



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** BL2020-454, **Version:** 2

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An ordinance amending Title 2 of the Metropolitan Code of Laws to prohibit bullying in all Metropolitan Government services, activities, programs, and facilities.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 2 of the Metropolitan Code of Laws is hereby amended by adding the following new Chapter 2.232:

### 2.232 -Bullying Prevention

#### 2.232.010 - Definitions

For the purposes of this Chapter “bullying” shall be defined as any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that:

1. May be based on a person’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 on a person’s association with a person or group with any of the actual or perceived foregoing characteristics; and
2. Can reasonably be predicted to:
  - a. Place the person in reasonable fear of physical harm to their person or property;
  - b. Cause a substantial detrimental effect on the person’s physical or mental health;
  - c. Substantially interfere with the person’s academic performance or attendance; or
  - d. Substantially interfere with the person’s ability to participate in or benefit from the services, activities, programs, facilities, or privileges provided by an agency or contractor or agent thereof.

#### 2.232.020 - Bullying prohibited.

- A. Acts of bullying, including cyberbullying, whether by a person, volunteers, or staff, are prohibited in all Metropolitan Government services, activities, programs, and facilities.
- B. Retaliation against a person, volunteer, or staff member who reports bullying, provides information about an act of bullying, or witnesses an act of bullying is also prohibited.
- C. All Metropolitan Government agencies and departments that provide services, activities, programs, and facilities to the public shall establish a clear policy for reporting, addressing, and preventing bullying as defined above. This policy shall include a requirement for annual training for all staff on said policy and on best bullying prevention practices.
- D. The provisions of this ordinance shall not apply to the Metropolitan Nashville Public Schools, as T.C.A. § 49-6-4503 already requires each school district to adopt a policy prohibiting harassment, intimidation,

bullying, and cyber-bullying.

E. The provisions of this Section are intended to supplement, but not replace, the Metropolitan Government's existing workplace conduct policy, which includes guidelines, reporting, and other related procedures addressing anti-bullying efforts in the workplace.

Section 2. This ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

#### Analysis

This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit bullying in all Metro Government services, activities, programs, and facilities. Bullying, including cyberbullying, would be prohibited by any person, volunteers, or staff. Retaliation against a person who reports bullying would also be prohibited. All Metro agencies and departments that provide services, activities, programs, and facilities to the public would be required to establish a clear policy for reporting, addressing, and preventing bullying. The policy must include a requirement for annual training for all staff on the policy and bullying prevention practices.

An amendment added at the October 20, 2020 meeting clarifies that this ordinance is meant to supplement, not replace, the existing workplace conduct policy for Metro employees.

This ordinance would not apply to Metro Nashville Public Schools, which is already required to adopt a policy prohibiting harassment, intimidation, bullying, and cyber-bullying under state law.