

RESOLUTION _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, RECOGNIZING UNITED NATIONS ANTI-BULLYING DAY ON MAY 4TH; DIRECTING THE CITY ADMINISTRATION TO REVIEW AND, IF APPLICABLE, PROPOSE AMENDMENTS TO ANY EXISTING ANTI-BULLYING POLICIES (OR TO PROPOSE NEW ANTI-BULLYING POLICIES) FOR CITY SERVICES, CITY-SUPPORTED SERVICES, AND CITY FACILITIES; ESTABLISHING GUIDELINES FOR SUCH POLICIES; REQUIRING THAT SUCH POLICIES PROTECT INDIVIDUALS ON THE BASIS OF THE PROTECTED CLASSES SET FORTH IN THE CITY'S HUMAN RIGHTS ORDINANCE, AS MAY BE APPLICABLE; AND PROVIDING THAT THE CITY ADMINISTRATION SHALL PRESENT SUCH POLICIES TO THE AD HOC ANTI-BULLYING TASK FORCE PRIOR TO CITY COMMISSION APPROVAL.

WHEREAS, bullying creates a climate of fear and disrespect that can seriously impair the physical and psychological well-being of its victims, creating conditions that negatively affect learning, and thereby undermining the ability of students or other individuals to achieve their full potential; and

WHEREAS, bullying has become the subject of local, state, and national concern, resulting in an increased focus on prevention in Florida schools; and

WHEREAS, on September 27, 2016, the Mayor and City Commission adopted Ordinance No. 2016-4034, amending the protected classes set forth in the City of Miami Beach Human Rights Ordinance to include ancestry, height, weight, domestic partner status, labor organization membership, familial situation, and political affiliation, and to provide that the Human Rights Ordinance shall apply to actual and perceived membership in a protected class; and

WHEREAS, in 2012, the United Nations dedicated May 4th as "U.N. Anti-Bullying Day," in recognition of the severe social and societal harms associated with bullying; and

WHEREAS, in view of the 10th anniversary of Miami Beach Gay Pride, and U.N. Anti-Bullying Day, SAVE has approached City of Miami Beach ("City") elected officials to encourage the City to further develop its anti-bullying policies (see Exhibit "A"); and

WHEREAS, in 2012, Washington, D.C. Mayor Vincent C. Gray signed into law the Youth Bullying Prevention Act of 2012 (attached hereto as Exhibit "B"), creating a Youth Bullying Prevention Task Force, which later developed a District-wide Model Bullying Prevention Policy; and

WHEREAS, on December 13, 2017, the Mayor and City Commission adopted Resolution No. 2017-30109, accepting the recommendation of the LGBTQ Advisory Committee

and creating an Ad Hoc Anti-Bullying Task Force to provide recommendations to the Mayor and City Commission for the development of anti-bullying policies and laws to protect youth from bullying in all City services, City-supported services, and City facilities; and prescribing the duties, composition, manner of appointment, and term of office of Task Force members; and

WHEREAS, in furtherance of the objectives set forth in Resolution No. 2017-30109, the Mayor and City Commission now desire to (1) direct the City Administration to review and, if applicable, propose amendments to any existing anti-bullying policies (or to propose new policies) for City services, City-supported services, and City facilities; (2) establish guidelines for such policies; (3) require that such policies protect individuals on the basis of the protected classes set forth in the City's Human Rights Ordinance, as may be applicable; and (4) provide that the City Administration shall present such policies to the Ad Hoc Anti-Bullying Task Force prior to City Commission approval.

NOW, THEREFORE; BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

- (1) The City Administration is hereby directed to review and, if applicable, propose amendments to any existing anti-bullying policies (or propose new anti-bullying policies) for City services, City-supported services, and City facilities.
- (2) Each policy should include the following:
 - a. A definition of bullying;
 - b. A statement prohibiting bullying;
 - c. A statement that the policy applies to participation in City-sponsored functions;
 - d. The expected code of conduct;
 - e. A list of the consequences that can result from an identified incident of bullying, which are designed to:
 - i. Appropriately correct the bullying behavior;
 - ii. Prevent another occurrence of bullying or retaliation;
 - iii. Protect the target of the bullying;
 - iv. Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:
 1. Nature of the incident;
 2. Developmental age of the person bullying; and
 3. Any history of problem behavior from the person bullying;
 - f. A procedure for reporting bullying or retaliation for reporting an act of bullying;

- g. A procedure for offering or referring behavioral health or counseling services to a person accused of bullying as well as to a person who is the target of bullying;
 - h. A procedure for prompt investigation of reports of violations of the policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports;
 - i. An appeal process for a person accused of bullying or a person who is the target of bullying who is not satisfied with the outcome of the initial investigation; and
 - j. A statement that prohibits retaliation against any person who reports bullying, including the possible consequences for a person who engages in retaliatory behavior.
- (3) As may be applicable to each particular City department or program, the City's anti-bullying policies must protect individuals on the basis of the protected classes set forth in the City's Human Rights Ordinance: actual or perceived differences of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, and political affiliation.
- (4) The City Administration shall present any proposed anti-bullying policies to the City's Ad Hoc Anti-Bullying Task Force prior to City Commission approval.

PASSED and **ADOPTED** this _____ day of _____, 2018.

ATTEST:

 Rafael Granado
 City Clerk

 Dan Gelber
 Mayor

(Sponsored by Commissioner John Elizabeth Alemán)

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APPROVED AS TO
 FORM & LANGUAGE
 & FOR EXECUTION
[Signature] 4-20-18

 City Attorney Date
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