

## Monona Terrace Behavior Policy

### Purpose:

Monona Terrace has established this Behavior Policy to provide a clean, safe and welcoming environment for all clients, guests, and employees. Appropriate use of Monona Terrace includes, attending both private and public events, guided and self tours of the facility, visiting the Gift shop, Lake Vista, Grand View Café or any other conduct normally associated with a community and convention center.

Under Section 33.21 of Madison General Ordinances, the Monona Terrace Community and Convention Center Board (Board), has "...broad authority and latitude to make decisions to operate a successful convention and community center. It shall establish all policies, rules and regulations governing Monona Terrace and oversee its operation..." . Pursuant to this express authority the Board has established this Behavior Policy to ensure that Monona Terrace is safe, welcoming and available to all potential users to enjoy for its intended uses. This Policy sets forth -the types of behavior that the Board finds infringes upon the use and enjoyment of Monona Terrace, the consequences for violations of this Behavior Policy and the creation of due process protections for those sought to be restricted from using Monona Terrace.

### Overview and **Definitions**<sup>[JR1]</sup>:

No individual may engage in inappropriate behavior on the premises of Monona Terrace. Clients, guests and staff shall be engaged in normal activities associated with the safe use of a community and convention center while on Monona Terrace property. When possible, staff will first educate individuals about the applicable policy before taking stronger enforcement measures to enforce these policies.

"Executive Director" is the Monona Terrace Community and Convention Center Executive Director.

"Inappropriate ~~conduct~~ **behavior**" includes any individual or group activity which unreasonably interferes with or is disturbing to other individuals lawfully using ~~of~~ Monona Terrace or any activity which is otherwise inconsistent with the activities, programs, and services normally associated with a community and convention center-.

"Monona Terrace" includes all buildings, grounds and property ~~"Premises" or "Property" of Monona Terrace is defined as all property~~ subject to the authority of the Monona Terrace Community and Convention Center **Board**<sup>[JR2]</sup>.

“Police” includes the Madison Police Department and any other law enforcement body that would have jurisdiction at Monona Terrace.

“Staff” includes all Monona Terrace employees. It also includes any private security company hired by Staff and any volunteers to the extent either is authorized to enforce parts or all of this Behavior Policy [JR3].

Inappropriate Behavior will result in expulsion from Monona Terrace ~~property~~. For the purposes of this Behavior Policy, Inappropriate Behavior shall include, without limitation by enumeration, the following conduct or behaviors which the Board finds compromises the use and enjoyment of Monona Terrace and the safety, security and maintenance thereof:

- Selling, soliciting, surveying, distributing written materials, panhandling or canvassing for any political, charitable or religious purposes on Monona Terrace ~~property~~ without prior authorization.
- Smoking or other use of tobacco products, in unauthorized areas.
- The use of E-cigarettes, which are devices that vaporize a nicotine laced liquid that is inhaled by the user, in unauthorized areas.
- Sleeping, napping or dozing anywhere ~~on-at~~ Monona Terrace ~~property~~.
- Improperly using Monona Terrace restrooms or facilities for purposes such as bathing, shaving or changing clothes. An exception to this rule is changing clothes for the purposes of programs or event held at Monona Terrace, including but not limited to performances or presentations at a scheduled meeting or conference, weddings, scheduled social events or changing clothes for exercise, yoga or other recreational programs sponsored or hosted by Monona Terrace.
- Engaging in excessive or disruptive conversations, talking loudly, using personal electronic equipment at such a volume or making ongoing noise that is unreasonably disturbing to others.
- Blocking of aisles with personal items or leaving such items unattended ~~on-at~~ Monona Terrace ~~property~~ at any time. Items may be discarded if they reasonably appear to be abandoned or have been left unattended for 30 minutes or more.
- ~~Not wearing shoes or shirt in the facility at Monona Terrace.~~
- Not wearing shoes or a shirt at Monona Terrace. Exceptions to this rule are not wearing shoes or a shirt on the outside rooftop area, or not wearing shoes or a shirt as part of a program or event held at Monona Terrace, including but not limited to exercise, yoga or other recreational programs sponsored or hosted by Monona Terrace.
- Entering or remaining ~~on-at~~ Monona Terrace ~~property~~ with a bodily hygiene so offensive that it constitutes a nuisance to others.

- Moving furniture without the express consent of ~~Monona Terrace staff~~Staff or use of furniture ~~—~~in any manner that may damage the furniture, to include placing feet on the furniture.
- Bringing in more than 2 bags. No bag may be brought into Monona Terrace that exceeds the following dimensions: 26"x14"x14". Clients utilizing such bags for event purposes are exempt from this rule.
- Interfering with the safe and free passage of clients, guests, and employees, including but not limited to the placement of objects in hallways, aisles, flooring or elsewhere in a manner that impedes the free passage of such persons.
- Bringing any animal into Monona Terrace except service animals. An exception to this rule may be made when an animal is necessary for a program or presentation at Monona Terrace. The person who intends to bring an animal on the premises shall first obtain the prior approval of the Executive Director. The Executive Director shall consider the health, safety and welfare of employees and patrons when making the decision whether to admit an animal upon the premises.
- Committing or attempting to commit any activity that would constitute a crime or a violation of City or County ordinances.
- Possessing, selling, distributing, displaying or using any dangerous weapon as that term is defined in Wis. Stats. sec. 939.22(10) ~~upon at~~ Monona Terrace ~~premises~~ or using or threatening the use of any other object in such a manner that it may be considered a weapon.
- Engaging in any physically intimidating or assaultive behavior. Making any threats of ~~—~~violence or unlawful activities. Monona Terrace has a zero tolerance policy for threats and ~~—~~acts of violence. Any person engaging in such behaviors will be immediately banned ~~—~~from Monona Terrace.
- Possessing, selling, distributing, consuming or being under the influence of any alcoholic beverage or controlled substance. ~~This~~ The policy of restricting alcoholic beverages shall not apply to guests or attendees who consume alcohol beverages at a Monona Terrace sponsored or sanctioned ~~event~~<sup>[JR4]</sup>.
- Trespassing by entering or remaining ~~on at~~ Monona Terrace ~~premises~~ after having been notified by an authorized individual not to do so, and entering or remaining on Monona Terrace property after being banned from the property.
- Refusing to follow the ~~reasonable~~ directions of ~~Monona Terrace s~~Staff.
- Engaging in any behavior that a reasonable person would find to be disruptive, harassing, ~~—~~or threatening in nature to Monona Terrace users or ~~staff~~Staff including stalking, prolonged ~~—~~staring at or following another with the intent to annoy or intentionally behaving in a ~~—~~manner that could reasonably be expected or has a strong likelihood to annoy or disturb ~~—~~other patrons.
- Engaging in any sexual contact, activities or conduct.

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- Using Monona Terrace furniture, equipment or facilities in any manner inconsistent with the customary use thereof or the theft or intentional damaging of Monona Terrace furniture, equipment or facilities.
- Entering non-public areas of Monona Terrace without permission.
- Improperly using or loitering within Monona Terrace restrooms or facilities in a manner which unreasonably prevents access to and use of the restrooms by other users or ~~staff~~Staff; damaging restrooms or leaving them in a condition such that they are unusable by others.
- Engaging in repeated violations of this Behavior Policy, State Statutes or City or County Ordinances.
- The City of Madison is expected to adopt a visitor policy for City buildings that are not covered by an existing guest or visitor policy. Upon adoption of such a policy, Monona Terrace shall consider any violation of that City policy to be a prior violation under this policy.

### **Staff Response to Infractions**

Violation of these behavioral policies can result in expulsion from Monona Terrace, as set forth in this Behavior Policy. Minor violations of these rules will first result in ~~Monona Terrace~~Staff attempting to educate or warn individuals about the policies before enforcing such policies. If an individual continues to violate these policies, ~~staff~~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 or unreasonably interferes with the intended use of Monona Terrace or that is damaging to Monona Terrace property, equipment or facilities may result in immediate expulsion from ~~the premises~~Monona Terrace. ~~Monona Terrace s~~Staff is authorized, and encouraged, to contact the ~~Madison~~Police ~~Department~~ to respond to such situations.

Violations of this Behavior Policy (even if a single isolated event) may result in individuals being banned from the Monona Terrace from one (1) day to one (1) year. In imposing this ban, ~~staff~~Staff will follow the established procedures below. ~~Monona Terrace s~~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.

~~The Board understands that it~~It may not be safe, practicable or efficient to empower only ~~Monona Terrace staff~~Staff with the authority to enforce this Behavior Policy. Therefore, the ~~Madison~~Police ~~Department is are~~ hereby authorized to enforce this Policy, subject to the same rules and restrictions as set forth herein that apply to ~~Monona Terrace s~~Staff.

### **Notice Procedure**

Notice required to be provided under this Behavior Policy shall ~~be~~ be made by Monona Terrace 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 ~~Monona Terrace~~Staff near the person. If a person leaves Monona Terrace before notice can be given, notice may be sent to the

person's last known address, or served upon them at a later date. ~~Monona Terrace~~ Staff shall record the method of providing the person notice. The notice shall identify the person, inform the person of the behavior observed that was in violation of the Behavior Policy, inform the person of the specifics of the ban, and describe the person's appeal rights. When possible, ~~Monona Terrace~~ Staff should also inform the person verbally of the specifics of the ban.

### **Banning Procedure**

Violations of this Behavior Policy ~~are subject to this banning procedure~~ that are ~~either~~ observed by ~~Monona Terrace~~s Staff, City of Madison or Dane County employees, ~~Police (including Police Officers and Sheriff's Deputies) or other sworn law enforcement officers~~, Monona Terrace users or other persons are subject to this banning procedure. All such violations shall be documented and kept on file at Monona Terrace. If a violation is not seen by Monona Terrace Staff, the veracity of the report shall be determined and all evidence considered, and ~~Monona Terrace~~ Staff may proceed with these banning procedures if there is a reasonable probability to believe that a person committed a violation of the Behavior Policy.

If a person who violated this Behavior Policy fails to or refuses to properly identify themselves to ~~Monona Terrace~~ 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 ~~Monona Terrace~~ 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 Monona Terrace pursuant to this Behavior Policy shall be informed that as a result of the ban that, on behalf of Monona Terrace and the Board, during the period of the ban he or she does not have permission to enter or remain at Monona Terrace and that if the person returns to Monona Terrace during the period of the ban, or remains at Monona Terrace after notified of the ban, that he or she will be trespassing and subject to an ordinance or statutory enforcement action. If a banned individual is seen anywhere ~~on~~ at Monona Terrace ~~property~~, police will be called and the individual may be cited for trespassing under Madison City Ordinance 23.07(2). After ~~Monona Terrace~~ Staff determines that a person has violated the Behavior Policy, and ~~s~~ Staff has determined that the individual involved should be banned from Monona Terrace, the following procedures and rules shall apply:

1. ~~Monona Terrace~~ Staff shall issue notice to the person expelling the person from Monona Terrace for a minimum of twenty-four (24) hours. A ban of 24 hours or less is not reviewable, but the Person may, within seven (7) days of receiving notice and in accordance with the procedures below, appeal the determination that they violated the Behavioral Policy to the Executive Director, who, after considering the evidence, shall determine whether there was a basis to support the Monona Terrace Staff's determination that there existed a reasonable probability to believe that the person committed a violation of the Behavior Policy.

If the banned person refuses to leave, or returns to Monona Terrace during the 24 hour initial ban period, ~~and the Police Department is required to remove the person from Monona Terrace,~~ Staff will issue a thirty (30) day ban regardless of whether the Police Department cites or arrests

the person for trespassing.

If a person complies with the ~~24 hour~~ initial ban, but then receives a second written notice for an additional Behavior Policy 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 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 Monona Terrace.
3. ~~Monona Terrace~~ Staff will promptly forward a copy of the notice and incident report to the Executive Director. After consultation with ~~staff~~ Staff and a review of the evidence, if the Executive Director agrees with ~~staff's~~ Staff's finding that there existed a reasonable probability to believe that the person committed a violation of the Behavior Policy, as well as the scope and length of the ban imposed, then the Executive Director shall take no further action. However, if the Executive Director deems it appropriate to rescind or modify the terms of the ban, the ~~Monona Terrace~~ Executive Director 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. The Executive Director shall also notify the banned individual of the process for appealing any modified ban, as set forth below.
4. In determining the length and scope of any ban, ~~Monona Terrace~~ Staff and the Executive Director shall consider the person's underlying behavior, the person's history of behavioral violations at Monona Terrace, and the impact of the person's behavior upon others' use and enjoyment of Monona Terrace.

### Appeals Process

Upon a written request filed by the banned person with the Executive Director prior to the expiration of the ban period, the Executive Director 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~~ Staff and submitted by the individual. A person may only file one appeal of a ban to the Executive Director<sup>JRS</sup>. The Executive Director must respond to the request within thirty (30) days of the filing of the request. The Executive Director 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 Executive Director shall also notify the banned individual that they may appeal the determination of the Executive Director to the Monona Terrace Community and Convention Center Board Appeal Subcommittee (Appeal Subcommittee) by filing a written request with the City Clerk within ten (10) days of the issuance of the Executive Director's decision. The appeal shall be heard by the Appeal Subcommittee, which will consist of three (3) Board members appointed by the Board Chair. Board members will be appointed to the Appeal Subcommittee as needed to hear appeals without further action of the Board. The Board shall create a subcommittee of three (3) Board members. The Board Chair shall appoint current board members to the subcommittee as needed to hear appeals without further action of the Board. The Appeal Subcommittee shall schedule a hearing as soon as possible, in compliance with open meetings requirements, after receiving notice of the appeal. At the hearing,

the banned person and the City of Madison shall have the opportunity to be represented by counsel, to present evidence, call and cross-examine witnesses. The Appeal Subcommittee shall issue a written decision no more than ten (10) calendar days after the hearing. The decision of the Appeal Subcommittee shall be a final determination for purposes of judicial review.

If either of the parties requests a stenographic recording of the hearing, ~~the~~ Staff shall make the necessary arrangements but the expense shall be borne by the requesting party. After considering the evidence presented, the Appeal Subcommittee shall either uphold, rescind or modify the terms and conditions of the ban. A person's failure to appear at the Appeal Subcommittee hearing shall constitute a withdrawal of the appeal. Any party aggrieved by the determination may seek review by following the procedures for judicial review in Sec. 9.49(7), MGO.

Until such time as a ban has been rescinded or modified by the Executive Director, or rescinded or modified on appeal by the Appeal Subcommittee, the person is subject to the terms and conditions of the ban.

**Miscellaneous**

Failure to enforce any part of this Behavior Policy shall not restrict enforcement of this Behavior Policy against any future infraction, even those that are the same or similar to an infraction not currently enforced.

Behavior Policy Approved by the Board: \_\_\_\_\_

Behavior Policy Reviewed by the City of Madison Attorney's Office: \_\_\_\_\_

**NOTICE OF BAN**

TO: \_\_\_\_\_  
 Name DOB

\_\_\_\_\_  
 Address

On \_\_\_\_\_ at approximately \_\_\_\_\_ you were observed at \_\_\_\_\_  
 \_\_\_\_\_ violating the Monona Terrace Behavior Policy. Specifically,  
 you were observed \_\_\_\_\_

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Because of the behavior listed above, and/or other history of behavioral policy violations at Monona Terrace, you are hereby banned from Monona Terrace for the period of time specified. As a result of this ban, you are further informed that, on behalf of Monona Terrace and its Board, during the period of the ban you do not have permission to be at Monona Terrace and that if you fail to leave or return to Monona terrace 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 Behavior Policy to the Monona Terrace Executive Director, 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 Monona Terrace Executive Director prior to the expiration of the ban period to review and reconsider the ban and the terms thereof. Upon review, the Executive Director 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 Executive Director’s decision to appeal this decision to the Monona Terrace Community and Convention Center Board Appeal Subcommittee (Appeal



Subcommittee) by filing a written request with the City Clerk. The Appeal Subcommittee ~~shall~~ will 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 Monona Terrace. The failure to appear at the hearing of the Appeal Subcommittee shall constitute a withdrawal of the appeal. After considering the evidence, the Appeal Subcommittee may uphold, rescind or modify the terms and conditions of the ban. The decision of the Appeal Subcommittee 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 Executive Director, or rescinded or modified on appeal by the Appeal Subcommittee, you are subject to the terms and conditions of the ban.

**Non-compliance with Ban - Trespassing:**

If you are seen anywhere on Monona Terrace property during the period of the ban, police ~~will~~ may be called and the individual may be cited for trespassing under Madison City Ordinance 23.07(2).

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

Staff Imposing Ban: \_\_\_\_\_

How notice given: