

Rural Municipality of Baildon #131

PUBLIC CONDUCT POLICY

Resolution 240/20

October 14, 2020

1. Policy Objective:

- 1.1. The Rural Municipality of Baildon is committed to providing excellent customer service to all members of the public and to address service requests and complaints equitably, comprehensively and in a timely manner, while promoting a respectful, tolerant and harassment-free workplace between the public, officers and employees of the Rural Municipality of Baildon, and Members of Council.
- 1.2. In order to achieve these objectives, this policy outlines expectations for appropriate behaviour by all individuals interacting with RM Staff, Members of Council, and other patrons and users of RM facilities and services. Under this policy, Unacceptable Behaviour may result in the application of restrictions against an individual or group of individuals. Any restrictions applied will be reasonable, consistent, and proportional to the Unacceptable Behaviour, and communicated in a manner that is clear and understandable to the individual(s) affected.

2. Scope:

2.1. Application:

- 2.1.1. This policy applies to the conduct of individuals with respect to all interactions with officers or employees of the RM, Members of Council, other RM representatives, and patrons and users of RM facilities, services, and property, including but not limited to in-person interactions and written, telephone, and electronic (e-mail) communications.

2.2. Exceptions:

- 2.2.1. Nothing in this policy restricts or otherwise limits the RM's authority to engage in litigation or seek legal redress for actions taken by individuals that may also be governed by this policy.
- 2.2.2. Nothing in this policy restricts or otherwise limits the ability or obligation of the RM to comply with any requirements established by municipal, provincial or federal legislation.
- 2.2.3. Nothing in this policy restricts or otherwise limits RM Staff's right to refuse unsafe work under *The Saskatchewan Employment Act*, or restricts or otherwise limits the rights and obligations of RM Staff under any other RM Bylaw or policy.

3. Procedure:

3.1. Definitions:

- (a) "Administrator" means the Administrator of the Rural Municipality of Baildon;

- (b) "Adult" means an individual who is of the age of majority, being 18 years of age or over;
- (c) "Council" means the Council of the Rural Municipality of Baildon;
- (d) "Frivolous" means a request that has no serious purpose or business value;
- (e) "Issuer" means an RM Staff member who has issued restrictions in response to Unacceptable Behaviour;
- (f) "Letter of Warning" means a letter issued to an individual (or their legal parent/guardian in the case of a Minor) informing them of an incident of Unacceptable Behaviour, including a caution that further observed instances of Unacceptable Behaviour may result in restrictions being applied to the individual;
- (g) "Minor" means an individual below the age of majority, being under 18 years of age;
- (h) "MJPS" means the Moose Jaw Police Service;
- (i) "Notice of Restrictions" means a letter issued to an individual (or their legal parent/guardian in the case of a Minor) informing them of an instance of Unacceptable Behaviour, and the type and duration of any restrictions being placed on them;
- (j) "Personal Information" means personal information as defined in the *Local Authority Freedom of Information and Protection of Privacy Act*;
- (k) "Prohibited Substance" means any substance deemed inappropriate by the RM, including illegal substances such as drugs and controlled substances such as alcohol unless otherwise permitted by the R.M. in accordance with the issuance of any required permits;
- (l) "Public Meeting" means any official meeting of Council or its Committees, as well as any public consultation meetings hosted by RM Staff or representatives of the RM;
- (m) "RCMP" means the Royal Canadian Mounted Police;
- (n) "RM" means the Rural Municipality of Baildon;
- (o) "RM Property" means any property owned, leased, or operated by the Rural Municipality of Baildon on a temporary or permanent basis, including indoor and outdoor facilities, spaces, and assets;
- (p) "RM Services" means any and all services provided by the Rural Municipality of Baildon, RM Staff, members of Council, or representatives of the RM;
- (q) "RM Staff" means any officer or employee of the Rural Municipality of Baildon;
- (r) "Request for Review" means a formal request submitted to the RM to review and reconsider any or all restrictions applied to an individual in accordance with this Policy;
- (s) "Unacceptable Behaviour" means behaviour that will not be tolerated, including but not limited to behaviour that can be damaging physically or mentally, is illegal, or would not be welcomed in a standard place of business;
- (t) "Vexatious" means a request with the intent to embarrass, harass, or annoy the recipient(s) or subject(s) of the request, and without the intention to seek genuine redress for the matter in question;

(u) "Weapon" means a weapon as defined in the *Criminal Code of Canada*

4. Responsibilities:

- 4.1. Council: it is the responsibility of all Members of Council to support the Public Conduct Policy and encourage all users of RM Services to abide by the principles and provisions of this policy;
- 4.2. RM Staff: it is the responsibility of all RM Staff to report any interactions they have with the General Public that they believe constitutes Unacceptable Behaviour, to collect and provide any supporting material or evidence of the Unacceptable Behaviour when possible, and to contact the RCMP where appropriate;
- 4.3. The Administrator: it is the responsibility of the Administrator to consider the appropriate response to severe or ongoing instances of Unacceptable Behaviour;

5. Unacceptable Behaviour:

5.1. Prohibition on Unacceptable Behaviour:

5.1.1. The following activities and behaviours will be considered Unacceptable Behaviour for the purposes of this Policy:

- (a) Unpleasant, disrespectful, or demeaning comments made towards RM Staff or RM Council or other members of the General Public frequenting RM Services and/or RM Property;
- (b) Treating other members of the general public or RM Staff while on RM Property or receiving RM Services in a threatening, intimidating, abusive and/or violent manner;
- (c) Engaging in a physical altercation with any other person on RM Property;
- (d) Engaging in activities on RM Property that are considered a crime under *The Criminal Code of Canada*;
- (e) Possessing a Weapon or Prohibited Substance while on RM Property;
- (f) Soliciting the sale of private goods or services on RM Property without permission;
- (g) Violating other RM policies, bylaws, and Codes of Conduct that establishes rules for expected behaviour at specified RM Property;
- (h) Unruly public protest that is disruptive to the common good administration of the RM and the delivery of RM Services, including but not limited to disrupting, harassment, threatening, or intimidating of RM Staff;
- (i) Submitting inquiries or requests for service that are Frivolous or Vexatious in nature;
- (j) Deliberately making false statements or submitting falsified documents when addressing a matter with the RM;
- (k) Continually refusing to accept or acknowledge the decision of RM Staff with respect to a matter within the jurisdiction of the RM;
- (l) Knowingly violating the explicit or inferred privacy of other members of the public, RM Staff, Members of Council, or the conduct of a meeting that is properly closed to the public.

5.1.2. Notwithstanding section 5.1.1., the RM retains the right to assess incidents on a case-by-case basis to determine whether Unacceptable Behaviour has occurred.

5.1.3. Where there is a conflict between this Policy and one or more other policies of the RM governing the expected behaviour of individuals, the higher standard of behaviour shall prevail.

6. Response to Unacceptable Behaviour:

6.1. Potential Restrictions:

6.1.1. The following restrictions may be applied to an individual with respect to any level of response described in this Policy:

- (a) Prohibiting attendance or limiting activities, interactions, or access to RM Services at one or more specific RM Properties;
- (b) Limiting the number of complaints, inquiries or requests that the individual may submit to the RM, including in relation to matters that have already been addressed;
- (c) Limiting the number of responses that RM Staff shall provide with respect to further complaints or inquiries regarding one or more specific matters, including in relation to matters that have already been addressed;
- (d) Requiring any in-person interaction with RM Staff and/or RM Council to be in the presence of another member of RM Staff and/or RM Council, or other representatives of the RM;
- (e) Limiting correspondence to a particular format, time, or duration;
- (f) Closing any active complaints, inquiries or requests for RM Services;
- (g) Requiring correspondence to be directed only to specific RM Staff, RM Council, solicitors, or third parties.

6.2. The potential restrictions described in this Policy may be applied in accordance with the authorities and limitations granted under each level of response in this section.

6.2.1. Level 1 Response

Who may issue:	The Administrator
Applies to:	Individuals who have engaged in Unacceptable Behaviour
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restriction	Up to 30 days

6.2.2. Level 2 Response

Who may issue:	The Administrator
Applies to:	Individuals who have received a Level 1 Response in the last twelve months and engage in further Unacceptable Behaviour, or in the opinion of the Administrator, one instance of Unacceptable Behaviour that is severe enough to warrant a Level 2 Response

Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restriction	Up to 90 days

6.2.3. Level 3 Response

Who may issue:	The Administrator
Applies to:	Individuals who have previously received a Level 2 Response in the last twelve months and engage in further Unacceptable Behaviour, or in the opinion of the Administrator, one instance of Unacceptable Behaviour that is severe enough to warrant a Level 3 Response
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restriction	The discretion of the Administrator

7. Enforcement:

7.1. General Enforcement Guidelines

7.1.1. RM staff are expected to use non-physical, verbal only intervention methods to enforce this policy. Where instances of Unacceptable Behaviour are observed on RM Property, RM Staff may issue a verbal warning or apply restrictions immediately to the individual(s) involved (see s. 6.2.1 – Level 1 Response). Following resolution of the Unacceptable Behaviour, RM Staff shall advise the appropriate supervisor or manager and compile all documentation, information and evidence related to the incident.

7.1.2. Should an individual refuse to cease the Unacceptable Behaviour or abide by any restrictions applied, the Administrator may request the assistance of the RCMP or the MJPS where appropriate.

7.1.3. After the Unacceptable Behaviour has ceased, RM Staff shall review the incident with the Administrator to determine whether a warning should be issued or further restrictions should be applied (and if so, the appropriate type and duration of restrictions), issue a Letter of Warning or Notice of Restrictions to the individual if necessary, and advise other RM Staff as necessary.

7.1.4. Where a warning or restrictions are issued to a Minor, RM Staff may direct any Letter of Warning or Notice of Restrictions to the Minor's parent or guardian (where known), and provision of such shall be deemed to satisfy the notice provisions of this policy.

7.2. Trespass:

7.2.1. Where an individual is prohibited from entering on to one or more specific RM Properties for a period of time, the RM may issue a Notice of Trespass to Property to the individual.

The RCMP or the MJPS, as applicable, may be requested to assist where a Notice of Trespass to Property is contravened by an individual.

7.3. Notice:

7.3.1. Where an individual receives a Level 2 or 3 Response, the RM shall provide the individual with written notice delivered by e-mail or by letter mail, describing

- (a) The Unacceptable Behaviour;
- (b) The date of issuance, restrictions applied, and duration of any restrictions;
- (c) The RM Staff or representative that the individual may contact during the restriction period (if any), as well as the form of communication to be used; and
- (d) Instructions for submitting a Request for Review form;

7.3.2. Notice of this policy may be posted at any RM Property, and this policy shall remain in effect for all RM Property regardless of whether notice of the policy is posted.

8. Review of Restrictions:

8.1. Request for Review:

8.1.1. Individuals that have received a Level 2 Response or higher may request a review of their restrictions at any time during the restriction period. The request must be made in writing using the Request for Review form and submitted via e-mail or letter mail to the RM.

8.1.2. A Request for Review submitted to the RM under section 8.1.1 must contain the following:

- (a) Identification of the incident in question;
- (b) An explanation of why the individual is requesting the review; and
- (c) The relief sought.

8.1.3. Individuals may request an in-person meeting to review the restrictions applied. Requests for in-person meetings shall be considered on a case-by-case basis by the Administrator and may be accepted or denied at their discretion.

8.1.4. Following a review of the restrictions applied, the RM may uphold, amend, or rescind the restrictions, and shall notify the individual of the RM's decision.

8.1.5. Individuals who believe that the provisions of this policy have been applied unfairly and/or are unsatisfied with the outcome of the review process may file a complaint with the Saskatchewan Ombudsman. RM Staff shall supply contact information for the Saskatchewan Ombudsman upon request.

8.2. Review Prior to Lifting Restrictions:

8.2.1. Before the expiration of any applied restrictions, RM Staff may require that an individual participate in a mandatory meeting to review the Unacceptable Behaviour that occurred and discuss expected behaviour upon the expiration of the restrictions.

8.2.2. Following a review meeting or if the individual refuses to attend a review meeting, should RM Staff not be satisfied that the Unacceptable Behaviour will not reoccur, the RM may extend the duration of any applied restrictions.

9. Privacy

9.1. Personal Information Collected, Used and Disclosed

9.1.1. Personal information collected and used under this policy may include an individual's general description and/or photographic image or likeness, and shall not be used or disclosed for any purpose other than compliance with or furtherance of this policy.

9.1.2. In order to enforce any restrictions applied to an individual under this policy, RM Staff may disclose to other RM Staff or agents of the RM an individual's personal information, a summary of the Unacceptable Behaviour, and any restrictions applied to the individual.

9.1.3. All RM Staff shall have regard for the individual's privacy and shall not use or disclose an individual's personal information in any way that may reveal the personal information, the Unacceptable Behaviour that occurred, or the nature of any restrictions applied to the individual to the public.

10. Training

10.1. All RM Staff shall receive training on this policy as part of new employee orientation, and shall be provided with a copy of this policy.

11. Resources

- 11.1. Template – Letter of Warning
- 11.2. Template – Notice of Restrictions
- 11.3. Template – Request for Review Form

11.1
[Print on Baildon Letterhead]

[Date]

[Insert Recipient's Full Name and Address]

Dear [Insert Name]:

Letter of Warning – Baildon Public Conduct Policy

I am writing to you pursuant to s. 6.2 of the Baildon Public Conduct Policy.

[Insert Description of Conduct that amounts to Unacceptable Behaviour and that lead to letter of warning, including dates, times, and as much detail as to the circumstances as possible].

Therefore, it is the determination of the Baildon Administrator that this conduct amounts to "Unacceptable Behaviour" under the Baildon Public Conduct Policy.

This is your **[first/second/third]** letter of warning. Should you engage in further Unacceptable Behaviour, restrictions on your ability to access Baildon property and/or services may be imposed on you pursuant to s. 6.1.1 and s. 6.2 of the Baildon Public Conduct Policy.

[Include in cases where there has been a Level 2 response or higher] Pursuant to s. 8.1 of the Baildon Public Conduct Policy, you are entitled to make a Request for Review of the issuance of this Letter of Warning. Enclosed is a copy of the applicable Request for Review Form. You may also raise any concerns you might have with the Saskatchewan Ombudsman, pursuant to s. 8.1.5 of the Baildon Public Conduct Policy.

I trust this is satisfactory.

[Insert Name]

[Insert Position]

Enclosures

Copy: File.

NOTICE OF RESTRICTIONS – BAILDON PUBLIC CONDUCT POLICY

WHEREAS [Insert Name] has been found to have engaged in the Unacceptable Behaviour described as follows:

[Insert each instance of a finding of Unacceptable Behaviour previously issued under the Policy, including dates, times, locations, summary of the conduct, and consequences imposed, in individual bullet points]

AND WHEREAS pursuant to s. 6.1.1 and s. 6.2 of the Baidon Public Conduct Policy the Baidon Administrator is authorized to place restrictions on the ability of an individual found to have engaged in Unacceptable Behaviour to access Baidon property and services;

Baidon issues the following restrictions on [insert name]

[Insert list of restrictions, in bullet points]

These restrictions shall remain in place until [Insert Expiry Date]

THIS NOTICE OF RESTRICTIONS IS ISSUED ON THE ____ DAY OF _____, 20____, AT THE CITY OF MOOSE JAW.

Issued By: _____

Carol Bellefeuille
Administrator
RM of Baidon

REQUEST FOR REVIEW – BAILDON PUBLIC CONDUCT POLICY

NAME: _____

DATE OF NOTICE OF RESTRICTIONS OR LETTER OF WARNING: _____

1) IDENTIFY THE INCIDENT FOR WHICH THIS REQUEST FOR REVIEW IS SOUGHT:

2) EXPLANATION FOR WHY THE REVIEW IS BEING REQUESTED:

3) RELIEF SOUGHT ON THIS REQUEST FOR REVIEW:

I request an in-person meeting for this Request for Review: **Y** **N** (Please Circle)

I submit this Notice of Request for Review pursuant to s. 8.1 of the Baildon Public Conduct Policy,

Signature: _____

Date: _____

Contact Information:

Phone: _____

E-mail: _____

Mailing Address: _____

For Office Use Only:

Date Received: _____

RM Staff Initials: _____