

1. PURPOSE

- 1.1 The Township is committed to creating and maintaining a safe and positive environment for all individuals, free from harassment and violence. The Township expects respectful and considerate interactions between employees, residents, volunteers, and visitors on Township property, including on the Township’s social media platforms. By fostering a culture of respect and discouraging unacceptable behavior, we aim to safeguard the well-being of everyone involved and enhance the quality of life within our community.
- 1.2 This policy is meant to compliment and work in conjunction with the Staff Code of Conduct, Council Code of Conduct, Customer Service Policy, Workplace Violence Policy (updated annually) and the By-law Complaints Policy.

2. SCOPE

- 2.1 This policy is not intended to deal with generally difficult individuals. It applies to members of the public whose behaviours and actions are unreasonable, frivolous and/or vexatious, and when all other forms of remediation have been fully exhausted.
- 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 temporary and/or permanent restrictions to Township services and access to facilities. 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 allows an opportunity for the affected individual to have certain restrictions reviewed and/or appealed.

3. DEFINITIONS

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|-----|----------------------------|---|
| 3.1 | “CAO” | Shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, or his/her delegate. |
| 3.2 | “Council” | Shall mean the Council of the Township of Cramahe |
| 3.3 | “Department Head” | Shall mean any manager of a department of the Township of Cramahe as within the organizational structure |
| 3.4 | “Frivolous” | Shall mean 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 |
| 3.5 | “IPC” | Shall mean the Integrity and Privacy Commissioner of Ontario. |
| 3.6 | “Letter of Warning” | Shall mean a letter issued to a member of the public informing them of instances of Inappropriate Behaviour, including caution that further incidents may result in restrictions |

- 3.7 “Member of the Public or Customer”** Shall include, 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 employees.
- 3.8 “Notice of Restrictions”** Shall mean a letter issued to a member of the public informing them of instances of Inappropriate Behaviour and the application of restrictions.
- 3.9 “Social Media”** Shall mean the social media pages operated by Township staff including but not limited to Facebook, Letstalkcramahe, township website, etc.
- 3.10 “Unacceptable Behaviour”** Shall mean behaviour that is damaging physically or psychologically, is illegal, or would otherwise not be welcomed in a regular place of business, and includes, without limitation, the activities and behaviours identified in section 6.1 of this policy.
- 3.11 “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. EXAMPLES OF FRIVOLOUS / VEXATIOUS REQUESTS OR COMPLAINTS

Examples are provided by the IPC of what has been considered vexatious or frivolous, to provide clarity:

4.1

A)	<i>Order PO-3188: A university claimed a request was frivolous or vexatious because the requester had made 38 previous requests that were unusually broad and repetitive and represented over 20 percent of the total requests received by the university in an 18-month period. The university stated that the number of requests adversely affected its ability to meet the overall demand for access to information services. The IPC added that it was unreasonable for the institution to be expected to allocate so much of its limited resources to respond to these numerous broad and similar requests.</i>
B)	<i>Order MO-2488: The IPC found a request was made for a purpose other than to obtain access and was therefore frivolous or vexatious because:</i> <ul style="list-style-type: none"> - <i>the requester made 54 requests with 372 parts in two years</i> - <i>the requests were unusually detailed and excessively broad</i> - <i>the requester sent more than 300 emails to the institution in a six-month period and telephoned staff almost daily, as well as increased the volume and complexity of the requests over time, as a court action against the institution progressed</i> <i>the requester was already in possession of many of the records she requested</i>

5. APPLICATION & RESPONSIBILITIES

- 5.1** 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 that

may take place in circumstances including, but not limited to, one or more of the following:

- A) Public meetings;
- B) Written communication;
- C) Telephone communication;
- D) In-person communication;
- E) Electronic communication including emails and social media comments on the Township moderated channels; and/or
- F) Interactions at Township buildings, property, parks, or facilities.

5.2 The decision to classify someone's behaviour as unreasonable, or to classify a request or complaint as frivolous and vexatious 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 invocation of this policy.

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

5.4 Employee Responsibility:

- A) If a staff member experiences or witnesses any incident or behaviour coincides with those outlined herein, the staff member should report the matter to their Supervisor or Manager, providing any supporting material.
- B) Staff are responsible for advising their Supervisor or Manager of the steps that have been taken to resolve the issue and provide any detailed records that document justification.

5.5 Manager Responsibility:

- A) Review the information provided by staff and determine if the individual's behaviour warrants application of this policy.
- B) Confirm that the individual has been clearly made aware that their actions and that they fall within the parameters of this policy. Allowing time to correct their behavior, before it is escalated to next step.
- C) Should the manager determine that an individual's behaviour meets the criteria herein, the documentation shall be forwarded to the CAO.

5.6 CAO Responsibility (*provided that the incidents are not direct with the CAO*):

- A) Determine the restriction(s) to be imposed on the individual and communicate these restrictions to the individual;
- B) Advise the Township Solicitor in writing when restriction(s) are placed on an individual under the policy, providing a copy of the notice given to the individual as well as any additional information requested by the Township Solicitor and/or the Township Clerk in the event of an appeal.

In the event of an appeal, provide to the Township Clerk a copy of the notice given to the individual as well as any additional information requested.

- C) If there are restrictions placed on an individual or group, the CAO will inform Council of the issue and the details of the restrictions applied. If Council

approval is required for restrictions, a full report with all supporting documentation will be brought forward for Council consideration and approval.

- D) Review restrictions imposed based on the matrix provided in section 6.2

5.7 Council Responsibility

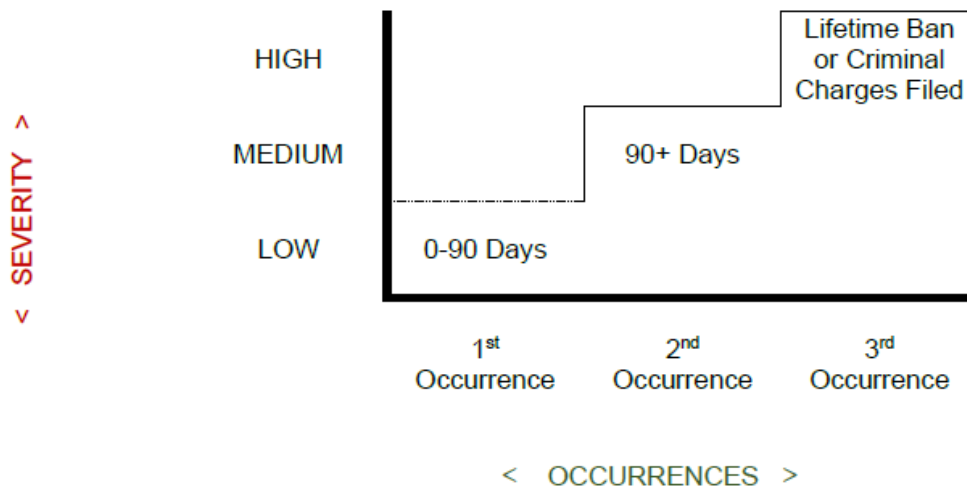
- A) Consult with the CAO, Township Solicitor and the IPC regarding cases of unreasonable behaviour that the Member wishes to address, as described in this policy.
- B) If a Council member feels that they are the subject of any behaviour outlined in this policy, it shall be brought to the attention of the CAO and this policy will be applied.
- C) If the CAO is found to be the member subject to the requirement for this policy, a member of council shall be appointed to review the justification documents and determine the restrictions, if any, that are imposed.

6. SEVERITY OF CONSEQUENCES – TYPES OF UNACCEPTABLE BEHAVIOUR

This list is not exhaustive and if there is unacceptable behaviour displayed it will be at the discretion of the CAO to determine the severity level. Certain situations involving unreasonable behaviour on Township property may require immediate action by way of Trespass Notice, after all possible alternative measures are considered / implemented.

6.1 Severity of Consequence – Types of Unacceptable Behaviour	
<p>Level 1</p> <p>Who can implement - CAO</p>	<ul style="list-style-type: none"> • Verbal assaults including profanity or other inappropriate language • Harassment/Bullying or Discrimination • Causing unsafe/unsanitary conditions. • Excessive hostile voicemails, emails. • Submitting falsified documents / claims from themselves or others. • Refusing to accept a decision/repeatedly arguing points with no new evidence.
<p>Level 2</p> <p>Who can implement - CAO with Council Notification & Approval</p>	<ul style="list-style-type: none"> • Physically striking or deliberately throwing articles at another person; • Threats and/or attempts to intimidate; • Aggressive approaches to another individual; • Attempts to incite violence in others; and • Vandalism to property owned by the Township. • Unreasonable fixation and/or stalking of an individual member of staff/Council causing a feeling of being unsafe.
<p>Level 3</p> <p>Who can implement - CAO with Council Notification & Approval</p>	<ul style="list-style-type: none"> • Theft • Assault or violence against another person on Township property • Illegal consumption of alcohol or drugs; and • Possession of weapons on a Township facility or property • Repeated offenses

6.2 Restrictions Matrix



7. COURSE OF ACTION

7.1 Information Review:

Based on the information provided by staff and managers, a review shall be conducted by the appropriate body as outlined herein to determine if an individual's behaviour warrants the application of this policy.

7.2 Notification:

Upon determination that an individual's behaviour coincides with those outlined in this policy, and depending on the severity of the incident, the CAO shall:

- A)** Send a letter (via Registered Mail) 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 within 10 business days to the individual indicating that the matter has been reviewed and that restrictions are to be imposed. This letter shall include a summary of the findings of the CAO's review, including, but not restricted to, 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; and
 - iv. the rationale for applying the restrictions.
 - v. a summary of the review process if applicable
 - vi. advise of a review date for the matter.

7.3 Review:

Reviews will be conducted in accordance with the matrix in section 6.2.

Prior to the review date, staff and the CAO shall meet and review the situation and determine if the restrictions should continue. During this review, consideration shall be given to factors such as:

- Whether the individual has had any contact with the Township during the restriction period;
- The individual's conduct during the restriction period;
- Any information/arguments put forward by the individual for review;

- The effect that continuing the restriction may have on the individual; and
- Any other information that may be relevant in the circumstances.

The individual shall be informed of the outcome of the review by way of letter within 10 business days of completion of the review and be given another date for review if any restrictions remain.

7.4 **Appeals:**

An individual appealing the suspension must submit in writing to the CAO a letter outlining the reason for the appeal. Appeals must be submitted within 14 days of the suspension.

The results of the decision will be communicated in writing to the individual making the appeal within 14 days of receiving the appeal letter. Any decision made by the appeal process is final.

- A)** If Council has made the decision to impose restrictions, the individual shall have the ability to appeal by contacting the Integrity Commissioner within 10 business days from the date the restriction was issued. The Integrity Commissioner shall review all relevant information along with the appeal within 15 business days from the date the appeal was received and may confirm, rescind or amend the restrictions. The Integrity Commissioner's decision is final.
- B)** If the issue cannot be resolved through this policy, the individual may submit a complaint to the Office of the Ontario Ombudsman. The decision of the Ombudsman is final.
- C)** Trespass notices that are put in place in accordance with this policy for a third offence or greater will not have an appeal option. The severity of the incident and the nature of the matter that was restricted, will determine if the trespass notice will be lifted or continue to stay in place. Council or the CAO may make specific accommodations to permit the individual to access certain essential municipal services.



Appendix 1: Request for Review Form

Complete this form if you wish to request a review of the restrictions applied to you under the Township of Cramahe's Commitment to Respectful Conduct Policy. This form may be submitted within 14 days of the suspension, as per section 7.4 of the Policy to the CAO. You will be contacted by the Township following receipt of this form to advise of the outcome of the review, and/or to schedule a meeting to discuss further.

Contact Information

Name:

Address:

Telephone:

E-Mail:

Describe the incident that resulted in restrictions being applied to you. Include the date, time, location and general description of events. (attach additional pages if required)

Why are you requesting a review of the restrictions applied to you, and what resolution do you seek from the Township? (attach additional pages if required)

Would you like to meet with Township staff to discuss your request for review?

- Yes
- No

Date:

Signature:

Privacy Statement:

Personal information on this form is collected under the authority of the Municipal Act, 2001, as amended, and will be used for the purposes of considering a review of any restrictions applied under the Township's Commitment to Respectful Conduct Policy.



Appendix 2: Incident Report Form

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1. Individual Reporting Details:

Name of Person Reporting:	
Department:	
Position:	Date:
Date incident was reported:	

2. Incident Information:

Date:	Time:
Incident Information:	
Location of Incident:	

3. Participant(s) Involved:

A)	Complainant Name:
	Address or E-mail Address:
	Phone Number:

B)	Respondent Name:
	Address or E-mail Address:
	Phone Number:

If there are more participants involved, please attach extra pages.

4. Category:

Level 1	Level 2	Level 3
Verbal Assault	Threats / Attempt to intimidate	Theft
Harassment Bullying	Vandalism	Physical Assault
Excessive Hostile Voicemails	Inciting Violence	Illegal Consumption of Alcohol / Drugs
Excessive Hostile Emails	Stalking / Unreasonable Fixation	Possession of Weapons
Other:		



Appendix 2: Incident Report Form

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5. Describe in detail what happened:

Include All Relevant Information – Attach additional pages if required.

6. Who else was witness to the incident:

Name:

(Title if applicable)

Address or E-mail Address:

Phone Number:

Name:

(Title if applicable)

Address or E-mail Address:

Phone Number:

If there are more witnesses involved, please attach extra pages.

7. Was a manager made aware of the incident?

Name & Title:

Address or E-mail Address:

Phone Number:

How were they informed?

In Person

Phone

Email



Appendix 2: Incident Report Form

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8. For Office Use Only

File Number Assigned:			
Verbal Warning Date:		Letter of Warning Date:	
Letter of Trespass Date:			
Appeal Form Received?	<input type="radio"/> No	<input type="radio"/> Yes	Date:
Outcome:			
File Closed:	<input type="radio"/> Yes <input type="radio"/> No	Date:	
Name / Title:			
Signature:			
Witness Name:			
Witness Signature:			