



Town of Whitby Procedure

Procedure Title:	Public Code of Conduct
Procedure Number:	MS 470-001
Reference:	Public Code of Conduct Policy MS 470
Date Originated:	January 18, 2016
Date Revised:	Not applicable
Review Date:	As required
Approval:	Chief Administrative Officer
Point of Contact:	Community Services/Sr. Manager, Recreation

Purpose

The purpose of this procedure is to detail the steps to be taken by staff to implement the Public Code of Conduct Policy. This procedure promotes a safe and positive atmosphere and establishes the enforcement options for staff to deal with any incidences within the Town of Whitby in a fair and consistent manner.

Scope

The Public Code of Conduct Procedure applies to all users of Town of Whitby facilities, programs and properties including but not limited to residents, visitors, patrons, guests, spectators, fans, coaches, parents, volunteers and vendors. It covers structured and unstructured activities in all of our municipal facilities, programs and properties.

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1 Definitions

1.1 Unacceptable Behaviour may include, but is not limited to the following:

Level 1

- Creating a disturbance;
- Verbal assaults;
- Harassment/bullying;
- Wearing attire or displaying material intolerant of human rights;
- Racial or ethnic slurs;
- Use of an excessive noise maker e.g. air horn;
- Using profanity and/or obscene language disturbing to others; and
- Engaging in horseplay and/or causing unsafe/unsanitary conditions.

Level 2

- Physically striking or deliberately throwing articles at another person;
- Threats and/or attempts to intimidate;
- Aggressive approaches to another individual;
- Attempts to incite violence in others; and
- Vandalism.

Level 3

- Molesting;
- Theft;
- Assault;
- Illegal consumption of alcohol or drugs; and
- Bringing weapons to a Town facility or property.

The behaviour has been categorized for the application of potential consequences.

2 Responsibilities

- 2.1** It is the responsibility of Supervisory Staff to ensure that the Public Code of Conduct Policy and this procedure are shared with staff and they are aware of the steps to be taken in the situation of unacceptable behaviour.
- 2.2** It is the responsibility of all Town of Whitby Staff to implement the steps outlined in this procedure in the case of unacceptable behaviour.
- 2.3** It is the responsibility of the Department Head, or designate, to review appeals in a timely manner and make a final decision on the appeal.

3 Procedures

3.1 Enforcement Options

In accordance with the Occupier's Liability Act, Occupational Health and Safety Act, the Trespass to Property Act, Criminal Code, Municipal By-Laws and other Provincial Legislation, Staff are authorized to provide enforcement options at Town facilities or properties in the case of unacceptable behaviour.

Town of Whitby staff have the authority to remove any individual(s) who engage in unacceptable behaviour. Individuals may be subject to immediate removal from the facility or property. A mandatory suspension from the facility or property may also be applied. Durham Regional Police may also be notified of incidents. As necessary, staff may seek legal advice.

Staff should follow the steps as outlined in their work location Emergency Procedures, summarized as follows (location specific procedures may vary):

- a) Assess situation and do not engage in physical confrontation;
- b) Address individual(s) in a courteous but firm manner (in pairs if possible);
- c) Request co-operation and advise of next steps;
- d) If no co-operation, ask them to leave the facility/premises;
- e) Staff may speak to members of the user group or permit holder to obtain name and address of the person being asked to leave;
- f) Contact police if the individual refuses to leave;
- g) Advise Supervisor immediately if the individual has been asked to leave the facility or the police have been contacted; and
- h) Complete Public Code of Conduct Report Form and Incident Report Form.

Staff are not expected to place themselves in a situation which could result in personal harm. The safety of staff is a priority.

Staff will follow up with the individual as outlined in the consequences section below.

3.2 Consequences

Individuals who engage in any unacceptable behaviour, as outlined in this procedure, may be subject to immediate removal from the premises and if necessary, a suspension period. The suspension may apply to all programs, facilities and properties, if warranted.

All incidents that result in a suspension will be followed up in writing to the individual by Supervisory staff, outlining the details of the suspension. Appropriate staff will be copied on the correspondence so they are aware of the suspension.

The following list outlines the consequences for unacceptable behaviour. Depending on the incident, the consequences may start with a verbal warning, written warning or suspension. Each incident will be reviewed based on information available and the consequences are guidelines that may be adjusted to reflect individual circumstances.

Offence	Consequence	Action	Responsibility
Level 1	Verbal warning	Complete and forward Code of Conduct Report Form to Supervisor	Front line staff
		Enter information into myWhitby for tracking purposes	Supervisor
Level 2	Written warning	Complete and forward Code of Conduct Report Form to Supervisor	Front line staff
		Enter information into myWhitby for tracking purposes Letter to be provided by Supervisor or Manager (see sample) and copied to Department Head	Supervisor
Level 3	Suspension (length of suspension dependant on violation)	Complete and forward Code of Conduct Report Form to Supervisor	Front line staff
		Enter information into myWhitby for tracking purposes. Suspension letter (see attached) to be provided by Supervisor or Manager in consultation with the Department Head	Supervisor

Where vandalism/theft has been perpetrated, not only will the individual(s) responsible be subject to a suspension as outlined in this procedure, they may also be required to reimburse the Town for all costs associated with any

repairs, replacement or lost revenues, where appropriate Durham Regional Police may be contacted and/or the matter may be taken to the court to seek compensation.

User groups are responsible for members and permit holders are responsible for persons within their group and therefore may be subject to suspension.

3.3 Appeal Process

An individual who has been suspended may appeal the decision. The following outlines the steps to be taken in the case of an appeal.

- 1) An individual appealing the suspension must submit in writing to the Department Head a letter outlining the reason for the appeal. This must be submitted within 14 days of the suspension.
- 2) The Department Head, or designate will review the appeal in consultation with other Managers and a decision will be made.
- 3) The results of this decision will be communicated in writing to the individual making the appeal within 14 days of receiving the appeal letter. The decision by the Department Head or designate is final.

Appendices

Appendix 1	Signage
Appendix 2	Public Code of Conduct Report Form
Appendix 3	Sample Written Warning Letter
Appendix 4	Sample Suspension Letter
Appendix 5	Public Code of Conduct Brochure

Original Approved and Signed.

Robert Petrie, Chief Administrative Officer, x2211

March 15, 2016

Date