



# Regional Municipality of Durham

## Durham Region Policy and Procedures Manual

<b>Title: Public Code of Conduct Policy</b>	
<b>Approved by: Chief Administrative Officer</b>	<b>Page #: 1 (of 9)</b>
<b>Issued: September 5, 2023</b>	<b>Revised:</b>
<b>Responsibility: Corporate Services</b>	<b>Section: General</b>

### 1. Policy

- 1.01 The Region of Durham (the “Region”) is committed to providing excellent customer service by ensuring a respectful, equitable and harassment-free workplace and space for employees and customers.

### 2. Purpose

- 2.01 The purpose of this policy is to establish expectations for appropriate behaviour by members of the public interacting with Regional Employees, Members of Regional Council, Appointed Members of Regional Boards or Committees, and other users of Regional facilities and services.
- 2.02 Under this policy, Inappropriate Behaviour may result in the application of restrictions against members of the public. Any restrictions applied shall be reasonable, consistent, and appropriate to address the Inappropriate Behaviour, and communicated in a manner that is clear and understandable.

### 3. Application

- 3.01 This policy applies to the conduct of members of the public with respect to all interactions with Regional Employees, Members of Regional Council, Appointed Members of Regional Boards or Committees, other representatives of the Region, and users of Regional facilities, services, and property, including in-person interactions and written, telephone, and all forms of electronic or virtual communication.
- 3.02 This policy applies to the conduct of members of the public at Public Meetings held by the Region, including meetings of Regional Council, its Standing Committees, local boards, special purpose bodies, and advisory committees.
- 3.03 Nothing within this policy restricts or otherwise limits the Region’s authority to pursue legal action against a member of the public as deemed appropriate by the Regional Solicitor.
- 3.04 Certain enforcement provisions of this policy may not be applicable to each Department, Regional Property, or Regional Service. Accordingly, each Department Head may exercise discretion in determining how this policy will be applied within their Department.
- 3.05 Nothing within this policy restricts or otherwise limits the ability or obligation of the Region to comply with any requirements established by provincial or federal legislation, the Canadian Charter of Rights and Freedoms, or other Regional policies that may apply.

- 3.06 Nothing within this policy restricts or otherwise limits the right of Regional Employees to refuse unsafe work under the *Occupational Health and Safety Act* or restricts or otherwise limits the rights and obligations of Regional Employees under the Region's Workplace Violence Prevention Policy.
- 3.07 This policy does not apply to Durham Regional Police Service, municipal corporations owned by the Region, or other independent entities established by the Region. However, such bodies may adopt this policy for their purposes at their discretion.
- 3.08 Nothing within this policy restricts the ability of members of the public to request access to emergency services, and such service requests shall always be accepted.
- 3.09 Notice of this policy and its requirements may be posted at any Regional Property, on the Region's website, and the Region's Self Service Customer Portal.

## 4. Definitions

- 4.01 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.
Appointed Member of a Regional Board or Committee	Means an individual appointed by the Region of Durham to sit as a member of an advisory committee, local board, special purpose body or other committee established by the Region.
CAO	Means the Chief Administrative Officer of the Regional Municipality of Durham.
Commissioner	Means a Commissioner of a Department of the Region and has the same meaning as Department Head, and includes the General Manager of Durham Region Transit.
Council	Means the Council of the Regional Municipality of Durham.
Department	Means any functional department within the organizational structure of the Regional Municipality of Durham.
Department Head	Means a Commissioner of a Department of the Region and includes the General Manger of Durham Region Transit.
Director	Means the Director of a division within a Department of the Region.
DRPS	Means the Durham Regional Police Service.
Frivolous	Means to have no merit or business value.
Inappropriate Behaviour	Means 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 6.01 of this policy.

Issuer	Means a Regional Employee that issues restrictions in response to Inappropriate Behaviour.
Letter of Warning	Means a letter issued to a member of the public informing them of instances of Inappropriate Behaviour, including a caution that further Inappropriate Behaviour may result in restrictions.
Member of the Public	Means any individual that interacts with Regional Employees or services who is not a Regional Employee, a Member of Regional Council, or an Appointed Member of a Regional Board or Committee.
Minor	Means an individual below the age of majority, being under eighteen years of age.
Notice of Restrictions	Means a letter issued to a member of the public informing them of instances of Inappropriate Behaviour and the application of restrictions.
Ombudsman	Means the individual, business, organization, or institution appointed as the Ombudsman for the Regional Municipality of Durham.
Personal Information	Means Personal Information as defined in the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA), which includes recorded information about an identifiable individual in any format. Information makes an individual identifiable if the information reveals something of a personal nature about the individual, and one can reasonably conclude the identity of the individual from the information (either alone or by combining it with other information). Examples include: a person's name when combined with other information about them, such as their address, sex, age, education, or medical history.
Prohibited Substance	Means any substance prohibited under the Criminal Code of Canada, controlled substances such as alcohol unless otherwise permitted by the Region and/or in accordance with the issuance of any required permits, and any other substances deemed inappropriate by the Region of Durham as set out within any Regional policies.
Public Conduct Review Panel	Means a panel comprised of Regional Employees whose function is to review the application of restrictions that limit access to Regional Properties or Public Meetings.
Public Meeting	Means any official meeting of Council, its Standing Committees, Advisory Committees, or Local Boards, as well as any public consultation or information meetings hosted by Regional Employees or representatives of the Region.
Request For Review	Means a formal request submitted to the Region to review restrictions applied to a member of the public.
Region	Means the Regional Municipality of Durham.
Regional Chair	Means the Chair of Regional Council for the Regional Municipality of Durham.
Regional Employee	Means any employee of the Regional Municipality of Durham, and for the purposes of this policy also includes Durham Region Transit employees,

	external contractors, consultants, temporary employees, and volunteers.
Regional Property	Means any property owned, leased, or operated by the Region on a temporary or permanent basis, including indoor and outdoor facilities, spaces, and assets.
Regional Services	Means any and all services provided by the Regional Municipality of Durham, its employees, or representatives of the Region.
Regional Solicitor	Means the solicitor of the Region of Durham as appointed by Regional Council.
Vexatious	Means part of a pattern of conduct that amounts to an abuse of the right to access a service and/or interferes with the operations of the institution, is made in bad faith, or is made for a purpose other than to access a service or receive information.
Weapon	Means a weapon as defined in the Criminal Code of Canada.

## 5. Responsibilities

- 5.01 Regional Council: It is the responsibility of all Members of Regional Council to support the Public Code of Conduct Policy and encourage all members of the public to abide by the principles and provisions of this policy.
- 5.02 Regional Employees: It is the responsibility of all Regional Employees to consider whether to report any interactions they have with a member of the public that they believe constitutes Inappropriate Behaviour, and to collect and provide any supporting material or evidence.
- 5.03 Supervisors, Managers, and Directors: It is the responsibility of all Supervisors, Managers, and Directors to receive reports of Inappropriate Behaviour from Regional Employees and engage in the enforcement steps outlined in this policy where necessary. Supervisors and Managers shall also ensure that Regional Employees that experience Inappropriate Behaviour are provided with appropriate support, including access to the Region's Employee Assistance Program.
- 5.04 Commissioners and the CAO: It is the responsibility of Commissioners and the CAO to uphold the principles and provisions of this policy and consider the application of restrictions that would limit attendance at Regional Properties or at Public Meetings.
- 5.05 Public Conduct Review Panel: it is the responsibility of the members of the Public Conduct Review Panel to receive notice from Issuers of the intent to restrict access to Regional Properties or Public Meetings, and to review the matter with the Issuer as required.
- 5.06 Regional security: In the event of Inappropriate Behaviour occurring on Regional Property in the presence of Regional security staff or other contracted parties hired for the purposes of maintaining the security of persons and Regional Property, these parties may act within their established powers and duties to intervene where necessary and are expected to complete a full incident report immediately for review by the Supervisor, Security Services.

## 6. Inappropriate Behaviour

- 6.01 The following activities and conduct by members of the public are considered Inappropriate Behaviour:
- i. Abusive, disrespectful or demeaning comments made towards or about Regional Employees, Regional Council Members, Appointed Members of a Regional Board or Committee, or other members of the public, including the use of profanity;
  - ii. Insulting, demeaning, or derogatory remarks directed at a person or group that relate to a protected ground of the Ontario Human Rights Code, including but not limited to racist, anti-Indigenous, sexist, homophobic, transphobic, and ableist comments;
  - iii. Distributing or displaying materials on Regional Property that are offensive, pornographic, or racist in nature;
  - iv. Impugning the integrity of Regional Council Members, Regional Employees, Appointed Members of a Regional Board or Committee, or other members of the public at a Public Meeting;
  - v. Acting towards any other individual in a threatening, intimidating, abusive and/or violent manner;
  - vi. Engaging in a physical altercation with any other individual on Regional Property;
  - vii. Engaging in activities on Regional Property that are considered a crime under the Criminal Code of Canada;
  - viii. Possessing a Weapon or Prohibited Substance while on Regional Property;
  - ix. Engaging in sexual activity on Regional Property;
  - x. Soliciting the sale of private goods or services on Regional Property without permission;
  - xi. Accessing or attempting to access physical areas of Regional Property that are used as private office space for Regional Employees, or for which the public is not otherwise entitled to enter;
  - xii. Photographing or video recording Regional Council Members, Regional Employees, Appointed Members of a Regional Board or Committee, or other members of the public while on Regional Property or on any property being used by the Region for the purposes of providing Regional Services where it is determined by Regional Staff that such recording will disrupt regional operations or services, or where there is a reasonable expectation of privacy for those individuals and written consent to record has not been obtained by them;
  - xiii. Unruly public protest that is disruptive to the common good administration of Regional Services, including but not limited to disrupting, harassing, threatening, or intimidating other patrons, Regional Employees, Regional Council Members, or Appointed Members of a Regional Board or Committee on Regional Property;
  - xiv. Submitting inquiries or requests for service that are Frivolous or Vexatious in nature;
  - xv. Deliberately making false statements or submitting falsified documents when addressing a matter with the Region;
  - xvi. Continually refusing to accept or acknowledge a decision of Regional Employees with respect to a matter under the Region's jurisdiction;
  - xvii. Knowingly violating the privacy of other members of the public, Regional Employees, Regional Council Members, or Appointed Members of a Regional Board or Committee, or violating the confidentiality of proceedings in a meeting that is properly closed to the public; and

xviii. Contravening other Regional policies and Codes of Conduct that establish rules for expected conduct at Regional Properties and Public Meetings.

6.02 Section 6.01 is not an exhaustive list for the purposes of this policy, and the Region retains the right to assess incidents on a case-by-case basis to determine whether Inappropriate Behaviour has occurred.

6.03 Where there is a conflict between section 6.01 of this policy and one or more other policies or Codes of Conduct of the Region governing the expected behaviour of members of the public, the highest standard of behaviour shall prevail. Where another policy or Code of Conduct prevails, the breach of that policy or Code of Conduct may be considered Inappropriate Behaviour under this policy, and the enforcement provisions of this policy may be followed in response.

## 7. Response to Inappropriate Behaviour

7.01 In response to one or more instances of Inappropriate Behaviour, restrictions may be applied to a member of the public in accordance with the conditions, authorities and limitations described herein.

7.02 Managers and Directors may apply the following restrictions for a duration of time at their discretion:

- Require any in-person interaction with Regional Employees to be in the presence of another Regional Employee or other representatives of the Region;
- Limit correspondence to a particular format, time, duration;
- Require any communication to be directed only through specific individuals;
- Limit the number of responses that may be provided regarding an active complaint or inquiry;
- Close any active complaints, inquiries or requests for service related to a specific matter;
- Limit the number of new complaints, inquiries or requests that may be submitted;
- Removal from or limited access to specific programs or services; and
- Refuse to accept any further complaints or inquiries on a specific subject matter.

7.03 Commissioners, in consultation with the Chief Administrative Officer and the Public Conduct Review Panel, may apply the following restrictions for a duration of time up to 365 days:

- Prohibit attendance at one or more specified Regional Properties; and
- Prohibit attendance at one or more Public Meetings.

## 8. Public Conduct Review Panel

8.01 The Region shall establish a Public Conduct Review Panel whose purpose is to review the application of restrictions that prohibit attendance at Regional Properties or at Public Meetings for a duration of time. The Panel shall be comprised of the following individuals or their designate(s):

- Director of Human Resources;
- Regional Solicitor;
- Director of Service Durham;
- Director of Legislative Services; and
- Security Supervisor (Facilities).

8.02 Where it is determined that restrictions should be applied to limit a member of the public's access to Regional Properties or Public Meetings, the Issuer shall notify the Public Conduct Review Panel prior to issuing a Notice of Restrictions. The panel shall meet with the Issuer to review the matter, and the panel may uphold the Issuer's decision or alter the restrictions to be applied, including the application of any additional conditions deemed appropriate by the Panel. The decision of the Panel is final.

- 8.03 When conducting a review, the Panel shall have regard for whether the Inappropriate Behaviour:
- Disrupted the conduct of Regional operations or a Public Meeting;
  - Caused or threatened violence, or otherwise created an unsafe environment;
  - Harmed the right or ability of other members of the public to participate fully; and
  - is likely to continue or be repeated.
- 8.04 Where the Panel considers restricting a member of the public's access to Public Meetings, the Regional Chair shall be consulted and may, at their discretion, participate in meetings a member of the Panel.
- 8.05 Legislative Services shall act as secretariat for the Public Conduct Review Panel and shall perform administrative duties as necessary to enact the decisions of the Panel.

## 9. Enforcement

- 9.01 The following process shall be followed in the enforcement of this policy:
- Regional Employees shall respond to interactions with members of the public in accordance with their applicable training, departmental protocols, and appropriate de-escalation techniques. This includes the ability to end customer service interactions with the public when Inappropriate behaviour occurs.
  - Regional Employees shall review incidents with a member of the public to determine whether Inappropriate Behaviour occurred and if a Letter of Warning or Notice of Restrictions should be issued.
  - Managers or Directors may issue a Letter of Warning to advise of instances of Inappropriate Behaviour and give notice that further Inappropriate Behaviour may result in the application of restrictions in accordance with this policy. It shall not be a requirement to issue a Letter of Warning prior to the application of restrictions.
  - If restrictions are deemed warranted, a Notice of Restrictions shall be prepared and distributed to the member of the public by the appropriate Manager or Director. The Manager or Director shall advise other Regional Employees of the restrictions as necessary.
- 9.02 Where a member of the public is subject to restrictions, the Issuer shall attempt to provide them with a written Notice of Restrictions delivered by e-mail or letter mail, describing:
- The Inappropriate Behaviour that occurred;
  - The restrictions applied to them, and their duration;
  - The name and contact information of the Regional Employee or representative of the Region that they may contact during the restriction period, as well as the form of communication to be used (if applicable);
  - Instructions for submitting a Request for Review form; and
  - Any other information the Issuer deems necessary.
- 9.03 Where the Issuer is unable to deliver the required notice, the Issuer shall complete an affidavit noting the failed attempt to deliver the required notice, which shall satisfy the notice requirements of this policy.
- 9.04 Where a Letter of Warning or Notice of Restrictions is issued to a Minor, the Issuer may direct any Letter of Warning or Notice of Restrictions to the Minor's parent or guardian (if known), which shall satisfy the notice requirements of this policy.

- 9.05 Where a member of the public is prohibited from entering on to one or more specific Regional Properties for a period of time, the Region may issue a Notice of Trespass to Property. DRPS may be requested to assist where a Notice of Trespass to Property is contravened.
- 9.06 Where a member of the public is restricted from attending a Public Meeting under this policy, Regional Employees shall ensure that the restriction is minimally impairing to the affected member of the public by affording them other means of participating, including but not limited to the right to make written submissions or participate electronically if deemed appropriate to do so.

## 10. Review of Restrictions

- 10.01 Any member of the public who is subject to restrictions may request a review by the Issuer. 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:
- A description of the Inappropriate Behaviour that occurred;
  - An explanation of why they are requesting the review; and
  - What resolution or outcome is being sought.
- 10.02 Members of the public may request a meeting with the Issuer to review the restrictions. Requests for meetings may be accepted or denied at the Region's discretion and may be conducted virtually or in-person. The Issuer may request the attendance of additional Regional Employees at their discretion. Reasonable accommodations will be made to ensure the requester is able to fully participate.
- 10.03 Following the receipt of a Request for Review and any associated meeting, the Issuer may uphold, amend, or rescind the restrictions, and shall notify the requester of their decision in writing.
- 10.04 When a member of the public that has been restricted from attending specific Regional Properties or Public Meetings requests a review of their restrictions, the Issuer shall notify the Public Conduct Review Panel. The Issuer and the panel shall jointly review the request and participate in any meetings with the requester, following which the panel shall meet to consider the matter and may uphold, amend, or rescind the restrictions. The panel's decision is final, and the Issuer shall notify the requester of the panel's decision in writing.
- 10.05 Members of the public who have engaged in a review of their restrictions and are unsatisfied with the outcome may file a complaint with the Region's Ombudsman.

## 11. Expiration of Restrictions

- 11.01 Prior to the expiration of any restrictions, the Issuer shall advise the member of the public in writing of the date that their restrictions shall expire and may require that the member of the public participate in a meeting to review the Inappropriate Behaviour that occurred and discuss expectations of conduct after the restrictions are lifted. Following the meeting, the Issuer may choose to extend the restrictions and shall notify the member of the public in writing of their decision.
- 11.01.1 Where the restrictions prohibit attending Regional Properties or Public Meetings, the Issuer shall meet with the Public Conduct Review Panel to consider whether to extend the restrictions or allow them to expire. A representative of the panel may participate in any meeting with the member of the public. The decision of the panel in this matter is final.



## **12. Personal Information Collected, Used & Disclosed**

- 12.01 Personal Information collected and used under this policy may include, but is not limited to, an individual's general description and/or photographic image or likeness, digital audio or video recording, and/or records of communications containing the individual's name and contact information; and such Personal Information collected shall not be used or disclosed for an inconsistent purpose.
- 12.02 In order to enforce any restrictions applied to a member of the public under this policy, Regional Employees may disclose the individual's Personal Information to other Regional Employees, including a summary of the Inappropriate Behaviour and any restrictions applied to them.

## **13. Training**

- 13.01 Regional Employees authorized to apply restrictions under this policy shall undertake training on the contents and application of this policy.
- 13.02 The Region shall continue to provide additional training on related topics in support of this policy, including de-escalation training and dealing with difficult conversations.

## **14. Administration**

- 14.01 This policy shall be reviewed regularly, and updates may be approved by the Commissioner of Corporate Services in consultation with the CAO.
- 14.02 The following Templates may be used by Regional Employees in the application of this policy:
- Template – Letter of Warning
  - Template – Notice of Restrictions
  - Template – Notice of Expiring Restrictions
  - Template – Request for Review Form