

Town of Asquith

# Public Conduct Policy

Approval Date:

Takes Effect:

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**Public Conduct Policy**

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# Town of Asquith

## Public Conduct Policy

### 1. Purpose

The purpose of this policy is to:

- Provide a safe and welcoming environment for residents, visitors, and other stakeholders in the Town of Asquith.
- Allow residents, visitors, and town stakeholders to express disappointment, frustration, or anger with municipal services while maintaining an atmosphere of respect and professionalism towards town staff and Council.
- Establish procedures to restrict certain individuals or groups from accessing municipal spaces or services as a result of unacceptable behaviour

### 2. Authority

Section 92 (b) of *The Municipalities Act* provides Councillors with the ability to develop and evaluate policies, services, and programs of the municipality, including those respecting the peace, order, and good government of the municipality.

### 3. Scope

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This policy applies to all members of the public, including ratepayers, visitors, contractors, and other people not currently employed by the Town or serving on Town Council. This policy does not apply to employees (who are subject to the Municipal Employee Code of Conduct and Anti-harassment Policy) and Councillors (Who are subject to the Code of Ethics Bylaw).

### 4. Roles and Responsibilities

The Administrator (being the Administrator of the Town of Asquith pursuant to section 110 of *The Municipalities Act*) is responsible for:

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

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

- Reporting any interaction that may constitute unacceptable behaviour to the Administrator;
- Deciding on an appropriate response to level 1 and level 2 unacceptable behaviour;
- Collecting and providing supporting material relating to unacceptable behaviour to the Administrator; and
- As required contacting the RCMP and filing a formal report.

Councillors (the Mayor and all Councillors of the Town of Asquith) are responsible for:

- Encouraging all members of the public to abide by the principles and provisions of this policy;
- Reporting any interaction that may constitute unacceptable behaviour to the Administrator;
- Collecting and providing supporting material relating to unacceptable behaviour to the Administrator;
- As required, contacting the RCMP and filing a formal report;
- Considering all requests for review following restriction of an individual or group; and

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- As required, altering conditions regarding restriction of an individual or group.

#### 5. Policies and Conditions

##### 5.1. Preface

The Town of Asquith is committed to providing excellent customer service to all members of the public. The municipality strives to address service requests and complaints equitably, comprehensively, and promptly. In all cases, the Town will ensure that all communications between the public, Town employees, and Councillors, are done in a respectful, tolerant, and harassment-free environment.

This policy outlines expectations for appropriate behaviour for all individuals interacting with Town staff, Councillors, and other members of the public. Under this policy, unacceptable behaviour may result in an individual or group being restricted from accessing municipal spaces or services. All restrictions applied by the municipality will be reasonable, consistent, and proportional to the severity of the unacceptable behaviour and communicated in a manner that is clear and understandable to all individuals affected.

For the purposes of this policy, 'unacceptable behaviour' shall mean behaviour, actions, words, emails, phone calls, letters, or any communication that is inappropriate, harassing, unwelcome, physically or mentally damaging, illegal, or that would otherwise not be welcome in a standard place of business, and may include, but is not limited to:

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

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platforms;

- Engaging in a physical altercation with any person on Town property;
- Engaging in sexual activity with any person on Town property;
- Engaging in activities on Town property that are a crime under The Criminal Code of Canada;
- Possessing a weapon or prohibited substance while on Town property;
- Soliciting the sale of goods or services on Town property without permission;
- Submitting inquiries or requests that have no serious purpose or value, requests that have the intent of harassing the town without the intention of seeking genuine redress for the matter in question, or requests that are unreasonably persistent;
- Deliberately making false statements or submitting falsified documents;
- Continually refusing to accept or acknowledge Town staff decisions regarding a matter within the Town’s jurisdiction that have been previously considered and dealt with;
- Knowingly violating the explicit or inferred privacy of Town staff, Council, other members of the public, or the conduct of a meeting that is properly closed to the public; and
- Incidents that the Administrator believes are worthy of being considered unacceptable behaviour.

5.2 Response to Unacceptable Behaviour

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

Level 1 Response

Who may issue:	The Administrator or Town staff
Applies to:	Individuals who have engaged in unacceptable behaviour
Method of Issuance:	Written warning letter, verbal warning, restriction letter, or verbal restriction
Duration of Restrictions:	Up to 30 days

Level 2 Response

Who may issue:	The Administrator or Town staff
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Applies to:	Individuals who have previously received a level 1 response within the last 12 months and who engage in further unacceptable behaviour, or, in the opinion of the Administrator or staff, the unacceptable behaviour is severe enough to merit a level 2 response
Method of Issuance:	Written warning letter or restriction letter
Duration of Restrictions:	Up to 90 days

#### Level 3 Response

Who may issue:	The Administrator
Applies to:	Individuals who have previously received a level 2 response within the last 12 months and who engage in further unacceptable behaviour, or in the opinion of the Administrator, the unacceptable behaviour is severe enough to merit a level 3 response
Method of Issuance:	Written warning or restriction letter
Duration of restrictions:	At least 90 days with reviews every 30 days

Depending on the response level and severity of the unacceptable behaviour, restrictions the Administrator or Town staff may impose include, but are not limited to:

- Prohibiting attendance or limiting activities, interactions, or access to Town spaces or services;
- Limiting the number of responses Town staff may provide to complaints or inquiries regarding specific matters, including matters already addressed;
- Requiring any in-person interaction with Town staff or Councillors to be in the presence of another member of Town staff, Council, or other representatives of the Town
- Limiting correspondence to a particular format, time, or duration;
- Closing any active complaints, inquiries, or requests for Town services; or
- Requiring correspondence to be directed only to specific Town staff, Councillors, solicitors, or third parties.

#### 5.3 Enforcing Restrictions

Town staff and Councillors are expected to use non-physical and verbal-only intervention methods to enforce this policy and subsequent restrictions. Where Town staff observe

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unacceptable behaviour, they may issue a verbal warning or apply restrictions immediately to the individual(s) or groups involved.

After Town staff issue a verbal warning or restriction, they must advise the Administrator of the incident, of all preceding and subsequent actions, and compile all documentation, information, and evidence related to the incident. Following this discussion, the Administrator should, if possible, send a warning letter or restriction letter to the individual or group. If a verbal warning or restriction is issued to a minor, the Administrator may direct their letter to the minor's parent or guardian (where known). This letter may be mailed or emailed and should be available for staff review.

This letter should outline the date and circumstances of the unacceptable behaviour, any restrictions applied, and the restriction duration. This letter should also include contact information for someone the individual or group may contact during the restriction period, the form of communication the individual should use for this contact, and, if it is a level 2 or 3 response, instructions for submitting a request for review to Council.

Should an individual or group refuse to cease the unacceptable behaviour or abide by any restriction, Town staff or Councillors may request assistance from the RCMP or Community Safety Officers (CSOs). Before the expiration of any restriction, the Administrator may require that an individual participate in a mandatory meeting to review the unacceptable behaviour and discuss expected and acceptable behaviour moving forward. If an individual chooses not to attend this review, the Administrator may extend the duration of any applied restriction at their discretion.

#### **5.4 Request for Review**

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

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

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

Individuals who believe that the Town has applied this policy unfairly or are unsatisfied with the request for review process may file a complaint with the Saskatchewan Ombudsman. Town staff shall provide contact information for Saskatchewan Ombudsman upon request.



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#### **5.5 Privacy Protection**

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

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

Town staff and Councillors shall have regard for individual privacy and shall not disclose to the public an individual's personal information, the unacceptable behaviour they committed, or any restriction applied to an individual.

#### **5.6 Other Legal Rights**

Nothing in this policy shall restrict or limit the Town from engaging in litigation or seeking legal redress for actions taken by an individual, including those actions considered unacceptable behaviour.

This policy shall not restrict or limit the Town from complying with any municipal, provincial, or federal legislation or requirements.

Regarding employees, this policy shall not restrict or limit an employee's right to refuse unsafe work under The Saskatchewan Employment Act. This policy shall not limit Town staff from performing their rights and obligations under any other municipal policy or bylaw.

### **6 Additional Documents**

#### **6.1 Warning Letter**

#### **6.2 Restriction Letter**

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**6.1 Warning Letter**

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Note to Drafter: The purpose of this letter is to provide an individual or a group with a warning that they have engaged in unacceptable behaviour. Please modify this letter as needed to suit the circumstances of the unacceptable behaviour and warning.

[Date]

[Recipient's Name and Address]

Dear [Recipient's Name]:

RE: Letter of warning for unacceptable behaviour

I am writing to you pursuant to the Town of Asquith Public Conduct Policy.

The Town noted that you engaged in unacceptable behaviour by [description of conduct that amounts to unacceptable behaviour] on [date] at [time].

As a result of your actions, we are providing you a [first/second/third] letter of warning. Should you engage in further unacceptable behaviour, the Town may restrict your ability to access municipal property or services.

If you have any questions about this letter of warning, please contact the Town by email at [town.asquith@sasktel.net](mailto:town.asquith@sasktel.net) with the subject line "Public Conduct Warning – [Your name]." For your safety and the safety of staff, Town employees will not discuss this letter over the phone or in person, only over email.

[Include in cases where this is for a level 2 or 3 response] Due to the severity of your actions, you are entitled to request a review of the issuance of this letter of warning. If you choose to request a review, please contact the Town by email at [town.asquith@sasktel.net](mailto:town.asquith@sasktel.net) with the subject line "Request for Review of Public Conduct – [your name]."

You may also raise any concerns you might have with this letter of warning to the Saskatchewan Ombudsman. You can contact Saskatchewan Ombudsman at 1-800-667-9787 or by making an online submission at <https://ombudsman.sk.ca/ombudsman/make-a-complaint/>

I trust this letter is satisfactory,

[Name of Administrator]

Administrator

Town of Asquith

Box 160, 535 Main Street Asquith, SK S0K0J0

306-329-4341 Email: [town.asquith@sasktel.net](mailto:town.asquith@sasktel.net)

### 6.2 Restriction Letter

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Note to Drafter: The purpose of this letter is to provide an individual or group with a list of restrictions to Town spaces or services because of their unacceptable behaviour. Please modify this letter as needed to suit the circumstances of the unacceptable behaviour and warning.

[Date]

[Recipient's Name and Address]

Dear [Recipient's Name]:

RE: Restriction Letter for Unacceptable Behaviour

I am writing to you pursuant to the Town of Asquith's Public Conduct Policy.

Town staff noted that you engaged in unacceptable behaviour by [description of conduct that amounts to unacceptable behaviour] on [date] at [time].

[Include in cases where this is after a letter of warning] You have previously received a letter of warning, dated [letter of warning date], which we noted that you had engaged in [description of conduct that amounts to unacceptable behaviour] on [date] at [time].

As a result of your actions, we are hereby issuing you the following restrictions:

- [Insert list of restrictions in bullet point]

These restrictions shall remain in place until [expiry date].

If you have any questions about this restriction letter, please contact the Town by email at [town.asquith@sasktel.net](mailto:town.asquith@sasktel.net) with the subject line "Public Conduct Restriction Question – [Your Name]." For your safety and the safety of staff, Town employees will not discuss this letter over the phone or in person, only over email.

[Include in cases where this is for a level 2 or 3 response] Due to the severity of your actions, you are entitled to request a review of the issuance of this restriction letter. If you choose to request a review, please contact the Town by email at [town.asquith@sastel.net](mailto:town.asquith@sastel.net) with the subject line "Request for Review of Public Conduct – [Your Name]."

You may also raise any concerns you might have with this restriction letter with the Saskatchewan Ombudsman. You can contact Saskatchewan Ombudsman at 1-800-667-9787 or by making an online submission at <https://ombudsman.sk.ca/ombudsman/make-a-complaint/>

I trust this letter is satisfactory,

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[Name of Administrator]

Administrator

Town of Asquith

Box 160, 535 Main Street Asquith, SK S0K0J0

306-329-4341 Email: [town.asquith@sasktel.net](mailto:town.asquith@sasktel.net)