

*DISPUTE
RESOLUTION
PROCEDURE*

BOROUGH OF RUTHERFORD RECREATION DEPARTMENT

GUIDE TO ADMINISTERING COMPLAINTS
& DISPUTES INVOLVING USERS OF
BOROUGH'S RECREATIONAL FACILITIES

(revised 8.09.12)

RUTHERFORD RECREATION DEPARTMENT
DISPUTE RESOLUTION PROCEDURE FOR COMPLAINTS &
VIOLATIONS OF THE CODE OF CONDUCT

Introduction: The Borough of Rutherford (“Borough”) through its Recreation Department regulates the use of its facilities (parks, gymnasiums, civic centers, and fields) by way of permit. The Recreation Department Director (“Director”) is the Borough department head that administers the recreation facilities. The Recreation Department shall also have a Recreation Department Advisory Board (“Advisory Board”) consisting of at least five (5) members including the Council recreation liaison and other members appointed by the Mayor.

Individual and group use of the recreational facilities are subject to certain ordinances, rules, regulations, and a Code of Conduct (“Code of Conduct”) established by the Borough applicable to each person and group that is granted a permit to use the Borough’s property. The Borough reserves the right to establish rules, regulations, and policies to provide for the fair and efficient use of the Borough’s facilities.

This procedure is designed to regulate conduct of persons engaged in recreational activities and how the Code of Conduct is applied to complaints and violations.

1. Complaint/Inquiry- all complaints or inquiries alleging a violation of the Borough's ordinances, rules, regulations, and/or its Code of Conduct must be in writing. The complainant must be identified. The Recreation Department may issue the complaint on its own after receiving information that gives rise to a complaint. All facts relating to the incident and potential witnesses must be included in the written complaint. Anonymous complaints are disfavored and the Director shall take no action on same unless the Director conducts an independent investigation as set forth herein.
2. Investigation- All complaints will be investigated by the Recreation Department. The Director shall make a preliminary determination whether he/she shall undertake the investigation or whether it should be referred to the Advisory Board. This investigation may include but is not limited to personal observations, interviews, telephone/email inquiries, review of documents, etc. The Director or Advisory Board shall make a reasonable effort to contact all relevant persons involved. This process will be conducted as soon as practicable. Unless good cause exists for the process to continue longer, the investigation and determination should be made as soon as practicable and no later than twenty-one (21) days from the date of the complaint.
3. Findings Report/Preliminary Action- The Recreation Department shall issue a written "Findings Report" as to all complaints following its investigation. If the investigation is conducted by the Advisory Board, the Advisory Board shall present the Director with a written summation of its findings and recommendations at the conclusion of its investigation. The Director shall consider the recommendations made by the Advisory Board in preparing the Findings Report. The Findings Report shall identify whether a formal complaint should/should not be issued. If no further action is recommended, the matter may be concluded.

The Findings Report may provide that certain preliminary action be imposed pending the investigation and determination. This type of relief shall be referred to as "Preliminary Action" and may include suspension or removal of any participant, the modification of any policy or rule, or other relief deemed necessary by the Director. This decision to impose Preliminary Action shall be made in the Director's sole and exclusive discretion to prevent injury, irreparable harm, or for the protection of persons involved in Recreation Department.

4. Formal Complaint- if the Director finds cause to issue a formal complaint alleging a violation of the Code of Conduct, such a complaint must be made in writing to that person and served personally to him/her. A copy of the complaint shall be provided to the Council Recreation liaison and the Borough Administrator. The Complaint shall identify the nature of the charges, the persons making the charge, relevant facts involved and the Director's recommended action. The complaint must advise the person alleged to have violated the Code of Conduct that he/she has a right to answer the complaint in writing within twenty (20) days. There shall be a reasonable opportunity provided to the person alleged to have violated the Code of Conduct to meet with the Director prior to any action being taken.

5. Determination Report/Scope of Discipline- After investigation of the complaint and considering the reply of the person alleged to have violated the Code of Conduct, the Director shall issue a decision as to what action, if any, should be taken consistent with the Borough's Code of Conduct. This decision will be set forth in a written "Determination Report" identifying the investigation conducted, the findings, and the nature of the discipline, if any, that will be imposed. The Determination Report will be served upon the person alleged to have violated the Code of Conduct within three (3) days of issuance of the report with a copy sent to the Council liaison for the Recreation Department and the Borough Administrator.

In the event that the Director finds that discipline is warranted, the Director may impose penalties as prescribed by law and/or discipline as set forth in the Code of Conduct in any order that the Director deems appropriate. Notwithstanding, in the event that the Director recommends a penalty that imposes a suspension of participation in recreational activities to any person that exceeds eighteen (18) months in duration for all recreational activities or three consecutive seasons of a particular recreational sport or activity, such a penalty shall require the approval of both the Director and the Advisory Board.

6. Appeal- If any party involved in the process is unsatisfied with the substantive result or procedure involved, he/she may appeal the decision of the Director. Appeals must be made in writing within thirty (30) days of service of the Determination Report. Appeals will be addressed by the Advisory Board and the Council Recreation liaison. The appeal should briefly outline what substantive and/or procedural errors were made in the

Determination Report. The decision made by the Director will be supported unless the Advisory Board finds the Director failed to consider relevant evidence or the Director made a finding that is clearly and convincingly against the weight of the evidence. A copy of the appeal will be filed with the Recreation Department and the Borough Administrator. The Advisory Board may review the Directors' file, confer with the Director and conduct additional investigation, if necessary. The person making the appeal shall be provided an opportunity to meet with and address the matter with the Advisory Board. The Advisory Board will issue a written opinion within thirty (30) days unless good cause exists to extend this time. The decision of the Advisory Board may support, suspend, reverse or modify any decision made by the Director. A copy of its ruling will be sent to all persons involved with a copy to the Director, The Council liaison, and the Borough Administrator. This decision will be final unless the Mayor & Council wishes to review the matter, which it may do in its sole and exclusive discretion at any time. The Mayor & Council may support, suspend, reverse, or modify any decision of the Director or Advisory Board at any time.

7. Confidentiality- To the fullest extent possible, the identity of all minors that are involved in this process shall remain confidential. The Director may redact the names of minors from the reports and investigations that may become public. To the extent that the law permits, the nature of the complaint and investigation shall remain confidential among the parties involved in the proceeding. If the Director's Determination Report finds cause to impose any discipline or action, the fact of the action taken may be disclosed to the persons involved in the Recreation Department programs as necessary.
8. Reservation of Rights. The Borough reserves all rights under the law. Neither this Guide nor any administration/handling of any matter hereunder shall operate as a waiver of any right afforded to the Borough. The Borough reserves the right to amend this Guide at any time.



RECREATION DEPARTMENT COMPLAINT FORM

Complainant Name _____

Date _____

What occurred/Who is involved?

When did this occur? _____

Who was present/witnesses?

I hereby certify that the following statements made by me are true and complete.

SIGNED: _____

PRINT NAME: _____

Complaint Received by: _____