

MISSISSAUGAS OF THE CREDIT FIRST NATION
Public Conduct Policy and Procedures



PUBLIC WORKS DEPARTMENT

Public Conduct Policy and Procedure

Approved Date: April 6, 2022

Motion No. 2

MOVED BY: Councillor Fawn Sault SECONDED BY: Councillor Erma Ferrell

That the MCFN Financial Planning & Fiscal Oversight Council approves the Public Conduct Policy and Procedures prepared by the Public Works Department applicable to all MCFN Properties and Facilities effectively immediately

Implementation Date: April 6, 2022

Amended Date: October 26, 2022

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1. Purpose

In keeping with the Community & Healthy Living Lifestyle, Mississaugas of the Credit (MCFN) is investing in quality, sustainable services that promote the wellbeing of members and contribute to the betterment of the health of our residents. To meet the expectations of this priority, it is essential that all participants, spectators, volunteers, and staff have the right to be safe and to feel safe while attending a programs, facilities or property. They also have the right to expect that others will behave in a manner consistent with a safe and positive environment in public spaces. With this right comes the responsibility to be accountable for actions / behaviors that put the safety of others at risk. MCFN will have zero tolerance for inappropriate behavior, violence, indecency or vandalism in its facilities and properties, and will take appropriate action where necessary to deal with these incidents.

2. Policy Applicability

MCFN properties include facilities such as:

- a) ball diamonds, splash pads, basketball courts, walking trails, community centers, sports fields, and associated parking lots. These properties provide residents with opportunities to enjoy social and recreational activities in a safe and positive environment.
- b) MCFN operates and offers private rentals for programs/events on properties that encourage public participation and is committed to ensuring the safety of all participants, spectators, volunteers, and staff in accordance with MCFN Policy, the Ontario Human Rights Code, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, and other recognized legislation.
- c) MCFN has many programs, services and facilities are operated and/or managed by staff and volunteers. MCFN endeavors to ensure that they too, can volunteer in a safe and positive environment.
- d) The user groups or contract holders utilizing MCFN facilities and property will be held responsible for the behavior of all individuals associated with their usage of the facility or property; this includes the athletes, coaches, officials, spectators, volunteers, renters, and users.

3. Definitions

For the purposes of this policy, the definitions of inappropriate behavior and/or violence, and vandalism include, but are not limited to:

- a) Inappropriate Behaviors and/or Violence:
 - i) refusal to abide by specific program or facility rules

- ii) verbal assaults (profanity and/or loud verbal assaults including racial or ethnic slurs, directed at participants, spectators, referees, MCFN staff and volunteers)
- iii) threats and attempts to intimidate
- iv) throwing of articles in a deliberate or aggressive manner
- v) aggressive approaches to another individual
- vi) attempts to goad or incite violence in others
- vii) physical striking of another individual
- viii) participation in any illegal act on MCFN property (i.e., drugs, drinking, etc.)
- b) Vandalism - For the purpose of this Policy, vandalism is defined as the deliberate act of destruction or damage to MCFN owned property, buildings or equipment. Examples of vandalism include but are not limited to:
 - i) glass breakage
 - ii) graffiti
 - iii) theft
 - iv) arson
 - v) spam
- c) Community Volunteer:
 - i) a representative of a community hall group.
 - ii) a representative of a field user group; or
 - iii) a representative of a community group sponsoring a recognized MCFN special event.
- d) Contract Holder:
 - i) an individual who assumes personal responsibility for the contract.
 - ii) designated representative of a recognized minor or junior sports association; or
 - iii) legal entity or corporation.
- e) Regular User Sport Group:
 - i) Resident or non-resident sport organizations, that rent facilities on a weekly basis for their applicable sport season.

4. Scope

This policy applies to all MCFN properties (including indoor and outdoor facilities), activities that are being conducted on the properties – rented (i.e., rental agreement issued) and unrented (i.e., no rental agreement issued) and to all patrons and guests. It is the aim of MCFN to ensure that measures are in place so that incidents of inappropriate behavior, violence, indecency, or vandalism do not occur on its properties. Circumstances not addressed in this policy or exceptions to this policy will be addressed on a “case by case” basis by MCFN staff with final authorization from the Chief Operating Officer.

- a) Policy Goals:
 - i) To provide a comfortable, respectful, and safe environment for patrons and guests of MCFN programs and properties.
 - ii) To provide a comfortable, respectful, and safe work environment for MCFN staff and community volunteers. This policy will be applied in coordination with MCFN's A Safe and Healthy Work Environment and Violence in the Workplace Policies.
 - iii) To recognize and meet the needs of all MCFN programs and properties to implement zero tolerance when dealing with inappropriate public conduct on MCFN property.
 - iv) To reduce or eliminate violence on MCFN properties (indoor and outdoor).
 - v) To increase the level of awareness of users regarding good behavior and the importance of a positive and supportive environment.
 - vi) To outline the process that will be implemented to address inappropriate behaviors, violence, and vandalism.

5. Prevention of Incidents

- a) In an effort to prevent inappropriate behavior, violence, or vandalism user groups shall be requested to:
 - i) Ensure all spectators are aware of the Public Conduct Policy on MCFN property
 - ii) Have a representative for each group or team on site who understands the terms of the policy.
 - iii) Advise without jeopardizing one's safety, identified party that there is zero tolerance for inappropriate behavior, and they are contravening the Public Conduct Policy on MCFN property.

6. Enforcement Procedures

In accordance with MCFN Public Conduct Program Policy, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, MCFN by-laws and policies and other recognized provincial legislation, contract holders and community volunteers are authorized to initiate enforcement options at MCFN programs and properties:

- a) If the contract holder or community volunteer cannot control the situation:
 - i) When possible, MCFN facility staff will be asked for assistance; or
 - ii) If MCFN facility staff are not available, the contract holder and/or community volunteer will contact the Ontario Provincial Police (OPP) for assistance.
- b) When inappropriate behavior, violence, or vandalism is witnessed:
 - i) Assess situation to determine if policy should be enacted.

- ii) Request that the identified party, without jeopardizing one's safety, cease the inappropriate behaviors and/or violence immediately.
- iii) Advise the identified party that failure to cease the inappropriate behavior, violence, or vandalism that jeopardizes the safety of others or themselves will result in police being called and advise they will be considered to be trespassing.
- iv) If individual refuses to cease inappropriate activity, do not engage in argument or physical confrontation, call the police (911) and report individual(s) immediately.
- v) Advise authorized staff of the situation, if applicable.
- vi) Complete a report with all pertinent details and submit to appropriate MCFN employee within three (3) business days of the incident.
- vii) Incident will be reviewed by staff.
- viii) Follow up action taken and documented

7. Incident Review and Follow-up

This process will be administered by the affected employee/s involved, appropriate Director, and The Chief Operating Officer of MCFN.

- a) Director to review the report document. As well, director may view available video of the occurrence if captured and follow up with interviews if necessary. (The review process shall be initiated upon receipt of a completed report document.)
- b) Staff will contact the Ontario Provincial Police (OPP) to determine if a report has been filed and obtain any further information or details related to the incident.
- c) Should the incident be associated with a contract holder or community volunteer at the time of occurrence, director will work with the contract holder or community volunteer to determine the details of the incident.
- d) Director (and the contract holder or community volunteer, if applicable) will meet with the individual(s) responsible for the inappropriate behavior, violence, or vandalism to review the suspension and issue the letter of suspension. Facility staff, contract holder and/or community volunteer and the police will be notified when applicable and copied regarding outcome of the investigation.
- e) Should the individual(s) choose to not meet; a letter of suspension will be sent by staff utilizing registered mail (if address is known).
- f) Should the incident involve damages to MCFN facility or result in increased maintenance, an invoice for recovery of repair of damages, including materials and labor and an administrative fee will be charged.
- g) There will be no reconsideration by MCFN with respect to the length of the suspension time given unless new information becomes available.

- h) Following the fifth (5th) anniversary of a reported incident with no further contraventions of this policy, the individual's record will be expunged.

8. Enforcement Consequences

The chart (Appendix "A") represents guidelines and outlines the consequences for acts of inappropriate behavior, violence or vandalism in programs and property. It is understood this does not include all types of inappropriate behavior, violence, or vandalism and that each incident will be reviewed based upon the information available at the time, and that the consequences outlined below are guidelines and may be adjusted to reflect the severity of conduct and/or actions involved. Any restrictions/suspensions will apply to all MCFN programs and properties. Subsequent acts of inappropriate behavior, violence, or vandalism incidents may be reported to the OPP, Haldimand County detachment, which may result in criminal charges being laid.

9. Appeal Process

Where new information is available, a suspended individual may request in writing reconsideration of the facts on which the suspension is based. Such written request must be addressed to MCFN's Chief Operating Officer within thirty (30) days of the suspension letter being issued. It is at the discretion of the Chief Operating Officer to deem whether the new information will be satisfactory to begin a discussion with the Director and appropriate employee. All decisions rendered through an Appeal Process will be deemed final.

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Appendix “A”

Behavior	Description	Consequence of 1 st Occurrence	Consequence of 2 nd Occurrence	Consequence of 3 rd Occurrence	Consequence of 4 th Occurrence
Inappropriate behavior, nonviolent in nature	-Refusal to abide by specific program or facility rules or the terms of the rental contract. -inappropriate verbal language -illegal acts such as alcohol use	Immediate ejection followed by written warning	1 month suspension	3 month suspension	6 month suspension
Inappropriate behavior with the potential to incite violence	-Threats and attempts to intimidate -verbal assaults -physical intimidation	Immediate ejection, police contacted, followed by written warning	6 month suspension	3 year suspension	
Inappropriate behavior with physical violence	-physical contact -fighting	Immediate ejection, police called, 1 year suspension	3 year suspension	5 year suspension	
Vandalism	-Glass breakage -graffiti -theft arson	Immediate ejection. Those identified as perpetrating vandalism will be required to pay 100% cost of repairs (including but not limited to materials, equipment, labor, and administrative costs) A suspension may be applied. In the event that the individual(s) can't be identified, the contract holder will be held responsible and invoiced accordingly.			