

**ALBERTA BEACH
VILLAGE POLICIES**

POLICY: G.3.7 ANONYMOUS, ABUSIVE, FRIVOLOUS AND VEXATIOUS COMPLAINTS POLICY

1. POLICY STATEMENT

Alberta Beach is committed to providing quality service to all members of the public in a professional, efficient and economical manner. All service requests, complaints, and inquiries are dealt with in a fair and impartial manner while also ensuring that unreasonable behaviour, including anonymous, abusive, frivolous, vexatious or unreasonably persistent complaints or requests, do not consume a disproportionate amount of municipal time and resources and that staff and Council are protected from any abusive and/or vexatious behaviour.

2. PURPOSE

The purpose of the policy is to provide a positive, safe, and supportive approach to promoting acceptable and appropriate interactions with the public. The policy will contribute to the municipalities' commitment to service excellence and good governance by addressing all requests, complaints and correspondence equitably and efficiently, while acknowledging that there may be a need to protect staff and Council from unreasonable behaviour which can take up a disproportionate amount of staff and/or Council time, and can impact the delivery of services for other users or result in unnecessary costs for Alberta Beach taxpayers and can lead to mental harm.

The policy will provide guidance and establishes the process to be used by all staff and Council when handling such requests or complaints. Actions taken, pursuant to this policy, will ensure that municipal resources are used effectively and efficiently, while maintaining a high level of service excellence and responsiveness.

3. PREAMBLE

This policy is not intended to deal with generally difficult requests or complaints but rather to deal with unreasonable behaviour from the public. Deciding whether a request or complaint is abusive, frivolous, vexatious or unreasonably persistent, is a balancing exercise, taking into account all the circumstances of the situation. There is no rigid test, or criteria; the key question is whether there is a pattern of conduct with the intent (real or perceived) to cause distress, disruption or harm. The decision to classify a subject person's behaviour as unreasonable, or to classify a request or complaint as abusive, frivolous or vexatious, could have serious consequences for the subject person, including restricting their access to municipal services.

4. DEFINITIONS

- a) Abusive – a complaint (written, verbal or physical) that is reasonably perceived as abusing, violent, aggressive, harassing, making threats or seeking to intimidate.
- b) Anonymous – a complaint or correspondence that is received with no complainant information. The municipality will not be required to take action on anonymous complaints or correspondence, unless the matter is in regards to a serious legitimate safety concern.

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- c) Frivolous – a complaint or correspondence that is reasonably perceived to be (i) without reasonable or probable cause, (ii) without merit or substance, or (iii) trivial.
- d) Unreasonable Behaviour – includes one or all of the following but is not limited to: abusive; anonymous; frivolous; unreasonably persistent; vexatious.
- e) Unreasonably Persistent – a complaint or correspondence that is excessive or multiple regarding the same issue and repeatedly challenging the findings of a complaint.
- f) Vexatious – a complaint or correspondence that is frivolous and which is pursued in a manner that is reasonably perceived to be (i) malicious, (ii) intended to embarrass or harass the recipient or another person, or (iii) intended to be a nuisance, or (iv) is part of a pattern of conduct by the complainant that amounts to abuse of staff or Council member or abuse of the complaints and/or inquiry process.

5. EXAMPLES OF ABUSIVE, FRIVOLOUS, VEXATIOUS OR UNREASONABLE PERSISTENT REQUESTS, COMPLAINTS OR CORRESPONDENCE

Examples of what might be considered abusive, frivolous, vexatious or unreasonably persistent requests or complaints are provided below. The list is not exhaustive, nor does a singular action set out below necessitate the application of this policy.

- a) Complaints concerning an issue which staff or Council have already investigated and determined to be groundless.
- b) Complaints concerning an issue which is substantially similar to an issue which staff or Council have already investigated and determined to be groundless (e.g. with respect to the same issue, person, or property).
- c) Unreasonable conduct which is abusive of the complaints process including, but not limited to:
 - i. harassing, abusing, or otherwise seeking to intimidate staff or Council dealing with a complaint or correspondence;
 - ii. excessive or multiple lines of enquiry regarding the same issue (e.g. pursuing a complaint with staff in multiple municipal departments and /or a Council member simultaneously) while a complaint is in the process of being investigated;
 - iii. repeatedly challenging the findings of a complaint investigation, complaining about the outcome and/or denying that an adequate response has been given, when one has been;
 - iv. refusing to accept that an issue falls outside the scope of the municipalities jurisdiction;
 - v. making unreasonable demands on staff or Council by, for example, insisting on responses to complaints and enquiries within an unreasonable time frame;
 - vi. making statements or providing representations that the subject person knows, or ought to know, are incorrect, or persuading others to do so;
 - vii. using new complaints to resurrect issues which were investigated and completed in previous complaints;

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- viii. changing the basis of the complaint as the investigation progresses and/or denying statements made at an earlier stage;
- ix. refusing to co-operate with the investigation process while still wanting the complaint to be resolved;
- x. failing to clearly identify the precise issues of the complaint, despite reasonable efforts of staff or Council to obtain clarification of the concerns;
- xi. by providing false or misleading information;
- xii. by using offensive, derogatory or inappropriate language, such as swear words, words aimed at someone's gender, sexual orientation, race etc;
- xiii. by using threatening body language; or
- xiv. any form of physical violence.

For immediate threats to person's or property, 911 should be contacted.

6. PROCEDURES

Staff and Council

- a) If a staff or Council member believes that a request or complaint is unreasonable the staff or Council member shall be responsible to establish, through documentation (e.g. emails, letters, posts on social media, photographs, voicemails, staff or Council notes reporting a conversation or incident), identifying that the complaint or request is abusive, frivolous, vexatious, or unreasonably persistent. The staff or Council member shall provide all supporting documentation and materials to the Chief Administrative Officer including the steps that have been taken to resolve the issue, and including as appropriate:
 - i. the length of time that staff or Council have been in contact with the subject person, the history of the interactions (where appropriate), and the amount of correspondence that has been exchanged with the subject person;
 - ii. the number of requests and complaints made by the subject person and the status of each; and
 - iii. the nature of the subject person's behaviour.

- b) In the case of abusive behaviour and language, staff or Council members will advise the subject person that such behaviour will not be tolerated and should the behaviour continue, advise the subject person that they will disengage in the conversation. If the abusive behaviour continues, the staff or Council member will immediately disengage in the conversation. In follow up to the incident the staff or Council member shall submit to the Chief Administrative Officer a written report on the incident.

Chief Administrative Officer

- c) The Chief Administrative Officer is responsible for reviewing the information provided, in a timely manner, determine any proposed restrictions, how to inform the subject

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person of the restrictions, and determine a review date for removing, modifying or continuing restrictions.

- d) Before making a determination to classify a person's request or complaint as abusive, frivolous, vexatious or unreasonably persistent, the Chief Administrative Officer must be satisfied that:
- i. the request has been properly investigated;
 - ii. the communication with the subject person has been adequate; and
 - iii. the subject person is not attempting to provide any significant new information when contacting staff; or
 - iv. the complaint is abusive in nature.

Notification to the Subject Person

- e) When the decision has been made to classify the subject person's request or complaint as abusive, frivolous, vexatious or unreasonably persistent, the subject person (where possible and appropriate) will receive written notification that includes:
- i. a detail of what action has been taken and why;
 - ii. an explanation what it means for the subject person's contact with the municipality; and
 - iii. notice of how long the restrictions will last and when the decision will be reviewed.

Application of Restrictions

- f) Actions available under this policy may include, but are not limited to:
- i. limiting the subject person's correspondence with staff or Council to a particular format (e.g. email only with a particular email address), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may last no longer than 10 minutes);
 - ii. limiting the subject person to a particular point of contact at the municipality (where possible, other staff or Council members should be advised not to respond to the subject person, but to refer them to the point of contact);
 - iii. requiring a face-to-face interaction between the subject person and staff or Council to take place in the presence of an appropriate witness;
 - iv. requiring that the subject person produce full disclosure of documentation or information before staff or Council will further investigate a complaint;
 - v. instructing staff or Council not to respond to further correspondence from the subject person regarding the complaint or a substantially similar issue;
 - vi. instructing staff or Council not to investigate complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated;

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- vii. instructing staff or Council to severely reduce or completely cease responding to further complaints and correspondence from the subject person;
- viii. instructing staff or council to close the matter;
- ix. limiting or regulating the subject person's use of municipal services or property;
- x. refusing the subject person access to any municipal buildings, except by appointment;
- xi. informing the subject person that further contact on the matter of the complaint/request will not be acknowledged or replied to;
- xii. blocking emails being received by municipal staff and/or Council;
- xiii. filing a complaint to a Peace Officer or RCMP;
- xiv. pursuing legal action; or
- xv. other actions as deemed appropriate.

7. TRESPASS

When it is determined that a person be prohibited from entering on to one or more specific municipal properties for a period of time, the Chief Administrative Officer may request a Community Peace Officer or RCMP issue a Notice of Trespass to Property to the subject person or if a subject person is in contravention of a Notice of Trespass to Property a Community Peace Officer or RCMP will be notified.

8. REVIEW OF RESTRICTIONS

When any restriction(s) are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of 3 months or longer depending on the severity of the situation. The status of the subject person will be reviewed by the Chief Administrative Officer on or before the review date. The subject person (where possible) will be informed of the outcome of the review. The Chief Administrative Officer may extend the restrictions beyond the review date where appropriate. The subject person shall be notified of the extension and be given another date for review.

9. DISPUTING OR REQUESTING REVIEW OF RESTRICTIONS

- a) Persons who have had restrictions applied may request a review, with a valid reason during the restriction period. The request must be in writing and submitted via e-mail or letter mail to the Chief Administrative Officer and must include:
 - i. identification of the incident in question;
 - ii. an explanation of why the person is requesting the review; and
 - iii. the resolution sought from the municipality.
- b) Following a review of the restrictions applied, which may include consultation with Council, the Chief Administrative Officer may uphold, amend, or rescind the previous decision, and shall notify the subject person of the decision.

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- c) 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 Alberta Ombudsman.

10. MAINTAINING RECORDS

Records and documentation shall be retained in accordance with the Records Retention and Disposition bylaw or as required.

11. POLICY REVIEW

This policy will be reviewed as needed.

DEPARTMENT: COUNCIL

ADOPTED AND APPROVED BY COUNCIL: DECEMBER 20, 2022

RESOLUTION NO: #211-22