

**SUBJECT: PUBLIC CONDUCT**

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1. Policy Objective

- 1.1. The Town of Ajax 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 Corporation, and Members of Council.
- 1.2. In order to achieve these objectives, this policy outlines expectations for appropriate behaviour by all individuals interacting with Town Staff, Members of Council, and other patrons and users of Town 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 Town, Members of Council, other Town representatives, and patrons and users of Town facilities, services, and property, including in-person interactions and written, telephone, and electronic (e-mail) communications.

2.2. Exceptions

- 2.2.1. This policy does not apply to:
 - Interactions within or with respect to the Ajax Public Library; and
 - Electronic communications on official Town of Ajax social media platforms.
- 2.2.2. Nothing within this policy restricts or otherwise limits the Town's authority to engage in litigation or seek legal redress for actions taken by individuals that may also be governed by this policy.
- 2.2.3. Nothing within this policy restricts or otherwise limits the ability or obligation of the Town to comply with any requirements established by provincial or federal legislation.

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- 2.2.4. Nothing within this policy restricts or otherwise limits Town Staff's right to refuse unsafe work under the *Occupational Health and Safety Act*, or restricts or otherwise limits the rights and obligations of staff under the Town's *Workplace Violence Prevention Program*.
- 2.2.5. Notwithstanding the provisions of this policy, individuals that have been restricted from attending Town Properties 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 Town Property.

3. Procedure

3.1. Definitions & Abbreviations

- 3.1.1. The following definitions and abbreviations apply within the meaning of this policy:

Term	Definition
Adult	Means an individual who is of the age of majority, being eighteen years of age or over.
CAO	Means the Chief Administrative Officer of the Corporation of the Town of Ajax.
Council	Means the Council of the Corporation of the Town of Ajax.
Department	Means any functional department within the organizational structure of the Corporation of the Town of Ajax.
Department Head	Means the Director of a Department of the Corporation of the Town of Ajax.
DRPS	Means the Durham Regional Police Service.
Frivolous	Means a request that has no serious purpose or business value.
Issuer	Means a Town Staff member who issued restrictions in response to Unacceptable Behaviour.
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.

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Term	Definition
Minor	Means an individual below the age of majority, being under eighteen years of age.
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.
Personal Information	Means Personal information as defined in the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA).
Prohibited Substance	Means any substance deemed inappropriate by the Town of Ajax as set out within any Town policies, including illegal substances such as drugs and controlled substances such as alcohol unless otherwise permitted by the Town in accordance with the issuance of any required permits.
Public Meeting	Means any official meeting of Council, its Committees, or Local Boards, as well as any public consultation meetings hosted by Town staff or representatives of the Town.
Request For Review	Means a formal request submitted to the Town to review and reconsider any or all restrictions applied to an individual in accordance with this policy.
Town	Means the Corporation of the Town of Ajax.
Town Property	Means any property owned, leased, or operated by the Town on a temporary or permanent basis, including indoor and outdoor facilities, spaces, and assets.
Town Services	Means any and all services provided by the Corporation of the Town of Ajax, its employees, or representatives of the Town.
Town Staff	Means any officer or employee of the Corporation of the Town of Ajax.
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.
Vexatious	Means a request with the intent to embarrass, harass, or annoy the recipient(s) or subject(s) of the request, and without the intent to seek genuine redress for the matter in question.
Weapon	Means a weapon as defined in the Criminal Code of Canada.

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3.2. Responsibilities

- 3.2.1. Council: It is the responsibility of all Members of Council to support the Public Conduct Policy and encourage all users of Town Services to abide by the principles and provisions of this policy.
- 3.2.2. Town Staff: It is the responsibility of all Town Staff to report any interactions they have with an individual that they believe constitutes Unacceptable Behaviour as described in this policy, and to collect and provide any supporting material or evidence of Unacceptable Behaviour when possible.
- 3.2.3. Supervisors and Managers: It is the responsibility of all Supervisors and Managers to receive reports of Unacceptable Behaviour from Town Staff and engage in the enforcement steps outlined in this policy where necessary.
- 3.2.4. Department Heads and the CAO: It is the responsibility of Department Heads and the CAO to consider the appropriate response to severe or ongoing instances of Unacceptable Behaviour.
- 3.2.5. Contracted security: In the event of Unacceptable Behaviour occurring on Town Property in the presence of contracted security or other parties hired for the purposes of maintaining public order, these parties may act within their established powers and duties to intervene where necessary, and are expected to report any instances of Unacceptable Behaviour to their Town Staff liaison.
- 3.2.6. It is the responsibility of all Town Staff to report illegal activity to their immediate supervisor and contact DRPS where appropriate.

4. Unacceptable Behaviour

4.1. What Constitutes Unacceptable Behaviour

- 4.1.1. The following activities and behaviours are considered Unacceptable Behaviour:
 - Unpleasant, disrespectful, or demeaning comments made towards Town Staff or other patrons;
 - Treating other patrons or Town Staff in a threatening, intimidating, abusive and/or violent manner;
 - Engaging in a physical altercation with any other individual on Town Property;
 - Engaging in activities on Town Property that are considered a crime under the Criminal Code of Canada;
 - Possessing a Weapon or Prohibited Substance while on Town Property;
 - Engaging in sexual activity on Town Property;

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- Soliciting the sale of private goods or services on Town Property without permission;
- Violating other Town policies and Codes of Conduct that establish rules for expected behaviour at specific Town facilities and spaces;
- Unruly public protest that is disruptive to the common good administration of Town Services, including but not limited to disrupting, harassing, threatening, or intimidating other users or Town Staff;
- Submitting inquiries or requests for service that are Frivolous or Vexatious in nature;
- Deliberately making false statements or submitting falsified documents when addressing a matter with the Town;
- Continually refusing to accept or acknowledge the decision of staff with respect to a matter under the Town's jurisdiction; and
- Knowingly violating the explicit or inferred privacy of other users, Town staff, Members of Council, or the conduct of a meeting that is properly closed to the public.

4.1.2. Notwithstanding section 4.1.1, the Town retains the right to assess incidents on a case-by-case basis to determine whether Unacceptable Behaviour has occurred.

4.1.3. Where there is a conflict between this policy and one or more other policies of the Town governing the expected behaviour of individuals, the highest standard of behaviour shall prevail.

5. Response to Unacceptable Behaviour

5.1. Potential Restrictions

- 5.1.1. The following restrictions may be applied to an individual with respect to any level of response described in this policy:
- Prohibiting attendance or limiting activities, interactions, or access to services at one or more specific Town Properties;
 - Limiting the number of complaints, inquiries or requests that the individual may submit to one or more Town Departments;
 - Limiting the number of responses Town Staff shall provide with respect to further complaints or inquiries regarding one or more specific matters;
 - Requiring any in-person interaction with Town Staff to be in the presence of another member of Town Staff, or other representatives of the Town;
 - Limiting correspondence to a particular format, time, or duration;
 - Closing any active complaints, inquiries or requests for service related to a specific matter; and
 - Requiring correspondence to be directed only to specific Town Staff, solicitors, or third parties.

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5.2. Levels of Response

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.

5.2.1. Level 1 Response

Who May Issue:	Supervisors, Managers, Department Heads, and the CAO
Applies to:	Individuals who have engaged in Unacceptable Behaviour.
Method of Issuance:	Verbal warning or verbal application of restrictions, or written Letter of Warning or Notice of Restrictions
Duration of Restriction:	Up to 7 days

5.2.2. Level 2 Response

Who May Issue:	Department Heads and the CAO
Applies to:	Individuals who have previously received a Level 1 Response in the last twelve months and engage in further Unacceptable Behaviour, or in the opinion of the relevant Department Head or CAO, 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 Restrictions:	Up to 30 days

5.2.3. Level 3 Response

Who May Issue:	Department Heads and the CAO
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 relevant Department Head or CAO, 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 Restrictions:	Up to 90 days

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5.2.4. Level 4 Response

Who May Issue:	CAO
Applies to:	Individuals who have previously received a Level 3 Response in the last twelve months and engage in further Unacceptable Behaviour, or in the opinion of the CAO, one instance of Unacceptable Behaviour that is severe enough to warrant a Level 4 Response.
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restrictions:	CAO's discretion

6. Enforcement

6.1. General Enforcement Guidelines

- 6.1.1. Town Staff are expected to use non-physical, verbal only intervention methods to enforce this policy. Where instances of Unacceptable Behaviour are observed on Town Property, Town Staff may issue a verbal warning or apply restrictions immediately to the individual(s) involved (see s. 5.2.1. - Level 1 Response). Following resolution of the Unacceptable Behaviour, Town Staff shall advise the appropriate supervisor or manager and compile all documentation, information and evidence related to the incident.
- 6.1.2. Should an individual refuse to cease the Unacceptable Behaviour or abide by any restrictions applied, DRPS may be requested to assist where appropriate.
- 6.1.3. After the Unacceptable Behaviour has ceased, Town Staff shall review the incident with appropriate Managers or Directors 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 Town Staff as necessary.
- 6.1.4. Where a warning or restrictions are issued to a Minor, Town 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.

6.2. Trespass

- 6.2.1. Where an individual is prohibited from entering on to one or more specific Town Properties for a period of time, the Town may issue a Notice of Trespass to Property to the individual. DRPS may be requested to assist where a Notice of Trespass to Property is contravened by an individual.

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6.3. Notice

- 6.3.1. Where an individual receives a Level 2, 3, or 4 Response, the Issuer shall attempt to provide the individual with written notice delivered by e-mail or letter mail, describing:
- The observed Unacceptable Behaviour;
 - The date of issuance, restrictions applied, and duration of restrictions;
 - The Town 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
 - Instructions for submitting a Request for Review form.
- 6.3.2. Where the Issuer is unable to deliver the required notice for whatever reason, the attempt to deliver the notice shall satisfy the notice requirements established herein.
- 6.3.3. Notice of this policy may be posted at any Town Property, and this policy shall remain in effect for all Town Property regardless of whether notice of this policy is posted.

7. Review of Restrictions

7.1. Request for Review

- 7.1.1. 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 Issuer, including at minimum:
- Identification of the incident in question;
 - An explanation of why the individual is requesting the review; and
 - What resolution is sought from the Town.
- 7.1.2. 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 relevant Town Staff and may be accepted or denied at their discretion.
- 7.1.3. Following a review of the restrictions applied, the Issuer may uphold, amend, or rescind the restrictions applied, and shall notify the individual of the Town's decision.
- 7.1.4. 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 Ontario Ombudsman. Town of Ajax staff shall supply contact information for the Ontario Ombudsman upon request.

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7.2. Review Prior to Lifting Restrictions

- 7.2.1. Before the expiration of any applied restrictions, Town 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.
- 7.2.2. Following a review meeting or if the individual refuses to attend a review meeting, should Town Staff not be satisfied that the Unacceptable Behaviour will not reoccur, the Town may extend the duration of any applied restrictions.

8. Privacy

8.1. Personal Information Collected, Used & Disclosed

- 8.1.1. 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 an inconsistent purpose.
- 8.1.2. In order to enforce any restrictions applied to an individual under this policy, Town Staff may disclose to other Town Staff or agents of the Town the individual's Personal Information, a summary of the Unacceptable Behaviour, and any restrictions applied to the individual.
- 8.1.3. All Town Staff shall have regard for the individual's privacy and shall not use or disclose the 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.

9. Training

- 9.1. All staff shall receive training on this policy as part of new employee orientation, and shall be provided with a copy of this policy.

10. Resources

- 10.1. Template – Letter of Warning
- 10.2. Template – Notice of Restrictions
- 10.3. Template – Request for Review Form