



## POLICY No. 2014-02 Public Conduct on Haldimand County Property

**Originating Department** PED-COM-01-2014

**SMT Approval:**

**Council in Committee:** 2014-03-04

**Recommendation #:** 2

**Council Approval:** 2014-03-17

**Resolution #:** 41-14

**Revision History:**

[Click here for revision history](#)

### 1. Purpose:

In keeping with the Community Vibrancy & Healthy Communities Strategic Priorities adopted by Council, Haldimand County is investing in high quality, sustainable services that promote the well being of communities and contribute to the betterment of the quality of our natural environment and the health of residents. In an effort to meet the expectations of this priority, it is essential that all participants, spectators, volunteers and staff have the right to be safe and to feel safe while attending a program, facility or property. They also have the right to expect that others will behave in a manner consistent with a safe and positive environment in public spaces. With this right comes the responsibility to be accountable for actions / behaviours that put the safety of others at risk.

Haldimand County will have zero tolerance for inappropriate behaviour, violence, indecency or vandalism in its programs or properties, and will take appropriate action where necessary to deal with these incidents.

### 2. Policy Statement:

Haldimand County's properties include facilities such as arenas, swimming pools, parks, skate parks, trails, community centres, sports fields and associated parking lots. These properties provide residents with opportunities to enjoy social and recreational activities in a safe and positive environment.

Haldimand County operates programs and properties that encourage public participation and is committed to ensuring the safety of all participants, spectators, volunteers and staff in accordance with the *Occupiers' Liability Act*, the *Ontario Human Rights Code*, the *Occupational Health and Safety Act*, the *Trespass to Property Act*, the *Criminal Code*, municipal by-laws and policies, and other provincial legislation.

Throughout Haldimand County, many programs, services and facilities are operated and/or managed by community volunteers. The County endeavours to ensure that they too, have the ability to volunteer in a safe and positive environment. The user groups or contract holders utilizing Haldimand County's facilities and property must take PRIMARY responsibility for the behaviour of all individuals associated with their usage of the facility or property; this includes the athletes, coaches, officials, spectators, volunteers, renters and users.

### Scope:

This policy applies to all Haldimand County properties (including indoor and outdoor facilities) excluding Libraries, activities that are being conducted on the properties - structured (i.e. permit issued) and unstructured (i.e. no permit issued) and to all patrons and guests.

It is the aim of the County to ensure that measures are in place so that incidents of inappropriate behaviour, violence, indecency or vandalism do not occur on its properties. Circumstances not addressed in this policy or exceptions to this policy will be addressed on a “case by case” basis by County staff with final authorization from the General Manager of Planning and Economic Development.

### **Policy Goals:**

1. To provide a comfortable, respectful and safe environment for patrons and guests of the County's programs and properties.
2. To provide a comfortable, respectful and safe work environment for County staff and community volunteers. This policy will be applied in coordination with Haldimand County's Respect in the Workplace and Workplace Violence Policies.
3. To recognize and meet the needs of all Haldimand County programs and properties to implement zero tolerance when dealing with inappropriate public conduct on Haldimand County property.
4. To reduce or eliminate violence on County properties (indoor and outdoor).
5. To increase the level of awareness of users regarding good behaviour and the importance of a positive and supportive environment.
6. To ensure that wireless internet connections in County facilities are used in keeping with the respectful and decent tone of a public facility used by children and families.
7. To outline the process that will be implemented to address inappropriate behaviours and violence, vandalism and the inappropriate use of technology.

### **Enforcement Procedures:**

In accordance with the *Occupiers' Liability Act*, the *Occupational Health and Safety Act*, the *Trespass to Property Act*, the *Criminal Code*, municipal by-laws and policies and other provincial legislation, contract holders and community volunteers are authorized to initiate enforcement options at County programs and properties:

In the event that the contract holder or community volunteer can not control the situation:

1. When possible, Haldimand County facility staff will be asked for assistance; or
2. In the event that Haldimand County facility staff are not available, the contract holder and/or community volunteer will contact the Ontario Provincial Police (OPP) for assistance.

### **When inappropriate behaviour, violence, vandalism or inappropriate use of technology is witnessed:**

1. Assess situation to determine if policy should be enacted.
2. Request that the identified party, without jeopardizing one's safety, cease the inappropriate behaviours and/or violence immediately.
3. Advise the identified party that failure to cease the inappropriate behaviour, violence, vandalism or inappropriate use of technology that jeopardizes the safety of others or themselves will result in police being called and advise they will be considered to be trespassing.

4. If individual refuses to cease inappropriate activity, do not engage in argument or physical confrontation, call the police (911) and report individual(s) immediately.
5. Advise authorized staff of the situation, if applicable.
6. Complete all aspects of the Public Conduct Incident Form and submit to the Supervisor, Community Programs & Events within three (3) business days of the incident.
7. Incident will be reviewed by staff.
8. Follow up action taken and documented.

#### **Incident Review and Follow-up:**

**This process will be administered by the Supervisor, Community Programs & Events, Community Development and Partnerships Division upon receipt of a Public Conduct Incident Report.**

1. Staff will review the Public Conduct Incident Form. As well, staff may view available video of the occurrence (in accordance to the "Security Video Surveillance Systems Policy") and follow up with interviews if necessary. (The review process shall be initiated upon receipt of a completed Public Conduct Incident Form.)
2. Staff will contact the Ontario Provincial Police (OPP) to determine if a report has been filed and obtain any further information or details related to the incident.
3. Should the incident be associated with a contract holder or community volunteer at the time of occurrence, staff will work with the contract holder or community volunteer to determine the details of the incident.
4. Staff (and the contract holder or community volunteer, if applicable) will meet with the individual(s) responsible for the inappropriate behaviour, violence, vandalism or inappropriate use of technology to review the suspension and issue the letter of suspension. Facility staff, contract holder and/or community volunteer and the police will be notified when applicable and copied regarding outcome of the investigation.
5. Should the individual(s) choose to not meet, a letter of suspension will be sent by staff utilizing registered mail (if address is known).
6. Should the incident involve damages to a County facility or result in increased maintenance, an invoice for recovery of repair of damages, including materials and labour and an administrative fee will be charged.
7. There will be no reconsideration by the County with respect to the length of the suspension time given, unless new information becomes available.
8. Following the fifth (5<sup>th</sup>) anniversary of a reported incident, with no further contraventions of this policy, the individual's record will be expunged.

#### **Enforcement Consequences:**

The following chart represents guidelines and outlines the consequences for acts of inappropriate behaviour, violence, vandalism or inappropriate use of technology in County programs and property. It is understood this does not include all types of inappropriate behaviour, violence, vandalism or inappropriate use of technology, and that each incident will be reviewed based upon the information available at the time, and that the consequences outlined below are guidelines and may be adjusted to reflect the severity of conduct and/or actions involved. Any restrictions/suspensions will apply to all County programs and properties, with the exception of the properties managed by the Haldimand County Public Library Board.

Subsequent acts of inappropriate behaviour, violence, vandalism or inappropriate use of technology will result in increased consequences and incidents may be reported to the OPP, Haldimand County detachment, which may result in criminal charges being laid.

| Behaviour   | Description  | Consequence of 1st Occurrence  | Consequence of 2nd Occurrence | Consequence of 3rd Occurrence | Consequence of 4th Occurrence |
|---|--|--|-------------------------------|-------------------------------|-------------------------------|
| <b>Inappropriate behaviour, non violent in nature:</b>                | <ul style="list-style-type: none"> <li>- refusal to abide by specific program or facility rules or the terms of a rental contract</li> <li>- inappropriate verbal language and non verbal signs</li> <li>- illegal acts such as use of tobacco products, alcohol</li> <li>- inappropriate use of technology</li> </ul> | Immediate ejection, followed by written warning  | 1 month suspension            | 3 month suspension            | 6 month suspension            |
| <b>Inappropriate behaviour with the potential to incite violence:</b> | <ul style="list-style-type: none"> <li>- threats and attempts to intimidate</li> <li>- verbal assaults</li> <li>- throwing of articles</li> <li>- physical intimidation</li> </ul>   | Immediate ejection, police contacted, followed by written warning  | 6 month suspension            | 3 year suspension             |                               |
| <b>Inappropriate behaviour with physical violence:</b>                | <ul style="list-style-type: none"> <li>- physical contact</li> <li>- fighting (excluding on- ice, arena floor and sport field activities)</li> </ul>   | Immediate ejection, police called, 1 year suspension   | 3 year suspension             | 5 year suspension             |                               |
| <b>Vandalism:</b>   | <ul style="list-style-type: none"> <li>- glass breakage</li> <li>- graffiti</li> <li>- theft</li> <li>- arson</li> <li>- spam</li> </ul>   | Immediate ejection. Those identified as perpetrating vandalism will be required to pay 100% cost of repairs (including but not limited to materials, equipment, labour and administrative costs). A suspension may be applied. In the event that the individual(s) can't be identified, the contract holder will be held responsible and invoiced accordingly. |                               |                               |                               |

### Appeal Process:

Where new information is available, a suspended individual may request in writing reconsideration of the facts on which the suspension is based. Such written request must be addressed to the Manager, Community Development and Partnerships within thirty (30) days of the suspension letter being issued. It is at the discretion of the Manager to deem whether the new information will be satisfactory to proceed with the appeal hearing. All decisions of the Appeal Board (three (3) members approved by Haldimand County Council; to include the Manager of Community Development and Partnerships, a Haldimand County Councillor and a community volunteer) will be deemed final.

### Education & Awareness:

Haldimand County, Community Development and Partnerships staff along with community volunteers, will undertake a promotional and educational campaign aimed at raising awareness among parents, volunteers, spectators and general public of the Public Conduct on Haldimand

County Property Policy and in particular, the importance of their role in creating a positive atmosphere when on County properties.

Initiatives will include:

- Circulation of the policy to all facility rental contract holders and community having management agreements with the County;
- Signage/posters to be displayed in all County properties;
- The policy will be referenced in the Terms & Conditions section on all facility contracts and permits;
- Regular user groups will be asked to update and amend their club's constitutions and/or code of conduct to reflect this policy;
- Regular user groups will be asked to designate a person responsible for the implementation and administration of the Public Conduct on Haldimand County Property Policy at each event;
- Community volunteers will be asked to reference the policy in their organization newsletters/booklets and will be provided with tools to help communicate to participants, parents and patrons;
- Where possible, announcements will be made prior to all games regarding the policy and reporting of incidents;
- On an ongoing basis, staff will follow-up with representatives of organizations that have had an incident or been affected by this policy, to review the process and resulting consequences to ensure the policy is addressing inappropriate behaviour in an effective manner; and
- Staff will review the education and promotional campaign on an annual basis with community groups to ensure the policy remains effective.

### **Prevention of Incidents:**

In an effort to prevent inappropriate behaviour, violence, vandalism or inappropriate use of technology, community groups shall be requested to:

- ✓ Ensure all participants, coaches and parents sign a code of conduct contract.
- ✓ Ensure all spectators are aware of the Public Conduct on Haldimand County Property Policy.
- ✓ Have a representative for each group or team on site who understands the terms of the policy.
- ✓ Advise without jeopardizing one's safety, unidentified party that there is zero tolerance for inappropriate behaviour and they are contravening the Public Conduct on Haldimand County Property Policy.

Facility and Parks Operations and Community Development and Partnerships front-line staff will receive training on their roles and responsibilities as set out in the Public Conduct on Haldimand County Property Policy, and will be re-trained on an annual basis.

Facility users groups and community volunteers will be notified of the updated policy. Community Development and Partnerships staff will provide orientation sessions to ensure they are aware of, and informed about, the updated policy and their role in ensuring that all participants, spectators, volunteers and staff have the right to be safe and feel safe while attending a program or facility on County property.

### **3. Definitions:**

For the purposes of this policy, the definitions of inappropriate behaviour and/or violence, inappropriate use of technology and vandalism include, but are not limited to:

#### **Inappropriate Behaviours and/or Violence:**

- refusal to abide by specific program or facility rules
- verbal assaults (profanity and/or loud verbal assaults including racial or ethnic slurs, directed at participants, spectators, referees, County staff and volunteers)
- threats and attempts to intimidate
- throwing of articles in a deliberate or aggressive manner
- aggressive approaches to another individual
- attempts to goad or incite violence in others
- physical striking of another individual
- participation in any illegal act on County property (i.e. drugs, drinking, use of tobacco products in areas designated tobacco free, etc.)

#### **Inappropriate Use of Technology:**

For the purposes of this policy, inappropriate use of technology includes, but is not limited to:

- using technology devices to photograph images of participants, spectators, County staff or volunteers without their express written consent using technology device(s) for illegal or criminal purposes
- invading or attempting to invade another person's privacy
- sending or receiving documents, websites or pages that contain lewd, illegal or offensive materials via internet
- viewing, producing or exhibiting lewd, illegal or offensive materials, either hard copy or using technology devices
- sending or creating viruses, worms and other invasive computer programs
- hacking or other unauthorized access or attempts thereof
- illegal downloading or copying of software or data

#### **Vandalism:**

For the purpose of this Policy, vandalism is defined as the deliberate act of destruction or damage to County owned property, buildings or equipment. Examples of vandalism include but are not limited to:

- glass breakage
- graffiti
- theft
- arson
- spam

#### **Community Volunteer:**

- a) a representative of a community hall group;
- b) a representative of a field management group; or
- c) a representative of a community group sponsoring a recognized Haldimand County special event.

**Contract Holder:**

- a) an individual who assumes personal responsibility for the contract;
- b) designated representative of a recognized minor or junior sports association; or
- c) legal entity or corporation.

**Regular User Sport Group:**

Resident or non-resident sport organizations, that rent facilities on a weekly basis for their applicable sport season.

| REVISION HISTORY |          |      |           |       |   |
|------------------|----------|------|-----------|-------|---|
| REPORT           | CIC      |      | COUNCIL   |       | DETAILS   |
| PED-COM-01-2014  | 4-Mar-14 | 2    | 17-Mar-14 | 41-14 | Established Policy No. 2014-02 – Public Conduct on Haldimand County Property and rescinded Policy No. 2003-08 – For the Sake of Sport Policy. |
|                  | Date     | Rec# | Date      | Res#  |   |
|                  | Date     | Rec# | Date      | Res#  |   |
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