

CORPORATE POLICY



Policy Title: **Respectful Behaviour Policy**
Policy Category: Administration Policy
Policy No.: A-009
Department: Community Services
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Author: Beth Rajnovich, Policy and Performance Analyst
Attachments: None
Related Documents/Legislation: Violence in the Workplace Policy, Code of Conduct Policy, Harassment and Discrimination Policy, and the Health and Safety Policy.

Key Word(s): behaviour, respect, security

1.0 POLICY STATEMENT:

The City of Waterloo (the City) is committed to promoting a safe, healthy, respectful, and positive environment for all members of the public, volunteers, and staff.

To this end, the goal of this policy is to define behaviour that may negatively impact the experience of others or creates unsafe conditions, and how these behaviours will be addressed when it occurs within any City facility or in association with any service, program or event provided by or associated with the City of Waterloo.

2.0 PURPOSE:

The purpose of this policy is to promote a safe, healthy, respectful, and positive environment for members of the public, volunteers, and staff.

Included in this commitment is an understanding that organizations using City facilities must take primary responsibility for managing the behaviour of all associated participants, volunteers, officials, spectators, patrons, parents, guests and the general public.

The City encourages all organizations using City facilities to develop and implement their own behaviour management policies which will help support the City policy.

Mandatory Policy, *Municipal Act*: No

Policy Administration Team, Review Date: December 31, 2013

Corporate Management Team, Review Date: December 11, 2013

3.0 DEFINITIONS:

Harassment: engaging in a course of vexatious comment or conduct that is known or ought to be reasonably to be known to be unwelcome (Ontario Human Rights Code).

Vandalism: The deliberate destruction, damage or defacing of buildings, structures or property owned or leased through the City.

Violence: The exercise of physical force, or attempt to exercise physical force, by a person, against another, that causes or could cause physical injury; Examples include: verbal threats; threatening notes or emails; shaking a fist in an individual's face, wielding a weapon, hitting or trying to hit someone, throwing an object at someone, or sexual violence.

City Facility: includes both indoor and outdoor facilities, owned, leased, rented, allocated, programmed, operated or managed by the City, intended for public or staff use. This includes, but is not limited to, City Hall, sport facilities and fields, staff offices and meeting rooms, community meeting spaces, trails, parks, the Waterloo Public Square, and the City of Waterloo museum. It does not include the Button Factory, the Clay and Glass Gallery, or Waterloo Public libraries.

4.0 SCOPE:

This policy applies to all persons (residents, non-residents, volunteers, tenants, and staff) within City facilities, and at any other location where City staff are present.

This policy applies to in-person interactions and all forms of verbal communication (for example, by telephone) and written communication (for example, by email).

Inappropriate behaviour that happens within the context of an organized sport activity will only be addressed using this policy at the request of a delegate in charge of the activity.

The policy only applies to interactions and occurrences that involve a member of the public.

This policy is intended to align with the City of Waterloo's Violence in the Workplace Policy, Code of Conduct Policy, Harassment and Discrimination Policy, and the Health and Safety Policy.

5.0 POLICY COMMUNICATION:

A copy of this policy will be posted on the City's website.

Signage will be posted at major recreation facilities (Waterloo Memorial Recreation Complex and Manulife Financial Sportsplex and Healthy Living Centre) near the main entry doors. Signage may also be posted at other locations as needed.

Brochures outlining appropriate and inappropriate behaviours will be available at indoor recreation facilities and on the City's website.

Facility users who sign contracts or acquire permits from the City will, at a minimum, be notified of the policy and its location on the City's website.

Staff will receive training on the policy as part of the new hire orientation. Managers will review the policy with staff on an annual basis and additional training will be provided as needed.

6.0 POLICY:

6.1 Inappropriate Behaviours

6.1.1 Behaviours that obstruct or hinder the ability of others to use and enjoy city facilities, or participate in City services programs or events, or compromise the safety and health of others, including staff, are unacceptable and prohibited.

6.1.2 Inappropriate behaviour for the purpose of this policy includes, but is not limited to, the following:

- a) Refusal to follow rental agreement and all other related City Policies/Procedures/By-Laws; Regional, Provincial or Federal Statutes;
- b) Blocking thoroughfares/corridors/stairways/exits;
- c) Engaging in horseplay, including running in throughways, corridors and stairwells;
- d) Causing unsanitary conditions (i.e. chewing tobacco, expulsion of bodily fluids etc.);
- e) Use of profanity or obscene language;
- f) Engaging in sexual activity;
- g) Theft of property;
- h) Vandalism of any kind;
- i) Illegal consumption of alcohol, drugs or other substances;

- j) The use of all cell phones, cameras, video recording devices, personal digital devices, or any other equipment with video or photographic abilities in change rooms and public washrooms;
- k) Display of lewd, illegal or offensive material including pornography or material that includes violent acts, indecency, hate, illegal gambling or profanity, as well as material with text or imagery that has explicit or malicious intent;
- l) Violence of any kind including:
 - Aggressive or intimidating verbal assaults;
 - Threats and/or attempts to intimidate;
 - Harassment which may include the wearing of attire, the displaying of material or the use of language that is intolerant of human rights;
 - Deliberate throwing of articles in an aggressive or disruptive manner;
 - Actual or attempted physical assaults of another person;
 - Sexual violence;
 - Attempts to goad or incite violence in others;
 - Possession of weapons.
- m) Any criminal behaviour.

6.1.3 Police should be called to respond to all occurrences of behaviour identified in section 6.1.2, items g) through m). Other types of inappropriate behaviour may also be reported to the Waterloo Regional Police Services. Charges may follow.

6.2 Responding to Inappropriate Behaviours

- 6.2.1 The City's primary concern is the safety of members of the public, volunteers, and staff. If at any time patrons, volunteers, or staff feel threatened, they are to call the Police immediately. Staff or patrons or any other member of the public are NOT expected to put themselves at risk or jeopardize their safety or that of others, when dealing with any perceived or real threatening situation.
- 6.2.2 Members of the public are encouraged to report acts of inappropriate behaviour they experience or witness to City staff.
- 6.2.3 City staff will follow the City of Waterloo's Security Incident Response Procedures when responding to an occurrence of inappropriate behaviour.

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- 6.2.4 City staff will complete the City of Waterloo's Security incident Report when responding to an occurrence of inappropriate behaviour or in response of a complaint from a member of the public, volunteer, other individuals.
- 6.2.5 The completed Security Incident Report, along with all other written documentation, including letters of warning, trespass notices, any other required documentation, and any follow up or action taken, will be provided to the appropriate manager/director AND to the Property Coordinator, Facilities & Fleet, Corporate Services, City of Waterloo. .
- 6.2.6 In accordance with the Occupiers Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code and any other relevant Provincial Legislation, City of Waterloo management and employees are authorized to respond at a City facility if inappropriate behaviours or activities are observed or reported. Management and employees have the right to ask the individuals to leave the premises. Staff are NOT expected to respond to occurrences of inappropriate behaviour if they feel unsafe, threatened, or otherwise unable to respond for any reason.
- 6.2.7 Once the Security Incident Report and all other related documentation are received by the appropriate manager/director, the manager/director will determine if additional action should be taken in accordance with the Respectful Behaviour Policy – Enforcement Guidelines.
- 6.2.8 If it is recommended that an individual should be banned from ALL City facilities, the CAO will be required to make the final decision.
- 6.2.9 Any follow up with an individual about an occurrence, such as a meeting, phone call, or other communications, must be noted in the file.
- 6.2.10 If additional action is warranted, such as a warning or trespass notice, the appropriate director will send a letter to the identified individual within 14 days of the incident. The letter will describe the occurrence of inappropriate behaviour and the remedial action to be taken. A copy of the Respectful Behaviour Policy should be included with the letter.
- 6.2.11 If the Police issue a ticket for trespassing at the request of a City staff member, the City must follow up with a letter of trespass to the individual charged, noting the length and terms of ban from City facilities, programs, services or events.
- 6.2.12 Information about incidents of inappropriate behaviour and individuals who have been issued trespass notices will be shared, on a confidential basis, with appropriate staff to help support a safe and healthy environment for patrons, volunteers, and staff.

- 6.2.13 If the individual involved in inappropriate behaviour is associated with an organization using a City facility, the organization will be notified of the incident within seven (7) days.
- 6.2.14 In addition to any other measures taken, where damage to City property has occurred, the individual(s) responsible will be required to reimburse the City for all costs associated with repairs, including labour, materials and lost revenues and will be subject to an administration fee as set out in the Fees and Charges Bylaw. Legal action may be taken to recover related costs if required.
- 6.2.15 Occurrences of inappropriate behaviour involving minors must include parent or guardian contact as soon as possible if a claim for costs will/may be made, and/or where a trespass notice is implemented.
- 6.2.16 Staff will be provided with appropriate training to support safe implementation of this policy.

7.0 APPEALS

- 7.1 If an individual wishes to appeal any action taken by the City in response to inappropriate behaviour, the individual may present their case in writing to the Commissioner of the responding Department, or should the occurrence involve the Commissioner, to the CAO or designate, within 14 days of the decision.
- 7.2 The appeal will be reviewed by the Commissioner or CAO, whose decision shall be final.

8.0 EVALUATION

- 8.1 On an annual basis, an analysis of occurrences will be completed by the Property Coordinator, Facilities and Fleet, Corporate Services, City of Waterloo, and shared with the Corporate Management Team.
- 8.2 The policy will be evaluated and revised as needed, at least once per Council term.

9.0 LINKS

- a) Occupiers Liability Act
- b) Occupational Health and Safety Act
- c) Trespass to Property Act
- d) Criminal Code
- e) Ontario Human Rights Code
- f) City of Waterloo Violence in the Workplace Policy
- g) City of Waterloo Health and Safety Policy
- h) City of Waterloo Harassment and Discrimination Policy
- i) City of Waterloo Accessibility Policy
- j) Security Incident Response Procedures
- k) Security Incident Report

10.0 COMPLIANCE

In cases of policy violation, the City may investigate and determine appropriate corrective action.

11.0 ENFORCEMENT GUIDELINES

The following chart outlines guidelines for responding to acts of inappropriate behaviour as defined in the Respectful Behaviour Policy.

These guidelines do not include all types of inappropriate behaviour. Each incident will be reviewed based on information available. The consequences outlined in the table below are guidelines only and may be adjusted to appropriately respond to each incident. Consequences may be more severe or escalated depending on the circumstances of the inappropriate behaviour. The appropriate Director, Commissioner or CAO is responsible for making decisions on consequences that deviate from these guidelines. If a subsequent occurrence of inappropriate behaviour involving the same individual falls into a different category, the more significant consequence should apply.

The length of a ban will be indicated in a letter of trespass issued by the City of Waterloo. The ban may be from one facility, multiple facilities, from all City facilities (indoor and outdoor) and City sponsored events and programs. If the recommended ban is from all City facilities and City sponsored events and programs, the CAO will make the final decision.

CATEGORY	OCCURRENCE	Response to 1 ST OCCURRENCE	Response to 2 ND OCCURRENCE	Response to SUBSEQUENT OCCURENCES
A	<ul style="list-style-type: none"> Blocking thoroughfares/corridors/stairways/exits Engaging in horseplay, including running in throughways, corridors and stairwells 	Verbal Warning	Letter of Warning	Minimum 3-month ban and review to determine if further consequences are warranted.
B	<ul style="list-style-type: none"> Causing unsanitary conditions (i.e. chewing tobacco, expulsion of bodily fluids etc.) Use of profanity or obscene language Engaging in sexual activity 	Letter of warning	Minimum 3-month ban and review to determine if further consequences are warranted.	Minimum 1-year ban and review to determine if further consequences are warranted.

CATEGORY	OCCURRENCE	Response to 1 ST OCCURRENCE	Response to 2 ND OCCURRENCE	Response to SUBSEQUENT OCCURENCES
C	<ul style="list-style-type: none"> • The use of cell phones, cameras, video recording devices, personal digital devices, or any other equipment with video or photographic abilities in change rooms and public washrooms • Displaying lewd, illegal or offensive material including pornography or material that includes violent acts, indecency, hate, illegal gambling or profanity, as well as material with text of imagery that has explicit or malicious intent • Intoxication, illegal consumption of alcohol, drugs or other substances • Violence of any kind including: <ul style="list-style-type: none"> ○ Aggressive or intimidating verbal assaults ○ Threats and/or attempts to intimidate/or acts of bullying ○ Harassment which may include the wearing of attire, the displaying of material or the use of language that is intolerant of human rights ○ Deliberate throwing of articles in an aggressive or disruptive manner ○ Actual or attempted physical assaults of another person 	<p>Automatic call to Waterloo Region Police Services.</p> <p>Minimum 6-month ban</p>	<p>Automatic call to Waterloo Region Police Services.</p> <p>Minimum 1-year ban and review to determine if further consequences are warranted.</p>	<p>Automatic call to Waterloo Region Police Services.</p> <p>Minimum 3-year ban and review to determine if further consequences are warranted.</p>

CATEGORY	OCCURRENCE	Response to 1 ST OCCURRENCE	Response to 2 ND OCCURRENCE	Response to SUBSEQUENT OCCURENCES
	<ul style="list-style-type: none"> ○ Sexual violence ○ Attempts to goad or incite violence in others ○ Possession of weapons ● Any other type of criminal behaviour 			
D	<ul style="list-style-type: none"> ● Vandalism ● Theft 	<p>Automatic call to Waterloo Region Police Services in the case of theft.</p> <p>Minimum 6-month ban plus payment of time and material costs associated with repair or replacement and an administration fee.</p> <p>The ban will not be lifted if payment is not received in full.</p>	<p>Automatic call to Waterloo Region Police Services in the case of theft.</p> <p>Minimum 1-year ban plus payment of time and material costs associated with repair or replacement and an administration fee.</p> <p>The ban will not be lifted if payment is not received in full.</p>	<p>Automatic call to Waterloo Region Police Services in the case of theft.</p> <p>Minimum 3-year ban plus payment of time and material costs associated with repair or replacement and an administration fee.</p> <p>The ban will not be lifted if payment is not received in full.</p>