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# CITY OF MADISON GOLF PROGRAM CODE OF CONDUCT

2022

*Golf Madison Parks mission is to provide an exceptional system of safe, accessible, well-planned and maintained golf courses, provide affordable opportunities for recreational and educational experiences, preserve and expand our urban forest resources through a well-planned and systematic approach to tree maintenance, planting and natural area management, provide opportunities for cultural interaction by fostering a safe and welcoming environment for all and to preserve and promote the golf course's historic legacy now and well into the future.*

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## Purpose

The City of Madison Parks Division and Golf Enterprise Program are committed to ensuring an enjoyable experience for all who play, visit and work at the City's four municipal golf courses. The Golf Enterprise Program is committed to tearing down damaging stereotypes of exclusivity and repair relationships within the community, ensuring that the City's municipal golf courses are available for everyone, and that they are a safe and welcoming environment for users and employees alike.

The purpose of this Code of Conduct is to ensure that the City of Madison Golf Courses are safe, welcoming and available to all potential users to enjoy for their intended use, and to provide City employees with additional tools and protection against this negative behavior. This Policy sets forth the types of behavior that infringes upon the use and enjoyment of the City's golf facilities, the consequences for such violations of the Code of Conduct, and the creation of due process protections for those sought to be restricted from using the City's Golf Courses.

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# OVERVIEW AND DEFINITIONS

## Overview and Definitions

No individual may engage in inappropriate behavior contrary to this Code of Conduct at the City of Madison's four municipal Golf Courses. When possible, staff will first educate individuals about the applicable policies before taking stronger measures to enforce those policies.

For the purposes of this Code of Conduct, "Golf Courses" or "Golf Course" includes all four City of Madison municipal golf course properties, The Glen Golf Park, Monona, Odana Hills and Yahara Hills, and includes those facilities associated with the golf course, including any parking lots, shelters, restrooms, buildings, or other enclosures.

"Staff" refers to City of Madison Employees, including, but not limited to employees of the Golf Enterprise Program, Parks Division employees, and City of Madison Police Department officers.

"Inappropriate Behavior" is any behavior that violates City, County or State law, or which unreasonably interferes with or disturbs another individual's lawful use and enjoyment of the golf course, is inconsistent with the activities, programs and services normally associated with a golf course, or negatively impacts staff's ability to perform their jobs and duties at the Golf Courses. A non-exhaustive list of inappropriate behaviors are set out in Addendum A to this Code of Conduct and set out in the City of Madison Code of Ordinances. [https://library.municode.com/wi/madison/codes/code\\_of\\_ordinances](https://library.municode.com/wi/madison/codes/code_of_ordinances)

The "Loyalty Card" season runs from opening day through closing day on an annual basis.

The "Season Pass" season runs from opening day through October 31<sup>st</sup> on an annual basis.

A "one (1) month suspension" would be considered 30 days from date of suspension. If suspension runs through the end of October, the remaining suspension length would run until the golf courses close for the season.

A "three (3) month suspension" would be considered 90 days from date of suspension. If suspension runs through the end of October, the remaining suspension length would run until the golf courses close for the season plus any remaining days once the golf course opens again the next season.

A "one (1) year suspension" would be considered 365 days from date of suspension.

## Inappropriate Behavior

Over the past several years, the City of Madison Golf Courses have had recurring problems with a small number of users whose behavior in open areas, clubhouse facilities, locker room facilities and other places have negatively impacted both the use and enjoyment of the golf courses by other users, and City employees' workplace. This behavior has included, among other things, directing abusive or threatening behavior or language toward staff and/or other users, engaging in unlawful activity, and creating an unsafe and unwelcoming environment. As a result of this behavior, some users will no longer utilize the space as a recreational outlet. Efforts have been made by the City of Madison to address this sort of behavior, but a formal code of conduct is necessary in order to give City employees additional options to address this problematic behavior. Persons negatively impacting the use of the City's municipal golf facilities by others can either conform their behavior to this Code of Conduct, or find another place to golf.

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# STAFF RESPONSE TO INFRACTIONS

## Staff Response to Infractions

Minor violations of these rules will first result in Staff attempting to educate or warn individuals about the Code of Conduct before formal enforcement commences. If an individual continues to violate this Code of Conduct, Staff will provide notice and may order the individual to leave for the day. However, any conduct that threatens the life or safety of any person that unreasonably interferes with the intended use or enjoyment of the Golf Course, or that is damaging to Park property, equipment or facilities may result in immediate expulsion from the Golf Course premises. Parks Division staff is authorized, and encouraged, to contact the Madison Police Department to respond to situations.

Violations of this Code of Conduct (even if a single isolated event) may result in individuals being banned from the Golf Course(s) from one (1) day to one (1) year. In imposing this ban, staff will follow the established procedures below. Most bans will be limited to a single Golf Course, but a system wide ban may be considered depending on the circumstances.

Parks Division staff will call the Madison Police Department for severe or illegal behavior or when an individual refuses to leave when told by staff to do so. It may not be safe, practicable or efficient to empower only Parks Division staff with the authority to enforce this Behavioral Policy. Therefore, the Madison Police Department is hereby authorized to enforce this Policy, subject to the same rules and restrictions as set forth herein that apply to Parks Division staff.

### LEVEL 1 EXAMPLES OF OFFENSES. (RESULTING IN UP TO ONE (1) MONTH SUSPENSION).

- Swearing, roasting, verbal harassment, or intimidation by words, gestures or body language.
- Escalating or instigating an argument
- Unauthorized access into building or staff only areas of facility.
- Influencing or assisting others engaging in disruptive behavior.
- Failure to follow staff directions.
- Soliciting, panhandling, littering or loitering.
- Evading communication or disciplinary action.

### LEVEL 2 EXAMPLES OF OFFENSES. (RESULTING IN UP TO THREE (3) MONTH SUSPENSION).

- Fighting or physical contact with another person in an aggressive or threatening way.
- Bullying or engaging in any physically intimidating or assaultive behavior.
- Viewing obscene or pornographic materials.
- Inappropriate use of a cell phone in bathrooms or locker rooms.

### LEVEL 3 EXAMPLES OF OFFENSES. (RESULTING IN UP TO ONE (1) YEAR SUSPENSION).

- Theft, vandalism, or behavior that results in the destruction or loss of property.

# STAFF RESPONSE TO INFRACTIONS

- Possession of a weapon of any kind.
- Possessing, selling, distributing or suspicion of being under the influence of any controlled substance.
- Any activity or behavior that is against the law.
- Inappropriate protected class references.
- Use of racial slurs.
- Disrespecting, swearing, or threatening conduct or speech toward staff.
- Unwanted sexual contact, conversations, or otherwise threatening behavior.

## MEMBERSHIP REVOCATION AND REFUNDS

Suspensions may impact a player's golf membership by preventing them from using a Golf Course, or all City Golf Courses. Should a suspension occur, it is the offending party's option to pursue a refund of the membership in accordance with the below refund standards. These standards will take effect immediately upon the approval of this Code of Conduct.

- One (1) day suspension: No Loyalty Card or Season Pass refunds will be granted due to the short term nature of the suspension.
- One (1) month suspension: The offending party may be refunded 15% of the purchase value of the Loyalty Card and/or Season Pass purchased for the season.
- Three (3) month or longer suspension: The offending party may be refunded 50% of the purchase price if the suspension commences prior to May 31<sup>st</sup>; 25% of the purchase value of the Loyalty Card and/or Season Pass purchased for the season if the suspension commences prior to July 31<sup>st</sup>; 15% of the purchase value of the Loyalty Card and/or Season Pass purchased for the season if the suspension commences prior to August 31<sup>st</sup>. No refund shall be authorized for suspensions beginning in September or later.

Beginning in 2023, all Loyalty Cards and Season Passes will be sold subject to the player's agreement to comply with this Code of Conduct.

# NOTICE, BANNING AND APPEALS PROCESS

## Notice, Banning and Appeals Process

### NOTICE PROCEDURE

Notice required to be provided under this Code of Conduct shall be made by Staff to the person in question. Notice should be provided in writing, and reasonable efforts shall be made to accommodate any language or communication barrier between staff and the person. If a person will not accept the written notice, it may be left by Staff near the person. If a person leaves the Golf Course before notice can be given, notice may be sent to the person's last known address, or served upon them at a later date. Staff shall record the method of providing the person notice. The notice shall set forth the date, identify the offending person, inform the person of the behavior observed that was in violation of the Code of Conduct, inform the person of the specifics of the ban, and describe the person's appeal rights. When possible, staff should also inform the offending person verbally of the specifics of the ban.

### BANNING PROCEDURE

Violations of this Code of Conduct that are either observed by Parks Division staff, other City of Madison employees (including Police Officers), Golf Course users or other persons are subject to this banning procedure. All such violations shall be documented and kept on file at the Parks Division. If a violation is not seen by Staff, the veracity of the report shall be determined and all evidence considered, and Staff may proceed with these banning procedures if there is a reasonable probability to believe that a person committed a violation of the Code of Conduct.

If a person who violated this Code of Conduct fails to or refuses to properly identify themselves to Staff, the required notice shall still be served upon the person and efforts shall be made to identify the person based upon their appearance or other characteristics, with a photograph taken if possible. If a person is later found to have intentionally provided false identifying information to Staff, the person shall be banned for not less than thirty (30) days, in addition to any other bans that might be imposed.

A person banned from a Golf Course pursuant to this Code of Conduct shall be informed that as a result of the ban that, on behalf of the City of Madison, during the period of the ban they do not have permission to enter or remain at the Golf Course(s) and that if the person returns to the Golf Course(s) during the period of the ban, or remains at the Golf Course(s) after notified of the ban, that they will be trespassing and subject to an ordinance or statutory enforcement action.

After Staff determines that a person has violated the Code of Conduct, and Staff has determined that the individual involved should be banned from the Golf Course(s), or portion thereof, the following procedures and rules shall apply:

1. Staff shall issue written notice to the person, and incident report to the Superintendent of Parks, expelling the person from the Golf Course for twenty-four (24) hours.
  - a. A ban of 24 hours or less is not reviewable, but the person may, within seven (7) days of receiving notice, appeal the determination that they violated the Code of Conduct to the



# NOTICE, BANNING AND APPEALS PROCESS

Superintendent of Parks, who, after considering the evidence, shall determine whether there was a basis to support Staff's determination that there existed a reasonable probability to believe that the person committed a violation of the Code of Conduct.

- b. If the banned person refuses to leave, or returns to the Golf Course(s) during the 24 hour ban period, and the Police Department is required to remove the person from the Golf Course(s), Staff will issue a thirty (30) day ban regardless of whether the Police Department cites or arrests the person for trespassing.
  - c. If a person complies with the 24 hour ban, but then receives a second written notice for an additional Code of Conduct violation within thirty (30) days, the person will be subject to a thirty (30) day ban, in addition to any other bans that might be imposed.
2. If a person receives a second ban at the same Golf Course during a one (1) year period, the person shall be subject to a ban of not less than thirty (30) days and no more than one (1) year from the Golf Course.
  3. In the event that a person subject to a ban from one Golf Course receives a ban at a second Golf Course during a one (1) year period, then that person shall be banned from all four Golf Courses for a period of not less than thirty (30) days and no more than ninety (90) days.
  4. In the event that a person receives three (3) or more bans within one year, at any Golf Course, the person shall be subject to a ban of not less than thirty (30) days and no more than one (1) year from the Golf Courses.
  5. Staff will promptly forward a copy of the notice and incident report to the Parks Superintendent.
    - a. After consultation with Staff and a review of the evidence, if the Parks Superintendent agrees with Staff's finding that there existed a reasonable probability to believe that the person committed a Code of Conduct violation, as well as the scope and length of the ban imposed, then the Parks Superintendent shall take no further action. However, if the Parks Superintendent deems it appropriate to rescind or modify the terms of the ban, the Parks Superintendent shall have the authority to do so and shall thereupon notify the banned individual in writing about the decision to rescind or modify the ban and specify the reasons for the rescission or modification and the terms of any modified ban.
    - b. The Parks Superintendent shall also notify the banned individual of the process for appealing any modified ban, as set forth below.
  6. In determining the length and scope of any ban under Sections 2-5, Staff and the Superintendent shall consider the person's underlying behavior, the person's history of behavioral violations at the Golf Courses, and the impact of the person's behavior upon others' use and enjoyment of the Golf Courses.

## APPEALS PROCESS

Upon a written request filed by the banned person with the Parks Superintendent prior to the expiration of the ban period, the Parks Superintendent will review the decision to ban an individual and the terms thereof, and may uphold, rescind or modify the length and scope of the ban based upon the information presented by staff and submitted by the individual.

# NOTICE, BANNING AND APPEALS PROCESS

A person may only file one appeal of a ban.

The Parks Superintendent must respond to the request within thirty (30) days of the filing of the request. The Parks Superintendent shall notify the banned individual in writing about the decision to uphold, rescind or modify the ban and specify the reasons for this decision. The Parks Superintendent shall also notify the banned individual that they may appeal the determination of the Parks Superintendent to the Board of Parks Commissioners by filing a written request with the City Clerk within ten (10) days of the issuance of the Superintendent's decision.

Any appeal so requested shall be heard by the Board at the next scheduled meeting, unless the appeal is filed within five (5) business days of the next meeting in which case it shall be heard at the following meeting. At the hearing, the banned person and City staff may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the Board of Park Commissioners shall conduct the hearing and administer oaths to witnesses.

The rules of evidence provided in Wis. Stat. Sec. 227.08 for administrative proceedings shall be followed. Parks Division staff shall receive and mark all exhibits, and the staff shall record all of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party.

After considering the evidence presented, the Board of Parks Commissioners shall either uphold, rescind or modify the terms and conditions of the ban. A person's failure to appear at the Board of Parks Commissioners hearing shall constitute a withdrawal of the appeal. The decision of the Board of Parks Commissioners shall be reviewable in Dane County Circuit Court by certiorari within thirty (30) days of receipt of the final determination from the Board. Until such time as a ban has been rescinded or modified by the Parks Superintendent, or rescinded or modified on appeal by the Board of Park Commissioners, the person is subject to the terms and conditions of the ban.

# NOTICE, BANNING AND APPEALS PROCESS

## NOTICE OF BAN

TO: \_\_\_\_\_

Name

DOB

\_\_\_\_\_  
Address

On \_\_\_\_\_ at approximately \_\_\_\_\_ you were observed at \_\_\_\_\_ violating the Golf Program Code of Conduct. Specifically, you were observed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Because of the behavior listed above, and/or other history of behavioral policy violations at City of Madison municipal golf courses, you are hereby banned from the Golf Course facilities noted below for the period of time specified. As a result of this ban, you are further informed that, on behalf of the City of Madison, during the period of the ban you do not have permission to be at the Golf Course or Golf Courses noted below and that if you fail to leave or return to the Golf Course(s) during the period of the ban that you will be trespassing and subject to an ordinance or statutory enforcement action.

If the ban is for 24-hours or less, this decision is not reviewable, but you may, within seven (7) days of receiving this notice, appeal the determination that you violated the Code of Conduct to the Superintendent of Parks, who, after considering the evidence, may determine whether there was a basis to support the staff's determination that a behavioral violation occurred.

For bans longer than 24-hours, you may file a written request with the Parks Superintendent (Madison Parks Division, 210 Martin Luther King Jr. Blvd. Madison, WI 53703) prior to the expiration of the ban period to review and reconsider the ban and the terms thereof. Upon review, the Parks Superintendent may, after considering any evidence you and staff present, uphold, rescind or modify the length and scope of the ban. You have ten (10) days from the issuance of the Superintendent's decision to appeal this decision to the Board of Parks Commissioners by filing a written request with the City Clerk. The Board of Parks Commissioners shall hold a hearing on your appeal during which you may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the City. The failure to appear at the Board of Parks Commissioners hearing shall constitute a withdrawal of the appeal. After considering the evidence, the Board of Parks Commissioners may uphold, rescind or modify the terms and conditions of the ban. The decision of the Board of Parks Commissioners shall be reviewable by certiorari in Dane County Circuit Court within thirty (30) days of your receipt of the final determination. Until such time as a ban has been rescinded or modified by the Parks Superintendent, or rescinded or modified on appeal by the Board of Park Commissioners, you are subject to the terms and conditions of the ban.

BANNED FROM: \_\_\_\_\_ PERIOD OF BAN: \_\_\_\_\_

Staff Imposing Ban: \_\_\_\_\_ How notice given: \_\_\_\_\_

# NOTICE, BANNING AND APPEALS PROCESS

## ADDENDUM A

For the purposes of this Code of Conduct, Inappropriate Behavior shall include, without limitation by enumeration, the following conduct or behaviors which compromises the use and enjoyment of the golf course, and the safety, security and maintenance thereof:

- Committing or attempting to commit any activity that would constitute a crime of violation of City or County ordinances.
- Selling, distributing or using any dangerous weapon as that term is defined in Wis. Stats. Sec. 939.22(10) or using or threatening the use of any other object in such a manner that it may be considered a weapon.
- Fighting, engaging in any physically intimidating or assaultive behavior, or making any threats of violence or other unlawful activities. The Parks Division enforces a policy of zero tolerance for threats and acts of violence in Parks. Any person engaging in such behaviors will be immediately ejected from the golf course.
- Possessing, selling, distributing or consuming a controlled substance without a prescription.
- Engaging in behavior that is disruptive, harassing, or threatening in nature to users or staff, including stalking, unwanted physical contact or verbal abuse.
- Engaging in explicit sexual activities or conduct.
- Bringing a dog onto a golf course contrary to Madison General Ordinances Sections 8.19 or 23.32. The Golf Courses have been designated as dog-free areas, and posted as such.
- Interfering with the safe and free passage of users or staff in the Golf Courses including, but not limited to, lying, sitting, or placing objects (bags, personal items, strollers, golf carts) in hallways, aisles, floors, doorways, vestibules, bathrooms, or elsewhere in a manner that unreasonably impedes the free passage of persons about the golf course or within facilities.
- Trespassing by entering or remaining on or in a golf course premises after having been notified by an authorized individual not to do so during off-season or off-hours, and entering or remaining on or in a golf course premises during a period in which an individual has been banned from the premises.
- Entering non-public areas of the golf course without permission.
- Theft or intentional damaging of golf course materials, furniture, equipment or facilities.
- Improperly using or loitering within Golf Course restrooms or facilities in a manner which unreasonably prevents access to and use of the restrooms or facilities by other users or staff; damaging restrooms or leaving them in a condition such that they are unusable by others.
- Vending in the Golf Course without, or contrary to, a valid parks vending permit issued under MGO Sec. 8.17.
- Engaging in behavior which unreasonably interferes with, or has the strong likelihood of interfering with, the use and enjoyment of the golf course by another, including interfering with another's use and enjoyment of a portion of the golf course facility which that person has rented.

# NOTICE, BANNING AND APPEALS PROCESS

- Engaging in behavior that otherwise unreasonably interferes with or disrupts, or has the strong likelihood of interfering with or disrupting, the intended use of the golf course, services, amenities, or other activities normally associated with use of the public golf course (including participation in programs, activities and services), including making ongoing noise or using personal electronic equipment at such a volume that it interferes with golf activities.
- Engaging in repeated violations of this Behavioral Policy, City or County Ordinances or State Statutes, at the Golf Courses.

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# CONTACT INFORMATION

## Contact Information

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