

The Resort Village of Birds Point

POLICY RESPECTING PUBLIC CONDUCT

Policy Name: – PUBLIC CONDUCT -ZERO TOLERANCE POLICY Policy 08

Policy Type: Governance Process

Date Approved: 12/12/2023

Latest Revision: Policy 08

Purpose Statement:

The purpose of this policy for the Resort Village of Bird's Point is to establish a safe and welcoming environment for all individuals, including residents, visitors, and stakeholders. The policy aims to allow for the expression of disappointment, frustration, or anger towards municipal services while maintaining professionalism and respect towards Village Staff and Council. It also aims to implement procedures to restrict access to municipal spaces or services for individuals or groups exhibiting unacceptable behavior.

The Resort Village of Bird's Point is committed to providing a safe, respectful community where individuals of all ages can enjoy various activities and services. This policy will be prominently displayed in all Municipal-owned facilities open to the public, and all members of the Resort Village Council, Committees of Council, and Municipal staff are expected to read and adhere to its contents. The policy is guided by the principles of rejecting violent, abusive, harassing, threatening, disrespectful, or hostile behavior, and providing a safe, positive, and respectful environment for volunteers, staff, and all users and guests occupying Municipal-owned facilities.

Authority

Section 92(b) of The Municipalities Act provides Councillors with the ability to develop and evaluate policies, services, and programs of the municipality. Section 8(1)(a) of The Municipalities Act provides that municipalities have a general power to pass bylaws including those respecting the peace, order, and good government of the municipality.

Definition of Violence or Anti-Social Behaviour

For the purpose of this Policy, violence or anti-social behaviour is seen as, but is not limited to, the following behaviour:

- Making unpleasant, disrespectful, or demeaning comments towards staff, Council, or other members of the public using Municipal spaces or services, including profanity, rude or inappropriate language, name-calling, attempts to goad or incite anger in others, yelling, or shouting;
- Treating the Municipal staff, Council, or other members of the public in a threatening, intimidating, abusive, or violent manner;
- Posting libelous statements or private information about Municipal staff in a public or private forum or posting abusive or disrespectful comments about staff on Municipal moderated platforms;

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- Engaging in a physical altercation with any person on Municipal property and/or performing Municipal duties;
- Engaging in sexual activity with any person on Municipal property or conducting Municipal duties;
- Engaging in activities on Municipal property that are a crime under The Criminal Code of Canada;
- Possessing a weapon or prohibited substance while on Municipal property;
- Soliciting the sale of goods or services on Municipal property without permission;
- Submitting inquiries or requests that have no serious purpose or value, requests that have the intent of harassing the Resort Village of Bird's Point without the intention of seeking genuine redress for the matter in question, or requests that are unreasonably persistent;
- Deliberately making false statements or submitting falsified documents;
- Continually refusing to accept or acknowledge Municipal staff decisions regarding a matter within the Municipalities jurisdiction that have been previously considered and dealt with;
- Knowingly violating the explicit or inferred privacy of Council, staff or other members of the public, or the conduct of a meeting that is properly closed to the public; and
- Incidents that the Administrator believes are considered unacceptable behaviour;
- 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 and 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 evidence;
- Persistently approaching the Council through different avenues about the same issue;
- Loitering, causing a disturbance or acting under the influence of drugs and alcohol while attending Municipal 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.

Application

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;
- Committee meetings;
- Workshops;
- Events;
- Written communication;
- In-person communication;
- Verbal communication;
- Electronic communication, including email and social media;

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- ☑ Interactions at Village property, parks or facilities; and/or
- ☑ Interactions provide by The Resort Village at other locations

This policy is meant to complement, not replace any of the Resort Village of Bird's Point policies, including the Harassment Policy, the Employee Code of Conduct and the Code of Ethics for council members. This Policy exempts request for information under THE LA FOIP Act, Refusal to respond to request for information only permitted once an application to the Information and Privacy Commissionaire has been approved.

Roles and Responsibilities

The Administrator is responsible for:

- Tracking all interactions that may constitute unacceptable behaviour;
- Receiving and storing all material or evidence relating to unacceptable behaviour; and
- Deciding on an appropriate response to unacceptable behaviour.

Employees (being people currently employed by the Town) are responsible for:

- Reporting any interaction that may constitute unacceptable behaviour to the Administrator;
- Collecting and providing supporting material relating to unacceptable behaviour to the Administrator

Councillors are responsible for:

- Encouraging all members of the public to abide by the principles and provisions of this policy;
- Reporting any interaction that may constitute unacceptable behaviour to the CAO;
- Collecting and providing supporting material relating to unacceptable behaviour to the CAO;
- As required, altering conditions regarding restriction of an individual or group through appeal process.

Response to Unacceptable Behavior

Where the Council or Administrator believe someone has committed unacceptable behaviour, they may decide on an appropriate response based on the severity of the behaviour.

Unacceptable behaviour is classified at one of three levels:

In relation to the policies of The Resort Village of Bird's Point, the Administrator may impose restrictions on individuals who display unacceptable behavior. The severity of the behavior will determine the response level and the following restrictions may be implemented:

- Prohibiting attendance or limiting activities, interactions, or access to Municipal spaces or services.
- Limiting the number of complaints, inquiries, or requests the individual may submit to Council, including matters already addressed, except for 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
- Limiting the number of responses Municipal staff may provide to complaints or inquiries regarding specific matters, including matters already addressed.
- Requiring any in-person interaction with Municipal staff or Councillors to be in the presence of another member of Municipal staff, Council, or other representatives of the Resort Village of Bird's Point.

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- Limiting correspondence to a particular format, time, or duration
- Closing any active complaints, inquiries, or requests for Municipal services.
- Requiring correspondence to be directed only to specific Municipal staff, Councillors, solicitors, or third-parties.

These restrictions are designed to ensure that all individuals are able to interact with the Resort Village of Bird's Point staff in a safe and respectful manner.

Imposing Restrictions

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 Municipal 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.
- e. Whether the Request applies under the LA FOIP Act.

Level 1 Response:

Who may issue: The Mayor or Administrator

Applies to: Individuals who have engaged in unacceptable behavior

Method of Issuance: Written warning letter, verbal warning, restriction letter, or verbal restriction

Duration of Restrictions: Up to 30 days

Level 2 Response:

Who may issue: The Mayor or Administrator

Applies to: Individuals who have previously received a Level 1 Response within the last 12 months and who engage in further unacceptable behavior, or, in the opinion of the

Administrator or staff, the unacceptable behavior is severe enough to merit a Level 2 Response

Method of Issuance: Written warning letter or restriction letter

Duration of Restrictions: Up to 90 days

Level 3 Response:

Who may issue: The Mayor or Administrator

Applies to: Individuals who have previously received a Level 2 Response within the last 12 months and who engage in further unacceptable behavior, or, in the opinion of the Administrator, the unacceptable behavior is severe enough to merit a Level 3 Response

Method of Issuance: Written warning letter or restriction letter

Duration of Restrictions: The discretion of the Administrator

Request for Review

Any individual or group who has received a level 2 or level 3 response may request a review of their restrictions at any time during the restriction period. This request must be made in writing and submitted via email or letter mail to the Administrator. An individual may request an in-person meeting to review their restrictions, and the CAO shall consider whether to accept or deny these meetings on a case-by-case basis.

All requests for review should identify the incident in question, explain why the individual or group requests a review, and outline a requested resolution or solution.

Following a request for review, Council may review the case and choose to uphold, amend, or rescind the restrictions. The Administrator will notify the individual or group of Council's decisions.

Individuals who believe that Council has applied this policy unfairly or are unsatisfied with the request for review process may file a complaint with the Saskatchewan Ombudsman.

Municipal staff shall provide contact information for Saskatchewan Ombudsman upon request.

Privacy Protection

Personal information collected and used under this policy may include an individual's name, address, contact information, general description, likeness, and photographic images. The Resort Village shall not disclose this information for any purpose other than for compliance with this policy.

To enforce any restriction applied to an individual or group, Municipal staff may disclose to other Municipal staff and Councillors an individual's personal information, a summary of the unacceptable behaviour, and any restrictions applied to the individual or group.

Resort Village staff and Councillors shall have regard for individual privacy and shall not disclose to the public an individual's personal information, the unacceptable behaviour they committed, or any restriction applied to an individual, in accordance with relevant regulations and authorities.

Nothing in this policy shall restrict or limit the Resort Village from engaging in litigation or seeking legal redress for actions taken by an individual, including those actions considered unacceptable behaviour. This policy shall not restrict or limit the Resort Village from complying with any municipal, provincial, or federal legislation or requirements, in accordance with relevant regulations and authorities.

Regarding employees, this policy shall not restrict or limit an employee's right to refuse unsafe work under The Saskatchewan Employment Act.

This policy shall not limit Municipal staff from performing their rights and obligations under any other municipal Policy or Bylaw, in Accordance with relevant regulations and Authorities.



Alice Davis

MAYOR

[Signature]

ADMINISTRATOR