

Department of Behavioral Health  
**TRANSMITTAL LETTER**

<b>SUBJECT</b> Youth Bullying Prevention		
<b>POLICY NUMBER</b> DBH Policy 515.2A	<b>DATE</b> OCT 23 2020	<b>TL#</b> 331

**Purpose.** To implement the requirements of the Youth Bullying Prevention Act of 2012 and its regulatory guidelines.


**Applicability.** Applies to the Department of Behavioral Health (DBH) and service providers with a contract or grant.


**Policy Clearance.** This policy has been reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices.

**Effective Date.** This policy is effective thirty (30) days from the date of signature by the DBH Director. A provider agency or grantee may direct any questions about this policy to their assigned DBH Provider or Grantee Relations Specialist, respectively.

**Superseded Policy.** DBH Policy 515.2 Bullying Prevention Policy for Youth dated December 03, 2013.

**Distribution.** This policy will be posted on the DBH web site at [www.dbh.dc.gov](http://www.dbh.dc.gov) under Policies and Rules. Please contact Trina Dutta at [trina.dutta@dc.gov](mailto:trina.dutta@dc.gov) for a Microsoft Word version of this policy. Applicable entities are required to ensure that affected staff is familiar with the contents of this policy.

  
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Barbara J. Bazron, Ph.D.  
Director, DBH

GOVERNMENT OF THE DISTRICT OF COLUMBIA  DEPARTMENT OF BEHAVIORAL HEALTH	<b>Policy No.</b> 515.2A	<b>Date</b> OCT 23 2020	<b>Page 1</b>
	<b>Supersedes</b> DBH Policy 515.2 Bullying Prevention Policy for Youth dated December 03, 2013		

**Subject: Youth Bullying Prevention**

1. **Purpose.** To implement the requirements of the Youth Bullying Prevention Act of 2012 and its regulatory guidelines.

2. **Applicability.** The Department of Behavioral Health (DBH) and DBH service providers with a contract or grant.

3. **Authority.** The Department of Behavioral Health Establishment Act of 2013 (D.C. Code §§ 7-1141.02 *et seq.*); Youth Bullying Prevention Act of 2012 (D.C. Code §§ 2-1535.01, *et seq.*); and 4 DCMR Chapter 15 Youth Bullying Prevention.

4. **Definitions.**

4a. **Bullying.** Pursuant to 4 DCMR §1502, bullying means

“any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal that:

- (1) 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, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person or group with any person, with one or more of the actual or perceived foregoing characteristics; and
- (2) Can reasonably be predicted to:

- a. Place the youth in reasonable fear of physical harm to his or her person or property;
- b. Cause a substantial detrimental effect on the youth’s physical or mental health;
- c. Substantially interfere with the youth's academic performance or attendance; or
- d. Substantially interfere with the youth’s ability to participate in or benefit from the services, activities, or privileges provided by a covered entity.”

4b. **Bullying Prevention Program Director, Office of Human Rights (BPP Director).** The assigned position under the Youth Bullying Prevention Act of 2012 to enforce the Act.

4c. Cyberbullying<sup>1</sup>. Any bullying done through technology or electronic devices including telephones, computers, tablets and the internet. Cyberbullying may occur through social media, electronic mail (email), instant messaging, text messages, tweets, chat, pictures or videos, and websites.

4d. Investigation. For purposes of this policy, a detailed inquiry or systematic examination of allegations of bullying and/or cyberbullying which, upon completion, may result in recommendations for remedial actions.

4e. Office of Human Rights (OHR). The District agency that enforces local and federal human rights laws, including the DC Human Rights Act.

4f. Point of Contact (POC). For purposes of this policy, the staff member at a provider agency with a DBH human care agreement, contract or grant who assumes the role of the Provider Youth Bullying Prevention Coordinator.

4g. Providers. Refers to DBH providers with a human care agreement, contract or grant.

4h. Retaliation. For purposes of this policy, to coerce, or attempt to coerce, a person to refrain from reporting an act of bullying. Also, to threaten to harm a person or otherwise subject the person to an adverse action because the person has reported or may report bullying. To interfere with a person's right or obligation to report an act of bullying.

4i. Youth<sup>2</sup>. (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 an agency or grantee, or an individual of 22 years of age or less who is receiving special education services from an educational institution; or (b) individuals as described in paragraph (a) of this definition considered as a group.

## 5. Policy.

5a. DBH is committed to providing a safe and welcoming environment, emphasizing a culture of respect and safety. Youth served by DBH and its providers have the right to be free from bullying, including cyberbullying.

5b. This policy shall apply at the following DBH or DBH provider locations:

- (1) On DBH or DBH provider property, including buildings, fields, parking lots, and walkways;
- (2) At DBH or DBH provider sponsored events, including those held off the property; and
- (3) On any vehicle for DBH or DBH provider sponsored events.

<sup>1</sup> 4 DCMR § 1502.5, Youth Bullying Prevention.

<sup>2</sup> 4 DCMR § 1599.1, Youth Bullying Prevention.

5c. Reported incidents of bullying shall be investigated pursuant to §§ 6c and 6e.

5d. Bullying prevention messages and efforts shall be incorporated into all aspects of service delivery and operations that serve youth or that support youth serving operations.

5e. Retaliation in response to any actions related to bullying is prohibited and will be addressed pursuant to § 6d.

5f. DBH and its providers shall ensure that youth are informed of the following code of conduct at intake and/or during service encounters:

Youth shall behave in a way that supports a safe and welcoming environment for other youth, DBH and/or provider staff, volunteers and community members. Youth who participate in DBH services, programs and activities are expected to:

- (1) Treat all participants in the service, program or activity with respect;
- (2) Respect the property of DBH and/or the DBH provider, its staff, volunteers and other youth involved in the service, program or activity; and
- (3) Respond appropriately to instructions from the staff in the service location, program or activity.

## 6. Procedures.

### 6a. Youth Bullying Prevention.

DBH and providers shall:

(1) Inform youth about their right to be free from bullying and about this policy at intake and during service encounters.

(2) Conduct bullying prevention training to DBH and provider staff and volunteers who work with youth as follows:

a. Train staff and volunteers on youth bullying on an annual basis using:

i. Office of Human Rights (OHR) training material for one (1) three (3) hour session per year;<sup>3</sup> or

ii. Alternative training that is comparable in scope and content.

b. Implement a thirty (30) minute general bullying prevention training annually to employees with no direct youth contact that covers the general procedures for responding to a report of bullying and contact information for the POC.

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<sup>3</sup> OHR Training can be downloaded from this link: <https://ohr.dc.gov/node/1061332>

c. Incorporate information on this policy into the new employee training.

d. Submit documentation of the training to the DBH Bullying Prevention Coordinator, including the date, time, summary of the content of annual training, and the name and biographical information of the trainer. The DBH Bullying Prevention Coordinator shall provide these records to OHR annually.

6b. Youth Bullying Incident Reporting.

(1) Anyone who witnesses or knows about bullying shall verbally report the incident(s) to the 24/7 Compliance Line (anonymous calls) at (800) 345-5564 as soon as the bullying is discovered. Bullying can also be reported to the DBH Ombudsman at (844) 698-2924. Reports to the DBH Ombudsman may not be anonymous.

(2) Within twenty-four (24) hours of witnessing or learning about the bullying, DBH or the DBH provider staff must submit a written Major Unusual Incident (MUI) report (See Exhibit 1), **category 7c** to the DBH Division of Incidents and Major Investigations (DIMI) via email: [MUI.OA@dc.gov](mailto:MUI.OA@dc.gov).

(3) DIMI shall forward the MUI report to the DBH Youth Bullying Prevention Coordinator.

(4) Immediately after receiving the MUI report, in collaboration with the DBH Youth Bullying Prevention Coordinator, DBH or the DBH provider POC shall:

a. Take steps to ensure the safety of the alleged victim per the DBH or the DBH provider's internal procedures, pursuant to 7b(1).

b. Notify parents and guardians, schools, and law enforcement agencies, as applicable, (via telephone and in writing) of the bullying incident to ensure that services are in place to protect victims from further victimization;

c. Make every effort to protect the confidentiality of bullying incident reporters; and

d. Initiate an investigation of the alleged incident within two (2) business days of receiving the verbal complaint. The investigation shall be completed within thirty (30) business days of receiving the complaint.

6c. Youth Bullying Incident Investigations.

DBH or provider POC shall:

(1) Complete and return to DBH DIMI the portion of the MUI report with the title Follow-up Major and Unusual Incident (MUI/UI) Form, within thirty (30) business days from the date the MUI was submitted to DBH. DBH or the provider POC shall include full details of the incident and of the final disposition, a summary of actions taken by management

officials, and any additional corrective actions taken. If the investigation is performed by a provider, the report shall be submitted by e-mail to [MUI.OA@DC.GOV](mailto:MUI.OA@DC.GOV).

(2) If the DBH DIMI determines that a provider's investigation is insufficient, the DBH Youth Bullying Prevention Coordinator shall work with the provider POC to correct the deficiencies and address any further needed precautions to protect the victim.

(3) If the incident occurred at DBH or at a DBH-sponsored event, the DBH Youth Bullying Prevention Coordinator and DIMI shall determine sufficiency of the investigation.

(4) Provider POC shall ensure that the investigatory recommendations are implemented by:

a. Disseminating a written summary of the report to the victim of bullying and his or her parent or guardian if under age eighteen (18), and the alleged bully and his or her parent or guardian if under age eighteen (18).

b. The requirement to send the written report to the parents or guardians of the alleged victim shall not apply if the contact information for parents or guardians is not available after making good-faith attempt to obtain such information, or if the POC determines that sending the report may cause harm to or endanger the health or well-being of the target or alleged perpetrator. If DBH or a DBH provider does not send a copy of the report to the parents or guardians of a child under age eighteen (18), the reasons for this determination must be documented.

c. Meet with involved parties separately to provide summary and results of the investigation, including remediation.

#### 6d. Remediation.

(1) Remedial actions for youth shall not be punitive. DBH and the DBH provider shall take appropriate actions to remedy bullying incidents, including incidents of retaliation. Providers shall consider the individual circumstances of each incident and apply remedial actions that are tailored to each case. Remedial actions may include but are not limited to:

a. Restoring the youth's sense of responsibility by addressing root causes of the bullying incidents in a constructive manner;

b. Correcting the thinking patterns, behaviors and skill deficiencies that led to the incident, turning a bullying incident into a teachable moment;

c. Preventing another occurrence of the bullying or retaliation; and

d. Protecting the target of the bullying.

(2) Based on the final investigation, DBH and providers must apply remediation within one (1) calendar week of determining that an incident of bullying occurred, unless DBH or the

DBH provider timely receive a request for secondary investigation through written appeal. Possible remedial actions<sup>4</sup> include:

- a. Training and education by DBH and/or the DBH provider on the effects of bullying behavior and the prevention of future bullying;
- b. Constructive reprimand;
- c. Limitations in participation of certain activities; and
- d. Referral to another service/program, provider or contractor.

6e. Secondary Investigation Requested through the Written Appeal.

(1) Any request for a secondary investigation must be in writing and submitted within thirty (30) business days after the conclusion of the initial investigation. If the initial investigation was completed by DBH, the request for a secondary investigation shall be made to the Deputy Director, Child and Youth Services. If the initial investigation completed by a provider agency, the request shall be made to the provider agency director.

(2) Upon receipt of the request for a secondary investigation, the Director, Child and Youth Services or the Director of the provider agency (as applicable) shall assign a staff member of authority higher than the staff who completed the initial investigation and was not involved in the initial investigation to conduct the secondary investigation (the higher level authority).

(3) The secondary investigation shall be completed within thirty (30) business days after the request is received by DBH or the provider unless the higher level authority requires additional time to complete a thorough investigation. Before being given an extension, the higher level authority must make a written request to the Deputy Director, Child and Youth Services (for secondary investigations at DBH), or to the provider agency director (for secondary investigations at provider agencies). The deadline may only be extended by a period of fifteen (15) business days.

(4) For secondary investigations completed at DBH, the higher level authority shall submit results of the secondary review to the DBH Bullying Prevention Coordinator. For secondary investigations completed by a provider agency, the DBH Bullying Prevention Coordinator shall confer with the provider POC to review adequacy of the investigation and recommendations.

(5) The higher level authority shall notify the parties in writing of the results of the investigation, and of the parties' ability to seek additional redress under the D.C. Human Rights Act (D.C. Code § 2-1402.41). The higher level authority shall also meet separately with the all involved parties, and their parents/guardians if under age eighteen (18), to discuss results of the investigation.

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<sup>4</sup>DBH may contact law enforcement upon receipt of a report of alleged criminal behavior as warranted.

If the alleged bullying occurred at DBH or at a DBH-sponsored event, the DBH Youth Bullying Coordinator shall refer secondary investigation to the DIMI for completion of the investigation.

6f. Upon request, the DBH Ombudsman will work with either party to navigate the process and provide resources under the DC Human Rights Act. Either party may consult the DC City-wide BPP Director, [bullyingprevention@dc.gov](mailto:bullyingprevention@dc.gov), (202) 727-3651.

6g. DBH school based mental health program staff, volunteers, grantees and contractors must follow the Reporting Procedures outlined in Section XI the DC Public Schools (DCPS) Youth Bullying Prevention Policy for any alleged incident of bullying that a student reports that occurred on school premises, at any school sponsored activity or event (off or on DCPS grounds); on public and school transportation including stop locations; using school property or equipment; walking to or from school; or any other place where a student has access to technology.<sup>5</sup>

## **7. General Responsibilities.**

7a. DBH.

(1) Children and Youth Services Division shall be responsible for implementing this policy and designating a DBH Youth Bullying Prevention Coordinator.

(2) Youth Bullying Prevention Coordinator shall:

a. Serve as the liaison to the City-wide BPP Director at OHR.

b. Collaborate with the DBH provider POC to assist with bullying prevention initiatives and bullying incident reporting, investigation (including secondary investigations) and appeals.

c. Work with the DBH Training Institute to enact the training provisions of this policy.

(3) DBH Office of the Ombudsman shall:

a. Work with affected youth, their legal representatives, and parents/guardians to ensure that bullying complaints receive prompt attention and resolution.

b. Assist in reviewing bullying complaints from DBH partners.

(4) DIMI shall:

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<sup>5</sup> DCPS District Wide Bullying Prevention Policy - <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Bullying%20Prevention%20Policy.pdf>



- a. Adhere to all responsibilities under DBH Policy 480.1A Reporting a Major Unusual Incidents and Unusual Incidents and 662.1 Major Investigations.
- b. Consult with the DBH Youth Bullying Prevention Coordinator on bullying incident management and investigations.

(5) Training Institute shall:

Implement the training requirements of this policy in collaboration with the DBH Youth Bullying Prevention Coordinator (See §6a above).

7b. Providers shall:

(1) Develop standard operating procedures that support this policy, including:

- a. Addressing the reporting, review and assessment of bullying incidents; and
- b. Identifying persons responsible for tracking bullying prevention and reporting data to provide to the DBH Youth Bullying Prevention Coordinator on a quarterly basis. The following shall be included in the report:

1. Number of bullying incidents reported (include date, time, location);
2. Out of these reported incidents, specify the number of incidents that were verified upon investigation;
3. Specify the disciplinary and/or other consequences used as a result of bullying incidents from the verified incidents; and
4. Verification of annual training to staff (See § 6a (2) d above).

(2) Designate a provider POC for bullying prevention efforts who will have the following responsibilities:

- a. Serve as the liaison internally and with DBH Youth Bullying Prevention Coordinator; and
- b. Facilitate victim and bully referrals to services in addition to the listed consequences on bullies.

(3) Ensure that all DBH provider staff and volunteers are trained on this policy.

(4) Collaborate with DBH in providing appropriate training and educational resources to children, youth, volunteers, parents/guardians and staff.

(5) Participate in DBH Youth Bullying Prevention activities.

**8. Policy Dissemination.**

8a. DBH and providers shall:

(1) Communicate policies and guidelines on bullying prevention and intervention to staff, consumers, and volunteers; and

(2) Use displays, posters, newsletters, brochures and all other forms of media to share the policy and the intentional focus on building a positive and welcoming place for service delivery.

8b. This policy shall be posted on the DBH website [www.dbh.dc.gov](http://www.dbh.dc.gov).

9. **Monitoring.** The Director/designee, Children and Youth Administration shall monitor implementation of this policy.

10. **Policy Review.** This policy shall be reviewed annually, revised, as necessary, and submitted to the OHR.

11. **Inquiries.** Questions regarding this policy may be addressed to DBH through the provider assigned Network Development Specialist.

12. **Exhibit.**

Please click on DBH Policy 480.1A TL 324 Reporting a Major Incident and an Unusual Incident (see below) to obtain the MUI Form and Directions.

[480.1A TL-324](#) [PDF] Reporting a Major Unusual Incident and an Unusual Incident, May 3, 2019

or click on this web link:

[https://dbh.dc.gov/sites/default/files/dc/sites/dmh/publication/attachments/480.1A%20TL-324\\_1.pdf](https://dbh.dc.gov/sites/default/files/dc/sites/dmh/publication/attachments/480.1A%20TL-324_1.pdf)

Note: A convertible PDF link to this form (Exhibit 2) can be accessed by contacting the DBH DIMI, [craig.stewart@dc.gov](mailto:craig.stewart@dc.gov).

Approved By:

Barbara J. Bazron, Ph.D.  
Director, DBH

 10/23/2020  
(Signature) (Date)