

MINERAL COUNTY SCHOOL DISTRICT  
751 A. STREET  
Hawthorne, Nevada 89415  
POLICY COMMITTEE MEETING  
*Friday, May 6, 2022*

JUD. MINORITY CLERK  
MAY 8 2:22 AM '22

LOCATION OF MEETING: **Arlo K. Funk District Services Center**  
**751 A Street**  
**Hawthorne, Nevada**

*I would like to acknowledge that this meeting is being held on traditional lands of the Paiute People, and pay our respect to elders both past and present.*

**Board and Staff will utilize an online presence as well as social distancing for this meeting.**

Please Note: The Board reserves the right: (1) to take agenda items in a different order, (2) to combine two or more agenda items for consideration, and (3) to remove an item from the agenda or delay discussion relating to an item on the agenda at any time, in order to accomplish the business on the Agenda in the most efficient manner.

**CALL TO ORDER: 1:30 PM to 3:30 PM**

1. Certification of Public Notice, Roll Call, and Pledge of Allegiance

**ACTION ITEMS: (FOR POSSIBLE ACTION)**

There will be an opportunity for public comment on each **Action Item** following Board discussion on the item and before the Board makes a motion on the item. You may request to speak by raising your hand during the Public Comment period or by completing a **Request to Address the MCSD Board** form prior to the Public Comment period. Those who submit the form will normally be called on first. Speaking time will be limited to a maximum of 3 minutes. The President may allow additional time to a given speaker as time allows and in his/her discretion.

1. Review of the following Policies:
  1. **GCE-Benefits – Confidential Employees Policy**
  2. **Public Records Policy – Needs a new number**
  3. **GBC7-Sick Leave Bank Policy**
2. Discussion of Policy AB-Non-Discrimination on the Basis of Sex under Title IX. Possible renumbering of Policy number.

**GENERAL PUBLIC COMMENT:**

It is the School Board's intention to listen and be responsive to the public's concerns. Comments from the public regarding topics not on the agenda are invited at this time. You may request to speak by raising your hand during the General Public comment period or by completing a Request to Address the MCSD Board form prior to the General Public Comment period. The Board may discuss items that are introduced, however, by law, the Board cannot take any action, reach a consensus or hear personal attacks at this time. Those who submit the form will normally be called on first. Speaking time will be limited to a maximum of 3 minutes. The President may allow additional time to a given speaker as time allows and in his/her discretion.

**ADJOURNMENT:**

The Agenda of this meeting has been posted at the following locations: 1) Administration Office, 2) Hawthorne Post Office, 3) Mineral County Independent News Office, 4) Schurz Post Office, 5) Mina Post Office, 6) County Courthouse 7) School Offices. Mineral County School District is pleased to provide accommodations for individuals with disabilities. If you have a disability, please let us know, and we will provide assistance or accommodate you in any way that we possibly can. Copies of agenda and supporting material may be picked up at the Mineral County School District Arlo K. Funk District Services Center, 751 A. Street, Hawthorne, Nevada, or by contacting Crystal Sasser at (775) 945-2403, prior to the scheduled meeting.

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**GCE**

Code: **GCE**  
Adopted: February 6, 2007

## **Benefits – Confidential Employees**

All classified employees not covered by the terms of a negotiated agreement shall be entitled to all benefits as provided in the currently valid Mineral County Classified Employees Negotiated Agreement.

**END OF POLICY**

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Legal Reference(s):

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# **PUBLIC RECORDS POLICY**

# Suggested Policy



## PUBLIC RECORDS REQUEST FEES

Pursuant to Nevada Revised Statutes ("NRS") Chapter 239 and Clark County School District ("CCSD" or "District") Regulation 1211, the following is the District's public records request fee schedule.

**This fee schedule is subject to change.**

### I. Fees for Providing a Public Record

A. **Black and white or color copies** (in hard copy format or in electronic format if there were actual costs involved in the provision of the record)

- Copy costs \$10.00 or under No fee
- Copy costs over \$10.00 \$0.05 per page

B. **DVD or CD**

- One (1) DVD or CD No fee
- Two (2) DVDs or CDs \$5.00/each
- CCSD Police Services have separate procedures for their audio/visual materials (e.g., body camera footage)

C. Under NRS 239.052, CCSD "may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record. . . ."

D. NRS 239.005(1) provides: "'Actual cost' means the direct cost incurred by a governmental entity in the provision of a public record, including, without limitation, the cost of ink, toner, paper, media and postage."

E. A fee may be charged for the provision of a record in hard copy format or in electronic format if there were actual costs involved in the provision of the record. For example, an actual cost may be incurred in the provision of an electronic record if CCSD needs to print a hard copy of the record to review and determine whether the records are confidential or privileged.

### II. Cost Estimate and Advance Payment

A. The requestor will be advised of the cost estimate in advance. Payment in full of the estimated amount will be required prior to processing the request.

### III. Exceptions to Fees

A. Fees may differ for documents that the law, collective bargaining, or another applicable agreement requires must be copied at a specified cost or at no cost.

B. Multiple requests for documents, which individually would fall within the cost-free limit may be combined in order to determine cost.

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**GBC7**



GBC7

## MCSO SICK LEAVE BANK POLICY

Revised 20182022

Suggested  
Policy

### 1. PURPOSE

1.1 The Sick Leave Bank is provided to help MCSO employees, who are unable to perform their job duties due to a diagnosed debilitating illness or catastrophic injury and have exhausted all their available leave. Also covered is the care of an immediate family member who has a a diagnosed debilitating illness or catastrophic injury.

1.2 The Sick Leave Bank is not a maternity leave bank, a repository for those who have expended the sick leave for undocumented medical concerns, blanket coverage for other than employee's immediate family, death of a family member, for personal business or for elective surgery.

1.3 Any employee who has been diagnosed with a debilitating or catastrophic injury or illness pre-existent to within six months of membership shall not draw from the Bank within the first year of membership.

### 2. SICK LEAVE BANK COMMITTEE

2.1 The MCSO Sick Leave Bank will consist of two members of the MC Teachers Association, two members of the MC Classified Association, and one member of the MC Administrators Association.

2.2 The District will appoint a Sick Leave Bank Chairperson. This person will track all time donated and used by Sick Leave Bank members. They will not be a voting member of the committee. They will present requested allowed information to the Committee. They will communicate the decision of the Committee to the employee.

2.3 A statement of participation in the Sick Leave Bank will be included in the yearly sick leave accounting update given by the District to each participating employee.

### 3. ELIGIBILITY

3-1. Employees may become members of the Sick Leave Bank by voluntarily contributing one (1) sick leave day per for the operation of the Bank. To become an active member an employee who has accumulated 240 hours of leave may donate one (1) sick leave day during an open enrollment period. Any employee that has contributed at least one (1) sick leave day in the past 3 years is an automatic member upon the verification of this updated policy.

3-2. At the beginning of each school year there will be an open enrollment period during the beginning of the school year until ~~September 1st to~~ September 30th and again January 1st to January 31st. Eligible staff must notify the District in writing of their desire to participate in the Bank. Membership is maintained by donating at least one day every three years from the date of their original membership.

3.3 The maximum number of hours which may be transferred by an employee in any 1 calendar year is 120. The minimum number so hours which may be transferred in any 1 calendar year is 8. NRS 284.3621 (5)

3.4 When the number of days in the Bank falls below two hundred (200) days ~~one hundred (100) days~~, the committee will inform the Bank membership that a special assessment of one (1) sick leave day per member will be made to replenish the days available. (Team needed to meet and think on this one

3-5. An employee who chooses to withdraw membership from the Sick Leave Bank must notify the Sick Leave Bank Chairperson in writing. Any employee who withdraws from the Sick Leave Bank will not be reimbursed for their sick leave already contributed to the bank

#### **4. REQUIREMENTS**

4.1 Membership of the Sick Leave Bank gives authorization to the Sick Leave Bank to review the employee's last two years of all district leave to help in the determination of grant days from the sick leave bank.

4.2 Application for benefits from the Sick Leave Bank shall be made to the Sick Leave Bank Committee. The committee shall be made of two members appointed by the MCCTA one member appointed by the MCCSEA and one member appointed by the MCSD Administration Team.

4.3 The member applying must complete the MCSD Sick Leave Bank Application completely and provide requested documentation BEFORE their request will be heard by the committee. In case an employee's illness prevents him/her from personally applying for the Sick Leave Bank, his/her designated representative or a member of his/her family on his/her behalf may submit his/her application to the Sick Leave Committee Chairperson.

4.3 The maximum number of days which may be granted from the Bank at any one time shall be thirty (30) days. Additional days may be granted only after additional application and review. The maximum number of days which any one person can be granted from the Bank during any 1 calendar year is 1040 hours (NRS 284.3633). The maximum number of days which any one person can be granted from the Bank during the period of employment with the Mineral County School District is an amount of time to be determined. Example Initial 1– 5 years employment 1040 hours

6-10 years employment 1560 hours

10+ years 2040 hours

4.4 An employee who has received and used 20 twenty or more days in a year shall reimburse the Bank when his/her accumulated leave exceeds ~~480~~ 260 hours. Upon leaving the District, an employee shall reimburse the Bank the remaining balance of days if his accumulated balance is above 480 hours.

#### **5. DONATED SICK LEAVE DAYS TO SPOUSE**

5.1 If both spouses are employed by the District, one spouse may donate sick leave days to the other spouse up to a maximum of twelve (12) weeks per the FMLA guidelines.

## SICK LEAVE BANK APPLICATION

Please read and complete the enclosed Sick Leave Bank Application for assistance and include:

1. A statement from your physician including diagnosis (nature of your illness), prognosis (recovery), the expected length of time you will be off work, and if surgery is indicated, whether it is elective, required, or was an emergency.
2. **YOU MUST INCLUDE ALL ITEMS, OR YOUR APPLICATION WILL BE TURNED DOWN DUE TO LACK OF INFORMATION. Failure to include any of the requested information may delay review of your application. All information submitted is confidential.**
3. To expedite your request and meet payroll time limits your application must be turned in for committee consideration on the 5-10 days prior to pay day. Please allow enough time for the application to be processed so you don't go into an unpaid status. **Sick Leave Bank is not paid retroactively.**

### SICK LEAVE BANK ASSISTANCE APPLICATION

Employee Name: \_\_\_\_\_ School/Location \_\_\_\_\_

Home Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Position/Title: \_\_\_\_\_ Salary Range \_\_\_\_\_ Number of days requesting: \_\_\_\_\_

Is surgery required? Yes \_\_\_ No \_\_\_ Elective? Yes \_\_\_ No \_\_\_ Emergency? Yes \_\_\_ No \_\_\_

Statement from physician (**MANDATORY**) must be attached. Description of illness/accident (attach additional pages if necessary):

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~~CDS Claim~~ Workers Comp Claim (on the job injury): Yes \_\_\_ No \_\_\_

Number of days anticipated away from work because of illness/accident: \_\_\_\_\_

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Information from MCSD HUMAN RESOURCES**

Employee's Name \_\_\_\_\_ Position/Site \_\_\_\_\_

Hours per day \_\_\_\_\_ Months per year \_\_\_\_\_ MCSD hire date \_\_\_\_\_

Date eligible to begin accruing sick leave bank contribution: \_\_\_\_\_

Date Contributed to the Sick Bank: \_\_\_\_\_

Number of hours used in the past two years in the following areas:

Self sick Sick leave : \_\_\_\_\_ Hours

Family sick: \_\_\_\_\_ Hours

Personal Leave Business: \_\_\_\_\_ Hours

Annual leave: \_\_\_\_\_ Hours

Any lengthy absences in the past two years? ~~prior to this request?~~ \_\_\_\_\_ Yes \_\_\_\_\_ No

Dates (s): \_\_\_\_\_ Number of hours used: \_\_\_\_\_

Date (s): \_\_\_\_\_ Number of hours used: \_\_\_\_\_

4. An official printout from your H. R. showing sick leave and vacation usage for the past 2 years. **ALL SICK, VACATION, and COMP TIME MUST BE USED BEFORE SICK LEAVE BANK BEGINS.**

# Current Policy

Code: GBC7  
Adopted: March 4, 2008

## GBC7. Sick Leave Bank

Mineral County School District employees eligible for fringe benefits, are members of the sick leave bank. This bank is to assist employees who have long-term illnesses or disabilities and who have exhausted their leave accumulation.

1. The maximum of hours which any one person can be granted from the bank shall be 1,040 hours sick leave per year.
2. Applicants for benefits from the sick leave bank must make application through the Joint Sick Leave Committee of the School District. The Joint Sick Leave Committee decision will be final and binding.
3. At the beginning of each school year through September 15<sup>th</sup>, there will be an open enrollment period. Employees must notify the personnel office in writing of their desire to participate in the bank.
4. The maximum number of hours which may be transferred by an employee in any 1 calendar year is 120. The minimum number of hours which may be transferred in any 1 calendar year is 8.
5. An employee may not transfer to the account for catastrophic leave any hours of sick leave if the balance in his account after the transfer is less than 240 hours.
6. Employees who retire or leave employment with the District may not donate unused sick leave to the bank.
7. a. Joint Sick Leave Committee shall be composed of:
  - 1) Three (3) members of MCCTA chosen by the membership.
  - 2) Two (2) members of MCCSEA chosen by the membership.
  - 3) One (1) member of confidential/supervisory employees chosen by the membership.b. This Joint Sick Leave Committee shall establish rules and regulation governing the sick leave bank as stipulated in NRS Chapter 284.

END OF POLICY

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Legal Reference: NRS 284.3621

1/31/92  
CURRENT POLICY

SICK LEAVE BANK  
PROCEDURES

Mineral County School District employees eligible for fringe benefits are members of the sick leave bank. This bank is to assist employees who have a long-term illness or disabilities and who have exhausted their leave accumulation.

Catastrophic leave definition: NRS 284.362

1. When the employee is unable to perform the duties of his/her position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence; or
2. There is a serious illness or accident which is life threatening or which will require a lengthy convalescence in the employee's immediate family.

Request for transfer of leave: NRS 284.3622

3. An employee of Mineral County School District or an employee's representative may request, in writing, that a specified number of hours of leave be transferred from the account for catastrophic leave to his account. Letters of request should be addressed to the Joint Sick Leave Committee. The maximum number of hours that may be transferred to an employee pursuant to this section is 1,040 in any 1 calendar year.
4. The request must include:
  - a) The employee's name, title and classification; and
  - b) A description of the catastrophe and the expected duration of that catastrophe.
5. An employee may not receive any leave from the account for catastrophic leave until he/she has used all his/her accrued annual, sick and compensatory leave.
6. An employee who receives leave from the account for catastrophic leave is entitled to payment for that leave at a rate no greater than his/her own rate of pay.

DRAFT 7-10-92  
ADOPTED 7-13-92

Account for catastrophic leave; transfer of hours; limitations on transfers. NRS 284.3621

7. At the beginning of each school year through September 15th, employees may donate sick leave to the bank. Employees must notify the personnel office in writing of their desire to participate in the bank. An additional donation period may occur during the year, in the event that additional sick leave days are needed to keep the sick leave bank in existence.
8. An employee may request, in writing, that a specified number of hours of his/her accrued annual or sick leave be transferred from his account to the account for catastrophic leave.
9. An employee may not transfer to the account for catastrophic leave any hours of sick leave if the balance in his/her account after the transfer is less than 240 hours.
10. The maximum number of hours which may be transferred in any 1 calendar year is 80. The minimum number of hours which may be transferred in any 1 calendar year is 8.
11. Any hours of annual or sick leave which are transferred from any employee's account to the account of catastrophic leave may not be returned or restored to that employee. This subsection does not prevent the employee from receiving leave pursuant to NRS 284.3622.

Review of status of catastrophe: NRS 284.3624

12. The Joint Sick Leave Committee shall review the status of the catastrophe of the employee and determine when the catastrophe no longer exists. A doctor's evaluation may be requested by the sick leave committee in order to make this decision.
13. The committee shall not grant any hours of leave from the account for catastrophic leave after:
  - a) The catastrophe ceases to exist; or
  - b) The employee who is receiving the leave resigns and/or his/her employment is terminated.
14. Any leave which the employee received from the account for catastrophic leave which was not used at the time the catastrophe ceases to exist or upon the resignation and/or termination of the employment of the employee must be returned to the account for catastrophic leave.

Approval of transfer of hours to employee:

15. The Joint Sick Leave Committee may approve the transfer of a specified number of hours of leave from the account for catastrophic leave to the account of any employee who the committee determines is eligible to receive such leave.

Eligibility will be based on, but not limited to:

- a. availability of unused leave
  - b. circumstances of catastrophic leave
  - c. years of employment
  - d. nature of employment
  - e. non-qualifications of SIIS
16. The decision of the committee concerning the approval of leave is final and is not subject to judicial review or the procedure for the adjustment of grievances pursuant to NRS 284.384.

The Joint Sick Leave Committee shall be composed of:

17. Three (3) members of MCCTA chosen by the membership.  
Two (2) members of MCCSEA chosen by the membership.  
One (1) member of the Administrators Assoc. chosen by the membership.  
One (1) member of Confidential/Supervisory employees chosen by the membership.

This Joint Sick Leave Committee shall establish rules and regulations governing the sick leave bank as stipulated in NRS Chapter 284.



**NRS 284.362 Catastrophic leave: Definitions.**

1. As used in NRS 284.362 to 284.3629, inclusive:

(a) "Catastrophe" means:

- (1) The employee is unable to perform the duties of the employee's position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence;
- (2) There is a serious illness or accident which is life threatening or which will require a lengthy convalescence in the employee's immediate family; or
- (3) There is a death in the employee's immediate family.

(b) "Committee" means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.

2. The Commission shall adopt regulations further defining "catastrophe" to ensure that the term is limited to serious calamities.

(Added to NRS by 1989, 693; A 1993, 1113; 1995, 743; 2001, 2140)

**NRS 284.3621 Catastrophic leave: Account for catastrophic leave; transfer of hours to account; limitations on transfers; transfers between branches of government.**

1. Each appointing authority may establish an account for catastrophic leave.

2. An employee of an appointing authority may request, in writing, that a specified number of hours of the employee's accrued annual or sick leave be transferred from the employee's account to the account for catastrophic leave.

3. An employee may not transfer to the account for catastrophic leave any hours of sick leave if the balance in the employee's account after the transfer is less than 240 hours.

4. The maximum number of hours which may be transferred by an employee in any 1 calendar year is 120. The minimum number of hours which may be transferred in any 1 calendar year is 8.

5. An employee may transfer hours to any such account for catastrophic leave for use by a particular employee in any branch of State Government who is eligible to receive them. A record of the source and number of hours of leave transferred among different appointing authorities for this purpose and the date of the transfer must be maintained by each appointing authority. Leave transferred in excess of the amount approved for use by a particular employee must be returned to the employee's account from which it originated. The Commission shall, by regulation, determine the procedure to return excess leave.

6. Any hours of annual or sick leave which are transferred from any employee's account to the account for catastrophic leave and not designated for use by a particular employee may not be returned or restored to the originating employee. This subsection does not prevent the employee from receiving leave pursuant to NRS 284.3622.

(Added to NRS by 1989, 693; A 1993, 1113)

**NRS 284.3622 Catastrophic leave: Request for transfer to employee of hours from account for catastrophic leave.**

1. An employee of an appointing authority may request, in writing, that a specified number of hours of leave be transferred from the account for catastrophic leave to the employee's account. The maximum number of hours that may be transferred to an employee pursuant to this section is 1,040 in any 1 calendar year.

2. The request must include:

(a) The employee's name, title and classification; and

(b) A description of the catastrophe and the expected duration of leave required for that catastrophe.

3. An employee may not receive any leave from the account for catastrophic leave until the employee has used all the employee's accrued annual, sick and compensatory leave.

4. An employee who receives leave from the account for catastrophic leave is entitled to payment for that leave at a rate no greater than the employee's own rate of pay.

(Added to NRS by 1989, 693; A 1993, 1113; 1995, 743)

**NRS 284.3623 Catastrophic leave: Approval of transfer of hours to employee.** The appointing authority may approve the transfer of a specified number of hours of leave from the account for catastrophic leave to the account of any employee who the appointing authority determines is eligible to receive such leave.

(Added to NRS by 1989, 694; A 1993, 1113; 2001, 2140)

**NRS 284.3624 Catastrophic leave: Review of status of employee regarding catastrophe; termination of leave; disposition of hours not used.**

1. The appointing authority shall review the status of the employee regarding the catastrophe and determine when the need to take leave for the catastrophe no longer exists.

2. The appointing authority shall not grant any hours of leave from the account for catastrophic leave after:

(a) The need to take leave for the catastrophe ceases to exist; or

(b) The employee who is receiving the leave resigns or the employment of the employee with the appointing authority is terminated.

3. Any leave which the employee received from the account for catastrophic leave which was not used at the time the need to take leave for the catastrophe ceases to exist or upon the resignation or termination of the employment of the employee must be returned to the account for catastrophic leave.

(Added to NRS by 1989, 694; A 1993, 1113; 1995, 744)

**NRS 284.3625 Catastrophic leave: Maintenance of records; reports to Director.** Each appointing authority shall maintain records and report to the Director any information concerning the use of an account for catastrophic leave to evaluate the effectiveness, feasibility and cost to carry out the provisions of NRS 284.362 to 284.3629, inclusive.

(Added to NRS by 1989, 694; A 1993, 1113)

**NRS 284.3626 Catastrophic leave: Regulations of Commission.** The Commission shall adopt regulations to carry out

the provisions of NRS 284.362 to 284.3629, inclusive.  
(Added to NRS by 1989, 694; A 1993, 1113)

**NRS 284.3627 Committee on Catastrophic Leave: Creation; members; terms; vacancies; members serve without compensation.**

1. There is hereby created within the Department the Committee on Catastrophic Leave composed of five members appointed by the Governor.
  2. The Committee must be composed of:
    - (a) Three members who are executive officers of state agencies; and
    - (b) Two members who are representatives of labor.
  3. The members of the Committee serve at the pleasure of the Governor.
  4. After the initial terms, each member of the Committee serves for a term of 3 years. Each member of the Committee continues in office until the member's successor is appointed. Any member of the Committee may be reappointed.
  5. A vacancy in the membership of the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.
  6. The members of the Committee serve without compensation, except that the members are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Committee.
- (Added to NRS by 2001, 2139)

**NRS 284.3628 Committee on Catastrophic Leave: Chair and Vice Chair; quorum; rules; hearings; Secretary.**

1. The members of the Committee shall elect a Chair and Vice Chair from among their members. After the initial election, the Chair and Vice Chair serve in the office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall elect a Chair or Vice Chair from among their members to serve for the remainder of the unexpired term.
  2. Any three members of the Committee constitute a quorum, and a majority vote of the quorum is required to take action with respect to any matter.
  3. The Committee shall adopt:
    - (a) Rules for its own management; and
    - (b) Such rules of practice and procedure as are necessary to carry out its duties.
  4. The Committee shall hold such hearings as are necessary to carry out the provisions of NRS 284.3629.
  5. The Director or the designee of the Director shall act as the nonvoting recording Secretary of the Committee.
- (Added to NRS by 2001, 2139)

**NRS 284.3629 Committee on Catastrophic Leave: Appeal of decision of appointing authority; procedure; representation of employee; finality of decision; inapplicability of chapter 241 of NRS.**

1. An employee aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629, inclusive, may appeal from the decision by filing a written notice of appeal with the Committee within 10 days after the date of the decision.
  2. The Committee shall:
    - (a) Within 5 days after receiving a notice of appeal, schedule a hearing on the merits of the appeal for a date not later than 20 days after its receipt of the notice.
    - (b) Cause notice of the date and time of the hearing to be given to the employee and the appointing authority by mail or by personal service.
    - (c) Conduct the hearing expeditiously and informally. Technical rules of evidence do not apply at the hearing.
  3. The employee may file a written request with the Committee to give preference in scheduling the hearing. The request must set forth facts showing that the seriousness of the alleged catastrophe requires an expedited appeal.
  4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.
  5. The Committee shall:
    - (a) Render a decision in writing within 10 days after the hearing, setting forth the reasons therefor.
    - (b) Cause notice of the decision to be given to the employee and the appointing authority by mail or by personal service.
  6. The decision of the Committee is final and is not subject to judicial review or the procedure for the adjustment of grievances pursuant to NRS 284.384.
  7. A meeting or hearing held by the Committee to carry out the provisions of this section and the Committee's deliberations on the information or evidence received are not subject to any provision of chapter 241 of NRS.
- (Added to NRS by 2001, 2140)

# TITLE IX

## **NON-DISCRIMINATION ON THE BASIS OF SEX UNDER TITLE IX**

### **Notice of Nondiscrimination on the Basis of Sex Under Title IX**

Mineral County School District (“the school 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.

### **I. 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. 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.

### **II. Reports and Complaints of Sexual Harassment**

The school 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 school district’s behalf, or notice to any school district employee charges a school with actual knowledge and triggers the school district’s response obligations.

Because the school district must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment, **all school district employees are required to report possible incidents of sexual harassment involving students and/or employees directly to the school 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 in person, by telephone, and/or by email.** Failure to report such incidents may result in disciplinary action.

Any person other than a school 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 school 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 school district has designated the following employee to coordinate its efforts to comply with Title IX. The school district's Title IX Coordinator is:

Director of Human Resources  
Mineral County School District  
651 A St. Box 1540  
Hawthorne, NV 89415  
[Blinco.hope@nvmcsd.org](mailto:Blinco.hope@nvmcsd.org)  
775-945-2403

The school district notifies applicants for 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 school district, of the name or title, office address, email address, and telephone number of the school district's Title IX Coordinator.

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

Inquiries about the application of Title IX to the school district may be referred to the school 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.

### **III. Title IX Sexual Harassment Mandatory Response Obligations**

The school 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 school district has the following mandatory response obligations:

- The school 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 school 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 school 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 school 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 school 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 school district's education program or activity against a person in the United States, the school district will dismiss such allegations *for purposes of Title IX* but may still address the allegations in any manner the school district deems appropriate under the school districts code of conduct

#### **IV. Title IX Sexual Harassment Grievance Process**

The school 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 school 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 school 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 school 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 school 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 school district provides training of Title IX personnel to include training on the definition of sexual harassment in Title IX regulations, the scope of the school 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 school 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 school 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 school district posts materials used to train Title IX personnel on its website
- The school district includes reasonably prompt time frames for concluding the grievance process, including appeals and informal resolutions, with allowance for temporary, shortterm, good cause delays or extensions of the time frames
- The school 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 school district has chosen to use the preponderance of the evidence standard for all formal complaints of sexual harassment (including where employees are respondents)
- The school district has described its appeal procedures, and the range of supportive measures available to complainants and respondents
- The school 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 school 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*.

#### **IV. Related Policies and Administrative Regulations**

This policy and administrative regulation address sexual harassment as that term is defined under Title IX. The school 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 GBBA and Policy JFCC.

The school 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 GBBC and Policy GL.

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 JHG.

**Legal Reference(s):**

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

Title IX federal regulations, 34 CFR Part 106

NRS 388.1251 *et seq.*, Provision of Safe and Respectful Learning Environment

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

NRS 432B.010 *et seq.*, Protection of Children from Abuse and Neglect

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