

ADMINISTRATIVE REGULATION

No. 113

Board of Trustees
Douglas County School District

OBJECTIVES

SAFE AND RESPECTFUL LEARNING ENVIRONMENT - HARASSMENT

Requirements and Methods for Reporting Violations of NRS 388.135

Douglas County School District shall assure that any person who believes that he or she has been a victim of harassment or intimidation as defined by NRS 388.125 and/or NRS 388.129 by any or all individuals as specified by NRS 388.135, be encouraged and instructed to adhere to the following reporting mechanism:

A. Harassment

1. Harassment is defined in state law (NRS 388.125) as follows:

"Harassment" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person, and:

1. Is intended to cause or actually causes another person to suffer serious emotional distress;
2. Places a person in reasonable fear of harm or serious emotional distress; or
3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

2. Harassment can be recognized through the following examples of misconduct:

Generally, harassment involves misconduct that is response to the victim as a person with characteristics that are different from the harasser, including differences in race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of these characteristics. The specific examples of misconduct provided under the "bullying" section could also be examples of harassment when the misconduct is targeted based upon the victim's characteristics.

Sexual harassment can include unwelcome advances, words, demands for sexual favors, touching, sexual graffiti, sexual gestures, sexual or dirty jokes, discussing one's sexual activity in front of others, spreading rumors about or rating others as to sexual activity or performance.

Harassment based on race, ethnicity, disability, gender stereotyping or other characteristics can include name-calling, jokes, rumors; notes, cartoons; slurs, stereotypes, hostile acts based on an individual's characteristics; written or graphic

ADMINISTRATIVE REGULATION

No. 113

Board of Trustees Douglas County School District

OBJECTIVES

material containing offensive comments which is posted or circulated and aimed at degrading individuals; and aggressive conduct motivated by an individual's characteristic.

B. Intimidation

1. Intimidation is defined under state law (NRS 388.129) as follows:
"Intimidation" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:
 1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;
 2. Places a person in reasonable fear of harm or serious emotional stress; or
 3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

2. Intimidation can be recognized through the following examples of misconduct:

Intimidation generally involves misconduct where the perpetrator attempts to coerce the victim into doing or not doing something by means of threat, which may or may not be carried out. The intimidation may be accomplished, for example, by direct threats of physical harm or violence, by verbal insults, by impeding or blocking movement, or by placing objects or graffiti on the property of the victim with the purpose to frighten. The specific examples of misconduct provided under the "bullying" section can also be examples of intimidation when the misconduct is for a coercive purpose to make the victim do something or to make something happen.

C. Hostile Environments

An environment that is hostile because it interferes with the education of the student exists when students experience disruptive, threatening, or harassing situations that are sufficiently severe or pervasive to alter the conditions of the student's education. Examples include severe or pervasive misconduct that directly interferes with other students' learning experience by disrupting the classroom routine and interfering with students' ability to pay attention in class and concentrate on their school work. Bullying, harassment, and intimidation can result in low self-esteem, fear of school, and poorer attitudes toward school in general. Students who are victimized by this severe or pervasive misconduct may adopt

ADMINISTRATIVE REGULATION

No. 113

Board of Trustees Douglas County School District

OBJECTIVES

strategies to protect themselves, including not participating in class, dropping out of school activities, or skipping class or school. Students who feel unsafe in school as the result of bullying, harassment, and/or intimidation may have difficulty adjusting, emotionally and socially, to the school environment, which could directly influence their ability to engage themselves in and do well at school, and grades and other educational performance measures may suffer.

Employees – Any Douglas County School District employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment or intimidation at school, school-sponsored event or on a school bus shall report it to the principal or the principal's designee. If the report involves the school principal, the reporter shall make a report directly to the school district Title IX Officer or Superintendent. Contact information on current Title IX Officers are available on the Department of Education website at www.doe.nv.govtitleix.html. If the report involves a Board of Trustees member or the District Superintendent, the reporter shall contact the Nevada Department of Education equity coordinator.

Notice: Harassment and Intimidation are Prohibited in Public Schools

The superintendent shall use all reasonable means to inform students, employees, and parents or guardians that the district will not tolerate harassment. Douglas County School District shall include the text of the provisions of NRS 388.125 to 388.135, inclusive, and the policy adopted by the Board of Trustees of the school pursuant to section 3 of AB 202 under the heading "Harassment and Intimidation is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides pursuant to NRS 392.463.

Professional Development

The superintendent shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment and provide staff development as needed.

Douglas County School District will provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by this district as prescribed by this policy under the heading "Professional Development."

Response to a Report of Harassment or Intimidation

Douglas County School District will ensure that local policy and procedures include the following procedural components: 1) Responsibility of Principal; 2) Responsibility of Title IX Officer; 3) Investigation of Report of Harassment or Intimidation (Who, How, When,

ADMINISTRATIVE REGULATION

No. 113

Board of Trustees Douglas County School District

OBJECTIVES

Result); 4) School District Action; 5) Appeal Process; 6) Interference or Prohibition of Retaliation; 7) Record Keeping and Notification; 8) Professional Development.

Principal's Responsibility

The principal or principals' designee is the person responsible for receiving oral or written reports of harassment or intimidation. Upon receipt of a report, the principal shall notify the school district Title IX Officer immediately, without screening or investigating the report. The principal may request a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the school district equity coordinator. If the report was provided verbally, the principal shall reduce it to written form within 24 hours and forward to the district Title IX Officer. Failure to forward any harassment or intimidation report or complaint as provided herein will result in disciplinary action against the principal.

Title IX Officer

Each school district has one individual within the district designated as the school district Title IX Officer to receive reports of harassment or intimidation. If the report involves the school district Title IX Officer, the reporter shall refer the complaint directly to the superintendent. The Assistant Superintendent of Education Services is the Douglas County School District Title IX Officer.

Investigation of Report of Harassment or Intimidation

Who: The principal or school district Title IX Officer shall conduct an investigation upon receipt of a report or complaint alleging student harassment or intimidation.

How: The investigator shall interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. In determining whether the alleged conduct constitutes a violation of this policy, the investigator shall consider, among other things: the nature of the behavior; how often the conduct occurred; whether there were past incidents or past continuing patterns of behavior; and the relationship of the parties involved.

When: The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.

Result: Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the principal or school district Title IX Officer and the superintendent or, if the complaint involves the superintendent or Board of Trustee member, directly to the

ADMINISTRATIVE REGULATION

No. 113

Board of Trustees Douglas County School District

OBJECTIVES

Nevada Department of Education Title IX Officer, for appropriate action in accordance with school district or state disciplinary policy.

School District Action

The school district shall take disciplinary or remedial action as appropriate in order to ensure that further harassment or intimidation does not occur. Such action may include, but is not limited to counseling, awareness training, parent-teacher conferences, warning, transfer, suspension and/or expulsion of a student.

School district action taken for violation of this policy shall be consistent with requirements of applicable collective bargaining agreements, Nevada Revised Statutes (NRS), federal law and Douglas County School District policies.

Appeal Process

A person deemed to be in violation of the policy on student harassment and intimidation, and subjected to action under it may appeal the determination and/or the action taken as follows:

Employee: If the person filing the appeal is an employee, the appeal shall proceed in accordance with School District policy governing employee discipline, including, if applicable, grievance procedures under any applicable collective bargaining agreement, and with legal due process requirements.

Interference or Retaliation

A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135. As used in this context a "school official" means: (a) A member of the Board of Trustees of a school district; or (b) A licensed or unlicensed employee of the school district.

No cause of action may be brought against a pupil 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.

Record Keeping and Notification

Record Keeping: The superintendent shall assure that a record of any complaint and investigation of harassment or intimidation as well as the disposition of the complaint and any disciplinary or remedial action is maintained by the School District in a confidential file.

ADMINISTRATIVE REGULATION

No. 113

Board of Trustees
Douglas County School District

OBJECTIVES

Notification: The superintendent shall assure that the complainant is notified whether allegations of harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

See related policies 113, 543 and 529

Reference: NRS 388.125, NRS 388.129, and NRS 388.132

Date Adopted: 07/11/06
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