

# ADMINISTRATIVE REGULATION

No. 450

## Board of Trustees Douglas County School District

## PERSONNEL

### PREVENTION OF SEXUAL MISCONDUCT TOWARDS STUDENTS

1. The District acknowledges the applicability of criminal statutes relating to sexual conduct toward a student, including NRS 200.366, which indicates that it is a felony to commit a sexual assault against a child under the age of 16 years, and NRS 201.540, which indicates that it is a felony for anyone who is or was employed by a public school or is or was volunteering at a public school and engages in sexual conduct with a pupil that is 16 years of age or older, who has not received a high school diploma, a general education development certificate (GED) or an equivalent document and who is or was enrolled in or attending the public school at which the person is or was employed or volunteering; or with whom the person has had conduct in the course of performing his or her duties as an employee or volunteer. Other criminal statutes which are pertinent to this policy include, but are not limited to:
  - a. NRS 200.364 – Definition of sexual offense
  - b. NRS 200.366 – Sexual assault
  - c. NRS 200.368 – Statutory sexual seduction
  - d. NRS 201.195 – Solicitation of a minor to engage in acts constituting crimes against nature
  - e. NRS 201.230 – Lewdness with a child under 14
  - f. NRS 201.560 – Using a computer to lure children, etc.
  
2. Sexual misconduct as used in this policy is:
  - a. Any conduct that meets the definition of harassment as defined by NRS 200.571.
  - b. Any conduct or communication that explicitly or implicitly conditions a student's participation in an educational program or activity on submission to sexual conduct.
  - c. Any conduct or communication that explicitly or implicitly indicates that an educational decision will be based on the student's submission to sexual conduct.
  - d. Any conduct or communication of a sexual nature that is sufficiently severe, persistent, or pervasive and objectively offensive that:
    1. limits a student's ability to participate in or benefit from an educational program or activity, or
    2. creates a hostile or abusive educational environment.
  - e. Any conduct or communication that is immoral conduct within the meaning of NRS 391.650 (4) including but not limited to sexual assault, statutory sexual seduction, incest, commission of certain sexual acts in public, open or gross lewdness, indecent exposure, and lewdness with a minor.

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3. Examples of behavior which constitute sexual misconduct include but are not limited to:
  - a. Making sexual advances or gestures toward a student
  - b. Coercing, forcing, or attempting to coerce or force sexual intercourse or any sexual act with a student
  - c. Engaging in sexual intercourse or any sexual act with any student
  - d. Touching oneself sexually
  - e. Talking about sexual activity in front of students
  - f. Spreading rumors about or discussing students' sexual activity
  - g. Sexually motivated or inappropriate touching, patting, grabbing, or pinching a student's body, whether that student is of the same or the opposite sex. Note: This prohibition does not preclude legitimate, non-sexual physical conduct which may include but is not limited to the use of necessary restraints to avoid physical harm to persons or property or conduct such as a teacher's consoling or congratulatory hug of a student or the demonstration of an athletic move by a teacher or student requiring contact with another student
  - h. Other sexual behavior or communication, including requests for sexual favors, whether or not accompanied by implied or overt threats concerning a student's educational status or implied or overt promises of preferential treatment.
4. The District encourages every student who believes s/he has been the recipient of sexual misconduct and every student or other individual who has knowledge of sexual misconduct to report immediately the alleged act(s) to a teacher, school counselor, principal, or other appropriate District official. The report can be verbal or in writing. The District will keep the name of the person making the report confidential to the extent possible and will make it available only to those individuals who are necessarily involved in the investigation and the administration of the complaint.
5. The person receiving the report shall document the time and place of the report and the name of the person making the report. Any teacher, administrator, official, volunteer, or other school employee who has or receives information that a student has or may have been a recipient of sexual misconduct is required to report the alleged acts as soon as reasonably practicable, but not later than 24 hours after receiving the information. As required by NRS 432B.220, a report must be made to a school resource officer or the Welfare Division of the Department of Human Resources, State of Nevada. In addition, the reporter shall immediately notify their immediate supervisor, who will also immediately notify the Director of Human Resources. Failure to make this report as prescribed may result in disciplinary or other appropriate action against the teacher, administrator, official, volunteer, or other school employee.

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6. The Director of Human Resources, who serves as the Equal Opportunity (EEO) Officer of the Douglas County School District, shall promptly investigate all complaints or allegations of sexual misconduct.

The District treats all complaints or allegations of sexual misconduct seriously and expects all employees and students to be candid and truthful during the investigation process. If credible evidence indicates that a participant in the investigation has made intentionally false or malicious statements, the District will discipline or take other appropriate action against that participant.

7. Upon determination that a violation of this policy has occurred, the District will provide written notice of the results of the investigation to the complainant and the person accused of the violation.
8. The District will not tolerate any form of retaliation toward any person who reports alleged sexual misconduct in good faith, assists another in filing a complaint, or provides truthful statements during an investigation.
9. All District employees, volunteers, officials, and administrators will participate in an initial training session and in periodic training updates on the prevention of sexual misconduct, will be given a copy of the District's policy, and will sign an acknowledgement of receipt of such policy.
10. The District will publish the policy in student handbooks, and post the policy in the District administrative offices and in school offices. At least annually, the District will publicize this policy in school newsletters or other publications used to communicate District policies to parents and guardians.

Ref: NRS 391.311, NRS 201.540, NRS 201.195, NRS 201.230, NRS 200.366,  
NRS 200.368, NRS 201.560, NRS 432B.220

Revised: 8/28/2019