

City of Niagara Falls R-zone Policy (R-2008-21)

Effective starting May 26, 2008

Purpose Statement

- 1) The City of Niagara Falls (hereinafter referred to as The City) is committed to ensuring the safety of service users and staff in its programs, facilities or properties, and fostering an environment where there is Respect for others, and Responsibility for all actions. The City will exercise no tolerance to any form of violence, vandalism or inappropriate behaviour in its programs, facilities or properties.
- 2) The City's programs, facilities and properties are places that promote learning and leisure for residents. All users and staff have the right to be safe and to feel safe while attending a program, facility or property. With this right comes the responsibility to be accountable for actions or behaviours that put at risk the safety of others.
- 3) This procedure outlines the measures and enforcement steps to be taken by staff, volunteers and users in order to address inappropriate behaviour or violence in Parks, Recreation, & Cultural programs, in City owned or leased facilities and properties.
- 4) The goal of this procedure is to promote a positive, safe, enjoyable and supportive environment for all users and staff in City recreational programs and facilities, and to increase the level of understanding and awareness of this policy. In addition, this procedure will establish closer and continued relationships between the City of Niagara Falls and organizations to support this policy.

Scope

- 1) This procedure applies to all staff and users of Parks, Recreation & Culture programs, facilities and properties including but not limited to patrons, guests, spectators, fans, coaches, players, parents, volunteers and staff. It covers structured (i.e. permit issued) and unstructured (i.e. no permit issued) activities.
- 2) A licensee is an occupant of the hired facility for the purposes of the *Trespass to Property Act R.S.O. 1990 c. T.21*. Sports organizations that are licensees of municipal facilities will be required to adopt policies that ensure that the R-zone policies are followed by the members and guests of that organization while using, entering and exiting the facility. The policies of the such organizations shall include sanctions for violation of the R-zone policies. When a sanction is imposed by a sports organization that involves restricting the access of a member or guest to city facilities during the time or during certain times that a City facility is in or under the control of a licensee, City staff will assist the sports organizations by upholding the sanction.
- 3) Inappropriate behaviour and violence for the purpose of this policy includes, but not limited to, the following behaviours:
 - a) Loud verbal assaults directed at participants, officials, members of the public or City staff deemed to be aggressive or intimidating or having the potential of inciting violence.
 - b) Threats and/or attempts to intimidate.
 - c) Throwing of articles in a deliberate or aggressive manner.

- d) Aggressive approaches to another individual (physical/verbal assault).
- e) Physical striking of another individual.
- f) Attempts to incite violence in others.
- g) Theft of property.
- h) Possession of weapons.
- i) Vandalism to building or property owned or leased through the Parks, Recreation & Culture.
- j) Refusal to follow the rules outlined by the City of Niagara Falls.
- k) Racial or ethnic slurs.
- l) Use of Illegal drugs.
- m) Use of alcohol on non-licensed premises.
- n) 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).
- o) Contravention of City by-laws or policies.

If any of the prohibited behaviours occurs during an event organized or administered by the licensee, the licensee shall make all reasonable efforts to stop the prohibited behaviour prior to seeking the assistance of municipal staff. What is reasonable will depend on the degree of sophistication of the licensee. An organization like a sports association will be expected to deal with prohibited behaviour in a much more sophisticated manner than a person who rents a pool for a birthday party.

Procedure

Education

- 1) Parks, Recreation & Culture, with its community partners, will promote a promotional and educational campaign aimed at raising awareness among parents, participants, volunteers, officials, spectators and patrons of the Rzone operating procedures and, in particular, the importance of their role in creating a positive atmosphere.
- 2) In addition, necessary and required ongoing training and education will be provided to staff and volunteers (i.e. Rzone orientation, non-violence crisis intervention training, “Just Play” workshops), to support the implementation of this procedure.
- 3) The licensee is responsible to appropriate actions when inappropriate behaviours take place. City staff should only be asked to intervene after the licensee has made reasonable efforts to request the offending individual to leave.

Duty to Report

- 1) The City’s primary concern is the safety of the service users and it’s staff. If at any time users or staff feel personally threatened, they are to call the Police immediately. It is NOT the expectation that staff or users put themselves at risk or jeopardize one’s safety in dealing with any perceived or real situation.
- 2) City staff are to report acts of violence, vandalism or inappropriate behaviours to their immediate supervisor and convey a report to appropriate association(s) within 24 hours.

- 3) Patrons of City facilities are to report acts of violence, vandalism or inappropriate behaviours to City staff member and/or a designated person of the appropriate organization within 24 hours.
- 4) All incidents of violence and or vandalism or threatening situations must be reported to the Police.
- 5) Organizations dealing directly with incidents are required to inform the department of a resolution within 30 days.

Requirements of users and volunteers

- 1) A representative for each group or team must be on site at all times.
- 2) Representatives are required to understand the operating procedures.
- 3) Without jeopardizing one's safety, advise the identified party that they are contravening the departmental operating procedures and contact the Niagara Regional Police if necessary.
- 4) Provide full written report related to incident within the required time frame and notify City personnel.
- 5) If misconduct occurs in hired parts of City facilities, city staff should only be asked to intervene after the licensee has made reasonable efforts to request the offending individual to leave.

Upon witnessing or suspecting physical violence; enact the following City operating procedures and contact the police immediately

- 1) Without jeopardizing one's safety, advise the identified party to stop the activity immediately or they will be asked to leave.
- 2) If party does not co-operate, inform identified party they are now trespassing (as Police have already been called).
- 3) If individual refuses to leave, do not engage in argument or physical confrontation but wait for Police to arrive.
- 4) Advise authorized staff supervisor or on call supervisory personnel immediately.
- 5) Prepare R-zone Incident Report.
- 6) Incident to be reviewed by staff.
- 7) All staff shall cooperate and support Niagara Regional Police during any investigation and prosecution process resulting from any charges laid.

Upon witnessing continued verbal abuse or activity

- 1) Assess the situation to determine if departmental operating procedures should be enacted.
- 2) Advise identified party, without jeopardizing one's safety, that they stop the activity immediately or they will be asked to leave.
- 3) If party does not co-operate, inform identified party they are now trespassing and Niagara Regional Police will be called.
- 4) If individual refuses to leave, do not engage in argument or physical confrontation, leave and wait for Niagara Regional Police to arrive.
- 5) Advise authorized staff supervisor or on call supervisory personnel.
- 6) Request full written report from community group/representative.
- 7) Incident to be reviewed by staff.

Upon reported actions of physical violence by community group/representative or volunteer; enact departmental operating procedures and contact Niagara Regional Police immediately

- 1) Without jeopardizing one's safety, advise the identified party to stop the activity immediately or they will be asked to leave.
- 2) If party does not co-operate, inform the identified party that they are now trespassing (as Niagara Regional Police have already been called).
- 3) If individual refuses to leave, do not engage in argument or physical confrontation, leave and wait for Niagara Regional Police to arrive.
- 4) Advise authorized staff supervisor or on call supervisory personnel.
- 5) Request full written report from community group/representative.
- 6) Incident to be reviewed by staff.

Upon reported actions of verbal abuse or activity by community group/representative or Volunteer

- 1) Assess the situation to determine if procedures should be enacted.
- 2) Without jeopardizing one's safety, advise the identified party to stop the activity immediately or they will be asked to leave.
- 3) If party does not co-operate, inform the identified party that they are now trespassing and Niagara Regional Police will be called.
- 4) If individual refuses to leave, do not engage in argument or physical confrontation, leave and call the Niagara Regional Police.
- 5) Advise authorized staff supervisor or on call supervisory personnel.
- 6) Prepare R-zone incident report.
- 7) Request full written report from community group/representative.
- 8) Incident to be reviewed by staff.

Consequences of Non- Compliance

- 1) Individuals who engage in any unacceptable behaviour, as defined in this procedure, may, depending on the severity, be barred immediately from the premises and if necessary, a suspension for a period of time. The suspension may apply to all programs, facilities and properties, if warranted. Length of suspension will be determined by a Committee and will depend on the severity of the situation.
- 2) All incidents that result in a suspension or barring from programs, facilities and properties will be followed up in writing by Parks, Recreation & Culture, outlining the details of the suspension. The final decision related to the details of the suspension or barring will be made by the Director of Parks, Recreation & Culture or his/her designate. Correspondence related to discipline will be written under the signature of the Director of Parks, Recreation & Culture or designate.
- 3) Appropriate staff in facility sections and or geographic areas will be notified of individuals who are barred or individuals who received a letter of trespass from City properties and facilities. Appropriate organizations may be notified of the situation if warranted.
- 4) Incidents may be reported to the Niagara Regional Police Service, and charges may follow.
- 5) In addition to any other measures taken, where vandalism or theft has been perpetrated, the individual(s) responsible will be required to reimburse The City for all costs associated with

any repairs as well as any lost revenues or where appropriate be asked to repair the damage.

Appeal Process

The City's appeal process shall not be used to attempt to overturn a sanction imposed by a sports organization.

- 1) Individual(s) wishing to appeal any disciplinary measure may present their case in writing, accompanied with a mandatory \$100 fee to the Appeals Committee within 14 days of the decision. The fee will be refunded if the appeal is successful.
- 2) The Appeals Committee to consist of the Director of Parks, Recreation & Culture or designate, chair of the Recreation Committee or designate and member of Recreation Committee or sport organization in consultation with the appropriate staff or organization, will review the appeal and any decision made is final.

Definitions

Vandalism: is defined as the malicious, willful, and deliberate destruction, damage or defacing of property owned or permitted through the Parks, Recreation & Culture.

Responsibilities

- 1) Parks, Recreation & Culture Staff are the key personnel responsible for the implementation of this policy.
- 2) Divisions are responsible for ensuring that preventative measures are in place so that incidents of violence, vandalism and inappropriate behaviour do not occur in its programs, properties or facilities.
- 3) Visitors to the City of Niagara Falls' recreational programs, facilities or properties are responsible for behaving and acting in a manner that respects the rights of others in order for the services to be used and enjoyed by all.
- 4) Organizations and Users or Recipients of Parks, Recreation & Culture programs, facilities and properties are primarily responsible for the behaviour of everyone associated with them including participants, officials, spectators, patrons, parents, guests, etc.
- 5) Major User Groups by virtue of their signed agreements for use of City facilities, programs and properties, are expected to promote, support and endorse the City operating procedures within their organizations. In addition, it is the responsibility of the signator to sign a code of conduct and to ensure all those involved with the group (including out of City groups) are aware of the City's R-zone.
- 6) Casual users (non-permitted) are expected to abide by, support and endorse the City's R-zone.
- 7) The City shall work in partnership with community organization groups to ensure that their members have the opportunity to volunteer in a safe and positive environment.

Policy Review Cycle

This policy will be subject to review from time to time in a manner consistent with the City's policy review procedures.