

GBB5. Discrimination Based on Race, Student Bullying and Cyber-Bullying – Safe and Respectful Learning Environment

The District is committed to a safe and respectful learning environment free from bullying and cyber-bullying. The District prohibits a member of the board of trustees, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher, or other staff member, or any student from engaging in discrimination based on race, bullying or cyber-bullying of a student on the premises of any public school, at an activity sponsored by a public school or on any school bus. The District will promptly investigate allegations of such misconduct in accordance with state law and may take disciplinary action when appropriate.

If the alleged bullying or cyber-bullying based on sex could constitute sexual harassment under Title IX, the GBB7 policy and administrative regulations apply rather than the GBB5 policy and administrative regulations.

It is the intent of this policy that all students in the District are entitled to maintain their own beliefs and to disagree respectfully without resorting to violence, discrimination based on race bullying or cyber-bullying. This policy does not advocate nor require the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but does require that all students with differing beliefs be free from harassment and abuse.

The superintendent shall use all reasonable means to inform students, employees, and parents/guardians that the District will not tolerate discrimination based on race, bullying or cyber-bullying. The superintendent will provide for the appropriate training of all administrators, principals, teachers, and all other personnel employed by this District. The superintendent will provide for age-appropriate methods of discussing the meaning and substance of this policy with students.

The District prohibits retaliation against any employee or student because s/he has made a report of discrimination based on race, bullying or cyber-bullying, or because s/he has testified, assisted, or participated in the investigation of such a report. Such retaliation is a violation of this policy prohibiting discrimination based on race, bullying and cyber-bullying and the District may take disciplinary action when appropriate.

No cause of action may be brought against a student or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

GBB5. Discrimination Based on Race, Student Bullying and Cyber-Bullying – Safe and Respectful Learning Environment - AR

I. Discrimination Based on Race

Discrimination based on race is defined in state law as follows:

"Discrimination based on race" means any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general regarding the race, color, culture, religion, language, ethnicity or national origin of a person that causes harm or creates a hostile work or learning environment, which may include, without limitation, jokes, threats, physical altercations or intimidation that occurs in person, online or in any other setting including, without limitation, in a course of distance education.

II. Bullying

Bullying is defined in state law as follows (NRS 388.122):

"Bullying" means written, verbal, electronic expressions, or physical, acts or gestures, or any combination thereof, directed at a student or group of students, or a single severe and willful act or expression, directed at a student or a group of students and:

- Have the effect of:
 1. Physically harming a student or damaging the property of a student; or
 2. Placing a student in reasonable fear of physical harm to the student or damage to the property of the student; or
- Interfere with the rights of a student by:
 3. Creating an intimidating or hostile educational environment for the student; or
 4. Substantially interfering with the academic performance of a student or the ability of the person to participate in or benefit from services, activities, or privileges provided by a school; or
- Are acts or conduct described in paragraph (a) or (b) and are based upon the:
 5. Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a student; or
 6. Association of a student with another student having one or more of those actual or perceived characteristics.
- The term includes, without limitation:
 7. Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex, or any other distinguishing characteristic or background of a student (if the behavior is directed towards a District employee, it may be covered in GBB1 "Fair Employment Practices");
 8. Behavior that is intended to harm another student by damaging or manipulating his/her relationships with others by conduct that includes, without limitation, spreading false rumors;

9. Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;
10. Threats of harm to a student, to his/her possessions or to other students, whether such threats are transmitted verbally, electronically, or in writing;
11. Blackmail, extortion, demands for protection money or involuntary loans, or donations;
12. Blocking access to any property or facility of a school;
13. Stalking; and
14. Physically harmful contact with or injury to another student or his/her property.

III. Cyber-Bullying

Cyber-bullying is defined in state law as follows (NRS 388.123):

“Cyber-bullying” means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor.

Electronic communication means the communication of any written, verbal, or pictorial information through the use of an electronic device, including, without limitation; a telephone, a cellular phone, a computer, or any similar means of communication (NRS 388.124).

Sexual image means any visual depiction, including without limitation, any photograph or video, of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal (NRS 200.737).

Sexual portrayal means the depiction of a student in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political, or scientific value (NRS 200.700).

IV. Requirements and Methods for Reporting Violations of NRS 388.1351

Any District employee who witnesses or receives information, formal or informal, written or oral, that discrimination based on race, bullying and/or cyber-bullying has occurred at school, at a school-sponsored event, or on a school bus in respect to a student, shall report the incident(s) to the principal or the principal’s designee as soon as practicable, but not later than the close of business on the same day. If the report involves a school principal, the District Superintendent, or a member of the Board of Trustees, the reporter shall make a report directly to the PCSD Superintendent the report of a violation must be made to the principal or designee noted above on the day which the employee witnessed the violation or received information regarding the occurrence of a violation. Each school principal shall advise employees of the means by which the principal may be contacted on any day when an employee witnesses a violation or receives information that a violation of NRS 388.135 has occurred.

Knowingly or intentionally failing to report a violation of NRS 388.1351 is a basis for which a teacher may be suspended, dismissed, or not reemployed and an administrator may be demoted, suspended, dismissed, or not reemployed under NRS 391.750.

V. If the alleged bullying or cyber-bullying based on sex could constitute sexual harassment under Title IX, the GBB7 policy and administrative regulations apply rather than the GBB5 policy and administrative regulations.

VI. Investigation Requirements

Upon receiving a report of a violation, the principal or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation immediately into the report. If the principal or designee does not have access to the reported victim, they may wait until the next day when they have such access to take action. The investigation required must be completed not later than two school days after the principal or designee receives a report of a violation. One additional day may be used by the principal or designee if, because of extenuating circumstances, they are unable to complete the investigation within the required two school days. This timeline can be extended if there are alleged acts that constitute sexual assault. When investigating a report of cyber-bullying, the principal or designee is allowed up to five days to complete the investigation if consent is given by each of the reported victims, if 18 years or older, or their parent/guardian.

If a law enforcement agency is investigating a potential crime involving an alleged violation of discrimination based on race, bullying or cyber-bullying, the principal or designee may, after providing notification to the parents or guardians of all students directly involved in the reported discrimination based on race, bullying or cyber-bully, defer their investigation until the completion of the criminal investigation by the law enforcement agency.

If the administrator or their designee defers an investigation, they shall:

- Immediately develop a plan to protect the safety of each student directly involved in the alleged violation; and
- To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each student directly involved in the alleged violation with that information.

VII. Notification to Parents

The principal or designee shall provide notification by telephone, electronic mail or other electronic means or in person to the parents or guardians of all students directly involved in the reported discrimination based on race, bullying or cyber-bullying. The notification must be provided:

Before the school's administrative offices close on the day on which the bullying or cyber-bullying is reported, if the discrimination based on race, bullying or cyber-bullying or discrimination based on race is reported before the end of school hours on a school day, or

Before the school's administrative offices close on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported, if the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day or after school hours on a school day.

To the extent that information is available, the principal or designee shall provide to each parent or guardian of a student directly involved a list of any resources that may be available in the community to assist the student as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. The list may be provided in person or by electronic or regular mail. If such a list is provided, the principal, designee, or any employee of the school or the District is not responsible for providing such resources to the student or ensuring the student receives such resources.

VIII. Investigation Report

The principal or designee shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the District. The report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians of students directly involved. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

Not later than 10 school days after receiving the initial report of bullying or cyberbullying, the principal or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

The board of trustees, if requested by the parents or guardians, will assign a student who is a victim of bullying or cyber-bullying to a different school in the District.

The provisions of NRS 388.1351 do not apply to a violation of discrimination based on race, bullying or cyber-bullying committed by:

- A student who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the student.
- An employee of a school or school district against another employee of a school or school district.
- An adult who is not a student or employee of a school or school district against another such adult.

IX. Professional Development

The superintendent or his/her designee shall develop methods of discussing the meaning and substance of the regulation with staff in order to help prevent discrimination based on race, bullying and cyber-bullying. In addition to informing staff

and students about the District policy, the superintendent shall assure that the following professional development is provided to all administrators, principals, teachers, Board of Trustees, and other personnel employed by the District:

- a. Training in the appropriate methods to facilitate positive human relations among students without the use of discrimination based on race, bullying and cyber-bullying so that students may realize their full academic and personal potential;
- b. Training concerning the needs of students with diverse gender identities or expressions;
- c. Training concerning the needs of students with disabilities and students with autism spectrum disorder;
- d. Methods to promote a positive learning environment;
- e. Methods to improve the school environment in a manner that will facilitate positive human relations among students; and
- f. Methods to teach skills to students so that the students are able to replace inappropriate behavior with positive behavior.

X. Reporting Requirements

The principal or designee will submit a monthly report to his/her supervisor that includes the number of:

- g. Reports of discrimination based on race, bullying and cyber-bullying received;
- h. Times in which a violation is found to have occurred; and
- i. Time in which no violation is found to have occurred.

The direct supervisor who receives a monthly report will submit, each calendar quarter, a report to the Office for a Safe and Respectful Learning Environment which includes:

- j. Total number of reports of discrimination based on race, bullying and cyber-bullying;
- k. Number of times in which a violation is found to have occurred; and
- l. Number of times in which no violation is found to have occurred.

GBB7. Nondiscrimination on the Basis of Sex Under Title IX

Notice of Nondiscrimination on the Basis of Sex Under Title IX

District does not discriminate on the basis of sex in the education program and activity it operates. Title IX prohibits sex-based discrimination, including sexual harassment, in violation of Title IX of the Education Amendments of 1972. Title IX provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any school district education program or activity. The school district is required by Title IX not to discriminate in such a manner. Title IX applies to any school district education program or activity, whether such program or activity occurs on-campus or off-campus. The requirement not to discriminate in the school district's program or activity extends to employment.

Sexual harassment by school employees is considered grounds for disciplinary action, up to and including discharge. Sexual harassment by students is considered grounds for disciplinary action, up to and including expulsion.

XI. Sexual Harassment Defined Under Title IX

Sexual harassment is defined under the federal Title IX regulations as conduct on the basis of sex that satisfies one or more of the following:

A school employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in welcome sexual conduct (i.e., *quid pro quo*); or

- m. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- n. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act.

XII. Reports and Complaints of Sexual Harassment

The District must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Notice to a Title IX Coordinator or notice to an official with authority to institute corrective measures on the District's behalf or notice to any District employee charges a school with actual knowledge and triggers the District's response obligations.

Because the District must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment, **all District employees are required to report possible incidents of sexual harassment involving students and/or employees directly to the District's Title IX Coordinator as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, including allegations of sexual harassment. Reports by District employees must be made in person, by telephone, and/or by email.** Failure to report such incidents may result in disciplinary action.

Any person other than a District employee may report sexual harassment including allegations of sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, by telephone, or by email, using the contact information listed below for the District's Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

A report of sexual harassment may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

The District has designated the following employee to coordinate its efforts to comply with Title IX. The District's Title IX Coordinator is:

Russell Fecht
PCSD Superintendent

The District notifies applicants employment, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, email address, and telephone number of the District's Title IX Coordinator.

The contact information for the Title IX Coordinator will be prominently displayed on the District's website and on the websites for each school in the district.

Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202, or both.

XIII. Title IX Sexual Harassment Mandatory Response Obligations

The District will respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. The District has the following mandatory response obligations:

- The District will offer supportive measures to the person alleged to be the victim (referred to throughout as the "complainant" whether or not that is the person who reported the sexual harassment or allegation of sexual harassment).
- The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- The District will follow a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- The District will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
- The District will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
- A complainant's wishes with respect to whether the District investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
- If the allegations in a formal complaint do not meet the definition of sexual harassment under Title IX, or did not occur in the District's education program or activity against a person in the United States, the District will dismiss such allegations *for purposes of Title IX* but may still address the allegations in any manner the District deems appropriate under the Districts code of conduct.

Title IX Sexual Harassment Grievance Process

The District has adopted a grievance process that provides for the prompt and equitable resolution of student and employee **complaints** alleging any action that would

constitute sexual harassment under Title IX, and a grievance process for resolving **formal complaints** of sexual harassment. The grievance process incorporates these requirements:

- The District treats complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- The District provides remedies, which are required to be provided to a complainant when a respondent is found responsible, that are designed to maintain the complainant's equal access to education and may include the same individualized services described as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- The District requires objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoids credibility determinations based on a person's status as a complainant, respondent, or witness.
- The District requires Title IX personnel (Title IX Coordinator, investigators, decision-makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.
- The District provides training of Title IX personnel to include training on the definition of sexual harassment in Title IX regulations, the scope of the District's education program or activity, how to conduct an investigation and how to conduct hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- The District provides training of decision-makers and investigators to include training on issues of relevance, including how to apply the rape shield protections provided only for complainants
- The District includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- The District posts materials used to train Title IX personnel on its website.
- The District includes reasonably prompt time frames for concluding the grievance process, including appeals and informal resolutions, with allowance for temporary, short-term, good cause delays or extensions of the time frames.
- The District describes the range, or list, of the possible remedies that may be provided to a complainant and disciplinary sanctions that may be imposed on a respondent, following determinations of responsibility.
- The District has chosen to use the preponderance of the evidence standard for all formal complaints of sexual harassment (including where employees are respondents).
- The District has described its appeal procedures, and the range of supportive measures available to complainants and respondents.
- The District's grievance process does not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices other than those required by Title IX regulations that the District has adopted as part of its grievance process for handling formal complaints of sexual harassment apply equally to both parties.

All reports and complaints of sexual harassment in violation of Title IX will be addressed through the grievance process described below. See, *NONDISCRIMINATION ON THE BASIS OF SEX UNDER TITLE IX—ADMINISTRATIVE REGULATION*.

XIV. Related Policies and Administrative Regulations

This policy and administrative regulation address sexual harassment as that term is defined under Title IX. The District also prohibits bullying and cyber-bullying as those terms are defined under Nevada Revised Statutes (“NRS”) 388.121 *et seq.* (“Provision of Safe and Respectful Learning Environment”). The prohibitions on bullying and cyber-bullying and procedures to address conduct that does not include sexual harassment as defined under Title IX are addressed in Board Policy GBB5 and Policy GBB6.

The district also prohibits employee bullying, harassment, sexual harassment, intimidation, discrimination and/or retaliation. The prohibitions and grievance procedures for this conduct that does not include sexual harassment as defined under Title IX are addressed in Board Policy GBB1 and Policy GBB2.

If an employee or volunteer has reasonable cause to believe that sexual harassment in violation of Title IX arises to abuse or neglect under NRS 432B and/or NRS 392.275 *et seq.*, such misconduct will be reported to law enforcement officials and/or Child Protective Service agency personnel in accordance with the procedures set forth in Board policies and regulations concerning mandatory reporting. These procedures are addressed in Board Policy GBB2.

Legal Reference(s):

Title IX of the Education Amendments of 1972, 20 USC 1681-1683

Title IX federal regulations, 34 CFR Part 106

Nevada Revised Statutes, 388.121 *et seq.*, Provision of Safe and Respectful Learning Environment

Nevada Revised Statutes, 392.275 *et seq.*, Reports of Abuse, Neglect and Other Illegal Conduct

Nevada Revised Statutes, 432B.010 *et seq.*, Protection of Children from Abuse and Neglect

GBB7. Nondiscrimination on the Basis of Sex Under Title IX – AR

District has established a grievance process to provide prompt and equitable resolution of reports and complaints of sexual harassment in violation of Title IX.

Any individual who is unsure about whether sexual harassment in violation of Title IX has occurred and/or which complaint procedure applies is encouraged to contact the Title IX Coordinator:

Russell Fecht
PCSD Superintendent

I. Definitions

For purposes of this Title IX grievance process, the following definitions apply:

- A. **“Actual knowledge”** means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator, or to any official of the recipient who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school in the District. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual notice. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District.

“Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment made verbally or in writing to the Title IX Coordinator.

- B. **“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The District treats a person as a complainant and refers to a person as a complainant any time the District has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment, regardless of whether the person reported, or a third party reported the sexual harassment, and irrespective of whether the complainant ever chooses to file a formal complaint.
- C. **“Education program or activity”** includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- D. **“Formal complaint”** is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. There is no time limit or statute of limitations on a complainant’s decision to file a formal complaint.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed.

The phrase “**document filed by a complainant**” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under Title IX regulations.

- E. “**Respondent**” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- F. “**Sexual harassment**” means conduct on the basis of sex that satisfies one or more of the following:
 - 1. A school employee conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in welcome sexual conduct (i.e., *quid pro quo*); or
 - 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
 - 3. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act.

“Sexual assault” as defined in the Clery Act means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Dating violence” as defined in the Violence Against Women Act (VAWA) means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons in the relationship.

“Domestic violence” as defined by the VAWA includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family laws of the jurisdiction.

“Stalking” as defined by the VAWA means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- G. “**Supportive measures**” means:
 - Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the

complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.

- Supportive measures are designed to restore or preserve access to the District's education program or activity, without unreasonably burdening the other party; protect the safety of all parties and the recipient's educational environment; or deter sexual harassment.
- Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.
- The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.
- The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

II. Title IX Grievance Procedures

A. Reporting Sexual Harassment, Including Allegations of Sexual Harassment

15. District employees who have reason to believe that a student or employee has been subjected to sexual harassment, including allegations of sexual harassment, are required to promptly make a report to the District's Title IX Coordinator. **The report must be made as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, or an allegation of sexual harassment. Reports by District employees must be made in person, by telephone, and/or by email to the Title IX Coordinator.** Failure to report such incidents may result in disciplinary action.
16. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, by telephone, or by email, using the contact information listed above for the District's Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
17. A report of sexual harassment may be made at any time, including during non-business hours.
18. Title IX complaints may also be made directly to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 Second Ave., Room 3310, Seattle, WA 98174-1099.
19. Individuals will not be retaliated against for reporting sexual harassment or for participating in an investigation. Retaliation is illegal under Title IX and any retaliation will result in disciplinary actions, up to and including discharge for employees or expulsion for students.

B. Addressing Supportive Measures

If the individual making the report is the complainant¹ or if the complainant is identified by the individual making the report, the Title IX Coordinator will meet with the complainant to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

1. Supportive measures are individualized measures designed to ensure the complainant (alleged victim) can continue to access educational program and activity, including employment (such as requiring no contact between individuals or changing classes)
2. Supportive measures may be continued even if the complainant chooses not to file a formal complaint, if appropriate under the circumstances

C. Filing a Formal Complaint

1. A complainant may file a formal written complaint requesting investigation of alleged Title IX sexual harassment with the Title IX Coordinator. A formal written complaint may be filed by the parent/legal guardian of a student complainant. The written complaint must include basic information concerning the allegation of sexual harassment, including date, time, location, individual(s) who allegedly engaged in sexual harassment, and a description of the allegation. Students or employees who need assistance in preparing a formal written complaint should contact the District's Title IX Coordinator.
2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the complainant chooses not to file. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school. In such cases, the complainant (alleged victim) is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. The Title IX Coordinator **must dismiss** a formal complaint under this procedure if: (a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or (b) if the conduct alleged did not occur within the scope of the District's education program and activity, or (c) the conduct did not occur in the United States.
4. The Title IX Coordinator **may dismiss** a formal complaint under this procedure if: (a) a complainant withdraws the formal, or withdraws particular allegations within the complaint; (b) the respondent is no longer employed by or enrolled in the District; or (c) there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.

¹ A "complainant" is defined under Title IX as an individual who is alleged to be the victim of conduct that constitute sexual harassment, **regardless of whether that person is the person who makes a report of sexual harassment, and regardless of whether the complainant ever chooses to file a formal complaint.**

5. If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties may appeal dismissals in accordance with the Appeals procedure below.

D. Emergency Removal or Administrative Leave

1. The Superintendent or designee will undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. Examples may include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. If the Superintendent or designee determines that an immediate threat exists, a respondent may be immediately removed from the education program or activity. The Superintendent or designee will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This is an opportunity to be heard, not a hearing.
3. The District may place a non-student employee respondent on administrative leave during the pendency of the grievance process.
4. Any decision to remove a respondent from an education program or activity, or to place a non-student employee on administrative leave, must comply with District policies and administrative regulations, collective bargaining agreements, and applicable federal or state law, including but not limited to student discipline laws and the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

E. Notice to Parties of Formal Complaint

1. Within **five (5) business days after the filing of a formal complaint** (filed by the complainant or signed by the Title IX Coordinator), the Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under Title IX. The notice will include:
 - a. Notice regarding the complaint procedure and the availability of an informal resolution process if the Title IX Coordinator believes the circumstances are appropriate.
 - b. Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview. **No interview will be conducted until at least five (5) business days after the date notice has been provided to the parties.**
 - c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process.
 - d. Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence.

- e. Notice that knowingly making false statements or submitting false information during the grievance process is prohibited and may result in disciplinary action.
 - f. Notice of the name of the investigator, with notice that parties must raise concerns of conflict of interest or bias within two (2) business days after the date notice has been provided to the **parties**. The Title IX Coordinator will resolve concerns of conflict of interest or bias **within two (2) business days after receipt of a party's objections**.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
 3. The Title IX Coordinator will initiate or continue discussions with the complainant and the respondent regarding the provision of supportive measures.

F. Informal Resolution Process

After a formal complaint has been filed, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant, and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; mediation; restorative justice; acknowledgement of responsibility by a respondent; apologies; or supportive measures.

If the Title IX Coordinator determines that informal resolution is available to the parties, the Title IX Coordinator will provide the parties a written notice disclosing the allegations in the formal complaint, and stating the following:

1. The Title IX Coordinator has determined that informal resolution is available to the parties.
2. The parties must voluntarily agree in writing to participate in an informal resolution process.
3. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
4. If an informal resolution agreement is reached, it must be signed by both parties and the Title IX Coordinator.
5. Any such signed agreement is final and binding according to its terms. Once an agreement has been reached, the District will not resume the formal complaint process, nor initiate or allow either party to initiate another formal complaint process addressing any allegations resolved in the informal resolution process or arising out of the same facts or circumstances as any allegations resolved in the informal resolution process.

6. If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process will be considered as evidence in the subsequent investigation or determination.

G. Investigation

1. The formal complaint will be investigated by a trained internal or external individual designated by the Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Chair of the Board, who will consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator will consult with the Title IX Coordinator as necessary during the investigation process.
3. If the complaint is against an employee of the District, rights conferred under an applicable collective bargaining agreement will be applied, to the extent they do not conflict with the federal Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the District does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. **Within ten (10) business days of resolving any objection to the investigator**, and prior to the completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, **and provide the parties with ten (10) business days to submit a written response**. The evidence subject to inspection and review includes any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a

determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source.

- h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. **Within ten (10) business days of receiving the parties' written responses to the evidence**, create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any) for them to **review and provide written responses within ten (10) business days of receipt of the investigative report**.
 - j. After **receipt** of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision-maker.
6. The investigation report and party responses will be forwarded to the assigned decision-maker **within sixty (60) business days of the date a formal complaint is filed, if practicable**. A temporary, short-term delay or extension of time for good cause will be allowed.

H. Determination of Responsibility

1. The decision-maker cannot be the investigator or Title IX Coordinator.
2. Within five (5) business days of receiving the investigation report and party responses, the decision-maker will provide notice to the parties that they have five (5) business days to submit written, relevant questions that the party wants asked of another party or witness.
3. Within five (5) business days of receipt of all questions, the decision-maker will provide relevant questions to parties/witnesses for response. A party/witness will be given five (5) business days to respond to the relevant questions asked by another party. If the decision-maker excludes a question as not relevant, the decision-maker will explain that decision to the party who proposed the question.
4. Within five (5) business days of receipt of all responses, the decision-maker will provide the responses to the parties. A party will be given an additional five (5) business days to ask limited written, relevant follow-up questions that the party wants asked of another party or witness.
5. Within five (5) business days of receipt of all follow-up questions, the decision-maker will provide relevant questions to parties/witnesses for response. A party/witness will be given five (5) business days to respond to the follow-up questions asked by another party. The decision-maker will send each party a copy of the responses to any follow-up questions.
6. The decision-maker will review the investigation report, the parties' responses and other relevant materials, and apply the preponderance of the evidence standard ("more likely than not") when making a determination.
7. Within **five (5) business days of receipt of the responses to follow-up questions**, the decision-maker will issue a written determination, which will include the following:

- Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather evidence, and meetings held;
 - A determination regarding responsibility as to each allegation and findings of fact supporting the determination;
 - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the District's program and activity will be provided to the complainant; and
 - The District's appeal procedure and permissible bases for the parties to appeal the determination.
8. The written determination will be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the District provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.
9. The written determination will be provided to the parties within **forty-five (45) business days of the date the investigation report was provided to the decision-maker**. A temporary, short-term delay or extension of time for good cause will be allowed.

I. Remedies, Discipline and Other Actions

It is the intent of the Board that appropriate corrective action will be taken by the District to stop the sexual harassment, prevent its recurrence and address negative consequences. The age and maturity of any student(s) involved and other relevant factors will be considered in determining appropriate action.

Any school employee or student that is found to have violated this policy will be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination or discharge. Students who violate this policy will be disciplined in accordance with District policies and procedures for discipline, suspension, and expulsion.

Any remedy, discipline, or other action imposed on a student or employee will comply with District policies and administrative regulations, collective bargaining agreements, and applicable federal or state law.

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the District's education program and activity following the decision-maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for

implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions – Students

Following are the types of discipline and other actions that may be imposed on a student when there is a determination that the student is responsible for one or more violations involving sexual harassment:

- In-school or out-of-school suspension
- Expulsion
- Restorative justice
- Requirement to engage in education or counseling program

3. Discipline and Other Actions – Employees

Following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that the employee is responsible for one or more violations involving sexual harassment:

- Written warning
- Probation
- Demotion
- Suspension without pay
- Dismissal
- Performance improvement plan
- Counseling
- Training
- Loss of leadership/stipend positions

J. Appeals

The person deciding an appeal cannot be the decision-maker, investigator, or Title IX Coordinator.

The parties may appeal a determination regarding responsibility, and from dismissals of formal complaints. Appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

An appeal must be filed in writing within five (5) business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. **Within five (5) business days of receipt of the appeal**, the Superintendent will notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision-maker. **Parties will be given five (5) business days to submit statements.**
3. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other District officials in making the decision.
4. **Within fifteen (15) business days of receipt of the appeal**, the Superintendent will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision-maker for further consideration; or grant the appeal by revising the disciplinary or other action(s). A temporary, short-term delay or extension of time for good cause will be allowed.

K. Records

Records in connection with sexual harassment reports and the grievance process will be maintained for a minimum of seven years, including:

1. Any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The training materials will be made publicly available on the District's website.

Legal Reference(s):

Title IX of the Education Amendments of 1972, 20 USC 1681-1683

Title IX federal regulations, 34 CFR Part 106

Nevada Revised Statutes, 388.121 *et seq.*, Provision of Safe and Respectful Learning Environment

Nevada Revised Statutes, 392.275 *et seq.*, Reports of Abuse, Neglect and Other Illegal Conduct

Nevada Revised Statutes, 432B.010 *et seq.*, Protection of Children from Abuse and Neglect