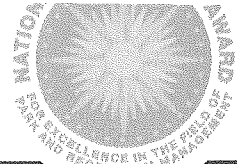


# CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE

**R-17**



July 16, 2013

2760 N. Studebaker Road, Long Beach, CA 90815-1697  
(562) 570-3100 • FAX (562) 570-3109  
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HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach  
California

## RECOMMENDATION:

Authorize the City Manager to approve the Department of Parks, Recreation and Marine's Proposed Anti-Bullying Policy and Procedure. (Citywide)

## DISCUSSION

At its July 24, 2012, meeting, the City Council requested that the City Manager work with the Department of Parks, Recreation and Marine (PRM) and the Human Relations Commission to craft an Anti-Bullying Policy and Procedure (Proposed Policy) for all City of Long Beach (City) park programs and facilities (Attachment).

Since that time, representatives from the Junior League of Long Beach, Peace Builders, Long Beach Unified School District (LBUSD), Human Dignity Office, Human Relations Commission, Library Services, Police Department, and PRM have held multiple meetings to craft a mission statement, code of conduct, and key objectives to prevent, identify, and address bullying in park programs and facilities.

Since the Proposed Policy impacts activities in park programs and facilities, the Parks and Recreation Commission reviewed the Proposed Policy at its March 14, 2013, regular monthly meeting. The Human Relations Commission reviewed the Proposed Policy at its March 14 and April 11, 2013, regular monthly meetings and provided additional input.

A key concern presented by the Human Relations Commission is that the approved Anti-Bullying Policy and Procedure not result in expelling troubled youth participants from PRM programs. As a result, it was recommended that the City explore outside programs focused on restorative justice. This is an approach that involves both the victim and the offender in an interactive process before the offending youth is reintegrated into the PRM park program. Offenders are encouraged to take responsibility for their actions in order to repair the harm they have caused, and learn the skills necessary to avoid future offences. Strategies recommended by restorative justice experts include restorative justice conferences and circles, the introduction of informal practices for engaging with victims and offenders, and supervision strategies that promote behavior change to prevent future wrongdoing. Further, the Human Relations Commission recommended that the Proposed Policy be applied to all City departments, and that LBUSD be encouraged to adopt a restorative justice program in their own policy on bullying.

The City currently lacks the expertise and staffing to implement the restorative justice process; therefore, additional resources will be required to fully implement the recommendations of the Human Relations Commission. PRM staff estimates that an annual operating budget of \$140,000 would be required to fully implement the Proposed Policy, including the recommendations of the Human Relations Commission. This would require the hiring of an outside consultant to develop a restorative justice training program; staff hours dedicated to the annual training process; a staff coordinator to conduct investigations and make referrals; promotional printing costs to provide training materials for program participants; and contracting with an outside facilitator, recommended by the Human Relations Commission, to conduct the restorative justice program. Funding for this option is not budgeted and would require identification of a funding source.

Alternatively, the policy as proposed by PRM, closely mirrors that of LBUSD and was developed to address bullying with minimal staffing or material costs. PRM estimates the cost to implement the Proposed Policy without the components mentioned above would be approximately \$10,000 annually for staff time and the printing and distribution of basic training materials, and could be implemented within current appropriations.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on July 1, 2013 and by Budget Management Officer Victoria Bell on June 28, 2013.

#### TIMING CONSIDERATIONS

City Council action is requested on July 16, 2013, in order to provide PRM with sufficient time to prepare materials and basic training for staff to incorporate some of the program elements in this year's programming.

#### FISCAL IMPACT

The cost to implement the Proposed Policy is estimated to be \$10,000 annually and would be absorbed within existing appropriations. Implementation of the Proposed Policy with the components recommended by the Human Relations Commission, including outreach, education, training, enforcement, and restorative justice programs, is estimated to be approximately \$140,000 annually. This cost is not currently budgeted and would require identification of a funding source. There is no local job impact associated with the recommended action.

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
GEORGE CHAPJIAN  
DIRECTOR OF PARKS, RECREATION AND MARINE

GC:JPK:GK  
Attachment

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER



**DRAFT**

## **Policies and Procedures**

City of Long Beach, Department of Parks, Recreation and Marine

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Subject: DRAFT ANTI-BULLYING POLICY & PROCEDURE      Number: X.XX

### **1.0 PURPOSE**

- 1.1 The City of Long Beach (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.
- 1.2 The City and the Community have an obligation to promote respect, tolerance and acceptance as well as strive to protect parks program participants from physical and emotional harm.
- 1.3 The Department of Parks, Recreation and Marine (Department) recognizes the harmful effects of bullying on learning and attendance and desires to promote and maintain a "Bullying Free" environment in all staff-led programs.

### **2.0 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 Long Beach 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;

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- 2.4 The City of Long Beach 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 Long Beach will provide staff development training in bullying prevention and intervention to all staff 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

The following defines bullying and the criteria for establishing the a form of bullying has occurred:

- 4.1 Participant: any person, including staff, youth, adult, and senior participants, engaging in a staff-led City park program.
- 4.2 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:
  - (a) Placing a reasonable participant or participants in fear of harm to that participant's or those participants' person or property.

- (b) Causing a reasonable participant to experience a substantially detrimental effect on his or her physical or mental health.
  - (c) Causing a reasonable participant to experience substantial interference with his or her program experience or program objectives.
  - (d) 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.
- 4.3 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" (Olweus). Bullying may include one or more of the following components, and may manifest in varying levels of seriousness:
- (a) Bullying is aggressive behavior that involves unwanted, negative actions.
  - (b) Bullying involves a pattern of behavior repeated over time.
  - (c) 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.
  - (d) 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.
  - (e) 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. Fees and costs that may be eligible for waiver by the Commission:

## 5.0 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:

- 5.1 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.

- 5.2 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.

#### 6.0 PROCEDURES FOR INTERVENTION

- 6.1 Participants are encouraged to notify Department staff when they are being bullied or suspect that another participant is being victimized. In addition, the Director or designee shall develop means for participants to report threats or incidents confidentially and anonymously.
- 6.2 Program staff that witness bullying shall immediately intervene to stop the incident when it is safe to do so.
- 6.3 As appropriate, the Director or designee shall notify the guardians of persons being bullied and persons engaged in bullying behavior.
- 6.4 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 Patron Safety/Incident Report form.
- 6.5 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.

#### 7.0 DISCIPLINARY PROCESS

- 7.1 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.

#### 8.0 APPEALS PROCEDURE

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

Applications must be submitted prior to the date of reinstatement to be considered by the Commission. To be considered at the next regularly

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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.

8.1 Anti Bullying Appeal Procedure

- (a) Applicant completes Application and submits to the Department Secretary.
- (b) Applicant may be asked by Director or Designee to submit background information about the participant and history in Department programs.
  - (i) 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 parks program,
  - (ii) If the Director or Designee denies Application, the Application will be forwarded to the Commission for consideration.
- (c) Commission votes to approve or deny Application.

9.0 REVIEW AND REVISION

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

10.0 REFERENCES

The above policy refers to the following resources:

- Long Beach Unified Program Department Bullying Policy (BP 5131.2), Adopted: June 18, 2012
- City of Long Beach Department of Parks, Recreation and Marine Patron Incident Reporting Form
- Appeals Application Form

PENAL CODE

- 647 Use of camera or other instrument to invade person's privacy; misdemeanor
- 647.7 Use of camera or other instrument to invade person's privacy; punishment
- 653.2 Electronic communication devices, threats to safety

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COURT DECISIONS

- J.C. v. Beverly Hills Unified Program Department, (2010) 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>
- Center for Safe and Responsible Internet Use: <http://cyberbully.org/>
- National Program Boards Association: <http://www.nsba.org/>
- National Program Safety Center: <http://www.programsafety.us/>
- U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr> 3/12

APPROVED:

AUTHORIZED ON:

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GEORGE CHAPJIAN  
DIRECTOR

Rev 05/24/13