

MEETING DATE: December 3, 2013

AGENDA ITEM: Consideration of Recommendation to the City Council Regarding a Parks, Recreation and Community Services (PRCS) Department Anti-Bullying Policy and Procedure.

ATTACHMENT

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ATTACHMENT

DRAFT ANTI-BULLYING POLICY & PROCEDURE

PURPOSE

1. The City of Culver City (City) is committed to each participant in parks programs to engage in a caring and safe "Bullying Free" environment that is free of discrimination, violence and bullying. The City works to ensure that all participants in parks programs have the opportunity and support to develop to their fullest potential and share a personal meaningful bond with people in the community.
 - 1.1. The City and the Community have an obligation to promote respect, tolerance and acceptance as well as strive to protect all parks program participants, from toddlers to seniors, from physical and emotional harm.
 - 1.2. The Department of Parks, Recreation and Community Services (Department) recognizes the harmful effects of bullying on learning and attendance and desires to promote and maintain a "Bullying Free" environment in all programs, staffed by both the PRCS Department or Program Contractors.
 - 1.3. Parks Programs include all Senior Center activities, Park staffed programs and camps and contractor programs. In summary, all programs or activities conducted at or on City Park properties.

2. POLICY

- 2.1. No person or group of persons shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate cyberbully, cause bodily injury to, or commit hate violence against any other participant or City personnel while on park property or in a park program or facility.
- 2.2. The City of Culver City will not tolerate behavior that infringes on the safety of any participant. A participant shall not intimidate, harass or bully another participant through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; psychological intimidation and social isolation or manipulation.
- 2.3. All Department program participants and guardian will be required to acknowledge the Policy before registering for a Department program. Any participant who engages in bullying may be subject to suspension, or expulsion from the Department program;
- 2.4. The City of Culver City expects each participant and/or staff to immediately report incidents of bullying to Department staff or designee. Staff who witness such acts must take immediate steps to intervene when safe to do so. Each complaint of bullying will be promptly investigated and may result in progressive disciplinary action up to expulsion from Department programs.
- 2.5. To ensure bullying does not occur at City facilities or within programs, the City of Culver City will provide staff development training in bullying prevention and

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intervention to all staff and staff of contractors who work with directly with program participants, to build and maintain a safe and healthy environment.

3.0 RESPONSIBILITY

- 3.1 This policy applies to all Department facilities and programs where Department-sponsored activities, custodial, drop-in, and special event programs, are occurring.
- 3.2 The responsibility for implementing this policy and procedure includes all Department staff including onsite, supervisory, administrative staff members, contract workers and instructors.
- 3.3 The Parks and Recreation Commission is responsible for hearing and recommending appropriate action for any appeals resulting from the implementation of this policy.

4.0 DEFINITIONS

- 4.1 The following defines bullying and the criteria for establishing the a form of bullying has occurred:
 - 4.1.1 Participant: any person, including staff, youth, adult, and senior participants, engaging in a staff-led City park program.
 - 4.1.2 Bullying: any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a program participant or group of program participants, directed toward one or more participants that has or can be reasonably predicted to have the effect of one or more of the following:
 - 4.1.2.1.1 Placing a reasonable participant or participants in fear of harm to that participant's or those participants' person or property.
 - 4.1.2.1.2 Causing a reasonable participant to experience a substantially detrimental effect on his or her physical or mental health.
 - 4.1.2.1.3 Causing a reasonable participant to experience substantial interference with his or her program experience or program objectives.
 - 4.1.2.1.4 Causing a reasonable participant to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a Department program.
- 5.0 Types of Bullying: "A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons". Bullying may include one or more of the following components, and may manifest in varying levels of seriousness:
 - 5.1 Bullying is aggressive behavior that involves unwanted, negative actions.
 - 5.2 Bullying involves a pattern of behavior repeated over time.

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5.3 Bullying involves an imbalance of power or strength. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

5.4 Cyber bullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device.

5.5 Cyber bullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

6.0 PROCEDURES FOR PREVENTING BULLYING

In addition to the policies described above, the Department will implement the following strategies to prevent bullying from occurring at City facilities and programs:

6.1 To the extent possible, City and Department strategies shall focus on prevention of bullying by establishing clear rules for participant conduct and strategies to establish a positive, collaborative program climate. Participants shall be informed, through -printed materials, signage, and other appropriate means, of Department and program rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

6.2 Program staff who work directly with participants shall receive training to identify early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

6.3 These policies and procedures must be disseminated annually to staff, contractors, all participants and parents/guardians.

6.4 These policies shall be publicized to participants, contractors, parents, employees, agents of the City of Culver City, and the general public the following methods:

6.4.1 Posting of policy on City website

6.4.2 Posting of policy at all Parks and Senior Center.

6.4.3 Posting of policy at Parks Recreation Department and Pool.

6.4.4 Written Policy given yearly to each participant with each participant signing an acknowledgement of receipt stating they have read and understand the policy.

6.4.5 Written Policy given yearly to each program contractor who will be required to sign an acknowledgement of receipt stating they have read and understand the policy and will enforce same.

7.0 PROCEDURES FOR INTERVENTION

Participants are encouraged to notify Department staff when they are being bullied or suspect that another participant is being victimized and to report all incidents of discrimination, intimidation, harassment, bullying, teasing or other verbal or physical abuse. In addition, the Director or designee shall develop means for participants to report threats or incidents confidentially and anonymously.

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- 7.1 Program staff that witness bullying shall immediately intervene to stop the incident when it is safe to do so.
- 7.2 As appropriate, the Director or designee shall notify the guardians of persons being bullied and persons engaged in bullying behavior.
- 7.3 Participants may submit to Department -staff or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the Department's _____ Report form.
- 7.4 When the circumstances involve cyber bullying while enrolled in a parks program, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyber bullying and to notify Department staff, Director or designee so that the matter may be investigated and referred to law enforcement.

8.0 DISCIPLINARY PROCESS

- 8.1 Any participant who engages in bullying on program premises in a manner that causes or is likely to cause a substantial disruption of a program activity or program attendance, shall be subject to discipline, which may include education in the City Anti-Bullying Policy, suspension, or expulsion, in accordance with Department policies and regulations.

9.0 NO TOLERANCE POLICY

- 9.1 There is no tolerance for any fighting, biting, spitting, choking, scratching or destruction of Park department, Senior Center, Teen Center, or camp equipment or property.
- 9.2 Any individual who engaged in these actions will have an immediate (2) day suspension of privileges to attend any Parks programs including programs run by contractors.
- 9.3 If property is damaged as a result of abuse by any program participant, that participant will incur the cost of repairs or replacement of the damaged property. In the case of a minor, the parent of the participating child will incur the cost for the repairs or replacement of the damaged property.
- 9.4 In addition, for Day camp programs should campers engage in any of these actions the actions by Staff will be:
 - **First Offense** – Verbal warning by staff
 - **Second Offense** – 5 minute time out away from the group
 - **Third Offense** – Parent notified for conference with the Day Camp Director
 - **Fourth Offense** – The child will be suspended or removed from the program for 1-3 days at the Day Camp Director's discretion and the consent of the Recreation Supervisor. The decision will be based upon the Day Camp Director's appraisal of the child's behavior as well as the parent's involvement in aiding the child to overcome the behavioral problems.
 - **Fifth Offense** – The child will not be allowed to attend the program. No refund will be given.

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9.4 A child who has had disciplinary action taken in a previous camp will be restricted from enrolling in (2) consecutive camps. A conference with the Recreation Supervisor and Camp Director is required if parents would like to re-enroll their child in the program. This conference will be to determine if there have been any improvements in behavior and to stress any miss-behavior will result in immediate removal from the program. If your child is granted approval to return, you will be notified by mail. Once the child returns they will be placed on a probation status for (1) year. During the probationary period, if the child has one offense, they will not be allowed to continue with the program. **No refund will be given.**

10.0 APPEALS PROCEDURE

10.1 An appeal of actions taken by the Department as a result of this policy must be approved by a majority vote of the Parks, Recreation Community Services Commission (Commission). Eligible Applications will be considered as part of the regular Commission Agenda on a monthly basis.

10.2 Applications must be submitted prior to the date of reinstatement to be scheduled meeting of the Commission, Applicants must submit requests to the Department Secretary at least (10) days prior to the next regularly scheduled Commission Meeting to be added to the Agenda and publicly noticed.

10.3 Anti Bullying Appeal Procedure

10.3.1 Applicant completes Application and submits to the Department Secretary.

10.3.2 Applicant may be asked by Director or Designee to submit background information about the participant and history in Department programs.

10.3.3 If the Director or Designee approves the Application, the applicant and guardian may be required to review the Anti-Bullying Policy, prior to reinstatement in a PRCS or contractor program.

10.3.4 If the Director or Designee denies Application, the Application will be forwarded to the Commission for consideration.

10.3.5 Commission votes to approve or deny Application.

11.0 REVIEW AND REVISION

11.1 It is the responsibility of the Department to review and update this policy and procedure on an annual basis or as needed.

12.0 REFERENCES

The above policy refers to the following resources:

- Culver City Unified School District Program Department Bullying Policy Adopted:

- City of Culver City Department of Parks, Recreation and Community Services Code of Conduct

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COURT DECISIONS

- J.C. v. Beverly Hills Unified Program Department, (201 0) 711 F.Supp.2d 1094
- Lavine v. Blaine Program Department, (2002) 279 F.3d 719

WEB SITES:

- CSBA: <http://www.csba.org/>
- California Cyber safety for Children: <http://www.cybersafety.ca.gov/>
- California Department of Education, Safe Programs Office:
<http://www.cde.ca.gov/ls/ss>
- 11 Center for Safe and Responsible Internet Use: <http://cyberbully.org/>
- 11 National Program Boards Association: <http://www.nsba.org/>
- 11 National Program Safety Center: <http://www.programsafety.us/>
- 11 U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/3/1>

CULVER CITY SCHOOL DISTRICT POLICY (included for reference)

Students BP 5131.2(a)

BULLYING

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 – Conduct)

(cf. 5136 – Gangs)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

Bullying/Harassment

The Board of Education affirms the right of every student to attend a school that is safe and secure. Therefore, the district, schools, students, parents/guardians and community have an obligation to promote mutual respect and safe, harmonious relations that support dignity and equality.

To that end, the district has in place policies, procedures, and practices that are designed to reduce and eliminate discrimination, intimidation, harassment, and bullying

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as well as processes and procedures to address incidents of discrimination, intimidation, harassment, and bullying when they occur.

These policies and procedures must be disseminated annually to staff, students, and parents/guardians. These policies shall be publicized to students, parents, employees, agents of the governing board, and the general public.

The district will not tolerate discrimination, intimidation, harassment, bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's jurisdiction whether directed at an individual or group. This includes, but is not limited to, discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 48900.2, 48900.3, and 48900.4)

The Board recognizes that some acts of discrimination, intimidation, harassment, and bullying may be isolated and/or unintentional incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of discrimination, intimidation, harassment, or bullying that require a response either at the classroom, school site, or district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of discrimination, intimidation, harassment, or bullying may range from behavioral intervention and education up to and including suspension or expulsion. This policy applies to all acts related to school activity or attendance occurring within a school under the jurisdiction of the Superintendent of the district.

In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4 provide additional authority to discipline a pupil for conduct that amounts to bullying. (Education Code 48900, 48900.2, 48900.3 and 48900.4)

Reporting Violations of this Policy

The principal or principal's designee at each school shall be responsible for receiving complaints alleging violations of this policy. All staff is expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of discrimination, intimidation, harassment, or bullying, to immediately intervene when safe to do so, call for assistance, and report such incidents. The Board requires that staff follow district and school procedures for reporting alleged acts of bullying.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each school or at the District Office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an

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anonymous report. Prompt and reasonable investigation of alleged acts of discrimination, intimidation, harassment, or bullying is expected.

Students are expected to report all incidents of discrimination, intimidation, harassment, bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, principal, or staff person. If the student who was bullied believes the situation has not been remedied, she/he may file a complaint in accordance with district procedures.

Students and parents are to be informed annually of the process by which they may make reports of bullying or harassment.

Complaints and Investigation

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

(cf. 3515.4 – Recovery for Property Loss or Damage)

(cf. 5137 – Positive School Climate)

(cf. 5131.5 – Vandalism, Theft, and Graffiti)

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process – Students with Disabilities)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

Legal Reference

EDUCATION CODE

200-262.4 – Prohibition of discrimination on the basis of sex

48900.2 - Additional grounds for suspension or expulsion; sexual harassment

48900.3 - Additional grounds for suspension or expulsion; Hate Violence

48900.4 - Additional grounds for suspension or expulsion; harassment, threats or intimidation

48904 - Liability of parent/guardian for willful student misconduct

48980 - Notice at beginning of term

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PRCS CODE OF CONDUCT FOR RECREATION CAMPS (included for reference)

Code of Conduct for Recreation Camp Programs

Discipline: Our staff is trained to work in the childcare field. As such, it is understood that discipline is defined as the modeling of positive behavior by the adult staff. Proper discipline aids in the development of self-control, self-esteem and respect for self and others. Through proper discipline, children are able to distinguish for themselves the difference between right and wrong, acceptable and unacceptable behaviors. In order to preserve a healthy and safe environment, disciplinary action will be handled as follows:

No Tolerance Policy: Fighting, biting, spitting, choking, scratching or destruction of camp equipment or property; these actions warrant an immediate (2) day suspension.

- **First Offense** – Verbal warning by staff
- **Second Offense** – 5 minute time out away from the group
- **Third Offense** – Parent notified for conference with the Day Camp Director
- **Fourth Offense** – The child will be suspended or removed from the program for 1-3 days at the Day Camp Director's discretion and the consent of the Recreation Supervisor. The decision will be based upon the Day Camp Director's appraisal of the child's behavior as well as the parent's involvement in aiding the child to overcome the behavioral problems.
- **Fifth Offense** – The child will not be allowed to attend the program. No refund will be given.

Please Note: A child who has had disciplinary action taken in a previous camp will be restricted from enrolling in (2) consecutive camps. A conference with the Recreation Supervisor and Camp Director is required if parents would like to re-enroll their child in the program. This conference will be to determine if there have been any improvements in behavior and to stress any miss-behavior will result in immediate removal from the program. If your child is granted approval to return, you will be notified by mail. Once the child returns they will be placed on a probation status for (1) year. During the probationary period, if the child has one offense, they will not be allowed to continue with the program. **No refund will be given.**

Note: If property is damaged as a result of abuse by a camper, the parent of the camper may incur the cost for the repairs or replacement of the damaged property.