

## Suspension and Ban Policy

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<b>Division:</b>	Parks, Forestry & Recreation	<b>Approved by:</b>	PF&R Directors
<b>Date Approved:</b>	February 28, 2000		
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### Policy Statement

Parks, Forestry and Recreation (PFR) provides programs and services that enhance the physical, social, mental, and emotional well-being of individuals. PFR strives to ensure that all patrons are supported to engage in its recreation and leisure activities, and believes that every person has the right to be safe and to feel safe while attending a PFR program, facility or property. They also have the right to expect that other patrons behave in a manner consistent with the City's *Human Rights and Anti-Harassment Policy*, PFR's *Code of Conduct Policy* and the *City of Toronto's Statement of Commitment to Creating an Accessible City*.

PFR will support individuals to ensure their participation; however, it will not tolerate unacceptable behaviour in any of its programs, facilities or properties and will take progressive steps to ensure that incidents of violence or inappropriate behaviour do not occur. Under the authority of the *Trespass to Property Act*, City Staff may suspend or ban an individual that has engaged in an activity which is prohibited on City of Toronto property.

Organizations and the public using PFR programs, facilities and properties must take primary responsibility for the behaviour of all individuals associated with them, e.g. participants, patrons, officials, spectators, patrons, parents, volunteers, etc.

PFR endeavors to ensure that people in the diverse communities of Toronto have full and equitable access to high-calibre, locally responsive recreation programs, in a safe and inclusive environment. Under the *Ontario Human Rights Code*, every person has a right to equal treatment with respect to City services and facilities, without discrimination or harassment because of race, ancestry, place of origin, citizenship, creed, sex (including pregnancy), sexual orientation, age, marital status, family status, level of literacy, disability and/or political affiliation.

The City of Toronto is committed to building an inclusive society and providing an accessible environment in which all individuals have access to the City's services and programs in a way that respects the dignity and independence of people with disabilities.

The City of Toronto supports the goals of the *Accessibility for Ontarians with Disabilities Act (AODA)* and will establish policies, practices and procedures that are consistent with the accessibility standards established under the AODA, including accessible customer service, information and communication, employment, the built environment, and transportation.

### Application

This policy applies to every person at all PFR programs (including off-site locations), facilities and properties and/or at permits on PFR property.

When the individual is a child or youth (i.e. younger than 18 years), apply this policy in conjunction with PFR's *Child and Youth Guidance Policy* that includes parent / caregiver involvement at each stage.

When the individual is a person with a disability, apply this policy in accordance with the AODA and involvement of PFR Adapted and Integrated Staff, the Disability Advocate, and/or the City's Human Resources Division.

## Definitions

### **Ableism:**

Discrimination against a person with a disability. That which devalues or limits potential of a person with a disability.

### **Disability:**

A physical or mental handicap. Lack of adequate power, strength, or physical or mental ability; incapacity.

### **Lewd, Illegal or Offensive Materials:**

Any materials having explicit or malicious intent (e.g. pornography, material promoting hatred, etc.).

### **Safety:**

The state of being safe or free from hurt, injury, danger, or risk, whether physical or emotional.

### **Unacceptable Behaviour:**

Any act in violation of PFR's *Code of Conduct Policy*; *Anti-Bullying Policy*; the City's Corporate *Human Rights and Anti-Harassment Policy*; or the *Ontario Human Rights Code*. PFR considers the examples listed below to be serious incidents that may justify issuing a letter of suspension or ban.

Examples include, but are not limited to:

- verbal assaults directed at another person that are aggressive, intimidating, or have the objective of inciting violence;
- threats and attempts to intimidate;
- physical acts of violence;
- attempts to incite violence in others;
- vandalism to building or property owned or permitted by PFR;
- racial or ethnic slurs;
- attitudes or practices that support ableism (that which devalues or limits potential of a person with a disability)
- derogatory or offensive language related to sexual orientation, gender, or gender identity;
- illegal consumption of alcohol or drugs;
- selling or trafficking goods on City property;
- harassment;
- viewing, producing or exhibiting lewd, illegal or offensive materials (e.g. pornography, material promoting hatred, etc.);
- theft.

### **Verbal Warning:**

The first step a staff person takes **if there is no threat to safety**. Staff ask the individual to cease the unacceptable behaviour, explain expectations and refer to the *Code of Conduct Policy*. Staff inform the individual that if they continue the unacceptable behaviour, they may be suspended or banned.

**Written Warning:**

The second step a staff person takes **if there is no threat to safety**. Staff issue the individual a letter to request that they cease the unacceptable behaviour, explain expectations, refer to the *Code of Conduct Policy*, and notify the individual that if they continue the unacceptable behaviour, they may be suspended or banned.

**Verbal Suspension:**

Front-line staff may verbally suspend an individual by requesting that they leave the premises immediately, and notifying them that they are prohibited from accessing a specific PFR program, facility or property for a specified time ranging from the remainder of the day up to three days.

**Written Suspension:**

A formal suspension issued by the General Manager or designate, that prohibits an individual from accessing any PFR program, facility or property for a specified time ranging from one week to one year as a result of failing to cease unacceptable behaviour.

**Ban:**

For the purposes of this policy, a ban involves prohibiting an individual from accessing any program, facility or PFR property for a specified time ranging from one to three years.

**Trespass:**

As prescribed by the *Trespass to Property Act*, individuals are trespassing when they act without the permission of the property owner (the City) by:

- refusing to leave the premises immediately after they are directed to do so by the property owner (the City); and/or
- engaging in an activity on the premises when the activity has been prohibited either verbally or written (e.g. signage); and/or
- entering the premises when their entry has been prohibited.

**Consequences**

A verbal suspension may be imposed at the discretion of any PFR staff at any time if they feel the safety of the individual, patrons, or staff may be compromised if the individual remains on the premises (as per the *Occupiers' Liability Act* - duty of care provision). A person is threatened if they perceive themselves threatened and they have a duty to articulate the nature of the threat under this policy.

Staff will make every effort to support individuals and ensure their participation. Addressing unacceptable behaviour is to be treated as a progressive process and staff will take corrective actions, beginning at the appropriate stage, before escalating the response to a written letter of suspension or ban.

However, unacceptable behaviour may have some or all of the following consequences: (Refer to "Procedures" below for more information.)

- removal from premises upon request of staff;
- suspension from programs / facilities / properties;
- banning from programs / facilities / properties;
- incidents may be reported to the Toronto Police Service and criminal charges may result (refer to *Workplace Violence Policy*); and
- where an individual has caused damage to City property through

vandalism or theft, they will be required to reimburse the City for all costs associated with any repairs as well as any lost revenues. Failure to comply with making these reparations may result in the City taking legal action.

Suspension / ban will apply to all PFR programs, facilities and properties. Refer to **Appendix 1 - Guidelines for Suspension / Ban** to determine level of severity and appropriate consequence. When considering requests to suspend or ban an individual, the General Manager of PFR or designate may adjust the timelines of the suspension / ban.

## Procedures

### Assess Situation

When the individual is a child or youth (i.e. younger than 18 years), apply these procedures in conjunction with PFR's *Child and Youth Guidance Policy* that includes parent / caregiver involvement at each stage.

When addressing behaviour issues, consider each individual situation and be sensitive to possible extenuating circumstances including persons with a disability, special need, medical conditions, addictions, or mental health issues.

**Decide whether or not the individual poses a threat to safety of themselves, others, or property, and follow the appropriate steps below:**

**A. Unacceptable Behaviour - No Immediate Threat to Safety; or**

**B. Unacceptable Behaviour - Threat to Safety and/or Criminal Behaviour**

### Take Progressive Steps to Deal with Unacceptable Behaviour

If the behaviour involves an individual with special needs or a disability, involve the family or agency representative, and PFR Adapted and Integrated staff in the process from the very beginning. Adapted and Integrated staff may have background information from previous involvement with the individual.

If the behaviour involves an individual who is or appears to be homeless, involve the PFR Parks Ambassador and Shelter, Support, Housing and Administration Division - Streets to Homes unit.

#### **A. Unacceptable Behaviour - No Immediate Threat to Safety:**

1. **Staff witness** unacceptable behaviour that does not threaten the health or safety of others, their property, or City of Toronto property.
2. **Verbally warn** the individual to cease the unacceptable behaviour. Explain expectations and refer to the *Code of Conduct Policy*. Inform the individual that if they continue the unacceptable behaviour, they may be suspended or banned. Ask the individual what they need to succeed and as much as possible, provide the supports they need so that they can continue to participate at the PFR program, facility or property.
3. If the behaviour continues, despite verbal warning, and it is not necessary that the individual leave the program, facility or property immediately, issue a **written warning** to the individual. Complete the *Written Warning* form to request that the individual cease the unacceptable behaviour and offer supports to ensure their continued participation, explain expectations, refer to the *Code of Conduct Policy*, and notify the individual that if they continue the unacceptable behaviour they may be suspended or banned.

4. If the behaviour continues, despite written warning:
  - **Verbally suspend** the individual (up to three days) and ask them to leave the premises immediately.
  - Provide the phone number of the full-time staff that you report to and ask them to arrange a meeting to discuss the incident. To ensure a fair opportunity for the individual to address the allegations against them, the staff that meets with the individual must not be the same staff with whom the altercation took place.

When determining how many days (one to three days) to verbally suspend, consider the following:

- unique circumstances of the situation;
  - whether a cooling-off period would be helpful; and
  - when staff will be available to meet with the individual to discuss the incident.
5. If the individual leaves the premises, continue at Step 6. If the individual refuses to leave the premises, **contact Corporate Security**. Provide them with any information they require to complete their Occurrence Report. Follow any further instructions they give.
  6. Upon receiving the request from the individual to meet after a verbal suspension, and prior to the individual returning to the program / facility / property, staff must make every effort to **meet with the individual** as soon as possible and **no later than one week after the incident** to:
    - identify any positive behaviour that you would like them to continue;
    - provide specific and sufficient information on the grounds and allegations for verbal suspension, and potential written suspension or ban;
    - provide an opportunity for the individual to respond to the allegations;
    - review PFR's *Code of Conduct Policy* with the individual and have them sign the *Personal Commitment to PFR's Code of Conduct Policy*; and
    - ask the individual if there are any supports that they need from PFR to continue to participate. If supports are requested, make every effort to accommodate the individual to ensure their continued participation.
  7. If the behaviour continues, despite verbal suspension (up to three days), review the situation and history with your Supervisor. As per the "Issue Letter" section, Supervisors may request (via Central Tracking in the Office of the General Manager of PFR) that the GM issue a **Written Letter of Suspension / Ban** to the individual.
  8. If an individual caused **damage to City property** through vandalism or theft, **invoice** the individual for all costs associated with any repairs as well as any lost revenues. Where appropriate refer to the *Written Letter of Suspension / Ban* to invoice. As per the *Workplace Violence Policy Guidelines*, City property damages must be reported to the **Police**.  
Notify the individual that failure to comply with making these reparations may result in the City taking legal action.

9. If staff become aware of any incidents where police have trespassed an individual outside of this policy framework, document the incident. Refer to "Issue Letter" Section and issue a *Written Letter of Suspension / Ban* to the individual.
10. If an individual violates the letter of suspension / ban, **call the Police**.

Also **notify Corporate Security**, and provide them with any information they require to complete their Occurrence Report. Follow any further instructions they give.

11. When the suspension / ban has been completed, the individual will arrange a **follow-up meeting** with staff to discuss the incident and how to avoid future suspensions from PFR programs, facilities and properties. Refer to the "Return Protocol" section below.
12. Refer to the "Documentation" section and **document** the incident(s) and every action that staff took.

#### **B. Unacceptable Behaviour - Threat to Safety and / or Criminal Behaviour:**

1. **Staff witness** unacceptable behaviour that threatens the health or safety of others, their property, or City of Toronto property, or is criminal in nature.
2. If it is not safe to verbally suspend, continue to Step 3. If safe to do so, **verbally suspend** the individual and ask them to leave the premises immediately.
3. **Call the Police**. Also **notify Corporate Security** and provide them with any information they require to complete their Occurrence Report. Follow any further instructions they give.

**DO NOT APPROACH INDIVIDUAL** or try to intervene. Wait for the Police and seek assistance from staff to ensure that participants, patrons, and staff are safe. The following are some example situations where you would call the Police:

- an individual is exhibiting dangerous behaviour;
  - you suspect that an individual is carrying a weapon;
  - an individual is using, viewing, producing, or exhibiting lewd, illegal or offensive materials (e.g. hate material, pornography, etc.);
  - criminal activity is taking place or has been witnessed.
4. Only if it is safe to do so and if individual's contact information is available, contact the individual, provide a full-time staff phone number, and ask them to arrange a meeting with staff to discuss the incident.

If it is not safe to meet with the individual or if individual's contact information is not available, continue to Step 6.

5. Upon receiving the request from the individual to meet after a verbal suspension, and prior to the individual returning to the program / facility / property, staff must make every effort to **meet with the individual** as soon as possible and **no later than one week after the incident**, to:
  - identify any positive behaviour that you would like them to continue;
  - provide specific and sufficient information on the grounds and allegations for verbal suspension, and potential written suspension or ban;
  - provide an opportunity for the individual to respond to the allegations;
  - review PFR's *Code of Conduct Policy* with the individual and have them sign the *Personal Commitment to PFR's Code of Conduct Policy*; and
  - ask the individual if there are any supports that they need from PFR to continue to participate / use PFR facilities. If supports are requested, make every effort to accommodate the individual to ensure their continued participation / use of PFR facilities.
6. Refer to the "Issue Letter" section and issue a **Written Letter of Suspension / Ban** to the individual.

7. Continue with Steps 8 to 12 above in "A. Unacceptable Behaviour - No Immediate Threat to Safety."

## Issue Letter

1. Staff are required to get approval from the General Manager of PFR prior to issuing a written letter of suspension or ban. Refer to **Appendix 1 - Guidelines for Suspension / Ban** to determine level of severity and appropriate consequence.
2. Complete *Written Letter of Suspension / Ban*. If the individual is a child or youth (i.e. younger than 18 years), address the letter to the parent / caregiver. If the individual is a person with a disability, it may be necessary to address or provide a copy of the letter to the individual's family or agency representative.
3. The Supervisor will submit the *Request for Suspension / Ban Transmittal Form* with the letter and any documentation of the incident to date to Central Tracking in the Office of the General Manager of PFR. When considering requests to suspend or ban an individual, the General Manager of PFR or designate may adjust the timelines of the suspension / ban.
4. Upon approval, the General Manager of PFR or designate will sign and send the letter to the individual by registered mail or request Corporate Security to issue the letter to the individual. When hand-delivering, Corporate Security will communicate the contents of the letter verbally to the individual including the extent and duration of their suspension / ban and consequences if the individual trespasses. If not approved, the General Manager or Central Tracking will notify the Supervisor that the request has been denied.
5. The General Manager of PFR or designate will forward a copy of the *Written Letter of Suspension / Ban* and *Transmittal - Request for Suspension / Ban* form to:
  - Management Services for inclusion in the On-Call Binder; and
  - Appropriate PFR staff (e.g. Manager, Director, etc.) so that staff are aware and can ensure the well being of all staff and patrons at all PFR programs, facilities and properties.
6. The General Manager of PFR will issue an *Annual Letter from GM of PFR to Toronto Chief of Police Re: Trespass to Property Act - Parks and Community Centres*, authorizing Toronto Police Services to administer the *Trespass to Property Act* at any PFR property.

## Documentation

PFR has a system whereby letters of suspension and ban are accurately ascertained, monitored and evaluated.

1. Supervisors must stay on top of escalating or recurring issues at the locations they oversee and ensure that the Manager is aware of issues that may result in a potential suspension or ban. Supervisors must assist full-time staff in identifying and providing supports to the individual, where possible, to ensure their continued participation.
2. Staff must **document every incident** and any staff action taken, as soon as is reasonably possible by completing the following reports, where applicable:
  - *Major Emergency Report* and / or
  - *Participant Minor Injury / Incident Form*; and / or
  - *Supervisor's Report of Injury / Accident*; and / or
  - *Facility Daily Log*.
3. When completing the report(s), ensure that you include the following:

- State the facts only (e.g. what the individual(s) and staff said and did), being careful to avoid noting any personal opinions or assumptions.
  - Be precise, objectively descriptive, and avoid using general or subjective terms.
  - Describe events in detail, noting exact words used in any exchange with the individual.
  - Describe any action taken by staff.
  - Note the time and date of the incident.
  - Note any witnesses to the incident and record their full name and contact information, if possible.
4. Submit the completed reports and any related documents (e.g. *Written Letter of Suspension / Ban, Personal Commitment to PFR's Code of Conduct Policy, Police Report, etc.*) to Central Tracking in the Office of the General Manager of PFR, and copy the Supervisor of Recreation and Facilities, the Manager, and Director.
  5. Central Tracking will send appropriate documents to the General Manager of PFR if a written suspension / ban has been requested. Central Tracking will keep individual file records to track and properly maintain all documentation relating to a suspension or ban.
  6. When a suspension / ban has been approved by the General Manager or designate, the Community Recreation Programmer will add an alert text to the individual's client file in CLASS that states the following information:
    - "This individual is suspended / banned from participating in all PFR programs and from attending any PFR facilities or properties from [start date] to [end date]"; and
    - The name of Community Recreation Programmer that added the information to CLASS.
  7. If an individual cannot be located in CLASS, the Community Recreation Programmer will create an account for the individual and add the above alert text.
  8. When the suspension / ban is complete, the Community Recreation Programmer will remove the alert text from CLASS.

## Appeal

An individual who has received a written letter of suspension or ban from PFR may appeal the decision. Verbal suspensions (up to three days) may not be appealed.

Appeals must be submitted in writing by letter, or by completing the *Suspension / Ban Request for Appeal Form*, to the General Manager of PFR, within 14 days of receiving the letter of the suspension / ban.

The General Manager of PFR may delegate the matter to an appropriate designate for consideration and/or decision.

Upon the receipt of a request for appeal, the General Manager or designate will decide whether to establish an appeal meeting and will respond in writing within 14 days.

When considering an appeal, the General Manager or designate may attach conditions to access, such as being accompanied by PFR Adapted and Integrated staff, a family member, and / or agency representative, especially in cases where there are extenuating circumstances such as:

- The individual does not have the ability to control his / her behaviour.
- The individual cannot understand his / her actions.



- The individual has special needs and cannot appreciate his / her actions and the impact it has on others.
- In the case of wireless internet connection, computer or other electronic device, it can be shown that the person inadvertently allowed or mistakenly opened an inappropriate site, page or file in error.
- In the event that a medical condition, diagnosis, or mental health issue is cited as a reason for the incident, medical proof may be required.

If staff have any safety concerns about conducting the meeting, contact Corporate Security and they will support you.

Within 14 days of the appeal meeting, the General Manager or designate will issue a final decision to the individual stating their suspension / ban status with PFR. All decisions are final and may not be further appealed.

The General Manager will document the meeting as per the "Documentation" section, notify appropriate staff of the final decision, and submit the documentation to Central Tracking in the Office of the General Manager of PFR.

## Return Protocol

1. At the conclusion of a written suspension or ban period, the individual will arrange a meeting with the designated staff, as outlined in the letter of suspension / ban.

If the individual is a person with a disability or has an addiction and there is a lack of understanding, ensure that a member of the individual's family or their agency representative, who is familiar with their condition, attends with the individual to intervene / act on their behalf.

2. During the meeting, staff will:
  - Review the activities that precipitated a suspension or ban.
  - Review PFR's *Code of Conduct Policy*.
  - Outline expectations and seek assurance from the individual that they will respect and abide by this Code.
  - Ask the individual if there are any supports that they need from PFR to participate. If supports are requested, make every effort to accommodate the individual to ensure their continued participation.

If the individual agrees to respect and abide by the *Code of Conduct Policy*, request that they sign the *Personal Commitment to PFR's Code of Conduct Policy*. If the individual does not agree to sign the form, continue to Step 5.

3. Advise the individual that their suspension / ban has been fully lifted and that they are permitted to resume participation in all PFR facilities, sites and programs. Remind the individual that previous suspensions / bans may impact the duration of future suspensions or bans.
4. Inform the individual of consequences if there are further violations of the *Code of Conduct Policy*.
5. If the individual does not agree to respect and abide by the *Code of Conduct Policy*, inform them that they will not be permitted to attend any PFR program, facility, or property until they are prepared to do so.
6. Refer to the "Documentation" section and document the meeting, actions that staff took, and the results. Send all documentation to Central Tracking in the Office of the General Manager of PFR.

## Education

### Public Education and Awareness

PFR and its community partners will make every effort to educate the public and promote this policy to raise awareness of PFR's Suspension and Ban Policy and the importance of their role in creating a safe, inclusive, and positive environment.

PFR's *Code of Conduct Policy* information will be prominently displayed at all PFR facilities and properties and circulated to relevant community and user groups. Additionally, this information will be referenced in the Terms & Conditions stated on all PFR permits.

On an ongoing basis, staff will follow-up with organizations that have had an individual impacted by this policy, to review the suspension / ban process and ensure the policy is addressing inappropriate behaviour in an effective manner.

### **Staff Education and Awareness**

Supervisors in Community Recreation and in Parks are responsible to ensure that all staff and volunteers are trained in this policy. Staff will receive training on the content and application of the Suspension and Ban Policy as a mandatory requirement of their employment with PFR.

### **Authority**

- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Occupiers' Liability Act
- Ontario Human Rights Code
- Toronto Municipal Code
- Trespass to Property Act

### **Related Information**

- *Appendix 1 - Guidelines for Suspension / Ban*
- *Annual letter from GM of PFR to Toronto Chief of Police Re: Trespass to Property Act - Parks and Community Centres*
- *City of Toronto's Statement of Commitment to Creating an Accessible City*
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#### **Corporate HR Policies:**

- *Bylaw Enforcement Unit Information Guidelines*
- *City-wide Corporate Security Policy*
- *Hate Activity*
- *Human Rights and Anti-Harassment Policy*
- *Human Rights and Anti-Harassment - Complaint Procedures*
- *Workplace Violence Policy*

#### **PFR Policies:**

- *Anti-Bullying Policy*
- *Child and Youth Guidance Policy*
- *Code of Conduct Policy*
- *Homelessness and People Living in Poverty Policy*
- *Management Standby / On-Call Coverage*

- *Police Protocol*
- *Safety and Security Manual*

**Resources:**

- *City Clerk's Office - Translation Services*
- *S DFA Division's Community Crisis Response Brochure*

**Forms**

- *Major Emergency Report*
- *Participant Minor Injury/Incident Report*
- *Personal Commitment to PFR's Code of Conduct Policy*
- *Supervisor's Report of Injury / Accident*
- *Suspension / Ban Request for Appeal*
- *Transmittal - Request for Suspension / Ban*
- *Written Letter of Suspension / Ban*
- *Written Warning of Suspension / Ban*

**Contacting Appropriate Division or Unit**

**Central Tracking**

Send all documentation to the Office of the General Manager of Parks, Forestry and Recreation

**Corporate Security Control Centre (24 hrs / day)**

- Emergency – 416-392-6666
- Non-Emergency – 416-397-0000
- E-mail - [seccc@toronto.ca](mailto:seccc@toronto.ca)

**Toronto Police Service**

- Emergency – 9-1-1
- Non-Emergency – 416-808-2222

**PFR Parks Ambassador**

- Cell – 416-771-3042
- Office – 416-392-0228

**Streets to Homes**

- <http://www.toronto.ca/housing/about-streets-homes.htm>

**Contact**

Questions about these procedures can be directed to:

Manager, Standards and Innovation Unit, Community Recreation, Parks, Forestry and Recreation, Cedarbrook Park Community Centre, 91 Eastpark Blvd., Toronto, Ontario, M1H 1C6, 416-396-5162