



<b>CORPORATE POLICY</b>		<b>CP.6.1.9</b>
<b>Section</b>	<b>6</b>	Facilities and Parks
<b>Subsection</b>	<b>1</b>	General
<b>Chapter</b>	<b>9</b>	Respectful Recreational User Policy
<b>Approval Authority:</b> 2019.11.27-CR-02		<b>Effective Date:</b> November 27, 2019

## 1. PURPOSE:

The Corporation of the Town of Innisfil (the “Town”) is committed to fostering an environment of respect and responsibility throughout all of its recreational facilities and programming. The Town wishes to ensure that all Town facility and program users (“Users”) can participate in recreational and leisure activities in a safe, positive, fair and sporting environment. In order to do so, the Town has implemented the within policy to help identify inappropriate behavior and implement deterrents.

Included in this policy is the expectation that Users must take primary responsibility for the behaviour of all individuals associated with them, including other participants, officials and spectators.

This policy will guide staff and the public in identifying situations that meet the criteria of inappropriate behaviour, and the associated actions that may be taken in such circumstances. The goal of this Policy is to promote a positive, safe and supportive environment for Users that will encourage fair play, good sportsmanship, safety and respect. This Policy also aims to provide measures that may be taken when behaviour or actions become inappropriate.

## 2. SCOPE/APPLICATION

This policy applies to all members of the public attending or enrolled in Town-sponsored or facilitated activities, events, programs or leagues:

- at all Town facilities and properties;
- at all Town sponsored events and programs;
- in all verbal or written communications (including email, phone and via social media).

This policy is designed to provide members of the public and staff with a positive approach to promoting fair play, good sportsmanship, safety and respect. The decision to classify a person’s behaviour as *inappropriate* may have serious consequences for the subject person, including restricting their access to Town facilities and programs. All decisions made under this Policy are made with due regard to the subject person’s rights, the Town’s obligations to its citizens and its staff.

Staff are not expected to put themselves at risk or jeopardize anyone’s safety when dealing with any real or perceived situation. If at any time staff feels threatened, they are

to call 9-1-1 for assistance. If the nature and severity of an issue is known in advance to be contentious (at a meeting, event, or any other location where town staff is present) staff may request the attendance of the police, or another staff member.

### 3. EXCEPTIONS

Complaints made to the Town's Integrity Commissioner under the Town's Code of Conduct are not subject to this policy.

This policy is meant to be read in conjunction with the Town's Respectful Interactions Policy (CP.1.1.11), the Town's Trespass to Property Policy (CP.01-14-10), the Town's Customer Service Response Policy and Standards (CP.03-11-02).

Nothing in this policy is meant to conflict with the Town's Respectful Workplace Policy (CP.07-04-06), nor the Town's Code of Conduct & Conflict of Interest (CP.03-10-06).

### 4. IDENTIFYING THE CONDUCT OR BEHAVIOUR

For the purposes of this policy:

***Inappropriate behaviour*** means conduct that is unacceptable in all circumstances – regardless of how stressed, angry or frustrated an individual is, because it unacceptably compromises the health, safety and security of others or the subject person him or herself.

Although each case must be determined in light of its own circumstances, below are examples meant to help staff identify ***inappropriate*** conduct. It is understood that these examples are not determinative; the list is not exhaustive, nor does any action set out in the list necessitate application of this Policy.

***Inappropriate behaviour or actions*** for the purpose of this policy include, but are not limited to, the following:

- Aggressive or intimidating physical approaches directed at another individual;
- Physical behavior that goes beyond the rules of the game or program;
- Aggressive or offensive language, content or tone, meant to intimidate, harass, incite, insult or disparage others;
- Implied or expressed threats of violence or harm;
- Attempts to goad or incite anger in others;
- Physical striking or throwing of objects or articles in a deliberate or aggressive manner;
- Physical striking of another individual;
- Theft of property;
- Possession of weapons;
- Under the influence of alcohol or drugs (legal or otherwise);
- Refusal to follow the rules within the facility;
- Vandalism: the deliberate destruction, damage or defacing of property owned or leased through the town;

- Harassment: “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome” as defined by the Ontario *Human Rights Code* and more broadly in the *Occupational Health and Safety Act*.

Deciding whether a subject person’s conduct is ***inappropriate*** requires considering each situation on a case by case basis, taking into account all circumstances. The key question is whether the subject person’s behaviour or actions are unacceptable in all circumstances as defined in this Policy.

The decision may be made as a result of the subject person engaging in one or more behaviours identified as ***inappropriate***. Staff must be able to establish, through documented words and/or actions of the subject person (i.e. Witness statements/testimony, Incident Report, etc... ), that the conduct of the subject person is ***inappropriate***, before applying the restrictions outlined in this policy. This does not preclude staff from taking immediate action in any real or perceived situation where they feel their safety, or anybody else’s is in jeopardy.

## 5. ADDRESSING THE CONDUCT OR BEHAVIOUR

In the event of an incident involving ***inappropriate behaviour or actions*** in-person, Staff will:

1. Without jeopardizing anyone’s safety, issue a verbal warning by advising the subject person their behaviour or actions are ***inappropriate*** and needs to stop or they may be asked to leave the premises.
2. If the subject person’s behaviour or actions continue to be ***inappropriate***, advise the subject person their behaviour or actions are ***inappropriate*** and need to stop immediately or they will be asked to leave the premises.
3. If the circumstances demand asking the subject person to leave the premises and they refuse, advise them that they are now trespassing, and the police will be called.
4. If the subject person still refuses to leave, ensure you and others are in a safe location. Call the police and do not engage further with the subject person.
5. Report the ***inappropriate behaviour or actions*** to the Service Area Leader or designate immediately.
6. The Service Area Leader or designate will report the incident to the Leadership teams or designate(s) immediately to ensure the safety of all staff.
7. Within 24 hours of the incident, an Incident Report is prepared by the staff involved and the Service Area Leader for review and consideration by Senior and Operational Leadership teams.

When dealing with ***inappropriate behaviour or actions*** the Town’s primary concern is the safety of members of the public and staff. If at any time members of the public or staff feel personally threatened, they are to call the police immediately. It is not the expectation that members of the public or staff put themselves at risk or jeopardize anyone’s safety when dealing with any perceived or real situation.

In the event of an incident involving ***inappropriate behaviour or actions*** by reported by a third party, Staff will:

1. Investigate the incident by asking the Third Party, the person(s) who allegedly acted inappropriately (the Subject Person) and any other witnesses, to provide written statements;
2. Provide a summary of the statements to their Service Area Leader;
3. Within 24 hours of the first report by a third party, an Incident Report is filed with the Service Area Leader thoroughly documenting the interaction.

The Service Area Leader will review the Incident Report and summary of statements and engage with the Subject Person (where possible and appropriate) to investigate the incident. Where the Service Area Leader determines that the subject person's conduct was ***inappropriate***, the Service Area Leader may issue restrictions pursuant to this Policy. Restrictions issued pursuant to this policy are to be documented in the corporate tracking system (ie. MOAR) and communicated to the Operational and Senior Leadership teams.

## 6. APPLICATION OF RESTRICTIONS AND NOTICE

When a decision has been made to classify the Subject Person's conduct as ***inappropriate***, the Subject Person (where possible and appropriate) will receive written notification from the Service Area Leader or designate detailing:

- The reasons for the decision;
- The restrictions to be applied;
- The review date; and
- What it means for the subject person's participation in Town programs and attendance at Town facilities.

Restrictions available under this Policy for ***inappropriate behaviour*** shall be tailored to deal with the individual circumstances of each case and may include, but are not limited to:

### **In-Person Interactions**

- Immediate expulsion or removal from the premises;
- A ban from specified Town facilities, properties, events or programs for a specified period of time;
- Request for reimbursement of any damages caused by the subject person's ***inappropriate behaviour or actions***;
- Limiting or regulating the subject person's use of municipal services (i.e. Community centres, libraries, registration in programs, access to technology systems, etc.);
- A letter of warning may be issued to the subject person for any behaviour that is in violation of this policy;
- Pursuing legal action; and/or

- Any other actions deemed appropriate by the Service Area Leader.

## **7. REVIEW OF RESTRICTIONS**

Any restrictions made under this Policy shall contain a review date. This date is set at the discretion of the Service Area Leader or his or her designate, having considered the circumstances of the case. A review date may be 3 months or longer from the date on which the restrictions were put in place where the conduct or behaviour has been deemed severe or where the subject person's conduct or behaviour has established a pattern of behaviour necessitating a longer period of restriction.

The status of the subject person will be reviewed by the relevant Service Area Leader or designate on or before the review date, the outcome of which shall be communicated to the subject person in writing.

The Service Area Leader or designate, in consultation with the Leadership Team, may extend the restrictions beyond the review date where appropriate, in which case the subject person shall be notified of the extension, the reasons for the extension and provided a new review date.

The subject person shall have 30 days from the date upon which Notice is received of either restrictions or extension/modification thereof, to appeal the decision by providing to the CAO a written letter outlining the reasons for the appeal. The CAO may confirm, rescind or amend the restrictions, review date, extension or modifications.

In the event that complaints cannot be resolved under this Policy, they may be submitted to the Provincial Ombudsman's office.

## **8. RECORD RETENTION**

Staff are responsible for maintaining detailed records of their interactions in order to justify any action being taken to restrict the subject person's access to the Town. Records must be retained in accordance with the Town's Records Retention Policy (CP.03-17-01).

## **9. POLICY ADMINISTRATION**

This policy shall be administered by the Town's Leisure Service and Operations Department, with support from Legal Services as/when required and reviewed once every 3 years, or as required based on revisions to corporate practices or governing legislation.

## **10. REVISION HISTORY**

<b>Revision Number</b>	<b>Date</b>	<b>Summary of Changes</b>	<b>Approval Authority</b>