

CITY OF
Burlington
Corporate Policy

Recreation, Community and Culture - formerly Parks & Recreation

Zero Tolerance

Approved by Council on: September 2003

Report Number: PR-43-03, AMENDED PR-08-07

Effective: September 29, 2003

Reviewed on: March 25, 2020

Amended: October 1, 2007

Next Review: December 31, 2020

Note:

Purpose:

The City of Burlington's recreational programs, facilities and properties exist to provide residents with opportunities to participate in sport, culture, and recreational activities.

Participation in recreational activities is an important element in the human development process. The City of Burlington operates programs, facilities and properties that encourage such participation and is committed to ensuring the safety of patrons as well as staff.

As with other communities, many of Burlington's community-based programs are managed and operated by volunteers. These community-minded citizens contribute greatly to the quality of life in Burlington. The City endeavors to ensure that they too, have the ability to volunteer in a safe and positive environment.

Therefore, the City through Recreation, Community and Culture, ensures that measures are in place so that incidents of violence or inappropriate behaviour do not occur in its programs, facilities, and properties.

Included in this commitment is an understanding that organizations and the general public using Recreation, Community and Culture programs, facilities and properties must take primary responsibility for the behaviour of all associated with them: participants, officials, spectators, patrons, parents, etc.

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Scope:

This Policy applies to all Recreation, Community and Culture programs, facilities, and properties and to all patrons and guests as well as activities that are structured (i.e., permit issued) and unstructured (i.e., no permit issued).

No form of vandalism, violence, or indecency, including viewing, producing, or exhibiting lewd, illegal, or offensive materials is acceptable on properties, or in facilities.

For the purposes of this Policy, “vandalism” is defined as the malicious, willful, and deliberate destruction, damage or defacing of property owned or permitted through the Recreation, Community and Culture Department. “Lewd, illegal or offensive materials” would include pornography, violent acts, indecency, hate, illegal gambling, profanity and material with text or imagery that has explicit or malicious intent.

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Unacceptable Behaviour:

- loud verbal assaults directed at participants, referees, members of the public and City staff deemed to be aggressive or intimidating or having the objective of inciting violence.
- threats and attempts to intimidate
- throwing of articles in a deliberate or aggressive manner
- aggressive approaches to another individual
- physical striking of another individual
- attempts to goad or incite violence in others
- vandalism to building or property owned or permitted through the Recreation, Community and Culture Department
- racial or ethnic slurs
- illegal consumption of alcohol or drugs
- harassment
- viewing, producing, or exhibiting lewd, illegal, or offensive materials, either hard copy or using a wireless internet connection
- sending or receiving documents, websites or pages that contain lewd, illegal, or offensive materials via internet

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- Using technology devices to photograph images of patrons, volunteers or staff without their express written consent or knowledge or without the permission of City facility staff
- Hacking or other unauthorized access or attempts thereof
- Sending or creating viruses, worms, and other invasive computer programs
- Invading or attempting to invade another person's privacy
- Illegal downloading or copying of software or data

Policy Statement:

Burlington Recreation, Community and Culture programs, facilities and properties are places that promote learning, leisure, and respect in a safe environment. All patrons, staff, volunteers, and spectators 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 other patrons behave in a manner consistent with a public space, wherein use of wireless internet connections are not for the purposes of viewing producing or exhibiting lewd, illegal, or offensive materials. With this right comes the responsibility to be accountable for actions/behaviour that put at risk the safety of others.

The City of Burlington will not tolerate indecency, violence or vandalism in its programs, facilities or properties and will take appropriate action where necessary to deal with these incidents.

Goals of this Policy:

1. Recognize and meet the needs of all Recreation, Community and Culture programs, facilities, and properties to implement a Zero Tolerance Policy.
2. To reduce or eliminate violence in Recreation, Community and Culture programs, facilities and properties including all indoor and outdoor venues.
3. Increase the level of awareness to users regarding good behaviour and the importance of a positive and supportive environment.
4. To implement a standard operating guideline for staff and users to follow.
5. To ensure that wireless internet connections in Recreation, Community and Culture facilities are used in keeping with the respectful and decent tone of a public facility used by children and families.

Outcomes of this Policy:

1. To develop and recommend a Policy and Procedures that can be used in Recreation, Community and Culture programs, facilities, and properties regarding Zero Tolerance.
2. To provide a comfortable, respectful, and safe environment for patrons and guests of the City's Recreation, Community and Culture programs, facilities, and properties.

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3. To provide a comfortable, respectful, and safe work environment for City staff and volunteers.
4. To outline the process that will be taken to address vandalism, including recovery costs incurred to repair damages.

General Rules of Procedure:

1. Receive/ witness unacceptable behaviour
2. Assess situation
3. Address individual(s) in a courteous but firm manner
4. Request co-operation and advise of next steps
5. If no co-operation, enforce trespass action if necessary
6. Contact police if necessary
7. Advise authorized staff supervisor or on call supervisory personnel if necessary
8. Prepare report, if required.
9. Issue a letter of ban if necessary
10. Appeal process.

Implementation of Policy:

This Policy as amended will take effect for the City of Burlington on upon Council approval. Pending implementation, existing policies and practices will remain in effect and will continue to be enforced.

Procedure:

ENFORCEMENT OPTIONS

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 other Provincial Legislation, Recreation, Community and Culture staff are authorized to provide enforcement options at a city facility if inappropriate behaviours or activities are observed or reported.

When staff will act:

- upon observation of any physical violence or vandalism
- upon observation of viewing, producing, or exhibiting lewd, illegal, or offensive materials, or on listening to discussion which may indicate the use of such materials
- upon observation of verbal abuse or threat

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- at the request of a community group representative, who acting reasonably is unable to get co-operation from parents/coaches/spectators
- at the request of a community group or individual who, as part of their operations, are threatened, intimidated, or persistently disrupted for the purposes of inciting negative activity

Requirements of Staff:

- Upon observing physical violence:
 - assess situation to determine if Policy should be enacted
 - advise identified party, without jeopardizing one's safety, that they stop activity immediately
 - call Police and report individual(s)
 - advise authorized staff supervisor or on call supervisory personnel immediately
 - prepares incident report
 - incident to be reviewed by staff if action taken
- Upon reported actions by Community Group/Representative or Volunteer:
 - assess situation to determine if Policy should be enacted
 - advise identified party, without jeopardizing one's safety, to exit the property
 - if party does not co-operate inform identified party they are now trespassing, and Police will be called
 - if individual refuses to leave, do not engage in argument or physical confrontation, leave, and call the Police
 - advise authorized staff supervisor or on call supervisory personnel
 - prepare Incident Report
 - request full written report from community group/representative
 - prepare incident report
 - incident to be reviewed by staff if action taken
- Upon witnessing continued verbal abuse or activity:
 - assess situation to determine if Policy should be enacted
 - advise, without jeopardizing one's safety, that if the party continues, they will have to leave
 - if party does not co-operate, inform the identified party, without jeopardizing one's safety, that they are now trespassing, and Police will be called
 - advise authorized staff supervisor or on call supervisory personnel

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- if removing instigator (s) from property, request full written report from community group/representative after removal
- prepare incident report
- incident to be reviewed by staff if action taken
- Upon observing use or viewing, producing, and exhibiting of lewd, illegal, or offensive materials:
 - assess situation to determine if Policy should be enacted
 - advise identified party, without jeopardizing one's safety, that they stop activity immediately
 - advise authorized staff supervisor or on call supervisory personnel immediately
 - the supervisor will attempt to secure the individual's identity and to ascertain the purpose of their visit
 - should the inappropriate activity continue, the supervisor will advise the identified party, without jeopardizing anyone's safety, to exit the property
 - if the material is or may be deemed to be hate material or child pornography or other material that contravenes or may contravene the Criminal Code of Canada, the police will be called
 - prepare incident report
 - incident to be reviewed by staff if action taken

Requirements of Users and Volunteers

- have a representative for each group or team on site
- have representatives understand the use of Policy
- advise, without jeopardizing one's safety, identified party they are contravening the Zero Tolerance Policy
- provide full written report related to incident
- notify City personnel of issues pertaining to the Policy

CONSEQUENCES:

Individuals who engage in any unacceptable behaviour, as outlined in this document, may be subject to immediate ejection from the premises and if necessary, a suspension for a period of time not less than one month. The suspension may apply to all programs, facilities, and properties, if warranted.

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Minimum periods have been established as guidelines (See Appendix A-2) and may be extended by the City's Director of Recreation, Community and Culture or designate.

All incidents that result in a suspension or banning from programs, facilities and properties will be followed-up in writing by the Recreation, Community and Culture Department, outlining the details of the suspension. The final decision related to the details of the suspension or banning will be made by the Director of Recreation, Community and Culture or designate.

Appropriate staff in facility sections and/or geographic areas will be notified of individuals who receive a ban from City properties and facilities.

Staff will bring an incident to the attention of a community group if the individual(s), who is identified and suspended in accordance with this Policy, hold(s) a position within a community group.

Repercussions:

- Instant ejection from facility upon request of supervisor
- Banning from programs/facilities/properties.
- Incidents may be reported to the Halton Regional Police Service or other authorities. Criminal charges may follow.

Where new information is available, a suspended individual may request reconsideration of the fact on which the suspension is based. Such request must be addressed to the Director of Recreation, Community and Culture or designate, who will consider the new information and make his or her decision.

NOTE: There may be exceptions to the above if:

- The participant does not have the ability to control his/her behaviour.
- The participant cannot understand his/her actions.
- The participant has special needs and cannot appreciate his/her actions and the impact it has on others.
- In the case of wireless internet connection, computer, or other electronic device, that it can be shown that the person inadvertently allowed or mistakenly opened an inappropriate site, page, or file in error
- Medical proof may be required.

Where vandalism/theft has been perpetrated, not only will the individual(s) responsible be subject to suspension as outlined in the Procedure, they may also will be required to reimburse the City for all costs associated with any repairs as well as any lost revenues.

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APPEAL PROCESS:

An individual who has been suspended or banned from City programs, facilities and properties may appeal the decision.

Appeals must be submitted, in writing, to the Director of Recreation, Community and Culture or designate, within 14 days of the decision. A \$200 non-refundable fee must accompany all appeals. If the fee is not received, the appeal will not be considered. The Director of Recreation, Community and Culture or designate, in consultation with the Section Manager, will review appeals. The decision by the Director of Recreation, Community and Culture or designate is final.

PUBLIC EDUCATION AND AWARENESS:

Burlington Recreation, Community and Culture, with its community partners, will undertake a promotional and educational campaign aimed at raising awareness among parents, volunteers, spectators, and patrons of the Zero Tolerance Policy and, in particular, the importance of their role in creating a positive atmosphere.

This component will include posters to be displayed in Recreation, Community and Culture facilities and properties; circulation of the Policy to stakeholders; along with the inclusion of reference to the Policy in community organizations' newsletters/ handbooks.

The Policy will be displayed in facilities and referenced in the Terms & Conditions stated on our permits. It is anticipated that the education and promotional campaign will have an immediate impact. Staff will review promotional materials and work together with volunteer organizations to raise awareness of the Policy.

On an ongoing basis, staff will follow-up with representatives of organizations that have had a participant/parent, volunteer or staff impacted by this Policy, to review the process and resulting consequences to ensure the Policy is addressing inappropriate behaviour in an effective manner.

STAFF EDUCATION AND AWARENESS:

Staff will receive orientation information and the Zero Tolerance Policy will be an integral part of staff training sessions on an annual basis.

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ZERO TOLERANCE ENFORCEMENT GUIDELINES

The following chart represents guidelines and outlines the consequences for acts of inappropriate behaviour in Recreation, Community and Culture programs, facilities, and properties. It is understood this does not include all types of behaviour, that each incident will be reviewed based on information available, and that consequences outlined below are guidelines may be adjusted to reflect conduct/actions. Consequences may be harsher if criminal convictions are involved. Time banned is from all Recreation, Community and Culture programs, facilities, and properties of the City of Burlington.

INCIDENT	CONSEQUENCES OF 1 st OCCURRENCE	CONSEQUENCES OF 2 nd OCCURRENCE	CONSEQUENCES OF 3 rd OCCURRENCE	ANY SUBSEQUENT OCCURRENCES
Loud verbal assaults	Minimum 1 month ban	Minimum 3-month ban	Minimum 1 year ban	Minimum 3-year ban and review to determine if further consequences are warranted.
Threats and attempts to intimidate Aggressive approach to another individual Attempts to goad or incite violence in others	Minimum 3-month ban	Minimum 6-month ban	Minimum 2-year ban	Minimum 3-year ban and review to determine if further consequences are warranted.
Throwing of articles in a deliberate/aggressive manner Physical striking of	Minimum 6-month ban	Minimum 1 year ban	Minimum 3-year ban	Minimum 3-year ban and review to determine if further consequences are warranted.

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<p>another individual</p> <p>Vandalism to building or property/theft</p> <p>Racial or ethnic slurs</p> <p>Illegal consumption of alcohol or drugs</p> <p>Harassment</p>				
<p>Use of wireless internet connectivity to view, produce or exhibit lewd or offensive materials</p>	<p>Minimum 1 month ban</p>	<p>Minimum 3-month ban</p>	<p>Minimum 1 year ban</p>	<p>Minimum 3-year ban & determine if further consequences warranted.</p>
<p>Use of wireless internet connectivity to view, produce or exhibit illegal materials, such as child pornography or hate propaganda</p>	<p>Minimum six-month ban</p>	<p>Minimum one year ban</p>	<p>Minimum three-year ban</p>	<p>Lifetime ban</p>
<p>Use of technology devices to photograph images without consent</p>	<p>Minimum one month ban</p>	<p>Minimum 3-month ban</p>	<p>Minimum 1 year ban</p>	<p>Minimum 3-year ban & determine if further consequences warranted.</p>

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Roles:

Accountable:

The Director of Recreation, Community and Culture is answerable for the timely review, updating and dissemination of the policy in the functional area.

Responsible:

Recreation, Community and Culture Staff; Road, Parks and Forestry Staff