



Corporation of the Town of Cobourg

Division: Legislative Services

Effective Date:

Department: Clerk's Department

Approval Level: Council

Policy Title: Public Conduct

Section #

3-1

Policy #

LEG-ADM28

Purpose

The Town of Cobourg 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 and harassment-free workplace between the public, employees of the Corporation, and Members of Council.

To achieve these objectives, this policy outlines the 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 restrictions against an individual or group of individuals. Any restrictions will be reasonable, consistent, and proportional to the unacceptable behaviour, and communicated clearly and understandably to the individual(s) affected.

Definitions

“Adult” means an individual who is eighteen years of age or older.

“CAO” means the Chief Administrative Officer of the Town of Cobourg.

“Council” means the Council of the Town of Cobourg.

“CPS” means the Cobourg Police Service.

“Division” means any functional division within the organizational structure of the Town of Cobourg.

“Division Director” means the Director of a Division of the Town of Cobourg.

“Frivolous” means ~~a request that has no serious purpose or business value.~~ **A request that is reasonably perceived by the Town to be: a) without reasonable or probable cause; b) without merit or substance; or c) trivial.**

“Hearings Officer” means each person from time to time appointed by the Town pursuant to the Hearings Officer By-law 080-2022, as amended;

“Issuer” means a Town staff who issues 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. The letter of warning may include a caution that further observed instances of unacceptable behaviour may result in restrictions being applied to the individual.



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“Minor” means an individual 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 *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

“Prohibited Substance” means any substance deemed inappropriate by the Town of Cobourg as set out within any Town policies. Prohibited substances include 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 meetings 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 Cobourg.

“Town Property” means any property owned, leased, or operated by the Town on a temporary or permanent basis. Town property includes indoor and outdoor facilities, spaces, and assets.

“Town Services” means all services provided by the Corporation of the Town of Cobourg, its employees, or representatives of the Town.

“Town staff” means any officer or employee of the Corporation of the Town of Cobourg.

“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. — means a request that is frivolous and which is pursued in a manner that is reasonable perceived to by the Town to be a) malicious; b) intended to embarrass or harass the recipient; or c) intended to be a nuisance.

“Weapon” means a weapon as defined in the Criminal Code of Canada.



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1. Responsibilities

1.1. Council

It is the responsibility of all Member of Council to support this policy and encourage all users of Town services and facilities to abide by the principles and provisions of this policy.

1.2. 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. Town staff shall report any illegal activity to their immediate supervisor and contact CPS where appropriate.

1.3. 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.

1.4. Division Directors and the CAO

It is the responsibility of Division Directors and the CAO to consider the appropriate response to severe or ongoing instances of unacceptable behaviour as defined in this policy.

1.5. 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.

2. Unacceptable Behaviour

The following activities and behaviours are considered unacceptable behaviour:

- Unpleasant, disrespectful, or demeaning comments made towards Town staff or other patrons.
- Treating other patrons, Town staff, or Members of Council in a threatening, intimidating, abusive, or violent manner.



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- 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.
- Soliciting the sale of 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.
- Non-peaceful protest that is disruptive to the common good administration of Town services including, but not limited to, disrupting, harassing, threatening, or intimidating other patrons 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.
- 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.

This is not an exhaustive list. Other activities and behaviours may be considered unacceptable at the discretion of the CAO or Division Directors.

3. Response to Unacceptable Behaviour

3.1. Potential Restrictions

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 Divisions.
- 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 in the presence of another member of Town staff, or other representative 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.



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- Requiring correspondence to be directed only to specific Town staff, solicitors, or third parties.

This is not an exhaustive list. Other restrictions may be considered unacceptable at the discretion of the CAO or Division Directors.

3.2. 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.

3.2.1 Level 1 Response

Who May Issue:	Supervisors, Managers, Division Directors, and the CAO
Applies to:	Individuals what have engaged in unacceptable behaviour.
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restrictions:	Up to 7 days

3.2.2. Level 2 Response

Who May Issue:	Division Directors 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 Division Director or CAO, the instance of unacceptable behaviour 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

3.2.3. Level 3 Response

Who May Issue:	Division Director 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 Division Director or CAO, the instance of unacceptable behaviour is severe enough to warrant a Level 3 response.
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of	Up to 90 Days



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Restrictions:	
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3.2.4. 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, the instance of unacceptable behaviour is severe enough to warrant a Level 4 response.
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restrictions:	Up to 6 Months

3.2.5. Level 5 Response

Who May Issue:	CAO
Applies to:	Individuals who have previously received a Level 4 response in the last twelve months and engage in further unacceptable behaviour, or in the opinion of the CAO, the instance of unacceptable behaviour is severe enough to warrant a Level 5 response.
Method of Issuance:	Written Letter of Warning or Notice of Restrictions
Duration of Restrictions:	Up to 1 year

4. Enforcement

4.1. General Enforcement Guidelines

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. 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. The manager will then review the documentation provided by Town staff and has the discretion to confirm and adjust the restrictions applied by staff.

Should an individual refuse to cease unacceptable behavior or abide by any restrictions applied, CPS may be requested to assist where appropriate.



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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.

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.

4.2. Trespass

Where an individual is prohibited from entering one or more specific Town properties for a period, the Town may issue a Notice of Trespass to Property to the individual. CPS may be requested to assist where a Notice of Trespass to Property is contravened by an individual.

4.3. Notice

Where an individual receives a Level 2, 3, 4, or 5 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.
- Instructions for submitting a letter to request a review of restrictions.

The issuer shall also attempt to provide the individual with a notice stating when restrictions are set to expire at least three (3) days prior to the lifting of restrictions.

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.

Notice of this policy may be posted at any Town property, and this policy shall remain in effect for all Town properties regardless of whether notice of this policy is posted.

5. Review of Restrictions

5.1. Public Conduct Review Panel

The Town shall establish a Public Conduct Review Panel to review the application of restrictions that prohibit attendance at Municipal properties or at public meetings for a duration



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of time pursuant to the policy.

The Panel shall include the following individuals or their designate(s):

1. CAO
2. Director of Legislative Services
3. Manager of Human Resources
4. A Director of a Division that did not issue the Notice of Restrictions.

If the restriction is issued by Legislative Service or CAO Divisions, another Division Director shall serve on the panel based on availability. Where it is determined that restrictions should be applied to limit a member of the public's access to Municipal 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.

When conducting a review, the Panel shall consider whether the inappropriate behaviour:

- Disrupted the conduct of Municipal 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.
- If the inappropriate behaviour is likely to continue or be repeated.

Where the Panel considers restricting a member of the public's access to public meetings, the Mayor shall be consulted and may, at their discretion, participate in meetings a member as a member of the Panel.

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.

5.2. Request for Review

Individuals that have received a Level 1 or 2 response may request a review of their restrictions at any time during the restriction period. The request must be made in writing and submitted via e-mail or letter mail to the Town Clerk, including at minimum:

- Identification of the incident in question.
- An explanation of why the individual is requesting the review.
- What resolution is sought from the Town.



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Where a request for review has been granted, individuals may submit written representations to the Public Conduct Review Panel. Individuals requiring accommodations may request a virtual or an in-person meeting with the Panel to review the restrictions applied. Requests for meetings shall be considered on a case-by-case basis by the Panel and may be accepted or denied at their discretion.

Following a review of the restrictions applied, the Panel may uphold, amend, or rescind the restrictions applied, and shall notify the individual of the Town's decision.

Individuals that have received a Level 3 to Level 5 response may appeal of any restriction by a Hearings Officer in a manner appropriate to the circumstances of the Person and the Prohibited Conduct underlying the Trespass Notice as determined by the Hearings Officer.

Individuals who believe that the provisions of this policy have been applied unfairly or are unsatisfied with the outcome of the review process may file a complaint with the Ontario Ombudsman. Town of Cobourg staff shall supply contact information for the Ontario Ombudsman upon request.

5.3. Review Prior to Lifting Restrictions

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.

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.

6. Privacy

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.

To enforce any restrictions applied to an individual under this policy, Town staff may disclose to other Town staff or representatives of the Town the individual's personal information, a summary of the unacceptable behaviour, and any restrictions applied to the individual.

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.



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7. Training

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

Scope

Application

This policy applies to the conduct of individuals with respect to all interactions with employees of the Town, Members of Council, other Town representatives, and patrons and users of Town facilities, services, and property. Interactions can be in-person, written, over the phone, or electronic (e-mail) communications.

Exceptions

This policy does not apply to:

- Interactions within or with respect to the Cobourg Public Library; and
- Electronic Communications on official Town of Cobourg social media platforms.

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

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.

Nothing within this policy restricts or otherwise limits Town staffs' 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 and Harassment Prevention Commitment.

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.

Administration

The Chief Administrative Office shall implement and administer the terms of this policy and shall establish related operating procedures as required.



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Cross Reference

Policy #

HR-AP-A6 – Social Media Policy

HR-AP-A11 – Code of Conduct

LEG-OPS – Video Surveillance Policy

Procedure #

Resolution Number:	Revision Purpose/Description: New	Signed by Clerk: _____ Signature	Council Approval Date:
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