief Librarian's monitoring report on Financial Condition (L-5) as providing a reasonable interpretation of the policy and sufficient evidence of compliance.

Carried

9.2. Treatment of Public (L-3)

Motion #: 2023-32

Moved by: L. Moody      Seconded by: A. Cappello

That the Board has assessed the Chief Librarian's monitoring report on Treatment of Public (L-3) as providing a reasonable interpretation of the policy and sufficient evidence of compliance.

Carried

**10. Policy Revised and Approval**

10.1. KFPL Board By-laws

This item has been deferred to a future meeting to allow time for additional discussion and revision.

**Other Business**

**11. Ownership Linkages and Board Education**

Following discussion at the March meeting, staff will distribute a form to Board members to gather feedback about potential community connections and addressing knowledge gaps. Staff report back at a high level to facilitate further discussion and development of a linkage and education plan.

**Adjournment / Next Meeting**

There being no further business, J. Kingsland moved to adjourn the meeting at 5:17 p.m.

The next regular Board Meeting will be held at 5:00 p.m., Wednesday, April 26, 2023, Meet 1, Central Branch.

**Signatures:**

Alan Revill, Chair

Amy Rundle, Recording Secretary

## MINUTES (unconfirmed)

### Committee of the Whole Meeting #2023-CW02

#### Kingston Frontenac Public Library Board

May 10, 2023 at 5:00 PM

Meet 1, Central Branch

#### Attendance:

Present: Kimberly Sutherland Mills (Acting Chief Librarian / Chief Executive Officer), Dr. Mark Asberg, Anne Brunner, Alicia Cappello, Mary Beth Gauthier (virtual attendance), Dr. Elizabeth Goodyear-Grant, Councillor Ray Leonard, Louise Moody, Alan Revill (Chair), Jennifer Ross (Vice-Chair), Councillor Wendy Stephen

Staff Present: Nicole Charles (Director, Facilities and Technology), Kristen Lemay (Manager, Branches and Collections), Shelagh Quigley (Director, Human Resources), Chris Ridgley (Budget/HR Analyst), Amy Rundle (Recording Secretary), Tim Stranak (Manager, Facilities)

Absent / Regrets: Jane Kingsland

#### 1. Call to Order

The meeting was called to order at 5:00 p.m.

#### 2. Policy Review

##### 2.1. Health and Safety

These policies undergo an annual review by the Joint Health and Safety Committee (JHSC) prior to the annual Board review.

##### 2.1.1. Occupational Health and Safety Policy

Item 5.1. states that Library management will “ensure a hazard free workplace” and there was discussion about the application of this clause given there are inherent risks in any public space.

##### 2.1.2. Workplace Harassment Policy

A Board member asked how the Workplace Harassment policy differs from the Patron Code of Conduct since both address unacceptable behaviour in the workplace.

S. Quigley stated that the Workplace Harassment policy is the guiding document, and

that the Patron Code of Conduct is looked as one means of providing a healthy working environment for staff.

A. Revill noted that the Patron Code of Conduct will likely be brought to the Board for review and discussion later this year.

#### 2.1.3. Workplace Violence Prevention Policy

No changes to the policy are recommended at this time.

#### 2.2. Procurement of Goods and Services Policy

Significant changes to the policy are recommended by staff to align with the City of Kingston's policy that was updated and approved by Council in September 2022. Proposed updates improve flexibility for staff while maintaining accountability.

A Board member asked for clarification about the list of exclusions (Schedule A). N. Charles explained that the purpose of the policy is to ensure larger value procurements are undertaken in a fair, transparent and ethical manner. The exclusions are expenditures that for reasons of privacy, legality, efficiency, etc., are allowed to move forward outside of a competitive procurement process.

Appreciation was expressed that the policy more consistently aligns with the City's policy.

A request was made for staff to keep the Board informed of larger expenditures that fall within the Chief Librarian's approval authority.

#### 2.3. KFPL Board By-laws

Board members discussed the recommended revisions and items for further consideration as outlined in the report, and agreed to the following:

- Proposed revisions to items 4.1, 5.6, 8.2, 9.1, and 12.5. (as outlined in the report).
- Omit the first sentence in item 3.1. and only note the legislated minimum number of meetings per year.
- Update item 3.2 to reflect that the regular frequency, date, time and location of meetings will be discussed and decided at the first meeting of each year.
- Update item 12.1 to reflect that delegation requests should be received 5 days in advance of a meeting.
- Clarify the procedure for requesting a delegation after the deadline and add a noon cut-off on the day of the meeting.

- Update item 13.3 to include “exclusive of the time required to answer questions by the Board.”

Additional discussion took place regarding item 12.1 and whether “matters upon which the Board is considering taking action” refers to agenda items at a specific meeting, or more generally refers to matters the Board has purview over. The following comments were made:

- Limiting delegation requests to matters on a specific meeting agenda is a disadvantage to people who are unfamiliar with the agenda cycle.
- If one of the Board’s key principles is to act transparently and openly encourage feedback, the By-laws should reflect this in how delegation requests are handled.
- If the guidelines for delegation requests are left too open it could lead to problems. Many issues, like programming choices, are operational decisions and not for the Board to decide.
- Suggest changing item 12.1 to “address the Board on agenda items upon which the Board is considering taking action.”

Staff will update the draft document as discussed. The revision will be brought forward at the May meeting for final review, with final approval scheduled for the June meeting.

### **3. Other Business**

#### 3.1. Board Education: Department Overviews

K. Sutherland Mills, K. Lemay, N. Charles and T. Stranak gave presentations to better orient Board members with the responsibilities, activities and staff members associated with each of the Library’s departments.

#### 3.2. Ownership Linkages: Discussion and Planning

This item was deferred to the next meeting.

### **4. Adjournment and Next Meeting**

There being no further business, the meeting was adjourned at 6:24 p.m.

The next regular Board Meeting will be held at 5:00 p.m., Wednesday, May 24, 2023, Meet 1, Central Branch.



## KFPL Report to the Board

**Subject:** Chief Librarian Communication

**Prepared by:** L. Carter, Chief Librarian / CEO

**Date of meeting:** May 24, 2023

As requested in Executive Limitation Policy L-9, Communication and Counsel, the following information is provided for general consideration in the establishment, review and approval of Board policy.

### **Safety and Security Update**

Library staff are continuing to meet with community partners (e.g., City, Kingston Police, etc.) regarding systemic issues. There is also regular communication with City staff and the provider around the ongoing transition to the new security services provider.

### **Project Updates**

An initial meeting was held with City of Kingston Facilities & Construction Management Services (FMCS) staff in mid-May regarding the upcoming Isabel Turner Branch renovation project. FMCS is drafting an RFP for Architectural and Engineering Services for the purposes of design and contract administration. Capital funds for the design phase of this project were included in their 2023 budget. A grant application has been submitted to assist in funding the project, and the final scope of the work may depend on grant availability. Regular updates will be provided to the Board as the project progresses.

Implementation work is ongoing for the Extended Hours pilot project at the Pittsburgh Branch. Library staff met with the door keypad vendor recently to discuss installation and configuration of the hardware, which should be shipped soon. The updated project timeline is Q3 2023.

### **Staffing Updates**

Max Manga will join KFPL on June 5 as the new Librarian, Teen and New Adult Services.

Felipe Milagres was the successful candidate for the Systems Application Technician position and started on May 8.

Recruitment is ongoing for several positions: Relief Library Assistant (South Frontenac and Islands), Library Assistants for the Sydenham and Storrington branches, and Page (urban).

## **Staff Training and Professional Development**

Staff are exploring the new Beanstack platform, preparing for the launch of KFPL's three summer reading programs.

## **Programs and Events – New and Notable**

- Award-winning Canadian writer Catherine Hernandez will join KFPL and Queen's Libraries for the virtual Bookmarks event on May 29.
- Indigenous Heritage Month kicks off with two Powwow Workout sessions with Amanda Fox.
- The Joe Chithalen Musical Instrument Lending Library will operate a pop-up lending service out of the Rideau Heights Branch beginning June 7.
- Drag Queen Storytime will be held in conjunction with Kingston Pride at Market Square on June 17. The program will be offered again in July at the Calvin Park Branch and in August at the Sydenham Branch.
- The City of Kingston has provided funding to support food-based programming out of the Rideau Heights Branch. StoryBrunch and Munch and Make will run July through December.
- Outreach highlights for April and May: Queen's Faculty of Education Literacy Fair, Rural Frontenac Community Services Community Café, Sharbot Lake EarlyON, One Roof's FUSE Youth Group, Touch a Truck and Summer Music Kick Off in South Frontenac, Science Rendezvous, and several "Welcome to Kindergarten" events.

## **Meetings and Events Attended by the Chief Librarian (or designate)**

To remain as informed as possible regarding issues affecting public libraries and our communities, highlights of development opportunities, meetings, and community activities that were attended by the Chief Librarian or delegate since the last report are reported:

[See Appendix A](#)

## **KFPL Incident Reports by Branch**

Incident reports, completed by staff, allow the Library to keep track of situations that occur and to assess if any remedial action is required (e.g., banning, training, new policies, or procedures, etc.). [See Appendix B](#)

## **Summary of Patron Feedback**

Patron comments are logged and reviewed by the management team bi-weekly. Where contact information is provided and/or a response is requested, library staff respond to the feedback, which is submitted through a variety of channels. [See Appendix C](#)

## **Appendix A:**

### **Meetings and Events Attended by the Chief Librarian (or designate)**

- April 15 to May 15, 2023

Administrators of Rural-Urban Public Libraries (ARUPLO) Executive Committee Meeting

- April 19, 2023

Federation of Ontario Public Libraries (FOPL) Annual General Meeting

- April 21, 2023

Community Check-In Call with Mayor Paterson

- April 27, 2023

Canadian Urban Libraries Council (CULC) Spring Meetings and AGM

- April 30-May 2, 2023

Meeting with U. Wilkinson, President, Friends of the Library

- May 3, 2023

Meeting with City of Kingston Facilities Management & Construction Services staff, with N. Charles and T. Stranak

- May 5, 2023

Meeting with Vendor regarding Extended Hours project technology, with N. Charles, T. Stranak and B. Purvis.

- May 11, 2023

**Appendix B:****KFPL Incident Reports by Branch (April 15 to May 15, 2023)****Calvin Park**

- 2023-233 Garbage and burnt candles on shed porch (April 18)
  - 2023-238 Abusive, threatening patron (April 20)
  - 2023-260 Wine bottle left in washroom garbage (May 1)
  - 2023-261 Patron in distress in washroom (May 1)
  - 2023-264 Bike locked to courtyard fence (May 1)
  - 2023-268 Patron feeling unwell (May 1) 📞
  - 2023-270 Disposal of syringe (May 3)
  - 2023-271 Interaction between patrons (May 3)
  - 2023-282 Crisis team called for patron (May 5) 📞
  - 2023-289 Suspicious behaviour, possible theft of materials (May 9)
  - 2023-290 Banned patron in library (May 9)
  - 2023-301 Stolen bike (May 11)
  - 2023-302 Patron threatens another patron (May 12)
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**Central**

- 2023-228 Moaning from first floor washroom (April 17)
- 2023-234 Altercation between two patrons (April 19) 📞
- 2023-236 Patron violates ban again (April 19)
- 2023-237 Syringe found in covered parking lot (April 20)
- 2023-239 Patron asked to leave after several wellness checks (April 21)
- 2023-243 Feces in covered parking lot (April 22)
- 2023-243 Beer can found near entrance (April 22)
- 2023-250 Angry outburst (April 27)
- 2023-253 Patron in severe distress (April 29) 📞
- 2023-256 Sale of drugs witnessed in washroom (April 29) 📞
- 2023-257 Disruptive conduct in teen area (April 29)
- 2023-258 Patron violates ban again (April 29)
- 2023-259 Disruptive youth in parking lot (April 29)

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- 2023-262 Unresponsive patron in accessible washroom (May 1)
  - 2023-263 Patron occupying washroom stall for extended time (May 1)
  - 2023-267 Non-service dog in the library (May 2)
  - 2023-272 Inappropriate conduct by couple in washroom (May 3)
  - 2023-273 Library vehicle vandalized, minor damage (May 4)
  - 2023-274 Violent outburst at closing (May 3)
  - 2023-275 Banned patron in library again (May 4)
  - 2023-279 Banned patron on library property (May 4)
  - 2023-280 Theft of patron computer (May 4)
  - 2023-285 Mess left at access computer (May 6)
  - 2023-287 Mess left in accessible washroom (May 8)
  - 2023-291 Another mess left in accessible washroom (May 9)
  - 2023-292 Patron voices concern about another patron (May 9)
  - 2023-295 Complaint about person coughing (May 10)
  - 2023-296 Patron left belongings unattended at computer (May 11)
  - 2023-297 Patron throwing rocks in covered parking lot (May 10)
  - 2023-298 Patron gives personal information to staff (May 11)
  - 2023-299 Banned patron on library property (May 11) 📞
  - 2023-300 Banned patron in library again (May 11)
  - 2023-303 Banned patron violates ban again (May 12)
  - 2023-304 Banned patron in branch again (May 12) 📞
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**Isabel Turner**

- 2023-231 Ambulance called for patron (April 17) 📞
- 2023-235 Damage to portable exterior sign (April 19)
- 2023-244 Banned patron in branch (April 24)
- 2023-245 Personal belongings outside branch (April 24)
- 2023-246 Patron violates ban again (April 25) 📞
- 2023-248 Empty DVD cases (April 26)
- 2023-249 Broken alcohol bottle outside branch (April 27)
- 2023-251 Theft of library materials (April 27)
- 2023-255 Patron's backpack stolen (April 28)
- 2023-266 Banning notice delivered to patron (May 2)

- 2023-269 More empty DVD cases (May 3)
  - 2023-276 Intoxicated people outside library (May 4) 📞
  - 2023-277 Banned patron in branch (May 4)
  - 2023-281 Suspected theft of library materials (May 4)
  - 2023-282 Empty video game case (May 6)
  - 2023-284 Wellness check on person sleeping outside (May 6)
  - 2023-293 Report of suspicious activity outside when branch closed (May 10)
  - 2023-294 Large gathering of teens in park, drug use (May 10) 📞
  - 2023-307 Empty beer can in men's washroom (May 13)
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### **Pittsburgh**

- 2023-241 Agitated patron at public computer (April 22) 📞
  - 2023-278 Patron slow to leave at closing, smoking near door (May 3)
  - 2023-288 Banned patron in library (May 9) 📞
  - 2023-306 Complaint about people sitting in parking lot (May 13)
  - 2023-308 Patron experiencing a panic attack, declined emergency services (May 13)
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### **Rideau Heights**

- 2023-247 Broken iPad holder (April 25)
  - 2023-265 Teen with possible weapon inside community centre (May 1)
  - 2023-305 Damaged shelving in teen area (May 12)
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## Appendix C:

### Summary of Patron Feedback (April 15 to May 15, 2023)

#### Branch Operations

- Suggestion received to have a public phone available at the Central branch for patron use (e.g., pay phone).
  - A patron expressed “concern and disappointment that there will be unstaffed hours at our local library”, and they no longer feel comfortable allowing their children to go to the library by themselves.
  - A patron complained about the identification required for membership renewal, and the lack of an online renewal option.
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#### Collections

- Complaint received about Libby content loading slowly.
  - A patron complained about the poor selection of audiobooks in Libby.
  - Appreciation was received about the audiobook collection: “What’s a road trip without audiobooks? Thank you @kfpl for the options for kiddo and I.”
  - Request to return to cloudLibrary.
  - Suggestion received for radon detectors to be available for loan all year.
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#### Customer Service

- A very happy patron in Sydenham expressed appreciation for the help a staff member provided to scan and print some documents.
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#### General

- Appreciation received for public library service: “The library is the greatest resource. The library puts you into so many worlds; it is a portal. Most people don’t appreciate what it can do.”
  - A patron declared their support of the library: “I’m a proud supporter of @kfpl”.
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#### Programming

- Request received for the Tech Tutor program to return.
- Complaint received about the lack of storytimes and other programs at the Sydenham Branch, and another patron commented that they would love to attend children’s programming at the branch.

- Social media posts regarding upcoming Drag Queen Storytime programs generated a lot of engagement. Most comments and feedback received was positive, but some expressed concern or opposition.
  - Appreciation received for the library's participation in the Touch the Truck event hosted by South Frontenac Township.
  - Appreciation was received in response to school visits to the library: "[the kids were] so excited to visit the local library and listen to one of their favourite stories", "we had so much fun singing and dancing and listening to stories".
  - Praise received for the Project Drawdown webinar.
  - Appreciation expressed for outreach programs to local schools: "Thank you Ms. S from @kfpl who came in to teach us all about the Library today in Kinder!"
  - Appreciation was received from several patrons about the Repair It! ("How cool is this?", "Such a great service!", "Looking forward to the next one."), along with a request for the program to take place at the Isabel Turner branch sometimes.
  - Request received for community garden space at the Isabel Turner Branch: "I would love to see a garden space for vegetables – just like at Calvin Park."
  - Praise received for the Spice It Up program from several participants, along with a request for the program to continue in Fall 2023: "Meeting like-minded people through this class has been very enjoyable. It is wonderful having a Zoom program as I live in Sharbot Lake. Continue the good work!"
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## KFPL Report to the Board

**Subject:** Requests for Review of Library Materials (Q1-2023)

**Prepared by:** K. Lemay, Manager, Branches and Collections

**Date of meeting:** May 24, 2023

### Background:

The Request for Review of Library Materials process is a means for patrons to communicate concerns about specific materials to Library staff and encourages meaningful conversation about intellectual freedom. Requests for Review are dealt with in the context of the Collections Development Policy, which was last approved by the Library Board in March 2023. The relevant section of the policy is restated here:

*The Kingston Frontenac Public Library Board regards an individual's right of access to information through the public library as an important element of a democratic society. The presence of any material in the Library does not indicate an endorsement of its contents.*

*The content or manner of expressing ideas in material that is purposely selected to fill the needs of some Library users may be considered to be offensive by other Library users. The Library recognizes the right of any individual or group to reject Library material for personal use but does not accord to any individual or group the right to restrict the freedom of others to make use of that same material. While Library staff will attempt to guide individuals and groups to materials suitable for their use, the ultimate responsibility for the choice made by the patron lies with the patron and/or their parent(s) or guardian(s).*

Requests for Review are made in writing via the Request for Review of Library Materials form. Acknowledgement of the request is sent within 2 business days and a written response is sent within 30 days. Requests for Review are formally reviewed by a Collection Review Team (CRT) and communicated to requestors following the process outlined in the KFPL Guidelines for Requests for Review of Library Materials. Patrons not satisfied with the response will be invited to meet with the Chief Librarian and members of the review team. The final decision on any challenge to the collection rests with the Chief Librarian.

### Analysis:

In the first quarter of 2023, KFPL received two Requests for Review of Library Materials.

In one case, the CRT opted to retain the item in the collection. In the other case, the CRT decided to remove the item from the collection. Details follow:

**1. *Naughty Or Nice*, by Eric Jerome Dickey**

*Naughty Or Nice* (2005) by Eric Jerome Dickey is an adult fiction romance. This item is a standalone novel by an author who has written extensively in the romance genre. It is intended for adults.

Summary of Patron Comments

The patron felt that the title was pornographic and requested that the book be removed from the Library's collection, or to have a warning label on it. The patron also felt that the Library should restrict minors' access to the title.

Findings and Action Taken

Upon review of the work, reviews of the author in library reviewing sources, and circulation at KFPL, the CRT decided to retain the title. The Library's collection includes nearly thirty titles by the author. Eric Jeromy Dickey is a popular romance genre author whose work is available in library systems across Canada.

The response to the patron referred to relevant sections of the Collection Development policy notably section 3.7 Parental Responsibility, 4.10 Controversial Materials, and 4.11 Labeling of Collections.

The decision of the CRT was communicated to the patron as per the Guidelines for Requests for Review of Library Materials.

Date Resolved

January 2023

**2. *Lies Girls Believe and the Truth That Sets Them Free*, by Dannah Gresh**

*Lies Girls Believe and the Truth That Sets Them Free* (2019) by Dannah Gresh is written for pre-teen and young teen girls. It is written from a fundamentalist Christian viewpoint and addresses issues such as sexual purity, gender, marriage, and other topics.

Summary of Patron Comments

The patron felt that the work is hateful to the trans community because the book claims that two genders (male and female) are "God's truth" and that people who do not believe this are believing a lie. The patron requested that the Library review the book.

Findings and Action Taken

Upon review of the work, the CRT decided to remove the title from the Library's collection. It did not meet KFPL's selection criteria; the book did not have reviews from library reviewing sources, did not conform to format guidelines, and did not meet standards for accuracy.

The decision of the CRT was communicated to the patron as per the Guidelines for Requests for Review of Library Materials. The patron expressed satisfaction with the response.

Date Resolved

February 2023

# KFPL Monitoring Report to the Board

## Executive Limitation Policy L-9

### Communication and Counsel (2023-05)

With respect to providing information and counsel to the Board, the Chief Librarian may not permit the Board to be uninformed.

1. Neglect to submit monitoring data required by the Board (see policy on Monitoring Chief Librarian Performance) in a timely, accurate and understandable fashion, directly addressing provisions of the Board policies being monitored.
2. Let the Board be unaware of relevant trends, significant changes in provincial or municipal policies, anticipated adverse media coverage, and/or public reaction, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established. This shall be done in a timely manner.
3. Fail to advise the Board if, in the Chief Librarian's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Staff Relationship, particularly in the case of Board behaviour which is detrimental to the work relationship between the Board and the Chief Librarian.
4. Fail to marshal for the Board as many staff and external points of view, issues and options as needed for fully informed Board choices.
5. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types; monitoring, decision-preparation or other.
6. Fail to provide a mechanism for official Board, officer or committee communications.
7. Fail to deal with the Board as a whole except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.
8. Fail to report in a timely manner an actual or anticipated non-compliance with any policy of the Board.
9. Fail to supply for the consent agenda all items delegated to the Chief Librarian, yet required by law or contract to be board-approved, along with the monitoring assurance pertaining thereto.

## **CEO Interpretation**

I interpret this to mean that the CEO shall ensure the Board receives, in a timely and accessible manner, a sufficient amount of accurate information from a variety of perspectives, to inform Board policy and decision-making and assess operational performance. The Board will also receive staff support, in a manner consistent with the total staff resources available, to carry out its responsibilities.

Compliance will be demonstrated when:

- Mechanisms are in place to ensure access to Board resources, training, and communications.
- All required monitoring reports are submitted for inclusion in the Board agenda package according to the schedule in Board policy documents and are accepted by Board motion.
- The Board is advised of any trends, legislative changes, adverse media coverage or public reaction, and external/internal changes that could impact Board policies, particularly those that may trigger the Board's reconsideration of the policies. This information will be provided as soon as possible.
- The Board is advised, through communication with the Board Chair, if there is perceived non-compliance with the Governance Process and Board-Staff Relationship policies.

## **Evidence of Compliance**

Board orientation and training is ongoing. Each Board member has been provided with a resource binder and sessions were held regarding legislative responsibilities, governance principles and topics such as intellectual freedom. Additional training will be rolled out via the Library's Learning Management System (LMS) over the next several months.

According to the schedule for submission of monitoring data for Executive Limitations and Ends, the following monitoring reports were provided to the Board since the last report:

- Financial Condition (Q1-2023)
- Treatment of Public
- 2022 Annual Report
- Communication and Counsel (Q1-2023)
- Staff Relations and Volunteers (Q1-2023)

To ensure the Board's awareness of trends, legislative changes, adverse public reaction and/or media coverage, and other material changes that affect the assumptions upon

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which Board policy has been established, the following information reports were provided to the Board since the last report:

- Chief Librarian's Communication
- Correspondence / Information Received and Sent
- Budget Variance Report (as of March 31, 2023)
- Requests for Review of Library Materials (Q1-2023)
- Statistical Report (Q1-2023)

### **Statements of Compliance**

- To my knowledge, the Board is in compliance with its policies.
- Every effort has been made to keep reports brief and to the point.
- Mechanisms have been provided for official Board, officer, and committee communications, including the board portal, and learning management system.
- My dealings have either been with the Board as a whole or with the Chair on matters within their jurisdiction.
- Compliance with Board policy was achieved in all areas.
- All delegated items, required by law or contract to be board-approved, along with monitoring assurance, have appeared on meeting agendas since the last report.

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I hereby present my monitoring report on Executive Limitation Policy L-9, Communication and Counsel for meeting 2023-05.

I certify that the information contained in this report is true and represents compliance with a reasonable interpretation of all aspects of the policy unless stated otherwise.



Laura Carter, CEO/Chief Librarian

May 16, 2023

# KFPL Monitoring Report to the Board

## Executive Limitation Policy L-2

### Staff Relations and Volunteers (2023-05)

With respect to relations with paid staff and volunteers, the Chief Librarian may not cause or allow conditions which are unreasonable unfair or undignified.

With respect to staff, the Chief Librarian may not:

1. Fail to promote a work environment that is diverse and inclusive, free of discrimination and harassment, and that provides equal opportunity employment.
2. Operate without personnel procedures which clarify personnel rules for staff, provide for effective handling of grievances, and protect against wrongful conditions.
3. Discriminate against or discipline any staff member for expressing an ethical dissent.
4. Fail to acquaint staff with their rights under this policy.
5. Allow an employment environment that is detrimental to the morale and productivity of staff.

### CEO Interpretation

I interpret this to mean that KFPL promotes a safe and respectful workplace where staff and volunteers are treated fairly, have equal access to opportunities, are valued for their diverse perspectives, and are encouraged to report issues of concern.

Compliance will be demonstrated when the Library:

- Operates with written policies and fosters an organizational culture that reflects that Library's commitment to diversity and inclusion.
- Operates with written personnel procedures which clarify rules, provide for the effective handling of grievances, and protect against wrongful conditions.
- Provides orientation and training to acquaint staff members with their rights.
- Offers mechanisms for staff to ask questions, state concerns and to provide feedback and suggestions.
- Provides leadership, development and training opportunities for staff.
- Does not treat staff in an unjust or unfavourable manner for holding moral

principles or expressing opinions at variance with those commonly or officially held.

## **Evidence of Compliance**

A Workplace Inclusion Committee has been established and is working to implement the recommendations included in the Workplace Inclusion Charter.

- Training has been provided to staff on a variety of topics, including cultural competence, gender identity and gender expression, workplace harassment, violence in the workplace and human rights.
- Diversity and accessibility statements are included on all job postings.
- Working with Workplace Inclusion Charter Project staff at KEYS on mentoring for new hires.

Policies and written personnel procedures are in place to establish expectations for staff behaviour, clarify rules, provide for the effective handling of grievances, and protect against wrongful conditions.

- KFPL has collective agreements with its unionized staff (Canadian Union of Public Employees (CUPE) 2202 and 2202.01) that are in effect until March 31, 2025.
- KFPL has an agreement with its permanent non-union employees that is in effect until March 31, 2025.
- The KFPL Volunteer policy is reviewed by the Board every four (4) years and was last approved in May 2021. Program descriptions are in place for KFPL volunteer positions and are publicly available on the Library's website.
- Operational documents are in place to outline expectations for staff behaviour and protect against wrongful conditions, including, but not limited to:
  - o Standards of Conduct for KFPL Employees
  - o KFPL Employee Online and Social Media Policy
  - o Right to Disconnect Policy
  - o Electronic Monitoring Policy
  - o Service Feedback Standards
  - o Impairment in the Workplace
  - o Workplace Harassment Policy
  - o Workplace Violence Prevention Policy
  - o KFPL Safety Manual
  - o Fire Safety Plans
  - o Access to Information and Protection of Privacy Policy



Expectations for patron behaviour have been established to protect staff and patrons from unwanted conditions, including harassment.

- The Patron Code of Conduct is available in-branch and on the Library's website.
- Signs have been posted prominently in City of Kingston branches regarding expectations around treatment of staff and other patrons.
- Banning guidelines are in place to provide guidance for staff in dealing with inappropriate patron behaviour.

KFPL provides orientation to acquaint new staff members with their rights, including time to review relevant policies and procedures, and the opportunity to ask questions and seek clarification to confirm understanding.

- Orientation of new staff includes coverage of rights and responsibilities, training required under the *Occupational Health and Safety Act* and time to meet with a CUPE representative as per the current collective agreements.
- Staff are regularly assigned KFPL policy documents to review through the Library's Learning Management System (LMS).

KFPL offers mechanisms for staff to ask questions, state concerns and to provide feedback and suggestions.

- Written policies and procedures are in place to provide direction to staff in carrying out their duties, and training is provided.
- Written policies and procedures are in place to provide direction for staff to effectively state concerns and provide feedback.
- Communication with Union representatives takes place regularly to proactively address issues and concerns, and formal Union-Management Committee and Joint Health and Safety Committee meetings take place at least four (4) times per year.
- Staff feedback is requested and considered as part of operational planning and training. The upcoming all staff development day is being planned by a staff committee with representation from across the organization.

### **Statements of Compliance**

- No staff member has been disciplined or discriminated against for expressing an ethical dissent.
- No unreasonable, unfair, or undignified conditions for staff/volunteers have been caused or allowed.

- Every effort has been made to review and consider suggestions from staff about changes to patron service policies.
  - Every effort has been made to ensure that staff morale and productivity have not been detrimentally affected by the employment environment.
  - No grievances have been filed since the last report in November 2022.
- 

I certify that the information contained in this report is true and represents compliance with a reasonable interpretation of all aspects of the policy unless stated otherwise.



Laura Carter, CEO/Chief Librarian

May 16, 2023

## KFPL Report to the Board

**Subject:** Policy Review and Approval

**Prepared by:** L. Carter, Chief Librarian / CEO

**Date of meeting:** May 24, 2023

### Background:

Proposed changes to the following policies were considered at the Committee of the Whole meeting held May 10, 2023:

- Occupational Health and Safety
- Workplace Harassment
- Workplace Violence Prevention
- Procurement of Goods and Services.

### Analysis:

#### Health and Safety Policies:

One additional housekeeping edit is proposed for the Occupational Health and Safety policy to consistently reflect the committee title of “Joint Health and Safety Committee” (JHSC) across all policies.

With regards to the application of clause 5.1 of the Occupational Health and Safety policy and “ensuring a hazard free workplace,” staff recommend the Board consider the following points:

- The organization is committed to providing a safe workplace for staff, and programs are in place to mitigate the risk of hazards, whether wet floor signs to caution staff about a slip hazard or policies to address inappropriate patron behaviours.
- With any hazard or risk in the workplace, the “reasonable person test” would be used to determine the assessment of risk and the response to it.
- The language in the policy has been in place since before the year 2000 and has been interpreted to be consistent with the obligations under the *Occupational Health and Safety Act*.
- The workplace parties conduct annual assessments of what risks or hazards there are in the workplace and the measures in place to mitigate those risks. They also

have a commitment to continuously review any workplace changes that take place to assess new or changed risks, determining if they may impact policy. Any policy change would be discussed at a JHSC meeting and brought to the Board as required.

**Procurement of Goods and Services Policy:**

No additional changes to the policy were suggested at the May 10, 2023 meeting.

**Markup Legend:**

Proposed changes to the draft documents are indicated as follows:

- ~~Red strikethrough~~ indicates text that staff propose be removed from the policy.
- **Blue** indicates text that staff propose be added to the policy.
- ~~Green strikethrough~~ indicates text that staff propose be moved to a different location in the policy.
- Green underline indicates text that has been moved from a different location in the policy.
- **Purple** text indicates changes that Board members agreed to at a previous meeting.
- **Grey highlighted** text indicates areas where consensus is required for specific direction.

**Recommendations:**

That the policies be approved as presented.

# Occupational Health and Safety (DRAFT)

## 1. Purpose

The Kingston Frontenac Public Library is dedicated to continuing to meet or exceed the requirements of the *Occupational Health and Safety Act* (OHSA).

## 2. Scope

This policy applies to all workers of the Kingston Frontenac Public Library.

## 3. Definitions

Under the OHSA, “**worker**” includes a person who performs work or supplies services for monetary compensation. “**Worker**” includes library employees working full-time, part-time, or casual, in unionized, non-unionized, supervisory or management positions. Students and student interns involved in work experience programs are also included in the definition of worker. “**Worker**” does not include contractors, sub-contractors or volunteers.

## 4. Guiding Principles

Through a comprehensive occupational health and safety program, management of the Library will ensure that operational activities remain safe and productive.

## 5. Policy

- 5.1. The management of the Kingston Frontenac Public Library is responsible for developing and implementing standards to ensure a hazard free workplace.
- 5.2. Workers will have ongoing training programs provided to familiarize them with safety regulations.
- 5.3. A healthy and safe workplace is everyone’s responsibility. Workers of the Kingston Frontenac Public Library will report any unsafe condition to management and/or a member of the Joint ~~Occupational~~ Health & Safety Committee (JHSC) and management will respond by correcting the situation as required.
- 5.4. This Policy Statement, officially signed, has been posted on all Branch Health & Safety Bulletin Boards.
- 5.5. This policy will be reviewed annually by the Board of the Kingston Frontenac Public Library.

**6. Appendices**

Not applicable.

**7. Authorities**

*Occupational Health and Safety Act*, R.S.O. 1990, Chapter 0.1

**8. Document Control**

Last Reviewed: May 2023

Changes made: no changes

Next Review: May 2024

**9. Signatures**

Signed / date: \_\_\_\_\_  
Chief Librarian / CEO

Signed / date: \_\_\_\_\_  
Chair, KFPL Board

Signed / date: \_\_\_\_\_  
Joint Health and Safety Committee – Union Representative

# Workplace Harassment (DRAFT)

The Kingston Frontenac Public Library is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace including patrons, customers, clients, volunteers, other employers, contractors, supervisors, workers and members of the public.

**Workplace harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

**Workplace sexual harassment** means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workers are encouraged to report any incidents of workplace harassment to the appropriate person (e.g., supervisor, Manager or Director, Union).

Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Managers, supervisors and workers are expected to adhere to this policy, and will be held responsible by the employer for not following it. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

If a worker needs further assistance, they may contact a member of the Joint Health and Safety Committee, the Union, the Ministry of Labour or the library Employee Assistance Program provider.

**Related Documents:**

KFPL Workplace Harassment Program

**Document Control:**

Last Reviewed: May 2023

Changes made: no changes

Next Review: May 2024

**Signatures:**

Signed / date: \_\_\_\_\_  
Chief Librarian / CEO

Signed / date: \_\_\_\_\_  
Chair, KFPL Board

Signed / date: \_\_\_\_\_  
Joint Health and Safety Committee – Union Representative



# Workplace Harassment Program (DRAFT)

The Kingston Frontenac Public Library is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace including customers, patrons, clients, volunteers, other employers, contractors, supervisors, workers, and members of the public.

The workplace harassment program applies to all workers including managers, supervisors, temporary employees, students and subcontractors.

## 1. Workplace Harassment

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment. (See [Appendix A](#) for more definitions and examples).

Workplace sexual harassment means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment (e.g., scheduling, annual performance review).

## 2. Reporting Workplace Harassment

### 2.1. How to Report Workplace Harassment

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see [Appendix B](#)). When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- a) Name(s) of the worker who has allegedly experienced workplace harassment and

contact information.

- b) Name of the alleged harasser(s), position and contact information (if known).
- c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
- d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s).
  - Any supporting documents the worker who complains of harassment may have in their possession that are relevant to the complaint.
  - List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

## 2.2. Who to Report Workplace Harassment To

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace harassment incident or complaint to your manager. If the worker's supervisor or reporting contact is the person engaging in the workplace harassment, contact the Director, Human Resources. If a manager or director is the person engaging in the workplace harassment, contact the Chief Librarian/CEO. If the Chief Librarian/CEO is the person engaging in the workplace harassment, contact the Chair of the KFPL Board. (Note: The person designated as the reporting contact should not be under the direct control of the alleged harasser.)

Human Resources shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves a senior executive or KFPL Board member, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

## 3. Investigation

### 3.1. Commitment to Investigate

The Kingston Frontenac Public Library will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or

supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment. (See [Appendix C – Investigation Template](#))

### 3.2. Who Will Investigate

The Director, Human Resources will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve a Manager, Director or Chief Librarian/CEO, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

### 3.3. Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e., illness, complex investigation) warranting a longer investigation.

### 3.4. Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- a) The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- b) The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- c) The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
- d) The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- e) The investigator must collect and review any relevant documents.
- f) The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.

- g) The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

### 3.5. Results of the Investigation

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if they are a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

### 3.6. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

### 3.7. Handling Complaints

If an investigation confirms that an offence has occurred and remedial action is warranted it will be initiated without delay. This may include counselling, education and training, review and modification of policies and practices, or other disciplinary action up to and including dismissal. Where applicable, the relevant disciplinary procedures set out in the Collective Agreement or other employee agreements will be followed. In no circumstances shall this remedial action in a substantial case of harassment penalize the complainant.

## 4. Record Keeping

The employer (human resources or designated person) will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;

- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for six years.

**5. Appendices**

- a) Types and Examples of Harassment
- b) Workplace Harassment Complaint Form

**6. Document Control**

Original Policy Date: January 2017

Last Reviewed: May 2023

Changes made: no changes

Next Review: May 2024

**7. Signatures:**

Signed / date: \_\_\_\_\_  
Chief Librarian / CEO

Signed / date: \_\_\_\_\_  
Chair, KFPL Board

Signed / date: \_\_\_\_\_  
Joint Health and Safety Committee – Union Representative

## Appendix A: Types and Examples of Harassment

### 1. Sexual Harassment

#### 1.1. Unwelcome Behaviour

Examples of this type of harassment include, but are not limited to:

- unwelcome physical contact such as touching, kissing, patting, or brushing up against a person
- suggestive staring or other obscene or offensive gestures
- physical assault
- display of pornographic materials, including graffiti
- unwelcome remarks, jokes, or taunting about a person's body, dress, or sex
- isolating or making fun of a person because of gender identity or gender expression
- enquiries or comments about a person's sex life, sexual preferences, etc.
- circulation or posting of sexist jokes or cartoons

#### 1.2. Sexual Advances

This second type of sexual harassment occurs when a person in a position of power or authority makes unwanted sexual advances or requests for sexual relations.

### 2. Racial Harassment

Racial slurs and harassment and racial jokes are a form of discrimination that violate the Ontario *Human Rights Code* (the Code). The term "race" includes all race-related grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship and creed.

Examples of this type of harassment include, but are not limited to:

- unwelcome remarks, jokes, innuendoes, or taunting about a person's racial or ethnic origin, colour, place of birth, citizenship or ancestry
- racist, ethnic or religious graffiti or the display of racist material
- practical jokes based on racial, ethnic or religious grounds which cause awkwardness or embarrassment
- refusal to work or converse with an employee because of their racial or ethnic background
- use of racially derogatory nicknames

### 3. Poisoned Work Environment

Conduct or comments not directed at a specific individual can nonetheless create a

degrading or offensive "poisoned" work environment and may therefore be considered a form of harassment. Examples of this type of harassment include, but are not limited to:

- display of material which degrades or denigrates a person or group on the grounds of gender, race, ethnic origin, disability, or sexual orientation
- patronizing behaviour, language or terminology which reinforces stereotypes and undermines other workers' self-respect or adversely affects work performance or working conditions
- intimidating behaviour by a person in authority which negatively affects the work performance of employees and is generally detrimental to the working environment
- a poisoned work environment constitutes harassment whether or not employees complain about the display of offensive materials, joking, or name-calling.

#### **4. Personal Harassment**

Personal harassment is improper conduct and/or comment, not related to a legitimate work purpose, directed at and offensive to another person or persons in the workplace and that the individual knows or ought to reasonably know would offend, harm or is derogatory, demeaning or causes humiliation or embarrassment.

Personal harassment often involves a course or grouping of behaviours. However a single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute personal harassment. Examples of this type of harassment include, but are not limited to:

- frequent angry shouting/yelling or blow-ups
- regular use of profanity and abusive or violent language
- physical, verbal or email threats, intimidation
- violent behaviours – slamming doors, throwing objects, knocking over chairs
- targeting individual(s) in humiliating practical jokes
- excluding, shunning, impeding work performance
- spreading gossip, rumours, negative blogging
- insults, name calling
- retaliation, sabotaging
- repeated offensive or intimidating phone calls or e-mails
- communication that is demeaning, insulting, humiliating, mocking

#### **5. Bullying**

Bullying can be defined as persistent actions, criticism or personal abuse, either in public

or private, which humiliates, denigrates, undermines, intimidates or injures the recipient. Bullying includes cyberbullying.

## **6. What Harassment does not include**

The term harassment is often used incorrectly. It does not include:

- reasonable and appropriate direction, evaluation or discipline by a manager or supervisor
- reasonable action taken by management relating to the management and direction of workers
- stressful events associated with the performance of legitimate job duties
- differences of opinion or minor disagreements between co-workers
- good-natured jesting and bantering which is mutually acceptable
- friendly or romantic behaviour which is welcome and mutual



**Appendix B: Workplace Harassment Complaint Form**

Note: Whether the worker uses the complaint form or not, the employer is still obligated to ensure an investigation appropriate in the circumstances is conducted into an incident of workplace harassment.

**Name and contact information of worker who has allegedly experienced workplace harassment (your name):**

**Name of alleged harasser(s) and contact information, if available:**

**Details of the Complaint of Workplace Harassment:** Please describe in as much detail as possible the bullying and harassment incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details. (Attach additional pages if required)

**Relevant Documents/Evidence:** Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix C: Workplace Harassment Investigation Template

**This template may be used for guidance in investigating workplace harassment incidents or complaints.** It may not be appropriate for complex workplace harassment investigations. The person conducting the investigation must not have been involved in the incident or complaint of workplace harassment and must not be under the direct control of the alleged harasser.

Name of investigator: \_\_\_\_\_

Date of investigation: \_\_\_\_\_

### A. Background Information:

Who are the people involved? Are they workers as defined by *OHSA*? Who reported and when? (Attach more pages if necessary)

1. Name of person who reported workplace harassment:
  
2. If not the same person as above, name of person who allegedly experienced workplace harassment:
  
3. Date complaint/concern raised and how:
  
4. Name of worker(s) (complaining or possibly exposed to workplace harassment); Position/Department:
  
5. Name of respondent(s) (alleged harasser); Position/ Department: If not a worker – provide details:

**B. Investigation Plan:**

Plan and **conduct** the investigation (Attach more pages if necessary):

1. Obtain the worker(s) concerns of harassment in writing, if possible. Assistance should be provided in completing the form where necessary.
2. An investigator needs to interview the worker who allegedly experienced workplace harassment and the alleged harasser (if a worker of the employer). If the alleged harasser is not a worker of the employer, the investigator should make reasonable efforts interview him or her.
3. Make a list of possible relevant witnesses. The worker who allegedly experienced workplace harassment and the alleged harasser should be asked for names of any relevant witnesses.
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
5. Collect and review relevant documents from the worker, alleged harasser, witnesses and the employer.
6. Take detailed notes.
7. Keep the investigation confidential. Instruct the worker who allegedly experienced workplace harassment, the alleged harasser and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counselling.

**C. Worker(s) Concerns / Workplace Harassment Allegations:**

When did the incident(s) occur? Confirm date of first incident and any subsequent behaviours or conduct. Note that recalling events of harassment can be stressful for the complainant. (Attach more pages if necessary)

Date of first incident:

Date of last incident:

Date of other incident(s):

**D. Alleged Harasser(s) Response:**

The alleged harasser(s) will likely need details of the allegation of harassment to be able to respond. (Attach more pages if necessary)

# Workplace Violence Prevention (DRAFT)

## 1. Purpose

The Kingston Frontenac Public Library is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. The Library will take whatever steps are reasonable to protect workers from workplace violence from all sources.

## 2. Scope

This policy applies to all library workers including those of part-time, temporary or casual status, as well as to all Library Board appointees, and all elected officials, appointees or employees acting on behalf of the City of Kingston, the County of Frontenac, and the Townships of North Frontenac, Central Frontenac, South Frontenac and Frontenac Islands. The policy also applies to students, student interns, volunteers, contractors, members of the public and patrons.

## 3. Definitions

### **Workplace violence means:**

1. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
2. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
3. a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker or other workers, in a workplace, that could cause physical injury to the worker or other workers.

### **The workplace:**

Workplace violence can occur in any library location, not just library buildings. The workplace may include: meeting rooms, vehicles, locker rooms, cafeterias, or any other location where library business is conducted.

## 4. Guiding Principles

The Library is committed to a workplace free from violence.

## 5. Policy

The Kingston Frontenac Public Library, as the employer, will ensure that this policy and the

supporting program are implemented and maintained and that all workers, supervisors and managers have the appropriate information and instruction to protect them from violence in the workplace.

There is a workplace violence program that implements this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning assistance and a process for workers to report incidents or raise concerns.

Managers and supervisors will adhere to this policy and the supporting program. Managers and supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information that they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents and/or threats. This includes the threat of domestic violence that would likely expose a worker or workers to physical injury in the workplace.

The employer pledges to investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the extent possible. The investigation process is attached as [Appendix A](#). Failure to uphold and abide by this policy may result in discipline, legal action and/or such other sanction as set out in Library policy.

This policy will be reviewed annually by the Board of the Kingston Frontenac Public Library and will be posted in each branch of the Library.

## **6. Appendices**

- a) Investigation Process

## **7. Authorities**

*Occupational Health and Safety Act*, R.S.O. 1990, Chapter 0.1

## **8. Document Control**

Original policy date:	2010
Last Reviewed:	2023 May
Changes made:	no changes
Next Review:	2024 May

**9. Signatures:**

Signed / date: \_\_\_\_\_  
Chief Librarian / CEO

Signed / date: \_\_\_\_\_  
Chair, KFPL Board

Signed / date: \_\_\_\_\_  
Joint Health and Safety Committee – Union Representative

## **Appendix A: Investigation Process**

The Kingston Frontenac Public Library will investigate any incident or threat of violence in the workplace. The principle that the Library will operate under is to communicate as much information as possible to workers, subject to the limitations of privacy legislation.

### **Patron or External Party Violence**

Any worker who observes or is made aware of an act or threat of violence by an external party (i.e., not a worker) shall call the police immediately, and then contact a person in charge (e.g., Branch Supervisor, Librarian-in-Charge, Manager or Director). Where the worker is uncertain of the threat, they are required to contact the person in charge for direction. Where security is on-site, the guard should also be notified of the act or threat of violence.

An Incident Report is to be used for documenting threats and/or acts of violence in the workplace. The designated Manager and/or Director will investigate any incident or threat of violence in the workplace. Police and/or security may be involved depending on the circumstances. Remedial action may include banning patrons and/or criminal prosecution. Workers will be informed of the results of any investigation using the Incident Report and Banning Notification process. The [Occupational Joint Health and Safety Committee](#) will review all Incident Reports.

### **Worker Violence**

It is the responsibility of every worker to report threats or acts of violence made by any worker in the workplace. The designated Manager and/or Director will investigate any incident or threat of violence in the workplace. The Union, police and/or security may be involved depending on the circumstances.

An Incident Report is to be used for documenting threats and/or acts of violence in the workplace. For worker violence incidents, the Incident Report published on the Library staff intranet will be treated as confidential.

### **Domestic Violence**

Where the Library becomes aware or ought reasonably to be aware that domestic violence would likely expose a worker or workers to physical injury, the Director, Human Resources in conjunction with other relevant staff and/or security will develop a safety plan for the identified worker and those workers that would reasonably be exposed to the violence. Where appropriate, the police will be contacted to assist with the safety plan.

The nature and circumstances of the incident and/or threat of violence will determine the level and content of communication to workers including any remedial action taken by the Library.



# Procurement of Goods and Services (DRAFT)

## 1. Purpose

The purpose of this policy is to: ~~ensure that the procurement decisions of the Kingston Frontenac Public Library (KFPL) are made using a consistent, open, transparent and fair process, meeting legislative requirements and obtaining the best value when purchasing goods to be delivered, installed or constructed or when contracting services.~~

- Protect the interests of the Library, the public and any persons participating in the Procurement process by providing a clear statement of how goods and services will be acquired.
- Maintain the integrity of the Procurement process by ensuring that, whenever possible, competitive methods of Procurement will be used to obtain the Best Value for the Library.
- Clearly define circumstances in which non-competitive Procurements may be awarded.
- Ensure that Procurement is conducted in a manner that enables the Library to operate efficiently and effectively.
- Clearly define the roles and responsibilities of those persons involved in the Procurement process.
- Outline the process for Co-operative Purchasing.
- Establish a Supplier Code of Conduct ([see Schedule C](#)) and Library employee ethical Procurement standards.

## 2. Scope

This policy covers the Procurement of all goods and services by the Kingston Frontenac Public Library Board (~~Board~~), ~~Chief Librarian~~/CEO and all employees of the Kingston Frontenac Public Library, on behalf of the Library, excluding expenditures listed in [Schedule A](#).

## 3. Definitions

**Agreement** means a bargain made between the Library and any ~~Vendor~~ **Supplier** upon an acceptance of an Offer to Procure entered into by the Library evidenced by a Contract, Purchase Order or as otherwise authorized hereunder.

**Alternative Procurement Process** is a specialized or exceptional process that allows for deviation from the Procurement process that the value or nature of the goods, services or

Construction would normally require. This could include a non-competitive Procurement in the place of a competitive process, and a limited competition in the place of an open competition.

**Approval Authority or Authority Threshold** means the authority Delegated by this policy to a Library employee to initiate a Procurement, conduct a Procurement process, approve the award of a Contract, issue a Purchase Order, or approve a Contract Amendment, subject to the terms and conditions specified in this policy.

**Best Value** means the optimal balance of ~~quality, performance including delivery precision and cost determined in accordance with a pre-defined evaluation plan. Best value may include a time horizon that reflects the overall lifecycle (total cost Management) of a given~~ **asset** performance and cost determined in accordance with pre-determined evaluation criteria which may include features, long-term functionality, life-cycle costs, sustainability, and required services.

**Board or Library Board** means Kingston Frontenac Public Library Board.

**Bid** is any written response from a Bidder to any type of Procurement process issued by the ~~KFPL~~ Library, containing all information submitted in response to the requirements of the process.

**Buyer** is a ~~KFPL~~ Library employee, who in the normal course of their duties, is authorized to Procure goods, services and Construction for the Library.

**Chief Librarian/CEO** ~~The Chief Executive Officer, also known as the Chief Librarian, who is the established financial head of the Kingston Frontenac Public Library system~~ is the person appointed pursuant to the *Public Libraries Act*, responsible for exercising general control and management of the affairs of the Library to ensure the efficient and effective operation of the Library and includes their Delegate.

**Co-operative Purchasing** is a competitive Procurement process that is conducted by one public body or buying group on behalf of one or more public bodies in order to obtain the benefits of volume purchases and administrative efficiency.

**Contract** means any formal or deliberate authorized and executed Agreement for the purchase of goods, professional and consulting services, Construction and facility services, and fleet equipment.

**Construction** means the construction, reconstruction, demolition, repair, or renovation of a building, structure, road, or other engineering or architectural work, excluding Professional Consulting Services related to the construction Contract unless they are included in the Procurement (e.g., Design-Build).

**Delegate** means a person Delegated by a person identified in this policy as having certain Approval Authority.

**Deliverable(s)** means any goods, services or Construction, or a combination thereof.

**Emergency** means a situation where serious delay may affect the life and health of the public, prevention of serious damage, and the restoring of essential service levels to a minimum level.

**Expanded Works** means a change, including a change order, to an Agreement in which an unexpected requirement arises, which does not expand the scope of the project but is a necessary addition to the work in order to deliver the original approved work.

~~**Form:** means a standard document as prepared and provided as part of the purchasing guidelines for purchasing and contract administration purposes approved by the CEO.~~

**Library** means Kingston Frontenac Public Library.

**Offer to Procure** means any solicitation which is issued by the Library to Prospective ~~vendors~~ Suppliers to provide goods and/or services to the Library.

**P-Card** means a corporate credit ~~account~~ card issued to ~~an authorized purchaser~~ a Buyer, administered through the City of Kingston Finance Department, and authorized by the Chief Librarian.

**Procurement** means the acquisition of goods and/or services required to execute operations and provide the services of the Library.

**Professional Consulting Services** means the provision of an opinion, advice or services, including custom computer programming design services and professional arts, communications and cultural activities, which is intended to be relied upon by the Library and is supportable by errors and omissions insurance or similarly recognized as a profession, distinct from the concurrent provision of a good or service.

**Prospective Vendor Supplier** means any person under law ~~which~~ that responds to an Offer to Procure but has yet to be, or was not, selected to be the ~~Vendor~~ Supplier.

**Purchase Order** means a written Contract to acquire goods or services issued by the Library. ~~on a simplified form or forms.~~

**Qualified Supplier Roster** means a list of Suppliers that have been pre-qualified to perform discrete work assignments involving the supply of a particular type of Deliverable and will be eligible to participate in Roster Competitions, as and when the Deliverables are required by the Library.

**Request for Information (RFI)** means an open enquiry sent to Prospective **vendors Suppliers** for the purpose of gathering information to help decide what step to take next. An RFI may include a detailed list of products/services for which pricing is requested, however the pricing should be used for comparative purposes, not as the basis for buying decisions.

**Request for Proposal (RFP)** means a solicitation sent to Prospective **vendors Suppliers** with whom a creative relationship or partnership is being considered. Typically, the RFP leaves all or part of the precise structure and format of the response to the discretion of the Suppliers. ~~Indeed,~~ The creativity and innovation that Suppliers choose to build into their proposals may be used to distinguish one from another.

**Request for Quotation (RFQ)** means a solicitation sent to Prospective **vendors Suppliers** containing in exacting detail a list or description of all relevant parameters of the intended purchase. An RFQ is an opportunity for Prospective **vendors Suppliers** to competitively cost the product or service; the price per item or per unit of service is the deciding factor.

**Request for Tender (RFT)** means a solicitation that is generally issued in order to obtain irrevocable competitive bids for standard Construction services where the Library has pre-determined the required scope of work including quantity and/or quality requirements, and the evaluation criteria to determine the best value is generally the lowest cost bid meeting technical specifications without any material Contract negotiations.

**Roster Competition** means a competition between Suppliers that have been included on a Qualified Supplier Roster for the selection of a Supplier to perform a discrete work assignment involving the supply of a particular type of Deliverable.

**Single Source** means either:

- there is more than one source in the open market but for reasons of function, service, unique technology or proprietary interest only one **Vendor Supplier** is recommended for consideration of the particular goods and/or services; or
- there is only one known source of supply of particular goods or services.

**Standing Purchase Order** means an approved Procurement, which establishes prices or methods for determining prices, terms and conditions and the period of time during which a **Vendor Supplier** agrees to provide specified goods or services to the Library upon demand. ~~Standing Purchase Orders may only be issued for a period not exceeding three (3) years except where the Board has approved a longer term. The value of the committed price of the standing purchase order is determined by looking at the full value of the contract, for approval levels.~~

**Supplier** means any individual or organization providing goods or services to the Library including but not limited to contractors, consultants, vendors, service organizations, etc.

~~**Tender:** a solicitation which invites a formal written bid on the prescribed tender form from prospective vendors to supply goods or services.~~

~~**Vendor:** any party selected to supply goods or services to the Library.~~

#### **4. Policy Statement**

~~It is the policy of the Kingston Frontenac Public Library that its procurement of goods and services be undertaken in a way that provides the best value for the Library in terms of optimal balance of quality, performance and cost; uses open, accountable, objective, fair, effective and efficient processes; complies with all applicable legislative requirements and follows acceptable industry practices in its procedures and practices.~~

~~All purchases of Goods and Services for the Library are subject to the provisions of this Policy.~~

~~All purchases will be made in compliance with all relevant statutes and regulations. KFPL Library Procurement policies, processes and procedures will be developed and implemented under the authority of the *Municipal Act*, *Municipal Conflict of Interest Act*, *Accessibility* (as defined by KFPL's *Accessibility Policy*) criteria and features will be considered when procuring or acquiring any goods or services.~~

~~Where a Professional Consulting Service is engaged as a project manager to administer offers of procurement, it shall be the responsibility of the Library to ensure that the project manager adheres to all conditions of the Procurement of Goods and Services Policy.~~

~~The open and competitive purchasing procedures set out in this policy shall not apply to the purchase of those services set out in Schedule A, provided that the total cost of the purchase does not exceed the amount approved for such expenditure.~~

~~Prices and authority levels as stated herein are before tax amounts.~~

#### **4. Guiding Principles**

~~KFPL~~ **The Library** will make Procurement decisions using an open, accountable, objective, fair, effective and efficient process and by adopting standing approaches to:

- Selecting the appropriate type of Procurement process to be used;
- Conducting the Procurement process including the structure, format and general content of Procurement documents;
- Communicating with Bidders throughout the process;
- Evaluating submissions;
- Dealing with Bidders' queries and complaints;

- Providing unsuccessful Bidders with feedback, upon request;
- Awarding the Contract;
- Maintaining records of the Procurement process; and
- Maintaining records on the successful Bidder's performance under Contracts.

## **5. Ethical Conduct and Conflicts of Interest**

- The Library's Procurement activities will be conducted with integrity and all individuals involved in the Library's Procurement activities, including any outside consultants or other service providers participating on behalf of the Library, shall comply with this policy and act in a manner consistent with the purposes, goals and objectives of this policy, and in accordance with the Library's Standards of Conduct for KFPL Employees, the Board Code of Conduct and the Supplier Code of Conduct (see [Schedule C](#)).
- All participants in a Procurement process, including any outside consultants or other service providers participating on behalf of the Library, shall declare in writing any perceived, possible or actual Conflicts of Interest to the Chief Librarian/CEO.
- "Conflict of Interest" when applied to the activities of the Library and its consultants or service providers, means a conflict or tension between one's private interests and one's public or fiduciary duties.
- The Library will not Procure personal items of direct benefit to officers or employees of the Library or any member of the Board except where permitted by policy or under the auspices of a Library-sponsored employee program.
- The Library will not Procure Deliverables from an employee or Board member of the Library, or any associate or family member of an employee or Board member, unless the extent of the interest has been fully disclosed to and approved by the Chief Librarian/CEO.

## **6. Budget Control**

A list of authority thresholds (see Schedule B) will be maintained by the Budget/HR Analyst and updated annually.

Formal approval of the annual budget constitutes financial approval to proceed with purchases subject to any scheduling or priority considerations as may be deemed necessary by the Chief Librarian/CEO or delegate.

If the annual budget has not been approved by the Board and the Municipal Councils at the time the expenditure is required, up to ~~40%~~ 25% of the previous year's approved

budget may be expended, until the current year's budget is approved.

## 7. Responsibilities

### 7.1. Library Board

- Empowers the Chief Librarian/CEO to establish Procurement procedures required to enact the policy and processes. ~~Detailed purchasing procedures will be developed.~~
- Authorizes the Chief Librarian/CEO to execute formal Agreements and Contracts on behalf of the KFPL Library and permits this authority to be Delegated ~~depending on the scope, value and impact of contracts or purchases and~~ according to ~~the Accountability framework~~ Schedule B: Authority Thresholds and Purchasing Methods.

### 7.2. Chief Librarian/CEO

- Is accountable and responsible for all purchasing activities within the Library and compliance with this policy including the determination of the appropriate level of Approval Authority of KFPL Library employees.
- Is Delegated with the authority to issue Offers to Procure and authorize payments valued up to and including \$250,000.
- Will provide written authorization ~~a statement of authority memo~~ for any Alternative Procurement Process valued between \$50,001 and ~~\$100,000~~ \$250,000, confirming that the Procurement meets the required criteria.
- Will approve Expanded Works where permitted under this policy.
- Has the authority to issue ~~Procurement credit cards (“p-cards”)~~ P-Cards to Library employees.
- Recommends Procurement policy changes to the Board for approval as needed.

### 7.3. Directors

- Are accountable and responsible for all purchasing activities within their department and compliance with this policy including the determination of the appropriate level of Approval Authority of employees within their department.
- Are Delegated with the authority to issue Offers to Procure and authorize payments valued up to and including \$100,000.
- Will provide written authorization ~~a statement of authority memo~~ for any Alternative Procurement Process valued between ~~\$5,001~~ \$15,001 and \$50,000, confirming that the Procurement meets the required criteria.
- Will approve Expanded Works where permitted under this policy.

- Have the authority to issue ~~Procurement credit cards (“p-cards”)~~ P-Cards to employees in their departments.

#### 7.4. Managers

- Are accountable and responsible for all purchasing activities within their department and compliance with this policy including the determination of the appropriate level of Approval Authority of employees within their department.
- Are Delegated with the authority to issue Offers to Procure and authorize payments valued up to and including \$50,000.
- Will provide written authorization ~~a statement of authority memo~~ for any Alternative Procurement Process valued between ~~\$5,001~~ \$15,001 and \$50,000, confirming that the Procurement meets the required criteria.
- Will approve Expanded Works where permitted under this policy.

#### 7.5. Budget/HR Analyst

- Is Delegated with the authority to issue Offers to Procure and authorize payments valued up to and including ~~\$5,000~~ \$15,000.
- Maintains a list of Authority Thresholds and purchasing methods (see [Schedule B](#)) for the Library and reviews this list on an annual basis.

#### 7.6. Systems Specialist

- Is Delegated with the authority to issue Offers to Procure and authorize invoices valued up to and including ~~\$5,000~~ \$15,000.

#### 7.7. Maintenance Supervisor

- Is Delegated with the authority to issue Offers to Procure and authorize invoices valued up to and including \$5,000.

#### 7.8. Buyers

- ~~Employees who have~~ Are Delegated with Approval Authority to purchase and/or to allocate and approve expenditures ~~are Buyers and will comply with this Policy for all purchases of goods, services and Construction in compliance with this policy.~~
- ~~Buyers shall follow “A Statement of Ethics for Public Purchasers” established by the Ontario Public Buyers Association (as set out in Schedule C), as well as the Standards of Conduct for KFPL Employees.~~

## 8. Policy Statement



All purchases will be made in compliance with all relevant statutes and regulations. KFPL Library Procurement policies, processes and procedures will be developed and implemented under the authority of the *Municipal Act, Municipal Conflict of Interest Act, Accessibility (as defined by KFPL's Accessibility Policy)* criteria and features will be considered when procuring or acquiring any goods or services.

Prices and authority levels as stated herein are before tax amounts.

### **8.1—Conflict of Interest**

~~No member of the Library Board or employee involved in the procurement of goods and services shall have any pecuniary interests either direct or indirect in any contract, tender, proposal, or quotations for the supply of such goods or services to the Library.~~

### **8.2—Gifts and Benefits**

~~KFPL employees or Board members shall not accept gifts, hospitality or other benefits either directly or indirectly from any potential or existing supplier of goods and services.~~

### **8.3—Lobbying**

~~When necessary, the CEO, in consultation with the Manager/Director who initiated the procurement and the Board Chair, will determine if a Prospective Vendor shall be disqualified for Lobbying any KFPL employee or member of the Board.~~

### **8.4—Budget Control**

~~A list of authority thresholds (see Schedule B) will be maintained by the Budget/HR Analyst and updated annually.~~

~~Formal approval of the annual budget constitutes financial approval to proceed with purchases subject to any scheduling or priority considerations as may be deemed necessary by the Chief Librarian/CEO or delegate.~~

~~If the annual budget has not been approved by the Board and the Municipal Councils at the time the expenditure is required, up to 40% of the previous year's approved budget may be expended, until the current year's budget is approved.~~

## **8.1. Offer to Procure**

The Library shall issue an Offer to Procure ~~Goods and Services~~ as follows, ~~unless on any existing Standing Purchase Order and subject to the provisions of this section:~~

### **8.1.1. Up to and including ~~\$5,000~~ \$15,000**

By obtaining prices from more than one Supplier, or by purchasing directly from

catalogues, suppliers' lists, or through negotiations, assuming that that all prices offered are fair and equitable.

- ~~• Prices and suppliers reviewed prior to selection shall be documented for reference.~~
- The Procurement shall be evidenced by receipt, or invoice or P-card documentation.

**8.1.2. ~~\$5,001~~ \$15,001 up to and including \$50,000:**

By Request for Quotes from at least ~~3~~ **three** Prospective ~~vendors~~ **Suppliers**.

- ~~i. may be issued on a simplified Form approved by the responsible Manager or Director.~~

By Tender:

- ~~i. for procurements identified in which the qualitative difference between potential vendors is limited;~~
- ~~ii. must include an evaluation criteria grid and scoring for each criterion;~~
- ~~ii. where price is the primary factor in evaluation, the maximum percentage of 75% for evaluation shall be used;~~
- ~~iii. must be advertised if three separate Prospective Vendors for the particular procurement cannot be identified.~~

~~The results of the above must:~~

- ~~i. not be opened publically;~~
- ~~ii. be evidenced by Purchase Order;~~
- ~~iii. be recorded by retention of:~~
  - ~~• The Form as issued by the issuing Division~~
  - ~~• All responses received from Prospective Vendors, and~~
  - ~~• A written record of evaluation of the responses.~~

**8.1.3. Over \$50,000:**

By Tender:

- ~~i. must include an evaluation criteria grid and scoring for each criterion.~~
- ~~ii. Where price is the primary factor in evaluation, the maximum percentage of 75% for evaluation shall be used.~~
- ~~iii. must be advertised if three separate Prospective Vendors for the particular procurement cannot be identified~~
- ~~iv. Prospective Vendor pre-qualification in the form of a Request for Information may be used in any Tender upon the direction of the responsible Director.~~

~~When pre-qualification is used, all responses received from Prospective Vendors shall be submitted on Forms.~~

- ~~v. The Library shall issue clarification in relation to any Tender only in reply to queries from Prospective Vendors and in the form of a written addendum. Other than in response to a query from a Prospective Vendor, the library may coordinate the issuance of an addendum to revise, delete, substitute or add to specifications for a Tender.~~
- ~~vi. All communications with Prospective Vendors by the Library in regards to the purchase, shall be issued in writing by fax, email or by registered postal mail and a record of such communications shall be retained~~

By ~~Request for Proposals~~ RFP, RFQ, RFT, Qualified Supplier Roster, or Roster Competition

- Shall include a weighting form of evaluation which includes price evaluation between 20% and 75%, with scoring methodology for each element.
- Be publicly advertised.
- Where any Prospective ~~Vendor~~ Supplier requests a clarification, response shall only be made in the form of a written addendum. When it becomes necessary to revise, delete, substitute or add to specifications for a Request for Proposal to a substantial degree, the responsible Director shall coordinate the issuance of an addendum or cancel the Request for Proposal if deemed necessary. Every addendum shall include the question to which the addendum is a response, shall not identify the party which raised the question, shall be circulated to all Prospective ~~Vendors~~ Suppliers, and, where necessary, be advertised.
- Purchases and Procurements over \$50,000 shall be coordinated by a Director to ensure:
  - completeness of documentation;
  - that invitations to bid and advertisements are arranged;
  - closing dates and tender openings are scheduled, and
  - a single source contact for information is provided.

#### **8.1.4. Professional Consultant Services:**

Up to and including \$50,000

By direct appointment by obtaining prices from more than one consultant.

- The following weighting criteria shall be used to select Professional Consultant Services:
  - ability,

- experience in similar type projects,
- personnel available for the project,
- reputation and prior experience with the Library,
- price,
- familiarity with the project, and
- such other weighting requirements established by the Library

Over \$50,000

~~Through-a~~ **By** Request for Proposals.

**8.1.5. Expanded Works:**

- No Offer to Procure by Expanded Works Procurement shall be issued without the prior specific written authorization, which shall include confirmation that the Expanded Work remains within the scope of the original Offer to Procure.
- No Offer to Procure by Expanded Works Procurement shall be issued unless:
  - there is more than one source in the open market but for reasons of function or service only one ~~Vendor~~ **Supplier** is recommended for consideration of the particular goods and/or services, including the continuity with the scope of the original Offer to Procure;
  - there is only one known source of supply of particular goods or services; or
  - time restrictions in relation to the Procurement require that the additional Procurement not proceed by way of separate Offer to Procure.
- Where possible, any written authorization permission provided for under this section will specify the means of making the Expanded Works Procurement as well as the good or service to be obtained as well as the budget.

**8.1.6. Alternative Procurement Process**

An Alternative Procurement Process shall only be used if one or more of the following conditions apply and a process of negotiation is undertaken to obtain the Best Value in the circumstances for the Library:

- Sole Source

The goods and services are only available from one source or Supplier by reason of:

- a statutory or market based monopoly;
- a scarcity of supply in the market;
- existence of exclusive rights (patents, copyright or license);
- need for compatibility with good and services previously acquired and there are no reasonable alternatives, substitutes or accommodations; or

- need to avoid violating warranties and guarantees where service is required.

- Competitive Method Failed

An attempt to purchase the required goods and services has been made in good faith using a competitive method and has failed to identify a successful Supplier.

- Emergency

The goods and services are required as a result of an Emergency, which would not permit the use of the other methods permitted.

Where in the opinion of the Chief Librarian/CEO, or designate Delegate, an Emergency has occurred, the Chief Librarian/CEO or designate Delegate may initiate a requisition/Purchase Order in excess of the preauthorized expenditure limit to a maximum of \$100,000. Any Purchase Order issued under such circumstances together with a source of financing shall be reported to the Library Board Chair and Vice Chair immediately and also to the next full meeting of the Board as soon as practical and not later than the second regular meeting of the Board after entering the Contract.

- Single Source

The required goods and services are to be supplied by a particular ~~vendor or~~ Supplier having special knowledge, skills, expertise or experience that cannot be provided by any other Supplier.

- ~~Vendor~~ Supplier of Record

Goods and services can be acquired with access to economy-of-scale pricing and with minimal staff time through the use of the ~~Vendor~~ Supplier of Record lists as compiled by the Library's funding municipalities and the provincial government.

~~1. Not in Public Interest~~

~~The nature of the requirement is such that it would not be in the public interest to solicit competitive bids, as in the case of confidential matters.~~

~~No Offer to Procure by an Alternative Procurement Process valued between \$5,001 and \$50,000 shall be issued without authorization by a Director.~~

~~No Offer to Procure by an Alternative Procurement Process valued between \$50,001 and \$100,000 shall be issued without authorization of the Chief Librarian/CEO.~~

~~No Offer to Procure by an Alternative Procurement Process valued over \$100,000 shall be issued without Board approval.~~

~~Where in the opinion of the CEO, or designate an Emergency has occurred, the CEO or designate may initiate a requisition/Purchase Order in excess of the preauthorized expenditure limit to a maximum of \$100,000. Any Purchase Order issued under such~~

~~circumstances together with a source of financing shall be reported to the Library Board Chair and Vice Chair immediately and also to the next full meeting of the Board.~~

## 8.2. Awarding of Procurement

Evaluation of submissions will be conducted by the responsible Director or Manager and any additional staff members with relevant experience and knowledge. The size of the evaluation team shall reflect the complexity and dollar value of the assignment.

- The Library reserves the right to reject any and all submissions in a Procurement process.
- The exercise of authority to award a Contract is subject to the identification and availability of sufficient funds within the approved ~~Kingston Frontenac Public~~ Library budget.
- Tender, Quote and Proposal awards shall be made to the Bidder ~~as set out in the Offer to Procure goods and services. meeting all required specifications and conditions, including price. Conditions that could be met may entail:~~
  - ~~a. ability and experience to perform in accordance with specifications,~~
  - ~~b. past performance record,~~
  - ~~c. financial and technical resources, and~~
  - ~~d. future operating and maintenance costs.~~
- ~~• In the awarding of any procurement the Library shall not be bound to accept the lowest price and may award to another Prospective Vendor if, in their discretion, having regard to delivery time, service and quality of goods, past history of dealings or outstanding claims that would be in the best interest of the Library.~~
- The Library is not bound by the price provided the top ranked Supplier has satisfied the evaluation criteria set out in the Offer to Procure.
- The Library shall establish a procedure for resolving mathematical errors and tied Bids for all competitive solicitations.
- ~~• Where all other factors are equal, lowest price shall govern.~~

### 8.2.1. Standing Purchase Orders

~~Blanket Standing~~ Purchase Orders may be established ~~annually~~ for the purchase of items, services or inventory management ~~but may only be established with a vendor after pricing procedures have been followed as per this Policy.~~

### 8.2.2. Petty Cash Control

Purchases of less than an amount determined periodically by the Budget/HR Analyst may be made through petty cash providing that supervisor approval is indicated. All petty cash

payments are to be reviewed by the Budget/HR Analyst at the time of petty cash replenishment.

### **8.2.3. Insurance**

All contractors performing work on Library property must provide evidence of appropriate liability insurance, active Workplace Safety Insurance Board status, or any other forms of insurance requested by the Library.

### **8.3. Access to Information**

All submissions and related materials provided to the Library pursuant to any Offer to Procure shall be retained by the Library and subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* or any otherwise applicable or successor legislation.

### **8.4. Unsolicited Proposals**

~~Any unsolicited proposal not arising from an Offer to Procure received by the Library may be reviewed by staff, but any procurement activity resulting from the receipt of an unsolicited proposal shall be in accordance with the provisions of this policy~~ Procurement activity resulting from the receipt of the unsolicited proposal must be referred to the responsible Manager or Director and must comply with the provisions of this Policy.

## **9. Compliance and Consequences for Breach**

~~It is recognized that strict adherence to all of the requirements set forth may not be practicable in every case, but should be observed except in case of emergency (followed by proper paperwork) or where adherence can be shown to involve substantial and unwarranted additional expense.~~

Buyers should exercise their “best effort” to adhere to this policy. However, there may be instances when following the policy could involve substantial additional expense for the Library. In those instances, excluding Emergencies, the Alternative Procurement Process should be followed.

Employees authorized to purchase for the Library as Buyers ~~must be aware and be guided by the fact that corruption in public procurement is a constant concern. Buyers must be vigilant to avoid practices which may result in or appear to be corrupt~~ should review Ethical Conduct and Conflicts of Interest to understand the expectations of a Buyer.

Failure to comply with this Policy is a matter of internal discipline. Observed or reported behaviours in violation of this Policy will be addressed immediately.

Failure to comply with this Policy may also result in external legal consequences.

In addition, Buyers may be personally subject to criminal prosecution and civil claims arising from:

- Willful failure to follow purchasing standards for personal gain; colluding with any Prospective ~~Vendor~~ Supplier or ~~Vendor~~ Supplier to compromise the integrity of the Procurement process;
- Accepting bribes or other personal incentives in the course of advertising, evaluating or selecting goods or services for purchase; and
- Any other form of corruption, fraudulent action or personal gain in carrying out Procurement.

## 10. Schedules

**Schedule A:** KFPL Expenditures Not Applicable to the Procurement Policy

**Schedule B:** Authority Thresholds and Purchasing Methods

~~**Schedule C:** Statement of Ethics for Public Purchasers~~

**Schedule C:** Supplier Code of Conduct

## 11. Authorities

All Procurement undertaken by ~~KFPL~~ Library employees shall be in accordance with this policy, and in accordance with the following legislation:

### Federal Government

*Criminal Code*

~~*The Combines Investigation Act*~~

*The Competition Act*

*Canadian Free Trade Agreement (CFTA)*

*Comprehensive Economic and Trade Agreement (CETA)*

### Provincial Government

*Accessibility for Ontarians with Disabilities Act, S.O. 2005, c. 11*

~~*Ontario Occupational Health & Safety Act, R.S.O. 1990, c. O.1*~~

~~*Ontario Human Rights Code, R.S.O. 1990, c. H.19*~~

*The Discriminatory Business Practices Act, R.S.O., 1990 ~~1980~~, c.D.12*

*The Municipal Act, 2001, S.O. 2001, c. 25*

*The Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*

*The Municipal Freedom of Information and Protection of Privacy Act, ~~1989~~, R.S.O. 1990, c. M.56*



*The Sale of Goods Act, R.S.O. 1990, c. S.1*

~~*Workers' Compensation Act, R.S.O., 1990, c.W.11*~~

*Workplace Safety and Insurance Act, 1997, S.O. 1997, c. 16, Sched. A*

### **KFPL Library Policies**

~~*Delegation of Authority, Appendix A, KFPL Board Constitution 2019*~~

*Standards of Conduct for KFPL Employees*

*Accessibility ~~Policy~~ for Users with Disabilities Policy*

*Asset Disposal Policy*

*Collection Development Policy*

*Records Management Policy*

*Travel and Expenses Policy*

## **12. Document Control**

Original Policy Date: 2005 December

Last Reviewed: [2023 May](#)

Changes Made: [see report to Board dated May 10, 2023](#)

Next Review: [2026 October](#)

## **Schedule A: Expenditures Not Subject to KFPL Procurement Policy**

The acquisition methods described in the KFPL Procurement Policy do not apply to the following items, however where possible, staff should issue a Purchase Order or use a ~~Corporate Purchasing Card~~ P-Card to complete the Procurement.

1. Library materials
  - Books, DVDs, etc.
2. Training and education
  - Conferences, courses, seminars
3. Refundable employee and Board expenses
  - Meal allowances
  - Travel
  - Accommodation
4. General expenses
  - Payroll deduction remittances such as income tax, Employment Insurance premiums, Employer Health Tax
  - Workers Safety Insurance Board payments
  - Medical Fees
  - Debenture payments
  - HST remittances
  - Grants to agencies
  - Damage claims
  - Legal settlements
  - Arbitration awards
  - Petty cash replenishment
  - Tax remittances
  - Charges to and from other government bodies
  - Payments for employment
5. Professional and special services
  - Honorariums
  - Medical professional services
  - Municipal Property Assessment Corporation as approved in annual budgets
6. Purchases from other levels of Government
7. Federal/Provincial/Municipal mandate programs and payments
8. The lease or purchase of real property

9. Events supporting local non-profit organizations
10. Entertainers for theater or special events
11. Refunds
12. ~~Purchases facilitated under other contracts that have been approved by the Board~~
13. Sponsorship and naming rights
14. Co-operative Purchasing

## Schedule B: Authority Thresholds and Purchasing Methods

### Delegation of Authority

A staff member with purchasing authority under this Schedule may Delegate authority for an amount up to their purchasing authority to another staff member. This Delegation must be made in writing and must be approved by the Chief Librarian/CEO.

Purchasing Threshold	Authority	Types of Procurement	Method
Up to and including <del>\$5,000</del> \$15,000	<del>-KFPL Board Chair</del> - Chief Librarian/CEO - Directors - Managers - Budget/HR Analyst and others as designated Delegated	- cheque requisition - petty cash - P-card <del>-store account</del> - invoiced accounts	- Documented by the Buyer with receipts. - A Purchase Order may be used, but is not required.
<del>\$5,000</del> \$15,001 up to and including \$50,000	<del>-KFPL Board Chair</del> - Chief Librarian/CEO - Directors - Managers	- RFP - RFQ - RFT	- The Buyer solicits pricing from at least 3 <del>vendors</del> Suppliers (when applicable). - May be advertised if known sources are limited. - A Purchase Order is issued. - A formal Contract may be required. - Director or Chief Librarian/CEO approval is required when an Alternative Procurement Method is used. - Director or Chief Librarian/CEO approval is required for Expanded Works.
\$50,001 up to and including \$100,000	<del>-KFPL Board Chair</del> - Chief Librarian/CEO - Directors	- RFP - RFT - RFI	- Advertised publicly to solicit pricing from at least <del>vendors</del> Suppliers (when applicable). - A formal Contract is required.

Purchasing Threshold	Authority	Types of Procurement	Method
		<ul style="list-style-type: none"> <li>- <del>Prequalification</del></li> <li>- Qualified Supplier Roster</li> </ul>	<ul style="list-style-type: none"> <li>- <del>Board</del> Chief Librarian/CEO approval is required when an Alternative Procurement Method is used.</li> <li>- Chief Librarian/CEO approval is required for Expanded Works.</li> </ul>
<p><b>\$100,001 up to and including \$250,000</b></p>	<ul style="list-style-type: none"> <li>- <del>KFPL Board Chair</del></li> <li>- Chief Librarian/CEO</li> </ul>	<ul style="list-style-type: none"> <li>- RFP</li> <li>- RFT</li> <li>- RFI</li> <li>- <del>Prequalification</del></li> <li>- Qualified Supplier Roster</li> </ul>	<ul style="list-style-type: none"> <li>- Advertised publicly to solicit pricing from at least 3 <del>vendors</del> Suppliers (when applicable).</li> <li>- A formal Contract is required.</li> <li>- <del>Board</del> Chief Librarian/CEO approval is required when an Alternative Procurement Method is used.</li> <li>- Chief Librarian/CEO approval is required for Expanded Works.</li> </ul>
<p><b>Over \$250,000</b></p>	<ul style="list-style-type: none"> <li>- <del>KFPL Library Board Chair</del></li> </ul>	<ul style="list-style-type: none"> <li>- RFP</li> <li>- RFT</li> <li>- RFI</li> <li>- <del>Prequalification</del></li> <li>- Qualified Supplier Roster</li> </ul>	<ul style="list-style-type: none"> <li>- Advertised publicly to solicit pricing from at least 3 <del>vendors</del> Suppliers (when applicable).</li> <li>- A formal Contract is required.</li> </ul>

## ~~Schedule C: Statement of Ethics for Public Purchasers~~

~~Goal: To ensure ethical, professional and accountable procurement.~~

~~All staff authorized to purchase goods, services and/or construction on behalf of the Library shall, at minimum, adhere to the following principles:~~

~~a) **Open and honest dealings with everyone who is involved in the procurement process. Procurement activities must be open and accountable.**~~

~~This includes all businesses with which the KFPL contracts or from which it purchases goods, services and/or construction, as well as all members of our staff and of the public who utilize the services of the Library.~~

~~b) **Fair and impartial award recommendations for all contracts and tenders. Contracting procurement activities must be fair, transparent and conducted with a view to obtaining the best value for public money.**~~

~~This means that we do not extend preferential treatment to any Prospective Vendor, including local companies. Not only is it against the law, it is not good business practice, since it limits fair and open competition for all Vendors and is therefore a detriment to obtaining the best possible value for each tax dollar.~~

~~c) **An irreproachable standard of personal integrity on the part of all those designated as procurement representatives for the Kingston Frontenac Public Library.**~~

~~Employees involved with procurement activities must act, and be seen to act, with integrity and professionalism. Honest, care and due diligence must be integral to all procurement activities within and between the organization, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.~~

## **Schedule C: Supplier Code of Conduct**

The Library requires its Suppliers to act with integrity and conduct business in an ethical manner. The Library may refuse to do business with any Supplier that has engaged in illegal or unethical bidding practices, has an actual or potential Conflict of Interest or an unfair advantage or fails to adhere to ethical business practices.

Suppliers are responsible for ensuring that any employees, representatives, agents or subcontractors acting on their behalf conduct themselves in accordance with this Code of Conduct. The Library may require the immediate removal and replacement of any individual or entity acting on behalf of a Supplier that conducts themselves in a manner inconsistent with this Code of Conduct. The Library may refuse to do business with any Supplier that is unwilling or unable to comply with such requirement.

### **Illegal or Unethical Bidding Practices**

Illegal or unethical bidding practices include:

- bid-rigging, price-fixing, bribery, collusion, or other behaviours or practices prohibited by federal or provincial statutes;
- offering gifts or favours to Library employees, board members, or any other representative of the Library;
- engaging in any prohibited communications during a Procurement process;
- receiving advice or assistance in the preparation of its Bid from any individual or entity that was involved in the development of the Offer to Procure;
- submitting inaccurate or misleading information in a Procurement process; and
- engaging in any other activity that compromises the Library's ability to run a fair Procurement process.

The Library may report any suspected cases of collusion, bid-rigging or other offenses under the *Competition Act*, R.S.C., 1985, c. C-34, to the Competition Bureau or to other relevant authorities.

### **Conflicts of Interest**

All Suppliers participating in a Procurement process shall declare any perceived, possible or actual Conflicts of Interest. The term "Conflict of Interest," when applied to Suppliers, includes any situation or circumstance where:

- in the context of a Procurement process, the Supplier has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to:
  - having, or having access to, confidential information of the Library that is not available to other Suppliers;

- having been involved in the development of the Offer to Procure, including having provided advice or assistance in the development of the Offer to Procure;
  - receiving advice or assistance in the preparation of its Bid from any individual or entity that was involved in the development of the Solicitation Document;
  - communicating with any person with a view to influencing preferred treatment in the Procurement process (including but not limited to the lobbying of decision-makers involved in the Procurement process); or
  - engaging in conduct that compromises, or could be seen to compromise, the integrity of an open and competitive Procurement process or render that process non-competitive or unfair; or
- in the context of performance under a potential Contract, the Supplier's other commitments, relationships or financial interests;
    - could, or could be seen to, exercise improper influence over the objective, unbiased and impartial exercise of its independent judgment; or
    - could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

Where a Supplier is retained to participate in the development of an Offer to Procure or the specifications for inclusion in an Offer to Procure, that Supplier will not be allowed to respond, directly or indirectly, to that Offer to Procure.

### **Ethical Business Practices**

In providing Deliverables to the Library, Suppliers shall adhere to ethical business practices, including but not limited to:

- performing all Contracts in a professional and competent manner and in accordance with the terms and conditions of the Contract and the duty of honest performance;
- complying with all applicable laws, including safety and labour codes (both domestic and international, as may be applicable); and
- providing workplaces that are free from harassment and discrimination.



## KFPL Report to the Board

**Subject:** KFPL Board By-laws  
**Prepared by:** L. Carter, Chief Librarian / CEO  
**Date of meeting:** May 24, 2023

### Background:

Additional amendments to the By-laws were discussed at the Committee of the Whole meeting of May 10, 2023 with Board members agreeing to the following:

- Proposed revisions to items 4.1, 5.6, 8.2, 9.1, and 12.5.
- Omit the first sentence in item 3.1. and only note the legislated minimum number of meetings per year.
- Update item 3.2 to reflect that the regular frequency, date, time and location of meetings will be discussed and decided at the first meeting of each year.
- Update item 12.1 to reflect that delegation requests should be received 5 days in advance of a meeting.
- Clarify the procedure for requesting a delegation after the deadline and add a noon cut-off on the day of the meeting.
- Update item 13.3 to include “exclusive of the time required to answer questions by the Board.”

With respect to item 12.1 the following comments were made:

- Limiting delegation requests to matters on a specific meeting agenda is a disadvantage to people who are unfamiliar with the agenda cycle.
- If one of the Board’s key principles is to act transparently and openly encourage feedback, the By-laws should reflect this in how delegation requests are handled.
- If the guidelines for delegation requests are left too open it could lead to problems. Many issues, like programming choices, are operational decisions and not for the Board to decide.
- Suggest changing item 12.1 to “address the Board on agenda items upon which the Board is considering taking action.”

Additional revisions to the draft document have been made with explanations included below. Final approval of the revised Board By-laws is scheduled for the June meeting.

**Analysis:**

Based on previous discussion, and a review of the Board's governance policies and the City of Kingston's procedural by-law, **the following additional revisions are recommended:**

- Revise item 3.1. to specify the number of regular and committee of the whole meetings to be scheduled each year.
- Revert to original language for item 3.2., with the addition of "at the first meeting of each term".
- Revise items 12.1 and 12.2 to be less restrictive and more accessible than the current process. Suggested language more closely aligns with the City's process.
- Update item 12.3 by removing the requirement for communication to be "in writing". This will make the process more accessible.
- Items 12.6., 12.7, and 12.8 have been updated or added based on the City's requirements.
- Omit items 12.12 and 12.14.

**Markup Legend:**

Proposed changes to the document are indicated in the draft as follows:

- ~~Red strikethrough~~ indicates text that staff propose be removed from the policy.
- **Blue** indicates text that staff propose be added to the policy.
- **Purple** text indicates changes that Board members agreed to at a previous meeting.
- **Grey highlighted** text indicates areas where consensus is required for specific direction.

**Recommendations:**

That the Board consider the proposed changes in preparation approval at the June 28, 2023 regular meeting.

# KFPL Board By-laws (DRAFT)

## 1. First Meeting of the Kingston Frontenac Public Library Board

- 1.1. The Chief Librarian / CEO shall call a meeting of the Kingston Frontenac Public Library Board [the “Board”], within one month of the appointment of a new Board in each term and on written notice to all persons appointed as Board members, as per the *Public Libraries Act*, RSO 1990, c. P.44, s. 14(1) [the “PLA”].

## 2. Elections for Officers of the Board

- 2.1. At the first meeting of the new term, the Chief Librarian / CEO shall call the meeting to order and read the names of the members appointed to the Board.
- 2.2. The Chair and the Vice-Chair shall be elected by the Board at its first meeting in the new term and then at the first meeting in each year of its term. [PLA, s. 14(3)]
- 2.3. The Chief Librarian / CEO shall act as chair *pro tem* during the election for the position of Chair.
- 2.4. Nominations for Chair shall be made, with no seconder required. Nominations shall be closed by motion made and seconded. If only one person has been nominated, that person shall be declared elected. If more than one person has been nominated, the Chair shall be elected by secret ballot. The member receiving 50% plus one of the votes cast shall be declared elected as Chair by the Chief Librarian / CEO but the vote count shall not be disclosed. Should no member receive 50% plus one of the votes, the Chief Librarian / CEO shall declare this and balloting shall proceed until a Chair is elected.
- 2.5. Following election, the Chair shall chair the meeting and call for nominations for Vice-Chair. If the Chair is not present, the Chief Librarian / CEO shall call for nominations for Vice-Chair. The election of Vice-Chair shall be conducted in the same manner as that for Chair.
- 2.6. If neither the Chair nor the Vice-Chair are in attendance at a meeting, members of the Board shall, by motion, appoint one of their own members to be Chair *pro tem*. [PLA, s. 14(4)]
- 2.7. In the event that the office of Chair becomes vacant, the Vice-Chair shall assume the office for the unexpired term. In the event the office of Vice-Chair becomes

vacant, a new Vice-Chair shall be elected in the same manner as outlined above.

- 2.8. The Chair and Vice-Chair shall hold office for the duration of a one-year term or until their successors are elected.

### 3. Meeting Frequency

- 3.1. ~~Regular meetings shall be held once per month for at least ten (10) months each year.~~ Eight (8) Regular meetings and two (2) Committee of the Whole meetings shall be scheduled in each year. ~~The Board shall hold at least seven regular meetings in each year. [PLA, s. 16(1)]~~
- 3.2. The newly appointed Board shall decide the normal date, time and location for meetings **at the first meeting of each term**, subject to change by a majority vote.
- 3.3. Special meetings of the Board may be called by the Chair or any two members by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called. [PLA, s. 16(2)]

### 4. Notification of Meetings

- 4.1. The Chair, ~~through the Chief Librarian / CEO~~, shall give notice of each regular and special meeting to the members ~~and to the Chief Librarian / CEO~~. The notice shall be accompanied by the agenda and any other matter to be brought before the meeting. The Chair and Chief Librarian/CEO shall be responsible for the preparation of the agenda. Any member wishing to place an item on the agenda may do so by making a request to the Chair or Chief Librarian / CEO at least 9 days prior to the meeting.
- 4.2. Minutes of the previous regular meeting and any special meetings, a written agenda, and reports relevant to the meeting shall be prepared and available no later than 8 days preceding the day of the regular meeting.
- 4.3. Notice of meetings shall be posted on the Kingston Frontenac Public Library website.
- 4.4. A person's lack of receipt of the notice of a regular or special meeting shall not affect the validity of holding the meeting or any action taken thereafter so long as a quorum is obtained at the meeting.

### 5. Open Meetings

- 5.1. In this section, “meeting” means any regular, special, committee or other meeting of the Board. “Committee” means any advisory or other committee, subcommittee or similar entity of which 50% of the members are also members of the Board. [PLA, s. 16.1(1)]
- 5.2. All Board meetings shall be open to the public, in accordance with the PLA, except the Board may vote to hold a portion of its meeting closed to the public, in those instances delineated in the PLA where the subject matter being considered is:
- a) the security of the property of the Board;
  - b) personal matters about an identifiable individual;
  - c) a proposed or pending acquisition or disposition of land by the Board;
  - d) labour relations or employee negotiations;
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the Board;
  - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or,
  - g) a matter in respect of which the Board or committee of the Board may hold a closed meeting under another Act. [PLA, ss. 16.1(2) and (4)]
- 5.3. In addition, a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* [MFIPPA] (or its successor legislation) if the Board or a committee of the Board is the head of an institution for the purposes of that Act. [PLA, s. 16.1(5)]
- 5.4. Before holding a meeting or part of a meeting that is to be closed to the public, a Board or committee of the Board shall state by resolution:
- a) the fact of the holding of the closed meeting; and,
  - b) the general nature of the matter to be considered at the closed meeting. [PLA, s. 16.1(6)]
- 5.5. A meeting shall not be closed to the public during the taking of a vote unless:
- a) sections 5.2 or 5.3 permit or require the meeting to be closed to the public; and
  - b) the vote is for a procedural matter or for giving directions or instructions to officers, employees, or agents of the Board or committee of the Board or persons retained by or under contract with the Board. [PLA, ss. 16.1(7) and (8)]

- 5.6. The Chair may expel any person for improper conduct (as defined by KFPL's *Patron Code of Conduct*) at a meeting [PLA, s. 16.1(3)].

## 6. Quorum

- 6.1. Quorum for any regular or special meeting of the Board shall consist of a majority of Board members. [PLA, s. 16(5)]
- 6.2. A meeting shall be called to order by the Chair at the appointed hour. Should there be no quorum present fifteen (15) minutes after the time appointed for the meeting, the Secretary shall record the names of those present and:
- a) the meeting shall stand adjourned or,
  - b) a special meeting shall be called at a later date, or
  - c) the members shall constitute themselves as a Committee dealing with such agenda items as they see fit and make recommendations at the next meeting.
- 6.3. Should a quorum no longer be present during a meeting, no further business may be conducted. [PLA, s. 16(5)]
- 6.4. If notified by a majority of Board members of their anticipated absence from a meeting, the Secretary shall notify all members of the Board that the meeting is cancelled. The meeting shall be rescheduled.

## 7. Rules of Order

- 7.1. Meetings shall be conducted according to *Robert's Rules of Order, 12<sup>th</sup> Edition*.

## 8. Voting

- 8.1. Voting on motions shall be tallied by the Chair.
- 8.2. The Chair or acting Chair ~~shall~~ may vote with the other Board members on all motions. Any question on which there is an equality of votes shall be deemed to be negative. [PLA, s. 16(6)].

## 9. Multi-media Attendance at Meeting

- 9.1. In *exceptional* circumstances when a Board member is unable to attend a meeting *in person*, attendance by telephone or video conference ~~may will~~ be permitted. ~~The Board may give approval for the member to attend remotely.~~

- 9.2. Full voting rights shall be allowed only when the Board member participates in the entire discussion on a given item.
- 9.3. Arrangements to attend a meeting via telephone or video conference shall be the responsibility of the Board member and shall be made by notifying the Administrative Assistant to the Chief Librarian / CEO, ideally no later than 24 hours prior to the meeting, if possible.

## 10. Appointments of Board Members to Community and Library Organizations

- 10.1. The Board may, from time to time, appoint a member of the Board, a staff member, or a community representative to represent the Board on community and library organizations, including:
- ~~Southern Ontario Library Service Board Assembly Trustee Council~~;
  - Kingston Literacy & Skills Board; and,
  - others as required/determined
- 10.2. The appointments shall be made at ~~its first meeting in the new term~~ the discretion of the Board and ~~then at the first meeting in each year of its term~~ shall be reviewed annually.

## 11. Order of Business

- 11.1. At any regular meeting of the Board, the order of business may be:
- Statement of Solidarity and Acknowledgement
  - Call to Order
  - Adoption of the Agenda
  - Disclosure of Conflict of Interest
  - Delegations/Presentations
  - Adoption of Minutes
  - Business Arising from the Minutes
  - Consent Agenda
    - Information Items (e.g., Correspondence)
    - Information ~~Items~~ Reports
    - ~~Monitoring Reports~~
  - ~~Action Agenda~~ Required Approvals Agenda

- ~~• Business Arising from the Minutes~~
- Monitoring Reports
- Policy Review and Approval
- Action Items

~~j) Items for Discussion / Exploration~~

j) Other Business

k) Adjournment

11.2. The Board may at any time suspend or vary the order of business or add an item to the agenda by direction from the Chair without opposition, or by motion and majority vote of the members present.

## 12. Delegations

12.1. Requests to appear in delegation shall be submitted to the Chief Librarian / CEO no later than 4:00 p.m. on the day prior to the Meeting at which the delegation desires to be heard.

~~When anyone desires to address the Board on matters agenda items upon which the Board is considering taking action, they shall be permitted to do so, provided the request is directed to the Chief Executive Officer and received on or before 4:30 12:00 p.m. on the 8th 5<sup>th</sup> day preceding of the regular meeting.~~

~~The request to appear in delegation shall be in writing and shall include an indication of the number of people attending and the subject of their address. The Board reserves the right to request additional information before granting delegation status.~~

12.2. A delegation shall only address a Meeting with respect to an item on the Agenda or Addendum and shall confine their remarks to such item.

12.3. Upon receipt of a request, the Chief Librarian / CEO shall ~~in writing~~ confirm the time and place at which the delegation shall address the Board, and ~~also enclose these~~ ~~the~~ rules and procedures that relate to delegations.

~~12.4. Unscheduled delegations at a regular meeting will require a majority vote in order to proceed.~~

12.5. Each ~~No~~ delegation ~~may~~ shall have a maximum of ~~speak on the matter for more than a total of fifteen (15)~~ five (5) minutes ~~to speak~~, exclusive of the time required to answer questions posed by the Board.



- 12.6. Board members may ask questions of the delegation in order to seek clarification or ask for additional information only **and shall not express opinions or enter into debate or discussion with a delegation**. Staff may also be asked to provide clarification or to confirm information.
- 12.7. No delegations shall be permitted on the following topics:
- a) labour relations or staff negotiations;
  - b) a Notice of Motion;
  - c) litigation or administrative tribunal proceedings that are either expected to proceed, that are currently proceeding, or that have already been decided by a court or tribunal;
  - d) tenders, requests for proposals, or other procurement issues;
  - e) any matter that is not within the jurisdiction of the Board, as determined by the Chair in consultation with the Chief Librarian / CEO; and
  - f) any matter that is properly the subject of a Closed Session.
- 12.8. Delegations are not permitted to address the Board on a matter upon which the Board has already made a decision within the previous twelve (12) months, unless the Board has decided to reconsider the matter.
- 12.9. In accordance with MFIPPA, notes taken of any presentation and/or written submission at the meeting, along with the delegation's name, will become part of the public record and will be published as part of the agenda and/or minutes of the meeting. These documents will also be posted to the Board's website and made available to the media.
- 12.10. Delegations may not provide personal information (including views or opinions) about someone else, as defined in MFIPPA as "personal information", without confirming in the presentation that prior agreement of that individual has been given.
- 12.11. Personal information about someone else, received in delegations, will not be published by the Board without the written permission of the identified individual, according to the requirements of MFIPPA.
- ~~12.12. If the issues or concerns are raised about a KFPL employee's performance (other than that of the CEO) as part of a Delegation, the Chair, after consultation with the Board, will direct the delegation first to the CEO's office for resolution.~~
- 12.13. If the number of delegations exceeds what can reasonably be scheduled at any

particular meeting, the Chair, after consulting with the Board, may move to:

- a) defer a decision to a time at a regular meeting at which all the delegations can be heard, or
- b) decide to hold a public participation meeting, rather than hear from delegations at a regular meeting.

~~12.14. After the delegation(s) have been heard at a regular meeting, the Board will move to take appropriate action, if necessary.~~

### **13. Presentations**

- 13.1. Anyone invited by the Board to present a report or to address a Board matter shall form a presentation.
- 13.2. The Chief Librarian shall confirm in writing the time and place at which the presenters shall address the Board.
- 13.3. A maximum of fifteen (15) minutes shall be provided for each presentation, exclusive of the time required to answer questions posed by the Board.

### **14. Correspondence**

- 14.1. Correspondence related to Board matters may be sent to the Kingston Frontenac Public Library Board or the Chief Librarian/Chief Executive Officer.
- 14.2. Correspondence is formally received at the Board meeting and becomes part of the record of the public Board meeting.
- 14.3. Personal information about the author of any correspondence will become part of the public record, as per MFIPPA.
- 14.4. Personal information about someone else, not the author of the correspondence, will not be published by the Board without written permission of the identified individual, as per MFIPPA.

### **15. Meeting Minutes**

- 15.1. Once approved, minutes of meetings are the official record of decisions and provide direction for the Board and Staff.
- 15.2. Minutes are approved at the next meeting of the Board and signed by the Chair and Recording Secretary.

- 15.3. Approved minutes (excluding ~~in-camera~~ closed meeting minutes) are public documents and shall be made available to the public.
- 15.4. Minutes of closed meetings are kept separately and held to be confidential.

## **16. Amendment of By-laws**

- 16.1. By-laws may be amended in response to legislation or when circumstances change.
- 16.2. Any member of the Board can propose a review or an amendment of a by-law.
- 16.3. All members of the Board will receive notice and details of by-law changes at the Board meeting prior to the meeting at which time a motion for amendment may be tabled.
- 16.4. Any of the preceding clauses of these By-laws may be repealed or amended by notice of motion given at any regular meeting of the Board. Approval of the motion to repeal or amend shall be by a two-thirds majority of votes cast at the next regular meeting of the Board.

Amended by Motion #        on .