

Public Complaint Procedure

Approved By: Council
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Revision Date:

Purpose: The purpose of this 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 behaviour 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 to staff, services or property. As such, this Policy provides examples of behaviours and actions that are classified as frivolous and/or vexatious, as well as a clear process for staff to follow. Any restrictions made under this Policy are dependent on the particular context of the case in question.

Application:

This Public Conduct Procedure serves to provide direction of what constitutes unacceptable behaviour and sets expectations for both the public and Township staff, Council members, Committee members and volunteers when interacting with members of the public.

This Procedure 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 or Town Hall events. The location of such interactions includes, but is not limited to, any and all Township properties, including parks, Public Library, Municipal Office and recreation facilities, online environments managed by the Township, and all such places where the Township's business is conducted.

Definitions:

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

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 Township and its staff, Council members, Committee Members and volunteers.

Ombudsman means the individual designated and appointed by the Council of the Township of Douro-Dummer as an Ombudsman in accordance with the Municipal Act, or an Ombudsman having jurisdiction in accordance with the Ombudsman Act.

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

Procedures

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 Township, or its staff, Council members, Committee members, volunteers, other customers, services, time or resources.

Responsibilities:

A Member of the Public or Customer to:

- Comply with this Policy

Staff, Council Members, Committee Members and Volunteers:

- Complying with this policy and any site or program specific conduct and procedures; and
- Participating as applicable in customer service or de-escalation training as directed; and
- Documenting interactions, especially where there is a pattern of behaviour.

Department Managers:

- Contacting the CAO to report unacceptable behaviour towards staff, Council members, Committee Members and volunteers that is related to the prohibited grounds of the Ontario Human Rights Code or the definitions of workplace violence or harassment under the Occupational Health and Safety Act; and,
- Taking action when an individual's conduct is unreasonable based on the criteria in this policy; and
- Providing information to other departments, where appropriate, to make staff aware of any restrictions that have been put in place; and
- Ensuring all staff is provided with information and training in support of this Policy.

Township Clerk to:

- Ensuring all staff, Council members, Committee members and Volunteers are provided with information and training in support of this Policy; and
- Keep records of any decisions, including the name and address of individual(s) who have been identified as in violation of this policy; the restrictions that have been put in place; and the start and end date of the restrictions, in accordance with any provincial access and privacy laws,

- including the Municipal Freedom of Information and Protection of Privacy Act; and
- Work with Department Managers and/or CAO in the preparation of any necessary restrictions and notice documents.

Chief Administrative Officer (CAO) to:

- In addition to the above noted responsibilities, the CAO is responsible for determining what restrictions will be applied and signing off on written notices; and
- The CAO reserves the right to make the determination of appropriate action and has authority to step in at any time throughout the course of any incident management.

Examples of Unreasonable Behaviour:

Examples of what might be considered unreasonable behaviour while accessing a Town 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 goad or 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 libelous statements or private information about staff in a public or private forum, or posting abusive or disrespectful comments about staff on Town moderated platforms;
- Unreasonably fixated on a staff member, member of Council, Committee member or volunteer and filing complaints regarding that individual that are frivolous or vexatious in nature;
- Making unjustified complaints or derogatory comments about staff member, member of Council, Committee member or volunteer who are trying to manage an issue and seeking to have them replaced;
- Making excessive demands on the time and resources of staff members, members of Council, Committee members or volunteers, 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 Township 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 Township premises;
- Knowingly making or using falsified documents; or
- Recording meetings and conversations, without informing staff member, members of Council, Committee members or volunteers involved.

Examples of Vexatious 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 Procedure 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 Township 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 significant burden on the Township 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 the 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 Township or refusing to accept that the Township cannot provide a particular service or action on a particular issue;
- Contacting different Township 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 member, members of Council, Committee members or volunteers with lengthy or

excessive phone calls, emails, voicemails, visits, or letters, or expecting immediate responses.

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:

1. General Guidelines

Township 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 the OPP 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, Clerk or CAO 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, Township Staff shall avoid engaging in a verbal or physical confrontation, and shall call the OPP (911) to report the situation immediately.

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.

3. Notice Provisions and Actions

The Manager, in consultation with the Chief Administrative Officer (“CAO”), will determine what restrictions will be put in place.

Before deciding to apply any restrictions, the Town 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 Township 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 and if possible 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 Township;
- 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 Township services or facilities which may include refusing or limiting access to Township facilities (e.g., by appointment or specific permission); or
- Issue a no trespass letter which may include notification to local police services.

Written Notice

Upon review and determination of what actions will be taken, including but not limited to measures as described above, the CAO 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 e-mail or registered 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 Township 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.

Trespass

When an individual is prohibited from entering on to one or more specific Township properties for a period of time, the Township may issue a Notice of Trespass to Property to the individual. The OPP may be requested to assist where a Notice of Trespass to Property is contravened by an individual.

4. 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 Issuer, 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 Township.

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, Township staff may refuse to meet in person if, in the opinion of Township staff, it is unsafe to do so.

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

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

5. Privacy

Personal Information Collected, Used & Disclosed

- Personal Information collected and used under this policy may include an individual's general description, photographic image or likeness, and shall not be used or disclosed for an inconsistent purpose;
- In order to enforce any restrictions applied to an individual under this policy, Township staff may disclose to other Township staff or agents of the Township the individual's personal information, a summary of the unacceptable behaviour, any restrictions applied to the individual, and any other relevant information pertaining to the incident;
- All Township staff shall have regard for the individual's privacy and shall not use or disclose their personal information in any way that may reveal to the public the individual's personal information, the unacceptable behaviour that occurred, or the nature of any restrictions applied to them.