Policy M-42
Village of Beiseker
Vexatious Complaints Policy

1.0 Purpose

The purpose of this policy is to ensure that the Village of Beiseker manages public complaints and resident interactions with municipal staff in a manner that is fair, transparent, respectful, and efficient, while protecting staff safety, operational continuity, and municipal resources from being overwhelmed by conduct that is vexatious, frivolous, repetitive, abusive, or made in bad faith.

This policy establishes:

- Clear criteria for identifying vexatious complainant behaviour
- A consistent administrative process for managing such behaviour
- Safeguards to ensure decisions are reasonable, evidence-based, and compliant with the Municipal Government Act (MGA), Access to Information Act (ATIA), Protection of Privacy Act (POPA), and the Alberta Human Rights Act
- A process that preserves public access while ensuring staff safety and operational continuity

2. Scope

This policy applies to:

- All complaints submitted to the Village of Beiseker through any channel
- All interactions between complainants and municipal staff
- All municipal departments and contracted service providers acting on behalf of the Village

This policy does not apply to:

- Elected officials
- Matters governed by statutory appeal processes
- *Complaints that raise legitimate concerns, even if expressed strongly, emotionally, or repeatedly, unless the behaviour meets the criteria in this policy and restrictions are demonstrably necessary, proportionate, and supported by documented evidence.*

Clarification — What is *not* a complaint: A complaint does *not* include:

- Requests for information
- General inquiries
- Disagreement with municipal bylaws
- Attempts to appeal enforcement decisions
- Attempts to re-litigate matters already decided through statutory processes

Complaints involving elected officials: Where a complainant's behavior involves both administrative matters and concerns about the conduct of elected officials, the two streams shall be managed separately. This policy applies only to administrative interactions with municipal staff. Concerns or allegations involving elected officials must be directed to the formal complaint or accountability process required under provincial legislation, once established. Such matters shall not be managed under this policy.

3. Definitions

- **Complaint:** An expression of dissatisfaction about a municipal program, service, decision, or action, where a response or resolution is expected.

- **Vexatious Complaint:** *A complaint that, based on objective evidence, is frivolous, malicious, repetitive, abusive, or made in bad faith, and that unreasonably interferes with municipal operations or consumes municipal resources.*
- **Vexatious Complainant:** An individual whose pattern of behaviour meets the criteria in Section 5.
- **Frivolous:** Lacking serious purpose, merit, or substance.
- **Bad Faith:** *Conduct that, based on objective evidence, appears intended to harass, intimidate, mislead, obstruct, or cause harm, rather than to seek a genuine response or resolution.*
- **Unreasonable Persistence:** Repeatedly raising the same issue after it has been fully addressed.
- **Abusive Conduct:** Behaviour that is threatening, harassing, discriminatory, profane, defamatory, or otherwise inappropriate.

4. Guiding Principles

- **Fairness —** All complaints are assessed on their merits.
- **Respect** — All individuals are treated with dignity.
- **Consistency** — Decisions follow a clear, documented process.
- **Proportionality** — Restrictions are the minimum necessary to protect staff and operations.
- **Transparency** — Complainants are informed of decisions and reasons.
- **Legislative Compliance** — All actions comply with the MGA, ATIA, and POPA.
- **Administrative Authority** — All determinations under this policy are made by the CAO.
- **Human Rights Sensitivity** — Where behaviour may be connected to a protected ground, the CAO shall consult legal counsel before designating a complainant as vexatious.

5. Criteria for Identifying Vexatious Behaviour

A complainant may be designated as vexatious if one or more of the following behaviours occur persistently or severely:

- Repetitive complaints about the same issue after a final decision
- Excessive volume of complaints that unreasonably diverts staff resources
- Harassing, abusive, or defamatory communication
- *Threats of legal action that are abusive, knowingly unfounded, or made primarily to intimidate staff or disrupt municipal operations, rather than to preserve or pursue legal rights*
- Demands for special treatment or attempts to bypass established processes
- Refusal to accept documented evidence or outcomes
- Manipulative behaviour, including misrepresentation of facts
- Multiple simultaneous complaints intended to overwhelm staff
- Using multiple channels, identities, or third parties to pursue the same issue
- *Covert audio or video recording of staff where recording is prohibited by law, occurs in a non-public area, compromises privacy or safety, or unreasonably disrupts municipal operations*
- Unreasonable expectations for immediate or constant responses

6. Administrative Process

6.1 Initial Assessment

- Staff document the behaviour and attempt to resolve the matter through normal complaint-handling procedures.

- If behaviour escalates or persists, staff report the matter to the CAO with supporting documentation.

6.2 Immediate Safety Measures

Where there is an immediate risk to staff safety, public safety, facility security, or the continuity of essential municipal operations, the CAO may impose temporary restrictions before completing the full assessment. Temporary restrictions must be limited to what is necessary in the circumstances, documented, and reviewed as soon as reasonably practicable.

6.3 CAO Review

The CAO will:

- Review all relevant documentation
- Assess whether the behaviour meets the criteria in Section 5
- Consult legal counsel where a protected ground may be a factor
- Consult legal counsel where legal threats have been made
- *Before determining whether a vexatious designation is warranted, the complainant will be provided written notice of the documented concerns and a reasonable opportunity to respond, unless immediate safety measures are required. Any response received will be reviewed and considered by the CAO prior to issuing a final decision.*

6.4 Decision

If restrictions are necessary, the CAO may impose one or more of the following:

- Limiting communication to a single staff member
- Restricting communication to email only
- Requiring all communication to be in writing
- Setting response timelines (e.g., responses within 10 business days)
- Restricting in-person meetings
- Requiring appointments for facility access
- Blocking abusive communication channels
- *Declining to respond to further correspondence on a closed matter where the issue has been fully reviewed, a final response has been provided, any applicable reconsideration or appeal pathway has been communicated, and the additional correspondence does not present materially new information that would warrant further administrative review*
- Directing all communication through legal counsel where legal threats have been made

Restrictions apply to all communication channels, including:

- in-person
- telephone
- email
- social media
- communication through third parties

Restrictions must be documented, proportionate, time-limited, and the least restrictive measures reasonably necessary to address the documented conduct. Unless exceptional circumstances are documented, restrictions shall not exceed 24 months and should be reviewed periodically during the restriction period.

7. Notification to the Complainant

The CAO will issue a written notice that includes:

- The behaviours that led to the designation

- The restrictions being imposed
- The duration of the restrictions
- Expectations for future conduct
- The process for requesting reconsideration

The notice must be factual, respectful, and free of punitive language.

8. Reconsideration Process

A complainant may request reconsideration after 90 days, or earlier if the CAO determines that circumstances warrant an earlier review, where the complainant provides information demonstrating that:

- Behaviour has improved
- New information is available
- *The restrictions are no longer necessary, proportionate, or supported by current evidence*

The CAO may maintain, modify, or remove the designation. Decisions made under this policy are administrative decisions and may be subject to any applicable statutory rights, complaint or oversight processes, reconsideration pathways, or judicial review as permitted by law.

9. Recordkeeping and Privacy

All documentation related to vexatious complainant designations must be collected, used, disclosed, retained, and disposed of in accordance with ATIA, POPA, the Village's Records Retention Policy, and any applicable privacy-management requirements. Access to these records shall be limited to individuals who require the information for authorized municipal purposes.

A designation under this policy does not limit a person's statutory right to make an access to information request under ATIA. Any decision to disregard, narrow, extend, refuse, or otherwise manage an ATIA request must be made under ATIA and its regulations, independently of this policy.

Where personal information is collected for the purposes of administering this policy, the Village shall provide any required collection notice and shall collect only the information reasonably necessary to assess, document, manage, or review the conduct at issue.

10. Staff Support and Safety

The Village will:

- Provide staff with guidance on managing difficult interactions
- Ensure staff know how to report abusive behaviour
- Support staff through safety protocols and de-escalation resources

11. Review

This policy will be reviewed:

- Every three years, or
- When legislative changes require updates, or
- When operational experience indicates a need for revision

12. Authority

Relevant sources of authority include the MGA, Council-approved bylaws and policies, and the CAO's statutory and delegated responsibility for municipal administration. The CAO administers this policy as an operational matter, consistent with Council direction and applicable legislation. Where there is uncertainty about the scope of authority to impose significant or long-term restrictions, the CAO should seek legal advice before proceeding.

Council does not intervene in individual complaints or administrative decisions under this policy.

Under the MGA, the Village may establish policies for municipal purposes, and the CAO is responsible for exercising the administrative duties, functions, and powers assigned by the MGA, Council, and the municipality's bylaws and policies. The CAO administers this policy as an operational matter, subject to applicable legislation and any direction lawfully established by Council.

12.1 Council Notification

The CAO shall report to Council, on a no-names and non-identifying basis, to the number of active vexatious complainant designations as part of each annual administrative report. Councilors who receive direct contact from a designated complainant shall refer the individual to the CAO without engaging on the substance of the complaint or disclosing information beyond what is necessary for the referral.

Adopted By Council Resolution this _____ day of _____, 2026.

_____
MAYOR

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CHIEF ADMINISTRATIVE OFFICER