

**TOWNSHIP OF WEST CALDWELL
ORDINANCE**

Ordinance No. 1777

By: Councilman Hladik

**AN ORDINANCE TO ESTABLISH THE
YOUTH SPORTS CODE OF CONDUCT**

WHEREAS, the Township of West Caldwell administers the West Caldwell-Caldwell Recreation Department; and

WHEREAS, the Township of West Caldwell desires to establish the Youth Sports Code of Conduct:

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Caldwell, in the County of Essex and State of New Jersey as follows:

Section 1. Definitions

As used in this section, the following terms shall have the meanings indicated:

Code of Conduct shall mean a written specification of the behavior to be expected of the parents, guardians, coaches and officials prescribed by N.J.S.A. 5:17-1 et seq., and as more particularly set forth herein and to which all coaches and the parents or legal guardians of each minor on each municipally sponsored youth sports program shall consent.

Youth Sports Event shall mean any competition, practice, or instructional event involving one (1) or more youth sports programs. *Youth sports program* shall mean any sports activity managed by an organization that is sponsored by the Township, other such authorized agent or a nonprofit or similar charter; such organization being affiliated with or receiving monetary or other support or service from the Township of West Caldwell or regularly utilizing any facilities owned, leased, operated or maintained by the Township; such sports organization participating in sporting competitions involving minors, irrespective of the specific location of any particular event.

Section 2. Youth Sports Code of Conduct

- a. No coach, parents, player, participant, official or attendee shall engage in unsportsmanlike conduct with any other coach, parent, participant, official or other attendee.
- b. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in unsportsmanlike conduct with any coach, parent, player, participant, official or any other attendee.
- c. No coach, parent, player, participant, official or attendee shall engage in any behavior that could endanger the health, safety, or well-being of any coach, parent, player, participant, official or any other attendee.
- d. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in any behavior that could endanger the health, safety or well-being of any coach, parent, player, participant, official or any other attendee.
- e. No coach, parent, player, participant, official or attendee shall use drugs or alcohol while at a youth sports event and will not attend, coach, officiate or participate in a youth sports event while under the influence of drugs or alcohol.
- f. No coach, parent, player, participant, official or attendee shall permit any child, or encourage any other person to use drugs or alcohol while at a youth sports event and will not permit any child, or encourage any other person to attend, coach, officiate or participate in a youth sports event while under the influence of drugs or alcohol.

- g. No coach, parent, player, participant, official or attendee of any youth sports event shall engage in the use of profanity.
- h. No coach, parent, player, participant, official or attendee of any youth sports event shall encourage any child or any other person to engage in the use of profanity.
- i. Every coach, parent, player, participant, official or attendee shall treat any coach, parent, player, participant, official or attendee with respect regardless of race, creed, color, national origin, sex, sexual orientation or ability.
- j. Every coach, parent, player, participant, official or attendee shall encourage every child to treat any coach, parent, participant, official or attendee with respect regardless of race, creed, color, national origin, sex, sexual orientation, or ability.
- k. No coach, parent, player, participant, official or attendee shall engage in verbal or physical threats or abuse aimed at any coach, player, participant, official or any other attendee.
- l. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in verbal or physical threats or abuse aimed at any coach, parent, player, participant, official or any other attendee.
- m. No coach, parent, player, participant, official or attendee shall initiate a fight or scuffle with any coach, parent, player, participant, official or any other attendee.
- n. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to initiate a fight or scuffle with any coach, parent, player, participant, official or any other attendee.

Section 3. Youth Sports Code of Conduct Committee

- a. The Youth Sports Code of Conduct Committee (“Committee”) shall consist of the Mayor (or his/her designee), Chairman of the Recreation Committee of Council, Township Administrator, Chief of Police and Recreation Director.
- b. The Committee shall be charged with enforcing the provisions of the Youth Sports Code of Conduct.

Section 4. Code of Conduct Requirements

- a. Every coach, parent, player, participant, official, or attendee of a youth sports event shall be required to follow the Code of Conduct as set forth in this section. In addition, every coach and every participant or at least one (1) parent or legal guardian of each minor participating in a youth sports program must sign the State of New Jersey Model Athletic Code of Conduct prior to the commencement of each program.
- b. The State of New Jersey Model Athletic Code of Conduct will be made available for signature at program registration and thereafter upon request, to all parents or guardians of each child participating in a municipally sponsored sport or activity and shall be incorporated in all program registration forms. A copy of the State of New Jersey Model Athletic Code of Conduct and a summary of the requirements of this section shall be posted at all facilities utilized by Township-sponsored programs.

Section 5. Violation Procedures and Hearings

- a. Any coach, player, participant, official, or attendee at a youth sports event who believes there to be a violation of this section shall forward, in writing, their name, address, phone number, identity of the violator, date, location of alleged violation and nature of the alleged violation to the governing board of the appropriate youth sports program for an investigation and determination by the governing board of the youth sports program.
- b. Upon receipt of notice that a violation of the Code of Conduct may have occurred, the governing board of the youth sports program shall investigate the matter and hold a

- hearing of the board to determine whether a violation occurred. The Recreation Director shall be provided advanced notice of all meetings of the governing board of any youth sports program concerning a violation of the Code of Conduct. Upon determination by a majority vote of the governing board of the youth sports program that a coach, parent, player, participant, official, or attendee at any youth sports event has violated a provision of the Code of Conduct, the governing board of the youth sports program may impose a penalty, consistent with Section 6 below. The governing board of the youth sports program shall forward to the alleged violator(s) a written determination regarding whether a violation of the Code of Conduct occurred via regular and certified mail, with a copy to the Recreation Director. Said written determination shall identify the date, location, nature of the incident and, when applicable, any action to be taken in response to the violation.
- c. The governing board of the youth sports program may refer any matters, which the governing body of the youth sports program determines it is unable to decide for whatever reason, directly to the Code of Conduct Committee for a determination.
 - d. Any coach, parent, player, participant, official or attendee who was found in violation of the Code of Conduct by the governing board of the youth sports program or the Recreation Director may appeal a decision of the governing board of a youth sports program to the Code of Conduct Committee for a final determination. Said appeal must be submitted to the Code of Conduct Committee for a final determination. Said appeal must be submitted to the Code of Conduct Committee within ten (10) calendar days of receipt of the written notice of the decision by the governing board of the youth sports program or Recreation Director. The appeal shall include a copy of the notice with a written request specifically stating the basis of the individual appealing the notice of violation. The appeal shall be delivered by fax or certified mail to the Code of Conduct Committee c/o the Township Administrator, 30 Clinton Road, West Caldwell, NJ 07006.
 - e. Upon receipt of the appeal, the Code of Conduct Committee shall convene within twenty (20) calendar days and provide an opportunity for the individual filing the appeal to appear and be heard with respect to the occurrence of any violation and action taken by the Code of Conduct Committee. Should an individual be filing an appeal of a violation determined by the Recreation Director, the Recreation Director shall recuse himself/herself from all future proceedings of the Code of Conduct Committee.
 - f. The Code of Conduct Committee will review statements; first-hand accounts and any other pertinent information or documents relevant to the alleged violation and upon a majority vote of the members of the Committee who are present, may sustain, overturn or modify the notice of violation and any associated penalties issued by the governing board of the youth sports program or Recreation Director. The Committee will notify the alleged violator of the Code of Conduct, the Recreation Director and the governing board of the youth sports program of their determination and any changes or modifications to the notice of violation or associated penalties.
 - g. All notices of violation and penalty or other actions taken by the governing board of the youth sports program shall remain in effect until or unless overturned or modified by the Code of Conduct Committee.
 - h. In the event any notice of violation issued by the governing board of the youth sports program is not appealed within ten (10) days of such notice, the notice of violation and action taken by the governing board of the youth sports program, including suspension and/or banning from youth sports events, shall become final.
 - i. The Director of Recreation, in accordance with the Township Clerk, shall maintain a permanent file on all proceedings related to any actions taken by the Code of Conduct Committee.

Section 6. Code of Conduct Violations and Penalties

- a. Any coach, parent, player, participant, official, or attendee of a youth sports event who is found by the governing board of a youth sports program, the Recreation Director or the Committee to have violated one (1) or more of the provisions contained herein may be suspended from attending, coaching, officiating or participating in one (1) or more youth sports program for a period not to exceed twelve (12) months from the date of the incident.

- b. Any coach, parent, player, participant, official, or attendee of a youth sports event who is suspended from attending, coaching, officiating or participating in one (1) or more youth sports programs for a period not to exceed twelve (12) months may additionally be required, at the direction of the Committee, to complete an anger management counseling program, which offers services to individuals, singly or in groups, for the purposes of promoting anger control principles and shall be administered by an individual;
 - 1) Licensed as a professional counselor pursuant to the provisions for the Professional Counselor Licensing Act, N.J.S.A. 45:8B-33 et seq., or
 - 2) Licensed as a practicing psychologist pursuant to the provisions of the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.

Section 7. Application

- a. The provisions of this ordinance, Youth Sports Code of Conduct, shall be effective as of the date of its passing.

- b. The provisions of this ordinance, Youth Sports Code of Conduct, supersedes any and all individual youth sports program bylaws adopted by the individual youth sports programs that are inconsistent with this ordinance.

It is hereby certified that at a regular meeting of the Mayor and Council of the Township of West Caldwell, New Jersey being held on the 24th day of November, 2015, the foregoing Ordinance was duly adopted.

Mary S. Donovan, Township Clerk

The foregoing Ordinance, having been duly presented to me on 11/25/15, I hereby approve the same.

Joseph Tempesta, Jr. Mayor