

**AN ORDINANCE PROHIBITING BULLYING IN CITY SERVICES, ACTIVITIES, PROGRAMS, AND FACILITIES SERVING YOUTH**

The City of Morgantown hereby ordains that a new **Article 111** entitled **Policies and Procedures** is established within the Administrative Code, and a new **Section 111.01** entitled **Prohibition of Bullying** is established therein, as follows:

**Article 111.**  
**Policies and Procedures.**

111.01. Prohibition of Bullying.

(a) Legislative Findings and Purpose. The City Council of the City of Morgantown finds that a safe and civil environment in youth services, activities, programs, and facilities is necessary to promote the community objectives of youth services, including education, recreation, and community engagement. The City Council finds that enacting a policy prohibiting bullying in youth services, activities, programs, and facilities provided by the City will protect the dignity and safety of youth served by the City. This policy is intended to prohibit bullying, harassment, and intimidation in all youth-serving City services, activities, programs, and facilities.

(b) Definitions. For purposes of this section, the following terms have the meanings given:

(i) “Bullying” means any severe, pervasive, or persistent conduct, whether physical or verbal and whether transmitted in person or by written or electronic means, that

(A) may be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or any other distinguishing characteristic, or upon a youth’s association with a person or group with any of the actual or perceived foregoing characteristics; and that

(B) can reasonably be predicted to

(1) Place the youth in reasonable fear of harm to person or property;

(2) Cause a substantial detrimental effect on the youth’s physical or mental health; or

(3) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, programs, facilities, or privileges provided by a City agency, whether provided directly or through affiliates or agents.

(ii) "City" or "City agency" means The City of Morgantown and any or all of its boards, commissions, agencies, and instrumentalities, including without limitation the Board of Parks and Recreation Commissioners ("BOPARC") and the Morgantown Public Library System.

(iii) "Retaliate" or "retaliation" means to coerce, intimidate, threaten, or interfere with any individual based on such individual's reporting of an incident of Bullying or participation in the investigation of an incident of Bullying, or assistance with enforcement of the prohibition of Bullying.

(iii) "Youth" means either

(A) an individual of 21 years of age or less who is enrolled in an educational institution or who accesses the services or programs provided by City, a City agency, or a grantee of City; or

(B) individuals described in Subsection (A), above, when considered as a group.

(iv) "Youth-serving City services" means any program, activity, facility, or service directed or funded by City which includes Youth as participants, entrants, volunteers, or staff.

(c) Prohibition of Bullying.

(i) Acts of Bullying, whether committed by youth, volunteers, or staff, are prohibited in all youth-serving city services, including without limitation those provided by BOPARC and the Morgantown Public Library System and those provided by other groups using the facilities of the City.

(ii) Retaliation against a youth, volunteer, or staff member who reports bullying, provides information about an act of bullying, or witnesses an act of bullying, is prohibited.

(d) Adoption of Policies.

(i) All City agencies that provide services, activities, programs, and facilities for youth shall establish a clear, written policy for reporting, addressing, and preventing bullying as defined in this Section.

(ii) All such policies shall be submitted by the agency to City Council for its review no later than one hundred eighty days from the effective date of this Section or the creation of the agency, whichever occurs later.

(iv) Each policy shall include the following minimum components:

- (1) Procedures for reporting incidents
- (2) Requirement that agency personnel report incidents of which they are aware
- (3) Requirement that due diligence be exercised in notifying parents and guardians of any youth involved in an incident
- (4) Procedures for responding to and investigating incidents
- (5) Requirement that staff orientation and training programs include information regarding agency policy prohibiting bullying, harassment, and intimidation
- (6) Steps which will be taken to prevent bullying by identifying and supporting youth who are bullied, redirect the behavior of youth who bully, and change the attitudes of adults and youth who tolerate bullying behaviors.

This ordinance is effective upon adoption.

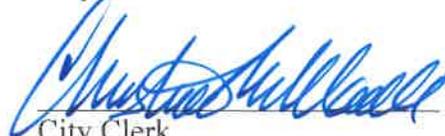
FIRST READING: June 18, 2019

ADOPTED: July 2, 2019

FILED: July 3, 2019

RECORDED: July 3, 2019

  
Mayor

  
City Clerk