

RESOLUTION 2020-159

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM ESTABLISHING A TOWNSHIP CODE OF CONDUCT FOR PARTICIPATION IN RECREATION PROGRAMS / USE OF TOWNSHIP FACILITIES

WHEREAS, the Township Recreation director has recommended that the Township establish a code of conduct for participating in recreation programs and using township owned facilities; and

WHEREAS, the Recreation Director has recommended that the township establish a process for insuring that employees and volunteers who have direct involvement with and/or access to youth in the municipalities go through a criminal background review process; and

WHEREAS, although the establishing of a code of conduct and a criminal history background check both require ordinances to be enforceable, the Recreation Director is requesting that the Township Committee take immediate action for guidance until the necessary ordinances can be prepared and duly adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS that the following policies are hereby established for participation in Township recreation activities and the use of Township owned parks and facilities:

1. Mandatory criminal history record background checks.

- a. The Township of Mendham requires that all Township employees and volunteers, 18 years of age and older, of a nonprofit youth-serving organization as a condition of coaching or using the Township of Mendham's facilities, submit to a criminal history record background check by an authorized vendor.
 - i. The criminal history record background check shall be required of any Township employees or of any coach or any person with direct access to minors involved in any youth-serving recreation program as determined by the Recreation Director.
 - ii. The criminal history record background check shall be performed annually or in a frequency as determined by state statute. The specific process to be used in this criminal background check shall be approved by the Township Police Chief and Township Administrator.
 - iii. The costs of said criminal history record background check will be borne by the applicant.
 - iv. A nonprofit youth serving organization that has its own established criminal background check program that is acceptable to the Township Chief of Police and Township Recreation Director may be substituted for the process used by the Township of Mendham.

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- b. Failure to comply with a background check may result in the Township withholding funding for the program or league, and/or prohibiting use of Township facilities.
- c. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:
 - i. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq., or N.J.S.A. 2C:15-1 et seq.
 - ii. Against the family, children or incompetent, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:14-1 et seq.
 - iii. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Revised Statutes.
 - iv. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Revised Statutes except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10.
 - v. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offense described in Subsection E(1) of this section.
- d. Challenge of accuracy of criminal history report.
 - i. If a criminal history record may disqualify an employee or volunteer for any purpose, the employee or volunteer shall be provided with an opportunity to complete and challenge the accuracy of the information contained in the criminal history record.
 - ii. The employee or volunteer shall be afforded a reasonable period of time to correct and complete this record.
 - iii. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.
 - iv. The Recreation Department in conjunction with the Township Chief of Police shall coordinate between the employee or volunteer and the Division of the State Police or the authorized vendor any such opportunity to complete or challenge the accuracy of the information contained in the criminal history record.

2. **The following activities are prohibited in any township operated recreation program or on any township owned park recreation facility:**
 - a. **Fights, scuffles, aggressive verbal arguments, and threats.** Initiating a fight, scuffle, aggressive verbal argument or any type of physical altercation or abuse or threats of abuse, towards any participant, parent, guest, spectator, coach or official.
 - b. **Interference with recreational activities.** Interfering with recreational activities, including, but not limited to, entering the field of play, court, or rink, during any recreational activity conducted under the auspices of the Mendham Township Recreation Department for the purpose of physically or verbally abusing or confronting coaches.
 - c. **Use of obscene or profane language.** Using obscene or profane language, verbally abusing an official, player, or spectator, which abuse shall be deemed to include the use of obscene or profane language, or gesture, or racial, ethnic or sexual slurs.
 - d. **Throwing objects onto the field of play.** Throwing or causing to be deposited any object onto the field of play, court, or rink.
 - e. **Bullying, harassment or other forms of aggressive behavior.** Bullying, harassing, or exhibiting other forms of aggressive behavior.
 - f. **Aggressive physical contact with participants.** Having aggressive physical contact with recreation participants, including, but not limited to, hitting, kicking, pushing or other forms of aggressive physical contact.
 - g. **All other detrimental behavior.** Other behavior which may be determined by the Recreation Director to be inappropriate and detrimental to recreational participants shall include, but not be limited to, encouraging recreation participants to engage in prohibited activity or **inappropriate activity**.
 - h. **Refusing to follow the order of officials.** Parents, coaches, spectators, and all other parties at any recreation event must comply with the requests and demands of all field officials, including appointed league officials. Such authority shall include the authorization to direct any person or person to immediately remove themselves from the premises.
3. **All activities must remain smoke, alcohol and drug free.**
4. **Enforcement of Code of Conduct.**
 - a. The Recreation Director is hereby directed to review behavior at events at which teams or individuals participate under the auspices of the Mendham Township Recreation Department, including events outside the Township of Mendham, and to make every

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effort to ensure that behavior at said events complies with the Code of Conduct established by this chapter.

- b. Individual sports organizations shall not take any enforcement action with regards to potential Code of Conduct violations, but must report all violations to the Township Recreation Director.
- c. The Recreation Director shall be responsible for enforcement of the Code of Conduct. Any and all allegations, claims, or charges regarding violations of the Code of Conduct may be presented to the Recreation Director.

Adopted: July 28, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Special Meeting held on July 28, 2020.

Maria F. Coppinger, Township Clerk