



# THE TOWN OF RHINEBECK · NEW YORK

FOUNDED 1686

## TOWN OF RHINEBECK RECREATION CODE OF CONDUCT

### Introduction

The Town of Rhinebeck (“Town”) is committed to providing a safe and orderly recreation environment where participants may receive and Town staff may deliver quality recreational services without disruption or interference. Responsible behavior by camp attendees and Town staff is essential to achieving this goal.

The Town has a set of expectations for conduct on Town property and at Town functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Town recognizes the need to clearly define these expectations for acceptable conduct on Town property including attending a Town function, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Town Board adopts this code of conduct (“code”).

Unless otherwise indicated, this code applies to all camp participants, summer camp personnel, parents and other visitors when on Town property or attending a Town function. While there are formal disciplinary procedures in place, it is critical that parents and Town personnel realize the importance of communication and positive relationships in resolving disciplinary issues. The formal discipline process is often unnecessary when parents, staff, and recreation participants have an opportunity to develop cooperative partnerships. Collaborative discussions of this type often lead to creative and youth-specific solutions that support appropriate behavior and personal achievement.

### Definitions

For purposes of this code, the following definitions apply:

“Disruptive participant” means a child enrolled in the Town of Rhinebeck Summer Camp program that is disruptive of the educational process or interferes with Town personnel’s authority over the program.

“Participant” means any person enrolled in a Town program or involved in any Town activity and/or any activity on Town property.

“Parent” means parent, guardian or person in parental relation to a student.

“Town property” means in or within any building, structure, field, playground, pool area, parking lot or land contained within the real property boundary line of the Town of Rhinebeck or owned by the Town.

“Town function” means any Town-sponsored trip, program, extra-curricular event, or activity.

“Violent person” means any Town-sponsored program participant who:

1. Commits an act of violence upon a Town employee, or attempts to do so;
2. Commits, while on Town property or at a Town function, an act of violence upon another child or any other person on Town property or at a Town function, or attempts to do so;
3. Displays, while on Town property or at a Town function, what appears to be a weapon;
4. Threatens, while on Town property or at a Town function, to use a weapon or cause bodily harm to another;
5. Knowingly and intentionally damages or destroys the personal property of any Town employee or any person on Town property or at a Town function; or
6. Knowingly and intentionally damages or destroys Town property.

“Weapon” means a firearm as defined in 18 USC § 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, paintball gun, pocket knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **Rights and Responsibilities**

### **A. Recreation Participant Rights**

The Town is committed to safeguarding the rights given to all recreation participants under state and federal law. In addition, to promote a safe, healthy, orderly and civil environment, participants have the right to:

1. Take part in all Town activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability;
2. Present their version of the relevant events to Town personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty;

3. Access Town rules and, when necessary, receive an explanation of those rules from Town personnel; and
4. Due process, as defined below.

### **B. Recreation Participant Responsibilities**

All Town Recreation participants should:

1. Contribute to maintaining a safe and orderly environment and to show respect to other persons and to property;
2. Be familiar with and abide by all Town policies, rules and regulations dealing with personal and professional conduct;
3. React to direction given by personnel, administrators and other Town staff in a respectful, positive manner;
4. Work to develop the social behaviors necessary to interact with others in a positive manner;
5. Ask questions when they do not understand;
6. Seek help in solving problems that might lead to discipline; and
7. Accept responsibility for their actions.

Persons retained by the Town to conduct Town functions should conduct themselves as representatives of the Town when participating in or attending Town-sponsored extracurricular events and hold themselves to the high standards of conduct, demeanor, and sportsmanship.

Participants may find themselves in the unique situation of possessing information that could be potentially dangerous to themselves or others. They should report any and all situations or suspicions about harmful acts to Town personnel. All suspicions should be immediately reported. The identities of participants who report such situations or suspicions will be kept confidential by Town authorities unless legally required to do otherwise.

### **Essential Partners**

In addition to the above, parents and Town personnel have the following rights and responsibilities:

### **A. Parents**

1. Recognize that time spent by their child(ren) in a Town Recreation program is a joint responsibility of the parents and the Town.
2. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
3. Know Town rules and help their children understand them.
4. Inform Town officials of any specific issues that should be taken into account in interacting with the child(ren), and any changes that may affect their child's conduct or performance.

### **B. Town Personnel**

1. Lead by example in adhering to the code of conduct.
2. Maintain a climate of mutual respect and dignity.
3. Know Town policies and rules, and enforce them in a fair and consistent manner.
4. Communicate to participants and parents:
  - a. Program objectives and requirements
  - b. Expectations
  - c. Discipline plan

### **Prohibited Conduct**

The Town expects all participants to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other participants, Town personnel and other members of the Town community, and for the care of Town facilities and equipment.

Participants must accept responsibility for their own behavior, as well as the consequences of their misbehavior. Town personnel who interact with participants are expected to use disciplinary action only when necessary and to place emphasis on the participant's ability to grow in self-discipline.

The Town recognizes the need to make its expectations for participant conduct while on Town property or engaged in a Town function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and

property of others. Participants who will not accept responsibility for their own behavior and who violate these rules will be required to accept the penalties for their conduct.

Participants may be subject to disciplinary action, up to and including suspension from the Town program in which they are enrolled, when they:

A. Engage in conduct that is disorderly, as defined in Section 240.20 of the Penal Law. Examples of disorderly conduct include:

1. Using language or gestures that are profane, lewd, vulgar or abusive;
2. Engaging in any willful act which disrupts the normal operation of the Town Recreation programs or community;

B. Engage in conduct that is insubordinate, such as failing to comply with the reasonable directions of Town personnel, administrators or other Town employees in charge of participants or otherwise demonstrating disrespect;

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of Town personnel, administrators or other personnel in charge of participants;
2. Interrupting or interfering with the orderly conduct of the Town program or activity in which they're enrolled;

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing or threatening an act of violence (such as hitting, kicking, pushing, shoving, wrestling, punching, spitting and scratching) upon Town personnel, administrators or other Town employees or attempting to do so;
2. Committing or threatening an act of violence (such as hitting, kicking, punching, spitting and scratching) upon another participant or any other person on Town property or attempting to do so;
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on Town property or at a Town function;
4. Threatening to use any weapon;

5. Intentionally damaging or destroying the personal property of a participant, Town personnel, administrator, other Town employee or any person on Town property, including graffiti or arson; and
  6. Intentionally damaging or destroying Town property.
- E. Engage in any conduct that endangers the safety, health, or welfare of others.

Examples of such conduct include:

1. Lying to Town personnel;
2. Conspiring to violate the Code of Conduct;
3. Stealing the property of other participants, Town personnel or any other person on Town property or attending a Town function;
4. Bullying or harassment, sexual or otherwise;
5. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
6. Using vulgar or abusive language or gestures, cursing or swearing; and
7. Threatening or causing physical harm or violence to an individual or a group.

## **Reporting Violations**

All acts which constitute a crime should be immediately reported to the police by the observer. Conversations and comments that mention or imply the threat of physical harm to an individual or a group should be immediately reported to appropriate Town personnel and by such personnel to the parent if committed by a minor. It is important that children, parents, and staff understand that any threat of violence, even one seemingly made jokingly or in a casual manner, is a cause for concern.

In addition, all Town sponsored program participants are expected to promptly report other violations of the code of conduct to Town personnel.

All Town personnel who are authorized to impose disciplinary sanctions should do so in a prompt, fair and lawful manner. Town personnel who are not authorized to impose disciplinary sanctions are expected to report promptly violations of the code of conduct to their supervisor, who may impose an appropriate disciplinary sanction, if so

authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

The Town Supervisor (“Supervisor”) or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a Town sponsored program as soon as practical.

The notification may be made by telephone, followed by a letter to the contacted law enforcement agency. The notification must identify the person and explain the conduct that violated the code of conduct and constituted a crime. Notification of these types of code violations will be communicated to Town administrators on a need-to-know basis, in consideration of the confidentiality rights of the person who violated the code of conduct.

### **Disciplinary Interventions, Consequences, Procedures, and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is fair and impartial. Town personnel who interact with Town program participants are expected to use disciplinary action only when necessary and to place emphasis on the person’s ability to grow in self- discipline.

Disciplinary action, when necessary, will be fair, consistent and designed to change unacceptable behaviors. In determining the appropriate disciplinary action, Town personnel authorized to impose disciplinary penalties will consider the following:

1. The person’s age;
2. The nature of the offense and the circumstances which led to the offense;
3. The person’s prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Any information from parents, teachers and/or others, as appropriate, and
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a person’s first violation will usually merit a lighter disciplinary action than subsequent violations. Acts of discipline should never include corporal punishment or verbal berating. Children should be physically touched or restrained only when necessary to prevent harm to themselves or others.

## **Consequences**

Participants who are found to have violated the Town's code of conduct may be subject to the following consequences, either alone or in combination:

1. Oral warning – Town program staff;
2. Notification of parent – Town program staff;
3. Suspension from athletic activity – Town program staff;
4. Short-term (five days or less) suspension from program – Town program supervisor with consent of the Recreation Director, Town Supervisor; and/or
5. Expulsion from program - Recreation Director with consent of the Town Supervisor.

## **Infractions with Consequence References**

1. Disturbances that disrupt the program and/or other participants.
2. Repeated disruption and/or substantial interference with Town personnel's authority in a Town sponsored program or activity, giving rise to removal on three or more occasions ("three strikes and you're out" rule, administered on a case-by-case basis and depending on the circumstances).
3. Abusive language and/or indecent gestures directed at Town staff, participants or visitors on Town grounds or at Town functions.
4. Abusive and/or indecent language and/or gestures directed at Town employees or participants on Town grounds or at Town functions which provoke a fight.
5. Willful failure to obey the reasonable directives of Town staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code.
6. Fighting between participants where no dangerous instruments are involved and no person is injured in the altercation.
7. Fighting between participants where harm is caused to one or more of the combatants.
8. A fight involving the use or threatened use of a dangerous or deadly weapon or dangerous object.



9. Any violent act or threat of a violent act against Town personnel or other staff member, as described in this code.
10. Any violent act or threat of a violent act against another participant or person in the Town or at a Town function, as described in this code.
11. Commission of conduct that constitutes a crime (misdemeanor or felony) that is committed off Town premises or at a non-Town sponsored activity if it is believed by Town authorities that the continued attendance in a Town sponsored program or activity by the participant committing the crime would constitute an endangerment to the health, safety, or welfare of the participants, Town personnel, or others.
12. Lewd behavior.
13. Intentional destruction of Town property.
14. Theft of Town property.
15. Mental or physical condition that endangers the health, safety and/or welfare of the participant or Town personnel.
16. Bullying, including cyberbullying, and harassment.
17. Intimidation or coercion.
18. Attempting to leave Town program or property without prior authorization or consent from Town personnel or from parents who have communicated such authorization or consent to Town personnel.
19. Theft of personal property.
20. Being in an unauthorized area of a Town building or property.

The repetition of an infraction may lead to the imposition of the next measure of discipline. Chronic repetition of infractions may lead to suspension or expulsion from the program.

### **Procedures**

The type of due process a participant is entitled to receive before disciplinary action is imposed depends on the circumstances for which discipline is being imposed. Regardless of the consequence imposed, authorized Town personnel and instructors

must inform the participant of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All participants will have an opportunity to present their version of the facts to appropriate Town personnel before imposing the discipline.

### **Town staff disciplinary removal of disruptive participants**

A participant's behavior can affect Town staff's ability to offer a positive experience for program participants. In most instances the program staff can control a participant's behavior and maintain or restore control using good management techniques. These techniques may include defusing, de-escalation, and redirection.

After the program staff have exhausted these and other appropriate interventions, they may need to direct a participant to leave the program briefly to give the person an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an area designated by appropriate Town staff; or (2) sending the participant home for the day or longer if necessary.

On occasion, a person's behavior may become disruptive during a program or activity. For purposes of this code of conduct, a disruptive person is one who is substantially disruptive of the process or substantially interferes with the instructor's or Town staff's authority over the program. A substantial disruption of the process or substantial interference with staff authority occurs when a participant demonstrates a persistent unwillingness to comply with the instructions or repeatedly violates the program behavior rules.

Summer Camp violations must be reported to the Camp Director who may impose disciplinary action. The Camp Director must report such violation and disciplinary action taken to the Recreation Director.

Summer Pool violations must be reported to the Aquatics Director who may impose disciplinary action and must report such violation and disciplinary action taken to the Recreation Director. In cases where there may be dangerous activity in the Town pool, a lifeguard may remove peacefully the person committing the dangerous activity from the pool until the participant agrees to cease such activity. The lifeguard may report such activity to the Aquatics Director if he or she deems it appropriate.

Violations occurring in other Town programs, activities or functions should be reported directly to the person in charge, who must then report such violation and disciplinary action to the Recreation Director.

The Recreation Director may report such action if he or she believes it necessary and/or appropriate to the Town Liaison to the Recreation Committee, who may report such action to the Town Board if he or she deems it appropriate.

Violations should be reported to appropriate Town personnel promptly.

Appropriate Town staff or instructors may remove peacefully a disruptive participant from a program for up to two days on a case-by-case basis. The removal applies to the program of the removing instructor or appropriate staff only.

If the participant poses a danger or ongoing threat of disruption, the instructor or appropriate Town staff may order the person to be removed peacefully immediately. The instructor or appropriate staff must, however, explain to the person and his or her family when applicable (i.e., under age 18) why he or she was removed from the program and give the participant a chance to present his or her version of the relevant events. If a participant cannot be removed peacefully, law enforcement authorities should be called.

The instructor or appropriate Town staff imposing the discipline must submit a disciplinary referral form to the Recreation Director as soon as possible, but no later than the end of the program week. If the Recreation Director is not available by the end of such week, the instructor or appropriate staff must leave the form with the Town Clerk for the Town Liaison to the Recreation Committee.

When a participant who is a minor is removed from a program, the instructor or appropriate Town staff must notify the participant's parents when applicable, by telephone and letter, that the participant has been removed from a program and the reasons for the removal. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Recreation Director to discuss the reasons for the removal.

Town instructors and staff must keep a complete written log, including participant's name, program, explanation of infraction with details, date of infraction, and date(s) of removal from program, for all cases of disciplinary action and removal.

Permanent suspension is reserved for extraordinary circumstances such as where a person's conduct poses a harmful or life-threatening danger to the safety and/or well-being of other participants, instructor or Town personnel, or any other person on Town property or attending a Town function.

### **Documentation**

The Town staff or instructor applying any disciplinary action against a Town program participant is responsible for promptly recording the following:

1. Name and age of participant;
2. Program;
3. Reasons for disciplinary action;

4. Name of any informant(s) or witness(es);
5. Time, date and location of incident(s);
6. History of behavior;
7. Nature and results of incident; and
8. Time, manner and results of parental notification where applicable (i.e., person is under age 18)

### **Corporal Punishment**

Corporal punishment is any act of physical force upon a person for the purpose of punishing that person. Corporal punishment of any person is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot be reasonably used, and law enforcement personnel cannot be called or immediate action is required, reasonable physical force may be used to:

1. Protect oneself, another person, staff, instructor or anyone else from physical injury.
2. If the person being disciplined has refused upon verbal command to refrain from further disruptive acts, Town staff or program instructors may restrain or remove the person whose behavior interferes with the orderly exercise and performance of Town functions, powers, and duties.

### **Child Protective Services**

The Camp Director must report to Child Protective Services (CPS) when he/she has reasonable cause to suspect that a person has been abused or maltreated. In addition, other Town personnel may report suspected child abuse or mistreatment if such personnel has reasonable cause to believe that a child is abused or mistreated. In such situations, personnel other than the Camp Director may consult the attorney for the Town and/or the Town Supervisor. The reporting procedure is set forth in Section 413 of the New York State Social Services Law. Camp personnel are required to be trained in mandated reporting annually. The Town will cooperate with local CPS workers who wish to conduct interviews relating to allegations of suspected child abuse, and/or neglect, or custody investigations.