**PUBLIC CONDUCT POLICY BYLAW**

**RURAL MUNICIPALITY OF CALDER NO. 241**

**Bylaw No. 2024-02**

A Bylaw to Establish a Public Conduct Policy for the RM of Calder No. 241

**Short Title**

1. This bylaw may be cited as the "Public Conduct Policy".

**Policy Statement**

2. The RM of Calder No. 241 aims to provide exemplary services to all members of the public and to address service requests and complaints fairly, comprehensively and in a timely manner, while promoting a respectful, tolerant and harassment-free workplace between Members of Council, employees of the RM and the public. In order to achieve these objectives, unreasonable behaviour and/or frivolous and vexatious complaints or requests from some members of the public who require services or access RM buildings may need to be limited in a manner that is clear, consistent, reasonable and proportional to the individual's actions.

**Purpose and Interpretation**

3. This policy contributes to the objective of dealing with all residents in ways that are consistent and fair while acknowledging that there may be a need to protect Staff, Members of Council and residents of the RM from unreasonable behaviour and frivolous and/or vexatious conduct.

4. The following situations and requests may require the RM to place restrictions on the contact that certain individuals have with the RM:

    a. Situations arising from unreasonable behaviour which cause concern for the reasonable safety of other individuals on RM premises;

    b. Situations which compromise the enjoyment of RM facilities for all users;

    c. Vexatious, frivolous and/or unreasonably persistent requests which consume a disproportionate amount of Member and/or Staff time and resources and compromise their ability to provide assistance or deliver satisfactory customer service efficiently and effectively; and

    d. Vexatious and frivolous requests which impede Staff from attending to other essential issues.

5. Determining whether particular behaviours or actions are unreasonable, frivolous or vexatious can be a flexible balancing exercise that requires all the circumstances of a particular case to be taken into account. In many cases, the key question is whether the behaviours or actions are likely to cause distress, disruption or irritation, without proper or justified cause.

6. 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 including restricting their access to Members of Council, Staff, services and/or property. As such, this policy provides clear examples of behaviours and actions, as well as clear steps for Staff to follow. Any restrictions made under this policy are dependent on particular circumstances, and there is an opportunity for the affected individual to appeal the restrictions.

**Definitions**

7. In this policy:

   a. **"Frivolous"** means the complaint or request is one that has no serious purpose or value, about a matter so trivial or one so meritless on its face that investigation would be disproportionate in terms of time and cost.

   b. **"Public Meeting"** means any official meeting of Council, its Committees, or Local Boards, as well as any public consultation meetings hosted by RM or representatives of the RM.

   c. **"Staff"** means employees of the RM.

   d. **Rural Municipality of Calder No. 241(RM) Property"** means any property owned, leased, or operated by the RM on a temporary or permanent basis, including indoor and outdoor facilities, spaces and assets.

   e. **"Unreasonable Behaviour"** involves conduct that is unacceptable in all circumstances regardless of how stressed, angry or frustrated an individual is, because it unacceptably compromises the health, safety and security of Staff, other service users or the individual themselves. Further, requests or complaints that are incomprehensible, inflammatory or based on conspiracy theories are also considered unreasonable.

   f. **"Vexatious"** means that the complaint or request for service is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant or requester that amounts to an abuse of the available process to make complaints or requests for service.

**Application**

8. This policy is to be implemented if behaviours or requests from an individual are determined to be unreasonable, frivolous and/or vexatious as defined herein. The following behaviours or requests may take place in circumstances including, but not limited to, one or more of the following:

   - Public meetings;
   - Written communication;
   - Telephone communication;
   - In-person communication;
   - Electronic communication, including email and social media; and/or
   - Interactions at the RM property, parks or facilities.

**Exceptions**

9. This policy does not apply to Access to Information requests made pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-91, c L-27.1 ("LA FOIP").

10. Notwithstanding the provisions of this policy, individuals that have been restricted from attending RM Property are permitted to attend Public Meetings, subject to the rules of participation for such Public Meetings and any conditions or restrictions assigned to the individual when attending RM Property.

11. Nothing within this policy restricts or otherwise limits the RM authority to engage in litigation or seek legal redress for actions taken by individuals that may also be governed by this policy.

12. Nothing in this policy restricts or otherwise limits the ability or obligation of the RM to comply with any requirements established by provincial or federal legislation.

**Examples of Unreasonable Behaviour**

13. Examples of what might be considered unreasonable behaviour are provided below. The below list is not exhaustive, nor does a single instance of behaviour necessarily imply that the person will be considered as being in this category:

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Changing the basis of the complaint/request as the matter proceeds;
- Denying or changing statements made at an earlier stage;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Making excessive demands on the time and resources of Staff with lengthy phone calls, emails to numerous Staff, or frequent detailed letters, and expecting immediate responses;
- Refusing to accept the decision and/or repeatedly arguing points with no new evidence;
- Persistently approaching the RM through different avenues about the same issue;
- Causing distress to Staff, which could include the use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of Staff;
- Making unjustified complaints about Staff who are trying to deal with the issues, and/or seeking to have them replaced;
- Engaging in aggressive, disrespectful or intimidating behavior, bullying, yelling, harassment or using coarse language while accessing a RM program, service, program, event or facility;

- Loitering, causing a disturbance or acting under the influence of drugs and alcohol while attending RM premises;
- Attending a Staff Member's private residence or private property uninvited; and/or
- Emailing or otherwise circulating photos of Staff Members in a disrespectful way.

**Examples of Frivolous or Vexatious Requests:**

14. Examples of what might be considered vexatious or frivolous requests are provided below. The list is not exhaustive. For a request to be considered as vexatious or frivolous, it is likely that more than one of the examples is relevant:

a) Submission of obsessive requests with high volume and frequency of correspondence;

b) Requests for information the requester has already seen;

c) Attempts to reopen matter that have already been considered and closed;

d) Where complying with the request would impose a significant burden on the RM in terms of expense, and negatively impact the ability to provide service to others;

e) Where the requester states that the request is actually meant to cause maximum inconvenience, disruption or annoyance;

f) Where the request lacks any serious purpose or value; and/or

g) Harassing the RM, which could include very high volume and frequency of correspondence, or mingling requests with accusations and complaints.

15. A pattern of conduct occurs when, on several occasions, an individual engages in one or more of the following:

a) Bringing complaints concerning an issue that Staff have already investigated and resolved;

b) Bringing complaints concerning an issue that is substantially similar to an issue that Staff have previously investigated and resolved where no new information is being introduced; and/or

c) Engaging in unreasonable conduct, including but not limited to the examples set out under the Application section of this policy.

16. This policy is meant to complement, not replace, the RM's Harassment Policy, the Employee Code of Conduct and the Code of Ethics for Council Members.

**Policy Requirements:**

17. The decision to implement restrictions may be as a result of a repeated pattern of conduct when, on several occasions, a person engages in one or more behaviours or actions identified as unreasonable, frivolous and/or vexatious, or it may be a single significant incident that requires the invocation of this policy.

18. If an incident presents an immediate threat, Staff and Members of Council are instructed to contact 9-1-1.

**Responsibilities**

19. All users of this policy are required to document the actions of the individual, and their own actions, in as much detail as possible.

20. For situations involving unreasonable behaviour that does not require immediate action, as well as those circumstances that involve frivolous and vexatious requests, specific responsibilities include as follows:

a) **RM Employees**

i. If a Staff member experiences or witnesses any incident or behavior that makes the Staff member uncomfortable or unsafe, the Staff member should report the matter to the Administrator and provide any supporting material(s);

ii. If a Staff member believes that a request or a complaint is unreasonable, frivolous or vexatious, the Staff member should consult with the Administrator, providing any supporting material(s);

iii. Staff are responsible for advising the Administrator of the steps that have been taken to resolve the issue, which may include the following:

- length of time that Staff have been in contact with the individual and the history of interactions;
- amount of correspondence that has been exchanged with the individual;
- number of requests that the individual has brought and the status of each;
- nature of the individual's behavior and the amount of time that has been consumed; and
- maintaining detailed records of Staff interactions with individuals in order to justify any actions taken to restrict the individual's access to Staff or services;

**a) Members of Council**

i. Consult with the Administrator if necessary, regarding cases of unreasonable behaviour and/or frivolous and vexatious action that the Member wishes to address, as described in this policy;

ii. Any restriction(s) placed on an individual on behalf of Council shall be administered by the Administrator.

**Imposing Restrictions**

21. Based on the information provided by Staff and/or a Member of Council or information within the Administrator's knowledge, a review shall be conducted by the Administrator to determine if an individual's behaviour warrants the application of temporary restrictions. Each case should be considered on an individual basis. In conducting the review, the Administrator will consider the specific circumstances of the matter as well as the following:

    a. The individual's personal circumstances, level of competency, literacy skills etc. which may be known to Staff;

    b. Whether the request or complaint has been dealt with in accordance with the relevant RM procedures and statutory guidelines;

    c. Whether Staff have made reasonable efforts to satisfy or resolve the request or complaint;

    d. Whether the individual is presenting new material or information about the situation or is making a new request or complaint.

**Notice**

22. Upon determination that an individual's behaviour is unreasonable or that the request or complaint is frivolous or vexatious, and depending on the severity of the incident, the Administrator shall:

    a. Send a letter of warning to the individual indicating that the behaviour/requests are a violation of this policy and that restrictions may be imposed should they continue; or

    b. Send a letter of notification to the individual indicating that the matter has been reviewed and that temporary restrictions are to be imposed. This letter shall include a summary of the findings of the Administrator's review, including as follows:

        i. A summary of the matter which has led to the restrictions;

        ii. A summary of the interactions with the individual;

        iii. A description of the restrictions that are to be applied, including the duration of the restrictions; and

        iv. The rationale for applying the restrictions.

**Potential Restrictions**

23. Restrictions should be tailored to deal with individual circumstances. Actions available to the Administrator to restrict the individual may include, but are not limited to, any combination of the following:

    a. Limiting the individual's correspondence with Staff to a particular format, time or duration;

    b. Limiting the individual to a particular point of contact;

    c. Requiring any face-to-face interactions between the individual and Staff to take place in the presence of another Staff member;

    d. Requiring the individual to make contact with the City/Town/RM/Village only through a third party, such as a solicitor;

    e. Limiting or regulating the individual's use of RM services;

    f. Refusing the individual access to a RM facility except by appointment or specific permission;

    g. Requiring that the individual produce full disclosure of documentation or information before Staff will further investigate a complaint;

    h. Instructing Staff not to respond to further correspondence from the individual regarding the complaint or a substantially similar issue, unless the correspondence relates to an Access to Information Request under LA FOIP;

    i. Informing the individual that further contact on a matter will not be acknowledged or replied to;

    j. Closing the complaint or request for service;

    k. Instructing Staff not to investigate any complaints regarding an issue that has already been investigated or which is substantially similar to an issue that has already been investigated.

**Appeal Process**

24. The individual shall have the ability to appeal any decision to impose restrictions by contacting the Administrator in writing within 10 business days from the date the restriction was issued. The Administrator will forward the relevant information to Members of Council for review. At the next Council meeting, Council will review all the relevant information and pass a resolution to confirm, rescind or amend the restrictions.

25. In the event that the issue cannot be resolved through this policy, the individual may submit a complaint to the Ombudsman.

**Personal Information Collected, Used and Disclosed**

26. 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 an inconsistent purpose.

27. In order to enforce any restrictions applied to an individual under this policy, Staff may disclose to other RM Staff or agents of the RM the individual's personal information referred to in section 26, a summary of the Unreasonable Behaviour and any restrictions applied to the individual.

28. All Staff and Members of Council shall have regard for the individual's privacy and shall not use or disclose to the public the individual's personal information, Unreasonable Behaviour or the nature of any restrictions applied to the individual.

**Coming into Force**

29. This bylaw shall come into effect on the 8th, Day of May, 2024.

RURAL MUNICIPALITY OF CALDER No. 241 [SEAL] SASKATCHEWAN

[redacted]

Reeve – Roy Derworiz

[redacted]

Administrator – Shandy Wegwitz

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CERTIFIED THAT the adoption of this bylaw was passed by a resolution of the Council of the Rural Municipality of Calder No. 241 at a duly convened meeting held on the 8 day of May, 2024.

ADMINISTRATOR [redacted]

Certified a true copy of Bylaw # 2024-02
adopted by resolution of Council
on the 8 day of May, 2024
[redacted]