

# ADMINISTRATIVE REGULATION

104

## Board of Trustees Douglas County School District

## OBJECTIVES

### FAIR EMPLOYMENT PRACTICES COMPLAINT PROCEDURE FOR EMPLOYEES

#### 1. Definitions

"Days" means working days the District Office is open.

"District" means the Douglas County School District.

"Employee" means a person who is on the payroll of the District.

"Discrimination Complaint" is a complaint alleging action or inaction by the District that results in discrimination based on race, color, religion, sexual orientation, age, gender, pregnancy, disability, national origin, ancestry, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard.

"Equal Opportunity Officer" means the Executive Director of Human Resources, District Office, 1638 Mono Avenue, Minden, Nevada.

"Administrator" means a school principal or immediate supervisor who has the authority to settle a complaint.

#### 2. Procedure

Complaints brought by employees, or others alleging discrimination based on race, color, religion, sexual orientation, age, gender, pregnancy, national origin, ancestry, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard shall be handled through the procedures and within the time limits delineated in these regulations.

Complaints brought by employees alleging discrimination based on disability shall be handled through the procedures and within the time limits delineated in these regulations.

#### 3. Failure to Observe Time Limits

In the event the complainant fails to exhaust his/her remedies under this discrimination procedure or to abide by the time limits with respect to each step, the discrimination complaint shall be presumed to be abandoned and the matter shall be

# ADMINISTRATIVE REGULATION

104

## Board of Trustees Douglas County School District

## OBJECTIVES

settled in accordance with the District's last response. In the event the District fails to give its answer at any step within the time limits prescribed, the complainant shall have the right to proceed immediately to the next step. Any time limit may be extended by written mutual agreement of the complainant and the District.

#### **4. Effect of Settlement**

Any settlement of a discrimination complaint shall be applicable to that complaint only and shall not be authority for the disposition of any other complaint. Any complaint initiated under this procedure shall be brought by the employee alleging denial of equal opportunity. Since the scope of this procedure is limited to complaints concerning discrimination and denial of equal opportunity, it should not be construed to be related in any way with the District's normal grievance procedures.

#### **EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURES**

The primary purpose of this procedure is to secure, at the earliest level possible, an equitable solution to a complaint alleging discrimination based on race, color, religion, sex, sexual orientation, age, disability, national origin, or membership in legally constituted organizations.

An employee with a complaint should first discuss the issue with the person he or she is directly responsible to, with the object of resolving the matter informally. The complainant may be accompanied by a representative if he/she so desires. The Equal Opportunity Officer may be called into this informal discussion.

If the alleged discrimination could constitute sexual harassment under Title IX, the Board Policy 117 and Administrative Regulations 117 apply rather than the Board Policy 104 and administrative regulations 104.<sup>1</sup> Because the school district must respond with specific steps whenever any employee has notice of sexual harassment

---

<sup>1</sup> 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. A school employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
- b. 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 school district's education program or activity; or
- c. 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.

# ADMINISTRATIVE REGULATION

104

## Board of Trustees Douglas County School District

## OBJECTIVES

under Title IX, all school employees are required to report possible incidents of sexual harassment 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 school district employees must be made by in person, by telephone, and/or by email to the school district's Title IX Coordinator as follows:

### **Executive Director of Human Resources**

Douglas County School District  
1638 Mono Avenue  
Minden, Nevada 89423  
(775) 782-7177

The school district's Title IX Coordinator will assist the employee to determine whether the allegation could constitute sexual harassment under Title IX, in which case Board Policy 117 will be followed rather than Board Policy 104.

In the event the matter is not resolved informally within ten (10 days), the following procedure shall be followed:

#### **1. School Level**

- A. A formal, written discrimination complaint, indicating the specific details of the complaint, shall be presented to the principal or immediate supervisor. This complaint must be filed on the District's Discrimination Complaint Form for Employees and shall be filled within fifteen (15) days after the complainant knew or should have known of the circumstances that gave rise to the complaint.
- B. Within fifteen (15) days after receiving the complaint, the principal or Supervisor shall render a decision in writing, together with the supporting reasons, to the complainant. A copy of the decision will also be forwarded to the District's Equal Opportunity Officer.

#### **2. District Level – Equal Opportunity Officer**

- A. Within fifteen (15) days after receiving the decision of the principal or supervisor, the complainant may appeal the decision of Step 1 to the Equal Opportunity Officer. The appeal shall be in writing on the appropriate section of the District's Discrimination Complaint Form, and the entire form must be submitted to the Equal Opportunity Officer.

# ADMINISTRATIVE REGULATION

104

## Board of Trustees

## Douglas County School District

## OBJECTIVES

- B. Within fifteen (15) days after delivery of the appeal, the Equal Opportunity Officer shall investigate the complaint and give all persons who participated in Step 1 a reasonable opportunity to be heard.
- C. Within fifteen (15) days after delivery of the appeal, the Equal Opportunity Officer shall render a written decision with supporting reasons to the complainant and to the principal.

### 3. Board of Trustees Level

- A. Within fifteen (15) days after receiving the decision of the Equal Opportunity Officer, the complainant may appeal the Equal Opportunity Officer's decision in writing to the Board of Trustees. The Board will determine the form of the review. The Board's decision shall be final and binding to the extent that no rights of the complainant to further legal action be abrogated.

### REASSIGNMENT OF EMPLOYEES WHO DEVELOP DISABILITIES

Employees no longer able to resume the same job after a disability occurs will be considered for other job openings for which they are qualified and able to perform. In the event the employee's disability is covered under the Americans with Disabilities Act (ADA), the Douglas County School District will consider making reasonable accommodations in order for the employee to be able to perform the essential job functions.

The objective of reassignment is to return the employee to a position of comparable status -- in type of work and compensation.

When returning the employee to a position of comparable status is not possible, the employee will be considered for other available positions. In the event the employee is offered a position with lower or higher compensation range, the employee's compensation may be subject to change depending on the Douglas County School District's compensation policies applicable to such a situation.

At no time, however, will the Douglas County School District consider creating a new position as a form of reassignment or reasonable compensation.

Should the employee be offered and turn down a position, the employee's employment will be discontinued.

# ADMINISTRATIVE REGULATION

104

## Board of Trustees Douglas County School District

## OBJECTIVES

### REQUEST FOR REASONABLE ACCOMMODATION

- A. If an employee or prospective employee has a disability that is covered (protected) under the Americans with Disabilities Act, the employee or prospective employee may request reasonable accommodation for four purposes:
1. To complete the employment application process.
  2. To take the examination(s).
  3. To perform essential job functions.
  4. To have the same benefits and privileges of able-bodied employees.
- B. A form to request reasonable accommodations can be obtained from Human Resources, Douglas County School District, 1638 Mono Avenue, Minden, Nevada 89423.

[See Policy related to this Administrative Regulation](#)

11/81

Revised: 05/17/00

Revised: 11/2001

Revised: 11/2018

Revised: 11/2020