



# MUNICIPALITY OF HURON SHORES POLICY MANUAL

SECTION: MEDIA AND PUBLIC RELATIONS

POLICY TITLE: PUBLIC CONDUCT POLICY

POLICY NO: M-03

---

## 1.0 PURPOSE

The Corporation of the Municipality of Huron Shores endeavours to provide exemplary service to all members of the public. The Municipality aims to address service requests and complaints equitably, comprehensively, and in a timely manner.

Frivolous, vexatious and/or unreasonably persistent requests may compromise the Municipality's ability to deliver customer service in an equitable, efficient and effective manner.

These situations may require the Municipality to put limits on the contact which customers have with the Corporation. These actions will ensure that Municipal resources are used effectively and efficiently, while still maintaining a high level of customer service and responsiveness.

The purpose of the policy is to provide a positive, safe, and supportive approach to promoting acceptable and appropriate interactions with the public.

The decision to classify someone's behavior as unreasonable, or to classify a request as vexatious or frivolous, could have serious consequences for the individual(s), including restricting their access to members of Council and Municipal staff, services, or property.

As such, this policy provides clear examples of behaviours and actions, as well as steps for staff to follow. Any restrictions made under this policy are dependent on the particular circumstances of each case.

For immediate threats to persons or property, call 911.

## 2.0 SCOPE

This policy is not intended to deal with generally difficult customers. It serves to provide notice of what constitutes unacceptable behavior and sets expectations for both the public and municipal staff (which for the purposes of this policy includes both employees and volunteers) when interacting with members of the public.

This policy applies to all forms of communication by any Member of the Public (as defined below), including, but not limited to, written, printed, electronic, online, verbal, telephone, or in-person communications, including participation in public meetings.

The location of such interactions includes, but is not limited to, any and all Municipal properties, including parks, libraries, municipal offices and recreation facilities, online

environments managed by the Municipality, and all such places where the Municipality's business is conducted.

This policy is meant to complement, not replace, the policies, codes of conduct, or other documents noted in the reference section of this policy.

### **3.0 DEFINITIONS**

**Member of the Public or Customer** - Includes, but is not limited to, residents, individuals, businesses, not-for-profit organizations, stakeholders, and community or corporate organizations that interact with the Municipality and its employees.

**Frivolous** - A complaint that is reasonably perceived by the Municipality to be: (a) without reasonable or probable cause; (b) without merit or substance; or (c) trivial.

**Vexatious** - A complaint that is frivolous and which is pursued in a manner that is reasonably perceived by the Municipality to be: (a) malicious; (b) intended to embarrass or harass the recipient; or (c) intended to be a nuisance.

### **4.0 PROCEDURE**

For the purposes of this procedure, unacceptable conduct is any action by a member of the public, which because of its nature or frequency, has a disproportionate and unreasonable impact on the Municipality, or its staff, other customers, services, time or resources.

#### **4.1 Examples of Unreasonable Behaviour**

Examples of what might be considered unreasonable behaviour while accessing a Municipal program, service, event, or facility are listed below. While a single incident may, depending on its nature and severity, constitute unreasonable behaviour, the focus of this policy is on a pattern of unacceptable conduct. This list is not exhaustive:

- Engaging in discriminatory conduct, harassment or bullying, whether verbal, written or physical;
- Abusive or disrespectful written or verbal communication, including threats, profanity, rude or inappropriate language, name calling, attempts to incite anger in others, harassment, discrimination, yelling or shouting;
- Inappropriate physical behaviour, including approaching an individual in an aggressive or intimidating fashion, throwing objects in a deliberate or aggressive manner, spitting, unwelcome touching, striking or assaulting anyone;
- Posting slanderous statements or private information about staff in a public or private forum, or posting abusive or disrespectful comments about staff on Municipally moderated platforms;
- Unreasonably fixating on a staff member and filing complaints about staff that are frivolous or vexatious in nature;
- Making unjustified complaints or derogatory comments about staff who are trying to manage an issue and seeking to have them replaced;
- Making excessive demands on the time and resources of staff, so as to create a high volume or frequency of correspondence, or mingling requests with accusations

- and complaints;
- Engaging in illegal activity, including illegal consumption of alcohol or drugs, theft, possession of weapons, and vandalism;
- Any intentional or repeated act that violates Municipal permits, policies, or by-laws;
- Any act that gives rise to concern for public safety, including loitering, causing a disturbance, or acting under the influence of drugs and alcohol while attending Municipal premises;
- Knowingly making or using falsified documents; or
- Recording meetings and conversations, without informing staff involved.

## **4.2 Examples of Vexations or Frivolous Requests**

Examples of what might be vexatious or frivolous are provided below. While a single incident may, depending on its nature and severity constitute a vexatious or frivolous request, the focus of this policy is on a pattern of unacceptable conduct. This list is not exhaustive:

- Submission of requests with very high volume and frequency of correspondence;
- Persistently or repeatedly contacting the Municipality about the same or similar matter when it has been considered and dealt with, or attempting to reopen issues that have already been considered and dealt with;
- Requests that would impose a significant burden on the Municipality in terms of expense, and negatively impact the ability to provide service to others;
- Requests intended to cause maximum inconvenience, disruption, or annoyance;
- Requests that lack any serious purpose or value, particularly when combined with one or more of the listed factors in this policy;
- Insisting on outcomes that are not possible or appropriate in the circumstances;
- Demanding services that are of a nature or scale that cannot be provided by the Municipality or refusing to accept that the Municipality cannot provide a particular service or action on a particular issue;
- Contacting different Municipal staff to receive a different outcome or response to a matter that has been considered and dealt with;
- Withholding relevant information in respect of a request, providing false information or misquoting others;
- Initiating a complaint, but refusing to cooperate with the complaint investigation process or to specify the grounds of the complaint, or changing the basis of the complaint as the matter proceeds;
- Denying or materially changing previously provided statements; or
- Making excessive demands on the time and resources of staff with lengthy or excessive phone calls, emails, voicemails, visits, or letters, or expecting immediate responses.

## **5. ENFORCEMENT**

If a staff member experiences or witnesses any incident or behaviour that gives them cause to feel uncomfortable or unsafe, or if the behaviour falls under any of the examples noted above, the following procedures apply:

## **5.1 General Guidelines**

Municipal Staff are expected to only use non-physical, verbal, intervention methods to enforce this policy. Appropriate actions may include the following:

- Requesting that the identified party, without jeopardizing one's safety, cease the inappropriate behaviour or violence immediately;
- Asking them to leave the premises;
- Informing the individual(s) of the existence of the public conduct policy and that they may be subject to consequences;
- Advising the identified party that failure to cease the inappropriate behaviour, violence or vandalism will result in police being called and advise that they will be considered to be trespassing;
- Removing themselves from the situation entirely or seeking the presence of additional personnel for support;
- Advising the appropriate supervisor or manager about the incident during or following an interaction, and compiling all documentation, information and evidence related to the incident; and
- If the individual refuses to cease the inappropriate activity, Municipal Staff shall avoid engaging in a verbal or physical confrontation and shall call the police (911) to report the situation immediately.

## **5.2 Documentation of incidents by staff may include:**

- Nature of the incident, including date and (approximate) time;
- Amount of time that has been consumed;
- Length of time that staff have been in contact with the individual(s) and the history of interactions;
- Amount of correspondence that has been exchanged with the individual(s);
- Number of requests that the individual has brought and the status of each; and
- Detailed records of staff interactions with individuals, including emails, voicemails, written notes or other documentation, to justify any actions taken to restrict the individual's access to staff or services

## **5.3 Notice Provisions and Actions**

The Department Head, individually or in consultation with the CAO/Clerk will determine what restrictions will be put in place. Before deciding to apply any restrictions, the Municipality will:

- Review the incident(s) and any available documentation and information;
- Ensure the complaint or request for information or delivery of service has been dealt with properly and in accordance with the relevant procedures and statutory guidelines; and
- Verify that staff have made every effort to satisfy the request or resolve the complaint.

When these have been applied and where appropriate because of a repeated pattern of unacceptable conduct or a single significant incident, the Municipality may take the following actions:

- Inform the person(s) through written or verbal notice that their conduct is inappropriate and contrary to the Public Conduct Policy;
- Inform the person(s) through written or verbal notice that their request for service or information has been considered and dealt with in accordance with relevant Municipal, provincial, and federal procedures and statutory guidelines and that only new requests for service or information will be responded to;
- Limit communication to one method of contact (e.g., telephone or email), time, duration, or with one named member of staff;
- Require any face-to-face interactions between the individual and staff to take place in the presence of another staff member and in a suitable location, as determined by the Municipality;
- Require the person(s) to make contact only through a third-party representative (e.g., solicitor, councillor, or friend acting on their behalf);
- Limit or regulate the use of Municipal services or facilities which may include refusing or limiting access to Municipal facilities (e.g., by appointment or specific permission); or
- Issue a no trespass letter which may include notification to local police services.

#### **5.4 Written Notice**

Upon review and determination of what actions will be taken, including but not limited to measures as described above, the CAO/Clerk will proceed by providing written notice of the action(s) to be taken. Written notice shall be delivered within fifteen (15) business days of the determination in question by email or letter mail, and will outline the following:

- A brief description of the observed unacceptable behaviour;
- The date of issuance;
- Any restrictions that apply, and the duration of the restrictions;
- The Town staff or representative that the individual may contact during the restriction period (if any), and the form of communication to be used; and
- Instructions, if applicable, for submitting a request for review.

### **6. DISPUTING OR REQUESTING REVIEW OF RESTRICTIONS**

Individuals who have had restrictions applied may request a review at any time during the restriction period. The request must be made in writing and submitted via e-mail or letter mail to the CAO/Clerk, including at minimum:

- identification of the incident in question.
- an explanation of why the individual is requesting the review; and
- the resolution sought from the Municipality.

A request for review shall be limited to one time within a 365-day period.

Individuals may request an in-person meeting to review the restrictions applied. However, Municipal staff may refuse to meet in person if, in the opinion of Municipal staff, it is unsafe to do so.

Following a review of the restrictions applied, which will include consultation with the Municipal Council, the CAO/Clerk may uphold, amend, or rescind the Municipality's previous decision, and shall notify the individual of the Municipality's decision through e-mail or letter mail.

Individuals who believe that the provisions of the policy have been applied unfairly or are unsatisfied with the outcome of the review process may file a complaint with the Ontario Ombudsman. Municipal staff shall supply contact information for the Ontario Ombudsman upon request.

## **7.0 EXCEPTIONS**

Nothing within this policy restricts or otherwise limits:

- The Municipality's authority to engage in litigation or seek legal redress for actions taken by individuals, regardless of whether those actions may fall within the scope of this policy;
- The Municipality's ability or obligation to comply with any requirements established by provincial or federal legislation; or
- Municipal Staff's right to refuse unsafe work under the Occupational Health and Safety Act.

## **8.0 CONNECTIONS TO OTHER POLICIS AND BY-LAWS**

Municipality of Huron Shores Code of Conduct  
Municipality of Huron Shores Communications Plan  
Workplace Anti-Violence and Sexual Harassment Policy  
Social Media Policy  
Complaints Handling Policy  
*Municipal Freedom of Information and Protection of Privacy Act*

## **9.0 REVIEW**

This Public Conduct Policy will be reviewed as requested by the CAO/Clerk or Council.

Approval Date:	April 10, 2024	Approved by:	Res: 24-12-19
1.Amendment Date:		Approved by:	
2.Amendment Date:		Approved by:	
3.Amendment Date:		Approved by:	