

Procedure Category Administration	Public Conduct Procedure
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Procedure Owner	Corporate Administration, Office of the CAO
Parent Policy	Public Conduct Policy
Approval Body	Corporate Leadership Team (CLT)
Approval Date	
Effective Date	
Review by Date	

1. PROCEDURE

This procedure supports the Region’s Public Conduct Policy and its commitment to delivering exceptional services and engaging with members of the public in a fair, responsive and understanding manner, while recognizing that there may be circumstances that require action to protect staff, volunteers, Members of Council and members of the public from inappropriate behaviour, referred to in the Public Conduct Policy and this procedure as “Misconduct”.

This procedure provides clear steps for staff to follow in identifying and addressing Misconduct, including potential restrictions which may be imposed, guiding factors to consider in imposing any restrictions, and applicable review and/or appeals of any such restrictions.

- PURPOSE**

This procedure will guide staff in identifying and responding to inappropriate behaviour that qualifies as Misconduct in a manner that is clear, consistent, reasonable, proportional to the individual’s conduct, and in compliance with applicable law.

This procedure recognizes that the decision to classify someone’s conduct as Misconduct could have serious consequences for the affected individual, including impairment of rights protected under the *Canadian Charter of Rights and Freedoms*. Decisions from Ontario courts have made it clear that municipal governments must not arbitrarily restrict members of the public from accessing municipal property or services. Any restrictions must be proportional, minimally impairing, and imposed for a valid and sufficiently important public purpose.

Procedure Category Administration	Public Conduct Procedure
--------------------------------------	--------------------------

• **SCOPE**

General

This procedure applies to:

- (a) all persons attending, accessing and/or making use of Regional properties, facilities, services, programs, meetings or events; and
- (b) the conduct of all persons interacting with Regional staff, volunteers, Members of Council, or members of the public, in any manner, including, but not limited to:
 - i. in-person communications;
 - ii. written communications;
 - iii. telephone communications;
 - iv. all forms of virtual and electronic communications, including electronic meetings, e-mail, text message, and social media;
 - v. at Regional property and facilities; and
 - vi. at non-Regional properties, facilities or workplaces where Regional services and programs or events are provided.

Interpretation of this Procedure

This procedure is meant to complement, not replace, department-specific training, protocols, procedures, and guidelines applicable to staff interactions with the public. In their interactions with members of the public, staff shall engage in appropriate dialogue, communications, actions, de-escalation practices and resolutions in accordance with their applicable departmental training, protocols, procedures, guidelines and any applicable sector-specific legislation, regulations, directives and guidelines which require compliance. This may include the ability to end individual customer service interactions with the public or asking someone to leave the premises on an ad-hoc/ "one-off" basis where deemed appropriate in staff's discretion and in accordance with applicable departmental protocols and procedures and Management direction.

Where any conflict occurs between the Public Conduct Policy (including this procedure) and a departmental or divisional policy, the Public Conduct Policy and Procedure will take precedence, save and except departmental policies and procedures applicable to Region operated housing shelters or where there are applicable sector-specific legislation, regulations, directives and guidelines to the contrary.

Procedure Category	Public Conduct Procedure
Administration	

In addition to applicable department-specific training, protocols, procedures and guidelines, when inappropriate behaviour or Misconduct is first encountered, staff shall refer to and attempt to use the de-escalation practices outlined in **Appendix A** to resolve the situation.

This procedure shall be applied in conjunction with the Region’s Trespass By-law, Respectful Workplace Conduct Policy, Harassment in the Workplace Policy and Procedures, Workplace Violence & Workplace Harassment Prevention Program Procedure, the Code of Conduct for Members of Council, and the Procedural By-law.

If any situation poses a hazard to an employee or any time “workplace violence” or “workplace harassment”, as defined in the *Occupational Health and Safety Act*(OHSA), occurs against an employee, Human Resources must be contacted to assess the hazard and ensure workplace risk is adequately controlled in accordance with applicable legislation, and the corporate Health and Safety Policy, Workplace Violence and Workplace Harassment Prevention Program Procedure, and related policies, procedures and programs.

If an incident presents an immediate threat to persons or property, staff should immediately take every reasonable precaution to get to a safe place, contact 9-1-1 and then contact their supervisor and security staff if required. In addition, where applicable, staff shall follow all corporate and department specific emergency procedures. **Staff should not, under any circumstances, place themselves at risk or jeopardize the safety of others when addressing inappropriate behaviour and/or Misconduct.**

Identifying Misconduct

In identifying “**Misconduct**” as defined in the Public Conduct Policy, the overriding question is whether the behaviour is likely to cause, or has caused, an unjustified disruption, distress or harm to staff, volunteers, Members of Council, or members of the public.

Depending on the particular circumstances, Misconduct may include:

- verbal or non-verbal conduct that is, in the view of a reasonable person, designed to, or reasonably likely to, harm, distress, intimidate, harass, threaten, abuse, coerce, disparage, embarrass, disrespect or humiliate the recipient, or is part of a pattern of conduct by an individual that amounts to an abuse of a Regional program, service or process;

Procedure Category	Public Conduct Procedure
Administration	

- behaviour that causes concern for the reasonable safety of staff, volunteers or other individuals attending or using Regional premises, facilities, workplaces, services, programs or events;
- any conduct, which because of its nature or frequency, has a disproportionate and unreasonable impact on the Region, Members of Council, employees, volunteers other members of the public, services, time and/or resources;
- behaviour that interferes with normal operation of the Region or which interferes with the ability of other persons to use and enjoy Regional services, programs and physical or digital spaces;
- repeated requests or complaints by an individual that are unsubstantiated, have no serious purpose or value, or about a matter so trivial or meritless on its face that investigation would be disproportionate in terms of time and cost, or;
- behaviour that is unacceptable in all circumstances – regardless of how stressed, angry, or frustrated an individual may be – because it unacceptably compromises the health, safety, and security of staff, volunteers, Members of Council, other members of the public or the individual themselves.

Misconduct may occur 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 Misconduct, or it may be a single significant incident that triggers the application of the Public Conduct Policy and this procedure and/or the Trespass By-law.

Examples of what might be considered Misconduct are listed below. This list is not exhaustive, nor does one single feature on its own necessarily imply that the conduct constitutes Misconduct when all of the facts and surrounding context are considered. Staff should not rigidly apply these examples. Not all unreasonable or difficult behaviour constitutes Misconduct. Whether an individual’s conduct constitutes Misconduct requires consideration of all relevant facts and circumstances of each case. Examples of possible Misconduct include:

- engaging in or inciting violence or making threats of violence;
- engaging in violent, aggressive, harassing, hostile, intimidating or disrespectful behaviour;
- engaging in a physical altercation with any other individual while attending Regional premises, facilities, services, events or programs;
- possessing a Weapon, as defined in the *Criminal Code of Canada*, while attending Regional premises, facilities, services, events or programs;
- vandalizing or causing damage to Regional property or vandalizing or causing damage to the personal property of persons while attending Regional premises;

<p>Procedure Category</p> <p>Administration</p>	<p>Public Conduct Procedure</p>
-------------------------------------------------	---------------------------------

- using coarse, profane or discriminatory language, or making racial or ethnic slurs, while accessing a Regional property, facility, service, program or event;
- loitering, causing a disturbance, or acting under the influence of drugs or alcohol while attending Regional premises, facilities, services or programs;
- accessing or attempting to access physical areas of Regional property that are used as private office space for staff, or for which the public is not otherwise permitted to enter, without written or express permission;
- causing significant distress to staff, volunteers, Members of Council, or members of the public which could include use of hostile, abusive, discriminatory or offensive language, or an unreasonable fixation on an individual member of staff, volunteer, Member of Council, or member of the public;
- making unjustified complaints about staff, a volunteer, or Member of Council, including seeking reprisal;
- making excessive demands on the time and resources of staff, including, without limitation, engaging in
 - , and expecting immediate responses;
- refusing to accept a decision or information provided by staff/repeatedly arguing points with no new evidence;
- persistently approaching the Region through different routes about the same issue;
- refusing to specify the grounds of a complaint or repeatedly changing the basis of a complaint/request as the matter proceeds, despite offers of assistance;
- submitting falsified documents from themselves or others;
- covertly recording meetings and conversations;
- unruly public protest that is disruptive to the common good administration and operation of Regional premises, facilities, services, programs, events and operations, including but not limited to disrupting, harassing, threatening, limiting access or intimidating other patrons, Regional staff, volunteers, Members of Council, or appointed members of a Regional Boards or Committees on Regional premises, facilities or workplaces;
- viewing, producing, sharing, or exhibiting illegal, pornographic, obscene, hateful, discriminatory or offensive materials, either hard copy or through all forms of virtual and electronic communications, including e-mail, text message, and social media;
- photographing, filming or recording staff, volunteers or patrons in a manner that interferes with Regional operations, premises, services, programs or events

Procedure Category	Public Conduct Procedure
Administration	

- and/or the public's use and enjoyment of Regional premises, services, programs or events;
- invading or attempting to invade another person's privacy;
- unauthorized access of computer technology or attempts thereof;
- sending or creating viruses and other invasive computer programs;
- contravening other Regional by-laws, policies, procedures, signage, rules or codes of conduct that establish rules for permitted or expected conduct at or while accessing Regional properties, facilities, programs and public meetings; and,
- engaging in any illegal activity.

Relevant Considerations in Addressing Misconduct

Each case will be considered on its own facts. In determining if an individual's behaviour qualifies as Misconduct and/or warrants the application of restriction(s), the Decision Maker will consider the specific circumstances of the matter, including, but not limited to the following:

- (i) the severity of the Misconduct;
- (ii) whether there is a repeated pattern or history of Misconduct;
- (iii) the likelihood of recurrence of the Misconduct by the individual;
- (iv) the personal circumstances of the individual, if known to staff;
- (v) whether the individual has been dealt with properly and in accordance with the relevant policies and procedures;
- (vi) whether staff have made reasonable efforts to address or resolve the issue;
- (vii) any relevant extenuating circumstances;
- (viii) the impact of restrictions or prohibitions on the individual;
- (ix) whether the individual is presenting new material or information about the situation or making a new request or complaint;
- (x) any other factor relevant to a consideration of the issues; and
- (xi) where prohibiting entry of an individual on or to one or more Regional premises and/or issuance of a Trespass Notice is being considered, compliance with the Trespass By-law and its procedures as well as this procedure.

Guiding Principle - Restrictions will be Measured and Proportional

Any restrictions imposed to address Misconduct shall be tailored to the individual circumstances of each case and proportionate to the harm, or potential harm, arising from the Misconduct. Generally, where appropriate, the Decision Maker shall employ a graduated system of warnings, suspensions, and prohibitions and attempt to impose

Procedure Category Administration	Public Conduct Procedure
--------------------------------------	--------------------------

the least onerous sanction that will achieve the objectives of the Public Conduct Policy, including considerations for staff and public safety, inclusiveness, and freedom from harassment. Depending on the severity of the Misconduct and the particular circumstances, there may be situations requiring immediate actions without warning.

Consultation with Legal Services

Prior to imposing any restriction(s) that will: (i) limit an individual's use or access of a Regional premises, service or program for a duration **exceeding 30 days**; or (ii) prohibit an individual's entry on or to one or more Regional premises pursuant to this Procedure, the Decision Maker shall consult with the Director of Legal and Court Services.

Employees

If an employee (including students and volunteers) experiences, witnesses, or receives a report regarding any incident or behaviour that may constitute Misconduct, that employee will report the matter to their Supervisor, Manager, Associate Director or Director, as applicable, providing any supporting material.

Employees are responsible for advising their Supervisor, Manager, Associate Director or Director, as applicable, of all relevant facts regarding any alleged Misconduct, which may include the following:

- nature of the behaviour;
- length of time that staff have been in contact with the individual and the history and details of interactions;
- any steps that have been taken to resolve or address the behaviour; and
- the impact of the behaviour.

In addition, and without limiting the foregoing:

- In their interactions with members of the public, employees shall engage in appropriate dialogue, communications, actions, de-escalation practices and resolutions in accordance with their applicable departmental training, protocols, procedures, guidelines and any applicable sector-specific legislation, regulations, directives and related guidelines. This may include the ability to end individual customer service interactions with the public or asking someone to leave the premises on an ad-hoc/"one-off" basis where deemed appropriate in staff's discretion and in accordance with applicable departmental protocols and procedures and Management direction.

Procedure Category	Public Conduct Procedure
Administration	

- When inappropriate behaviour or Misconduct is first encountered, employees shall refer to and attempt to use the de-escalation practices outlined in **Appendix A** to resolve the situation.
- Any employee who feels they are the target of harassment, inappropriate behaviour or potential Misconduct may determine that the most effective way to end the harassment or Misconduct is to deal with the matter promptly and directly with the person committing the offensive behaviour in the manner outlined in the Region's Workplace Violence and Workplace Harassment Prevention Procedure (Informal Early Resolution). As the offending person may not be aware that their behaviour is inappropriate and unwelcome, they may need to be advised clearly, politely and firmly to stop the identified offensive behaviour to ensure it does not continue. It may be beneficial to have a witness present, if possible, in the event the behaviour does not stop following the request to stop. It is important that a written record of the incident(s) is made by staff directly after, including dates, times, the nature of the behaviour, and witnesses, if any, for future reference if the behaviour is not resolved following this conversation where the person is requested to stop the offensive behaviour and a formal report of potential Misconduct becomes necessary.
- All employees are required to document both the actions of any individual exhibiting potential Misconduct and their own actions in addressing the individual.

Supervisors, Managers and Associate Directors

Supervisors, Managers and Associate Directors are responsible for reviewing all information regarding any alleged Misconduct in a timely manner and making recommendations to the Director of the affected department, premises, facility, event, service or program. In reviewing the information provided, Supervisor(s), Manager(s) and/or Associate Director(s), as applicable, will:

- notify their Director of the alleged Misconduct so that the Director may, in consultation with the Supervisor, Manager and/or Associate Director, determine whether interim or temporary restrictions are warranted pending the completion of a review and determination of any investigation required;
- determine if additional investigation, including obtaining additional witness statements, is required, and complete any such additional investigation;
- determine if the alleged Misconduct triggers the application of other relevant corporate policies and programs, including, without limitation, the Region's Health and Safety Policy, Workplace Violence and Workplace Harassment Prevention

Procedure Category	Public Conduct Procedure
Administration	

Program Procedure and Employee and Family Assistance Program, and take appropriate steps to engage the employee with the appropriate support, resources and assistance provided by those policies and programs; and

- once the investigation is complete, review all available information and make recommendations to the Director, including:
 - a. whether the individual’s conduct constitutes Misconduct;
 - b. whether the Misconduct warrants the application of any restriction(s) or the issuance of a letter warning the individual that their behaviour contravenes the Public Conduct Policy; and
- a proposed review date for removing, modifying or continuing restriction(s), if any.

Directors

Directors are responsible for ensuring that all direct reports are aware of and trained on this procedure, the Public Conduct Policy, the Trespass By-Law, and any related policies or procedures. Further, although all individuals are required to contact 9-1-1 where an incident presents an immediate threat to persons or property, Directors will ensure that the appropriate authorities, including, but not limited to, the police, are notified when the alleged Misconduct warrants such notification.

Directors will further ensure that all direct reports are provided with appropriate support, assistance, resources and resolution mechanisms provided under other applicable corporate policies and programs, including, without limitation, the Region’s Health and Safety Policy, Workplace Violence and Workplace Harassment Prevention Program Procedure and Employee and Family Assistance Program.

In addressing alleged or potential Misconduct, Directors are responsible for:

- referring the matter to their Commissioner to investigate and make a determination, where the Director deems appropriate as a result of the circumstances surrounding the alleged Misconduct, including, without limitation, where the Director has any actual or potential conflicts of interest, situations where the alleged Misconduct concerns more than one Regional department, service or program, or where the Director believes the alleged Misconduct is of such severity that it warrants prohibiting the individual from entering on or to Regional property for a duration **not exceeding 7 days**;
- making the determination of whether to classify an individual’s conduct as Misconduct, unless the matter is referred to the Commissioner or other Director or Decision Maker under this procedure;

Procedure Category	Public Conduct Procedure
Administration	

- determining the restriction(s) to be imposed on the individual, including any temporary or interim restrictions, and communicating those restrictions to the individual, unless the matter is referred to the Commissioner or other Director or Decision Maker under this procedure;
- where any proposed restrictions, other than a Trespass Notice issued pursuant to the Trespass By-law, include limiting access to Regional property, services or programs, the Director may, using their discretion:
 - provide the individual with information regarding the allegations; and
 - provide the individual an opportunity to respond to the allegations before a final decision is made regarding any restriction(s), where appropriate;
- maintaining all documentation related to the investigation and any determination regarding restriction(s);
- advising the Regional Clerk in writing when restriction(s) are placed on an individual, providing a copy of the notice given to the individual as well as any additional information requested by the Regional Clerk;
- ensuring that relevant Regional staff are notified of the decision to impose restrictions; and
- if a Trespass Notice has been issued, or is being considered by the Director, ensuring compliance with the requirements of the Trespass By-law.

Before making a determination to classify an individual's conduct as Misconduct, the Director must be satisfied that:

- the facts and circumstances have been properly investigated. If the Director is not so satisfied, the Director must first direct any additional investigations before making a decision to impose any restrictions;
- all communications with the affected individual have been appropriate; and
- any information provided by the individual has been considered.

Without limiting the foregoing, if the Director determines at any time that, as a result of the circumstances surrounding the alleged Misconduct, including any actual or potential conflicts of interest, the investigation should be carried out by either a different Regional department or division, the Commissioner or an independent third party investigator, then the Director may refer the matter to be dealt with by a different Regional department or division, the Commissioner, or, in consultation with the Director of Legal and Court Services and the Director of Human Resources, to an independent third party investigator. In all cases, the final decision letter will be issued to the individual by either the responsible or assigned Director or Commissioner where applicable.

<p>Procedure Category</p> <p>Administration</p>	<p>Public Conduct Procedure</p>
-------------------------------------------------	---------------------------------

Potential Restrictions available to Directors

Actions available to the Director in response to Misconduct may include, but are not limited to, any one or a combination of the following:

- (i) limiting the individual's correspondence with staff to a particular format, time or duration;
- (ii) limiting the individual to a particular point of contact;
- (iii) requiring any face-to-face interactions between the individual and staff to take place in the presence of another staff member;
- (iv) requiring the individual to make contact with the Region only through a third party, such as a family member, colleague or professional advisor;
- (v) limiting or regulating the individual's use of Regional premises, facilities, services, programs or participation in events;
- (vi) instructing staff not to respond to further correspondence from the individual regarding the complaint or a substantially similar issue or engaging the services of IT to block a specific email address;
- (vii) informing the individual that further contact on the matter will not be acknowledged or replied to;
- (viii) closing the complaint or request for service; instructing staff to reduce or completely cease responses to further complaints or request and correspondence from the individual; and
- (ix) prohibiting entry of the individual on or to one or more Regional premises for a duration **not exceeding 7 days** by issuance of a Trespass Notice in accordance with the Trespass By-law; or, and only after consideration of all possible alternative measures.

Without limiting any of the foregoing, a Director may, where appropriate, issue interim or temporary restrictions pending the completion of any investigation of alleged misconduct.

Potential Restrictions available to Commissioners

Where alleged Misconduct has been referred to the Commissioner for investigation and determination under this procedure, the Commissioner may:

- (i) take any of the actions and impose any of the restrictions available to Directors outlined in this procedure;
- (ii) prohibit entry of the individual to or on one or more Regional premises for a duration **not exceeding 2 years**, by issuance of a Trespass Notice, in accordance with the Trespass By-law, and only after consideration and/or implementation of all possible alternative measures; and

Procedure Category	Public Conduct Procedure
Administration	

- (iii) refer investigation and determination of the potential Misconduct to another Commissioner, the Deputy CAO, or in consultation with the Director of Legal and Court Services and the Director of Human Resources, and independent third-party investigator, where deemed appropriate as a result of the circumstances surrounding the alleged Misconduct, including, without limitation, any actual or potential conflicts of interest or situations or where the Misconduct involves or has broad implications across multiple corporate departments.

Potential Restrictions available to the Deputy CAO

Where alleged Misconduct has been referred to the Deputy CAO for determination under this procedure, the Deputy CAO may:

- (i) take any of the actions and impose any of the restrictions available to Directors and Commissioners; and
- (ii) prohibit entry of the individual from one or more Regional premises for a duration **not exceeding 5 years**, by issuance of a Trespass Notice, in accordance with the Trespass By-law, and only after consideration and/or implementation of all possible alternative measures.

Notice of Decision

Upon determining that an individual has engaged in Misconduct, and depending on the severity of the Misconduct, the Decision Maker will:

- a. send a notice of decision letter of warning to the individual indicating that their behaviour contravenes the Public Conduct Policy and that restrictions may be imposed if the behaviour does not stop;

OR

- b. send a notice of decision letter to the individual indicating that their behaviour contravenes the Public Conduct Policy and that restrictions are being imposed in accordance with the Public Conduct Policy. This letter will include a summary of the findings of the Decision Maker's review and any other relevant information, including as follows:
 - (i) a summary of the matter which has led to the restrictions;
 - (ii) a summary of the interactions with the individual, if applicable;
 - (iii) a description of the restriction(s);
 - (iv) the rationale for applying the restriction(s);

Procedure Category Administration	Public Conduct Procedure
--------------------------------------	--------------------------

- (v) that the individual may, upon request, review the information and evidence relied upon by the Decision Maker in reaching their decision subject to restrictions to the disclosure of information and evidence as determined by the Decision Maker in accordance with applicable law;
- (vi) if the Decision Maker determines that scheduling a review date is appropriate, the date scheduled for the Decision Maker to review the restrictions and the individual's right to provide new information or submissions to the Decision Maker in advance of the review date; and
- (vii) information regarding the individual's right to appeal the restrictions under this policy, if applicable.

Any notice of decision given by the Decision Maker pursuant to this section will be given in one or more of the following ways:

- a. personally;
- b. by e-mail to the recipient's last known e-mail address; or
- c. by registered or regular mail or courier or hand delivery addressed to the recipient's last known address.

Notice of decision given in accordance with the preceding paragraph shall be deemed to be effective:

- a. on the date it is personally given or delivered by courier or hand delivered;
- b. on the date the e-mail is sent; or
- c. on the fifth day after the date of mailing by registered or regular mail.

If a Trespass Notice is issued, the Decision Maker will comply with the notice provisions in the Region's Trespass By-law.

Restriction Review by the Decision Maker

The Decision Maker shall, using their discretion, determine, based on the nature of any restrictions imposed and the underlying Misconduct, whether a review date is required; that is, whether the restrictions should be in place for a limited period of time after which they should be revisited to consider whether a modification or continuation is appropriate. Generally, all cases where restrictions have been imposed should be reviewed **not more than 12 months** after any restrictions were initially imposed or continued/upheld.

If the Decision Maker determines that a review date is required, the Decision Maker will notify the individual of the review date in the notice of decision. In addition, the notice of decision letter may invite the individual to participate in the review process

Procedure Category	Public Conduct Procedure
Administration	

by providing written submissions to the Decision Maker, or by way of another method as appropriate in the circumstances. Specifically, the Decision Maker may, using their discretion and if the circumstances warrant, also choose to invite the individual to participate in the review in person, by phone, virtually, or other means.

On or before the review date, the Decision Maker and the relevant Supervisor(s), Manager(s), Associate Director(s), Director(s) or Commissioner(s), as applicable, will review the circumstances and determine if the restriction(s) imposed should continue. During this review, consideration will be given to factors such as:

- (i) whether the individual has had any contact with the Region during the restriction period;
- (ii) the individual's conduct during the restriction period;
- (iii) any information/arguments put forward by the individual for review;
- (iv) the effect that continuing the restriction may have on the individual; and
- (v) any other information that may be relevant in the circumstances

The individual will 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.

Appeal of Restrictions

An individual who has been served with a notice of decision to impose or continue restriction(s) under this procedure and the Public Conduct Policy, which restrictions limit or prohibit the individual's physical access to Regional property or services for a duration of **more than 30 days**, may appeal the decision by serving a Notice of Appeal to the Regional Clerk in writing and paying the applicable appeal fee, if any, from time to time established by the Region's Fees and Charges By-law in relation to the Public Conduct Policy within 10 business days after being served with the notice of decision.

There is **no right of appeal** from a notice of decision to impose or continue restrictions that does not limit or prohibit the individual's physical access to Regional property or services or that limits or prohibits the individual's physical access to Regional property or services for a period of **30 days or less**.

Notice of Appeal shall be served by email to Clerk@niagararegion.ca or delivered to:
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, Ontario
Attention: Office of the Regional Clerk

Service of the Notice of Appeal does not stay the operation of the restriction(s) imposed.

Procedure Category Administration	Public Conduct Procedure
--------------------------------------	--------------------------

The Appeal Officer will hear the appeal in a manner appropriate in the circumstances, including in consideration of the underlying Misconduct, as they determine in their sole discretion, which may be in writing, by phone, virtually or in person.

The appellant and the Decision Maker who imposed the restrictions will be given no fewer than 10 days' notice of:

- (i) the manner of the hearing, whether in person, by phone, virtually, or in writing;
- (ii) the date, time, and place of the appeal hearing; and
- (iii) the applicable appeal procedures, if any.

In the event that the Commissioner is the person who made the decision to impose or continue restrictions or has been involved in the decision of a Director to impose or continue restrictions, the Commissioner may appoint the Commissioner of a different Regional department or the Deputy CAO to conduct the appeal as the Appeal Officer. Where the restrictions subject to appeal have been imposed by the Deputy CAO, the CAO will conduct the appeal as the Appeal Officer. In the event that the CAO was involved in the decision to impose or continue restrictions, or has any actual or potential conflicts of interest, the CAO may appoint a Commissioner to conduct the appeal as the Appeal Officer, as deemed appropriate in the discretion of the CAO.

The following applies to the appeal hearing:

- (i) Before making their decision, the Appeal Officer shall give each of the Decision Maker and the appellant, an opportunity to be heard, orally or in writing, at the time and place scheduled for the appeal.
- (ii) If the appellant fails to participate in or attend the hearing of the appeal as notified pursuant to this procedure, the restriction(s) shall be affirmed and the appeal shall be dismissed.
- (iii) In conducting the appeal, the Appeal Officer may confirm, modify or rescind all or part of the restriction(s). The decision of the Appeal Officer is final.
- (iv) The decision on the appeal shall be communicated to the appellant and to the Decision Maker who imposed the restrictions within 10 business days of the completion of the appeal.

Appeals of decisions made under the Region's Trespass By-law shall be made in accordance with the review process set out in the Trespass By-law. Where the restrictions subject to the appeal include both a prohibition from entering Regional property (thereby engaging the Trespass By-law) and other restrictions limiting

Procedure Category	Public Conduct Procedure
Administration	

access to Regional premises or services beyond a duration of one month, the appeal will be conducted as a single appeal, by the CAO as the Appeal Officer.

Consultation for Input, Guidance and Investigative and Monitoring Purposes

In carrying out their responsibilities under this procedure, where appropriate, Decision Makers shall inform and consult with the Director of Legal and Court Services, their Commissioner, and/or relevant staff, Directors and Commissioners of other departments that may be affected by or involved with the alleged Misconduct, for input, guidance and/or investigative or contravention monitoring purposes.

2. Definitions

In this procedure, “Director” and “Commissioner” means the Director and Commissioner of the affected Regional department and to whom the relevant staff, Supervisors, Managers or Associate Directors report. Similarly, references to “staff”, “Supervisors”, “Managers” or “Associate Directors” generally means the staff, Supervisors, Managers or Associate Directors of the affected Regional department, premises, service or program. Notwithstanding the foregoing definitions, the circumstances of any given case may require action by the Commissioner(s), Director(s), Associate Director(s), Manager(s), Supervisor(s) or staff from more than one Regional department, premises, service or program.

“**Decision Maker**” means the Director, Commissioner or Deputy CAO, as applicable, that is responsible for investigating alleged Misconduct and making a determination and/or imposing restrictions in accordance with this procedure.

“**Appeal Officer**” means the Commissioner, Deputy CAO or CAO, as applicable, that is responsible for hearing and making a decision regarding appeals of restrictions imposed in accordance with this procedure. For clarity the Appeal Officer will typically be: the Commissioner where the restrictions were imposed by a Director; the Deputy CAO where the restrictions were imposed by a Commissioner; or the CAO, where the restrictions were imposed by the Deputy CAO, unless otherwise provided in this procedure.

3. Appendices

Appendix A - Guidelines for Recognizing Aggression, De-escalation Techniques and Managing Difficult or Disruptive Behaviour

Procedure Category Administration	Public Conduct Procedure
--------------------------------------	--------------------------

4. Document Control

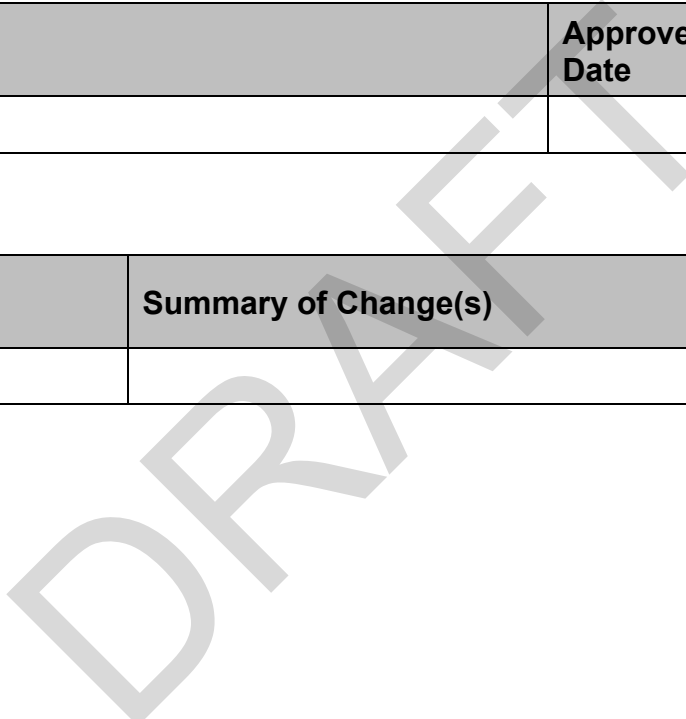
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Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by



Procedure Category	Public Conduct Procedure
Administration	

APPENDIX A

GUIDELINES FOR RECOGNIZING AGGRESSION, DE-ESCALATION TECHNIQUES AND MANAGING DIFFICULT OR DISRUPTIVE BEHAVIOUR

RECOGNIZING AGGRESSION

There is a difference between a customer who is angry and upset and one that is abusive. It's important for employees to be able to recognize signs of aggression. Below is a list of physical and behavioral changes that can indicate if a person is becoming escalated:

PHYSICAL

Flushed or pale face
Sweating or perspiring
Clenched jaw or teeth
Shaking or trembling
Clenched fists
Rapid breathing
Fidgeting
Glaring eyes
Rise in pitch of voice/change of tone

BEHAVIORAL

Loud voice or yelling/shouting
Pointing or jabbing fingers
Swearing or verbal abuse
Standing too close
Aggressive posture
Throwing, hitting or kicking things
Pacing and restlessness
Violent or aggressive gestures

DE-ESCALATION TECHNIQUES

If employees start to notice any of the above behaviour when interacting with a customer or member of the public, apply these de-escalation techniques:

Maintain Composure

- Take a deep breath.
- Never argue with customers when they are angry, displeased, or complaining. If you become upset, it will only escalate the situation further.
- Use a lower tone of voice, and don't get defensive if insults or anger are directed at you. Remind the customer that you are there to help.

Become aware of your surroundings, if applicable

- Notice if there are others in the room, objects such as chairs, tables or items on a table; take note of exits and openings and whether you are blocking the customer.

Listen

Procedure Category	Public Conduct Procedure
Administration	

- Let the customer vent and avoid talking over them; maintain eye contact if applicable and be aware of your body language.
- Repeat or paraphrase what is heard to show you understand the situation. If unclear, ask open ended questions to get more clarification; also ask to take notes.

Show Interest & Empathy

- Maintain a concerned, sincere and interested facial expression and/or tone of voice; Show or express understanding without passing judgment, even if you do not agree with their position.

Acknowledge

- Acknowledging someone's feelings helps by validating their emotions; this confirms the legitimacy of the emotion but not the behavior.
- Example: "I can see how that could have been frustrating".

Agree

- Find some truth to what is being said and agree with it; when you agree with some truth, you take away some resistance.
- Example: "I agree Mr. Jones that would be difficult to deal with".

Apologize

- A sincere apology can build credibility and lets the customer know that you are empathetic to what they are going through
- Example: If there is a legitimate cause for anger - "I'm sorry we forgot to send your bill".
- Example: If there isn't anything to apologize for directly - "I'm sorry this situation has you so frustrated".

Try to solve the problem

- Ask the customer for their ideas on how they would like the situation resolved. If you are not able to help them, seek the assistance of someone who can.

Clarify next steps

- Summarize the next steps and let the customer know what to expect and when
- Do not make promises you cannot keep; if you say you will call back – make sure you call back even if you do not have an update.

If these de-escalation techniques do not work, subject to department-specific training, protocols or guidance regarding ending individual customer service interactions on a one-

Procedure Category Administration	Public Conduct Procedure
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off basis (and where the customer conduct does not qualify as Misconduct as defined in the policy and procedure), employees may need to be prepared to either ask the customer to leave the premises (if in-person) or advise them that the communication will be terminated (if over the phone or by email) such as where the customer is not just being angry or difficult but engages in abusive or insulting comments. An example of how staff can approach these interactions is as follows:

“I’m sorry sir/madam, I am here to help you, but if you continue to use abusive/insulting language, I may need to end this call/terminate service. The Region does not condone or tolerate abusive/insulting language.”

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