

DATE: February 16, 2022

TO: Recreation and Park Commission

FROM: Dale Sumersille, Parks and Community Services Director
Christine Helweg, Parks and Community Services Assistant Director

SUBJECT: AB 2404 – Draft AB 2404 – Gender Equity Policies and Procedures

Recommendation

City staff is seeking comments and feedback on three draft policies and procedures related to AB 2404 Gender Equity – Fair Play in Community Sports Act compliance requirements as follows:

1. Review and provided recommended changes/additions to the draft policy regarding Gender Equity in competitive youth sports.
2. Review and provided recommended changes/additions to the draft policy regarding Gender Equity Grievance Procedures for competitive youth sports.
3. Review and provided recommended changes/additions to the draft policy regarding Gender Equity Anti-Discrimination Notification in competitive youth sports.

Fiscal Impact

At this time, there is no financial impact anticipated with the review and development of the attached policies and procedures. If future work tasks are developed arising from the adoption of these policies, City staff will incorporate estimated expenditures as part of the Department's operating budget.

Council Goal(s)

The draft policies and procedures are applicable to the following 2021-2023 City Council Goals:

- Goal #1 – Ensure a Safe, Healthy, Equitable Community
Objective 2 – Promote policies and programs that encourage inclusivity
- Goal #6 – Foster Excellence in City Services
Objective #1 – Provide valuable information to the community in a timely, efficient, effective, transparent and respectful manner, and actively seek input and feedback from the community.
- Objective #2 – Create community dialogue opportunities to seek input and feedback from the community.

Background

In 2004, the California Legislature enacted Assembly Bill (AB) 2404, also known as the “Fair Play in Community Sports Act” (“Fair Play Act”), which added Section 53080 to the Government Code effective January 1, 2005. AB 2404 prohibits gender discrimination in community youth sport programs, and requires that city and county entities provide girls and boys equitable athletic opportunities, treatment and benefits in youth sports programs. Specifically, AB 2404 dictates that “[n]o city, county, city and county, or special district, including, but not limited to, a community services district, recreation and park district, regional park district, regional park and open-space district, regional open-space park district, or resort improvement district shall discriminate against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs or in the allocation of parks and recreation facilities and resources that support or enable these programs.” CA Gov. Code § 53080(a).

AB 2404 applies to programs that involve athletic competition. The City of Davis, similar to other local park and recreation departments, is mandated to comply with the requirements for AB 2404 because the City runs and/or supports youth sports programs offered through the Parks & Community Services Department, Co-sponsored organizations and third party users of City facilities.

Analysis

The City is currently in the process of reviewing and updating its policies and procedures related to AB2404 to ensure full compliance with legal requirements. As part of this review, the Department is developing new policies and procedures to ensure gender equity in competitive youth sports programs that are operated on City-owned land and within City facilities.

City staff are seeking comments and feedback from the Commission and members of the public prior to finalizing the policies and procedures for City Council adoption later this spring.

Attachment

1. Draft – Gender Equity – Fair Play in Community Sports
2. Draft – Gender Equity – Fair Play in Community Sports, Grievance Procedure
3. Draft – Gender Equity – Fair Play in Community Sports, Anti-Discrimination Notification Procedure



GENDER EQUITY – FAIR PLAY IN COMMUNITY SPORTS

DIVISIONS: All

ORIGINATION DATE: 02/16/22

PURPOSE

The Parks and Community Services Department is committed to non-discrimination and inclusivity that extends to youth competitive sports programming. The City strives to ensure compliance with *AB 2404 – Fair Play in Community Sports Act* so that there is no discrimination against any person on the basis of sex or gender in the operation, conduct, or administration of competitive youth sport programs, or in the allocation of parks and recreation facilities and resources that support or enable these programs. Pursuant to the City's Co-sponsorship policy for the use of City facilities, services and programs must be open to all without regard to any legally protected status including, but not limited to, sex or gender. Furthermore, City-operated youth sports are open to all, regardless of the sex or gender of the prospective participants.

The City's goal is to achieve gender equity in competitive youth sports programs that are conducted on City-owned land and in City owned/operated facilities, and to ensure equitable opportunities for all youth to participate in competitive sports programs that meet their interests and capabilities. This policy and procedure is intended to:

- Ensure equitable gender representation in competitive youth sports programs by encouraging and providing varied opportunities to participate in competitive sports.
- Ensure regular collection and monitoring of participation data to assist the City in defining future priorities for program expansion and facility development.
- Ensure information resulting from annual data collection is used to address under-representation of genders in competitive youth sports programs.
- Ensure the City is equitable in its distribution of resources for competitive youth sports programs.

OPERATING PROCEDURE

The City will ensure gender equity with respect to the following factors applied to youth competitive sports programs run or facilitated by the City, as detailed in AB 2404/Cal. Gov. Code § 53080, and will provide information on steps taken to assess and ensure gender equity to the extent applicable in Davis:

1. The provision of moneys, equipment, and supplies
2. Scheduling of games and practice times
3. Opportunity to receive coaching
4. Assignment and compensation of coaches

5. Access to lands and areas accessed through permitting, leasing, or other land use arrangements, or otherwise accessed through a city, a county, a city and county, or a special district
6. Selection of the season for a sport
7. Location of games and practices
8. Locker rooms
9. Practice and competitive facilities
10. Publicity
11. Officiating by umpires, referees, or judges who have met training certification standards

As a means to ensuring gender equity, the City will conduct the following measures related to participation in competitive youth sports programs, including but not limited to the following:

1. The City will collect seasonal data (February, June and October) relating to the gender of participants, from competitive youth organizations run or hosted by the City as a part of the approved facility use allocation process for facilities, fields, and aquatics. The requirement to provide such data will be incorporated in the City's Co-sponsorship Agreements and facility rental applications with any competitive youth sports organization.
2. The City will conduct an annual citywide survey each fall (September) to assess competitive youth sports program participation and interests, including, but not limited to, new and emerging sports. Those surveyed should include, but not be limited to, girls, those who identify as female, their families, athletic directors, coaches, and the leadership of girls' teams, leagues, and divisions. The City will endeavor to add competitive youth sports opportunities for girls and those identifying as female so as to accommodate their interests and meet the requirements of AB 2404 regarding participation opportunities.
3. The City will provide annual training resources regarding AB 2404 for the City's various competitive youth sports organizations that are involved in the management of operating, conducting, and/or administrating competitive youth sports programs. The Parks and Community Services Department will provide the organizational leadership training resources/links that will satisfy the training requirement on an annual basis (generally each February). The City will annually obtain signatures from the third-party youth competitive sports provider staff using City facilities attesting that the City has provided them with these training materials. It is the competitive youth sports organization's responsibility to ensure that the training is provided and completed on an annual basis for all personnel and volunteers involved in the delivery of the organization's youth sports programs.
4. The City will conduct biannual training regarding AB 2404 for the City's Parks and Community Services Department staff with job responsibilities that involve management of operating, conducting, and/or administrating community youth sports programs, or

the allocation of parks and recreational facilities or resources that support competitive youth sports organizations. This training will typically be held in March, with completed sign-in sheets to evidence the training's occurrence and attendance.

Additional procedures for addressing gender equitable opportunities and ensuring a climate of anti-discrimination in competitive youth sports programs are also identified and stated in the associated Gender Equity Grievance Policy and Procedure, and the Gender Equity Notification Policy and Procedure.

RESPONSIBILITY

The Parks and Community Services Director or his/her designee has the responsibility for maintenance and administration of this policy and procedure. Department Managers, Supervisors, and Program Coordinators are responsible to ensure departmental compliance with this policy.

Approved On: April 1, 2022

Dale Sumersille, Parks and Community Services Director

Revisions:



GENDER EQUITY – FAIR PLAY IN COMMUNITY SPORTS GRIEVANCE PROCEDURE

DIVISIONS: All

ORIGINATION DATE: 02/16/22

PURPOSE

The Parks and Community Services Department is committed to non-discrimination and inclusivity that extends to youth competitive sports programming. The City strives to ensure compliance with *AB 2404 – Fair Play in Community Sports Act* so that there is no discrimination against any person on the basis of sex or gender in the operation, conduct, or administration of competitive youth sport programs, or in the allocation of parks and recreation facilities and resources that support or enable these programs. Pursuant to the City's Co-sponsorship policy for the use of City facilities, services and programs must be open to all without regard to any legally protected status including, but not limited to, sex or gender. Furthermore, City-operated youth sports are open to all, regardless of the sex or gender of the prospective participants.

The City's goal is to maintain gender equity in competitive youth sports programs that are conducted on City-owned land and in City owned/operated facilities, and to ensure equitable opportunities for all youth to participate in competitive sports programs that meet their interests and capabilities.

OPERATING PROCEDURE

It is the commitment of the City to confront and eliminate discrimination, providing gender equitable opportunities for all youth involved in competitive sports programs. The meaning of equitable opportunities herein as defined by the City is "the absence of discrimination and unfavorable treatment of citizens; the promotion of gender equitable sports and recreational programs; and the commitment to ensure equitable support of facilities, fields, pools, and promotion of girls and boys athletics and recreational programs."

In the event that an inequitable situation is discovered or believed to be happening, the City provides four (4) methods to file a grievance regarding discrimination of competitive youth athletes or competitive youth sports programs on the basis of sex, sexual orientation, race, nationality, ethnic origin, color, religion or disability.

1. The Complainant may contact the City of Davis Parks and Community Services Director/AB 2404 Compliance Coordinator at (530) 757-5626 or via email at csw@cityofdavis.org and communicate any concerns and/or to obtain an AB 2404 Grievance Form. Upon completion of the City's AB 2404 Grievance Form, the complaint will be investigated and reviewed for further action, which may include the City Manager, the City Council, the Recreation and Park Commission, or any other advisory body with oversight related to the area of concern.

2. The Complainant may contact the City of Davis Human Resources Office at (530) 757-5644 or via email at human-resources@cityofdavis.org to inform the City of the complaint and/or to obtain the City's AB2404 Grievance Form. The Human Resources Department will refer the information over to the Parks and Community Services Department for review and further investigation, and if necessary to the City Manager's Office for further follow up.
3. The Complainant may participate in or attend a meeting of the City of Davis Recreation and Park Commission, and voice any concerns and/or issues during the Public Comment period. The Recreation and Park Commission typically meets the third Wednesday of each month at 6:30 pm. Members of the public are encouraged to check the City's information page for the Commission for the most recent and updated meeting schedule.

After participating in a Commission meeting, the Commission may agendize the item at a future meeting for further discussion. If the item is scheduled for further discussion, City staff may be requested to investigate the complaint and provide the Commission with additional information related to the item. The Commission may consider the item informational, or can make a recommendation to be forwarded to City Council for further consideration or action.

4. The Complainant may participate in or attend a meeting of the City of Davis City Council, and voice any concerns and/or issues during the Public Comment period. The City Council typically meets every other Tuesday of the month beginning at 6:30 pm. Members of the public are encouraged to check the City Council information page for the most recent and updated meeting schedule.

After participating in a Council meeting, the City Council may direct City staff to allocate appropriate resources to investigate, and/or correct the issue of concern. The City Council may also agendize the item for a future meeting for further follow up and discussion.

This procedure does not restrict the right to file a complaint with any State or Federal agency responsible for the enforcement of anti-discrimination legislation.

Additional procedures for addressing gender equitable opportunities and ensuring a climate of anti-discrimination in competitive youth sports programs are identified and stated in the associated Gender Equity – Fair Play in Community Sports Policy and Procedure and the Gender Equity – Notification Procedure.

RESPONSIBILITY

The Parks and Community Services Director or his/her designee has the responsibility for maintenance and administration of this policy and procedure. Department Managers, Supervisors, and Program Coordinators are responsible to ensure departmental compliance with this policy.

Approved On: April 1, 2022

Dale Summersille, Parks and Community Services Director

Revisions:

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**GENDER EQUITY – FAIR PLAY IN COMMUNITY SPORTS
ANTI-DISCRIMINATION NOTIFICATION PROCEDURE**

DIVISIONS: All

ORINATION DATE: 02/16/22

PURPOSE

The Parks and Community Services Department is committed to non-discrimination and inclusivity that extends to youth competitive sports programming. The City strives to ensure compliance with *AB 2404 – Fair Play in Community Sports Act* so that there is no discrimination against any person on the basis of sex or gender in the operation, conduct, or administration of competitive youth sport programs, or in the allocation of parks and recreation facilities and resources that support or enable these programs. Pursuant to the City's Co-sponsorship policy for the use of City facilities, services and programs must be open to all without regard to any legally protected status including, but not limited to, sex or gender. Furthermore, City-operated youth sports are open to all, regardless of the sex or gender of the prospective participants.

The City's goal is to maintain gender equity in competitive youth sports programs that are conducted on City-owned land and in City owned/operated facilities, and to ensure equitable opportunities for all youth to participate in competitive sports programs that meet their interests and capabilities.

OPERATING PROCEDURE

In an effort to regularly communicate to personnel, contractors, volunteers, and City facility users the importance of non-discrimination practices on the basis of gender regarding competitive youth sports programs, the following measures will be implemented:

1. The City will ensure that Parks and Community Services Department staff, contractors, and volunteers attend biannual trainings (or annually as needed) for information and compliance issues regarding federal and state anti-discrimination law as it relates to competitive youth sports programs.
2. The City requires that each approved Co-sponsored community organization have a minimum of two (2) Board of Directors, Coaches, or administrative staff complete *competitive youth sport anti-discrimination training* on an annual basis. Training materials and resource links will be provided by the City to each sport organization.
 - a. *Annual Training* is defined as completion of competitive youth sport anti-discrimination training every year. In the event that the sports organization representative who received the annual training chooses to resign or is no longer part of the organization for the one-year certification period, such league will be

required to send a new representative to complete the training. Failure to do so would place the league in a non-compliance position with City regulations.

- b. *Non-compliance* is defined as failure to maintain at least two (2) active (2) Board of Directors, Coaches, or administrative staff that is currently trained (by the City) to prevent discrimination in competitive youth sports programs. Any league that falls into non-compliance regarding this issue will suffer suspension of facility access rights, as granted under the Co-sponsorship Agreement.
3. The City will conduct a marketing campaign addressing the positive benefits that girls and boys experience from active participation in sports and recreational programs, and which includes information for reporting discriminatory practices regarding competitive youth sports programs. Continue to market the campaign (or improved revisions of the campaign) annually.
4. The City will conduct a zero-tolerance slogan for City employees, contractors and volunteers, as it relates to the prevention of competitive youth sports discrimination on the basis of gender.

Additional procedures for addressing gender equitable opportunities and ensuring a climate of anti-discrimination in competitive youth sports programs are identified and stated in the associated Gender Equity – Fair Play in Community Sports Policy and Procedure and the Gender Equity – Grievance Procedure.

RESPONSIBILITY

The Parks and Community Services Director or his/her designee has the responsibility for maintenance and administration of this policy and procedure. Department Managers, Supervisors, and Program Coordinators are responsible to ensure departmental compliance with this policy.

Approved On: April 1, 2022

Dale Sumersille, Parks and Community Services Director

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