Code: GBB27
Adopted: April 8, 2025

Nondiscrimination on the Basis of Sex Under Title IX

1. Notice of Nondiscrimination on the Basis of Sex Under Title IX

   The 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 termination. Sexual harassment by students is considered grounds for disciplinary action, up to and including expulsion.

2. 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, agent, or other person authorized by the District to provide an aid, benefit or service under the District's education program or activity explicitly or impliedly conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
   - Unwelcome sex-based conduct determined by a reasonable person to be so severe, or pervasive, and is subjectively and objectively offensive that it limits or denies a person's ability to participate in or benefit from equal access to the District's education program or activity; or
   - 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 (VAWA).

3. 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:

Human Resource Manager/Title IX Coordinator
Mineral County School District
751 A Street
P.O. Box 1540
Hawthorne, NV 89415
775-945-2403
www.nvmcsd.org

The 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 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. DOE, 400 Maryland Ave., S.W., Washington, D.C. 20202, or both.

4. 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.

5. 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 treats 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 (e.g., 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.*

6. 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 cyberbullying 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 cyberbullying and procedures to address conduct that does not include sexual harassment as defined under Title IX are addressed in *Discrimination Based on Race, Student Bullying, and Cyberbullying – Safe and Respectful Learning Environment* policy and *Employee Bullying* policy.

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 *Fair Employment Practices* policy and *Prevention of Sexual Misconduct Toward Students Mandatory Reporting of Child Abuse or Neglect, and Corporal Punishment* policy.

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 *Prevention of Sexual Misconduct Toward Students Mandatory Reporting of Child Abuse or Neglect, and Corporal Punishment* policy.