Code: GBB27-AR
Adopted: April 8, 2025

Nondiscrimination on the Basis of Sex Under Title IX

The District has established a grievance process to provide prompt and equitable resolution of reports and complaints of sexual harassment in violation of Title IX.

Any individual who is unsure about whether sexual harassment in violation of Title IX has occurred and/or which complaint procedure applies is encouraged to contact the Title IX Coordinator:

Hope Blinco, 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

1. Definitions

   For purposes of this Title IX grievance process, the following definitions apply:

   a. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or to any official of the recipient who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school in the District. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual notice. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District.

      "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment made verbally or in writing to the Title IX Coordinator.

   b. "Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The District treats a person as a complainant and refers to a person as a complainant any time the District has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment, regardless of whether the person reported, or a third party reported the sexual harassment, and irrespective of whether the complainant ever chooses to file a formal complaint.

   c. "Education program or activity" includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

   d. "Formal complaint" is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. There is no time limit or statute of limitations on a complainant's decision to file a formal complaint.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed.

The phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under Title IX regulations.

e. "Respondent" is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

f. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in welcome sexual conduct (i.e., *quid pro quo*); or
- 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 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).

"Sexual assault" as defined in the Clery Act means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

"Dating violence" as defined in the VAWA means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons in the relationship.

"Domestic violence" as defined by the VAWA includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction.

"Stalking" as defined by the VAWA means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

g. "Supportive measures" means:

- Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.
- Supportive measures are designed to restore or preserve access to the District's education program or activity, without unreasonably burdening the other party; protect the safety of all parties and the recipient's educational environment; or deter sexual harassment.
- Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.
- The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.
- The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

2. Title IX Grievance Procedures

a. Reporting Sexual Harassment, Including Allegations of Sexual Harassment

- District employees who have reason to believe that a student or employee has been subjected to sexual harassment, including allegations of sexual harassment, are required to promptly make a report to the District's Title IX Coordinator. The report must be made 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, or an allegation of sexual harassment. Reports by District employees must be made in person, by telephone, and/or by email to the Title IX Coordinator. Failure to report such incidents may result in disciplinary action.
- Any person may report 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 above 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.
- Title IX complaints may also be made directly to the Regional Civil Rights Director, U.S. DOE, Office for Civil Rights, Region X, 915 Second Ave., Room 3310, Seattle, WA 98174-1099.
- Individuals will not be retaliated against for reporting sexual harassment or for participating in an investigation. Retaliation is illegal under Title IX and any retaliation

will result in disciplinary actions, up to and including termination for employees or expulsion for students.

b. Addressing Supportive Measures

If the individual making the report is the complainant[1] or if the complainant is identified by the individual making the report, the Title IX Coordinator will meet with the complainant to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

- Supportive measures are individualized measures designed to ensure the complainant (alleged victim) can continue to access educational program and activity, including employment (such as requiring no contact between individuals or changing classes)
- Supportive measures may be continued even if the complainant chooses not to file a formal complaint, if appropriate under the circumstances

c. Filing a Formal Complaint

- A complainant may file a formal written complaint requesting investigation of alleged Title IX sexual harassment with the Title IX Coordinator. A formal written complaint may be filed by the parent/legal guardian of a student complainant. The written complaint must include basic information concerning the allegation of sexual harassment, including date, time, location, individual(s) who allegedly engaged in sexual harassment, and a description of the allegation. Students or employees who need assistance in preparing a formal written complaint should contact the District's Title IX Coordinator.
- In certain circumstances, the Title IX Coordinator may file a formal complaint even when the complainant chooses not to file. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school. In such cases, the complainant (alleged victim) is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
- The Title IX Coordinator must dismiss a formal complaint under this procedure if: (a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or (b) if the conduct alleged did not occur within the scope of the District's education program and activity, or (c) the conduct did not occur in the United States.
- The Title IX Coordinator may dismiss a formal complaint under this procedure if: (a) a complainant withdraws the formal, or withdraws particular allegations within the complaint; (b) the respondent is no longer employed by or enrolled in the District; or (c) there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.

[1] A "complainant" is defined under Title IX as an individual who is alleged to be the victim of conduct that constitute sexual harassment, regardless of whether that person is the person who makes a report of sexual harassment, and regardless of whether the complainant ever chooses to file a formal complaint.

- If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties may appeal dismissals in accordance with the *Appeals Procedure* below.

d. Emergency Removal or Administrative Leave

- The Superintendent or designee will undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. Examples may include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
- If the Superintendent or designee determines that an immediate threat exists, a respondent may be immediately removed from the education program or activity. The Superintendent or designee will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This is an opportunity to be heard, not a hearing.
- The District may place a non-student employee respondent on administrative leave during the pendency of the grievance process.
- Any decision to remove a respondent from an education program or activity, or to place a non-student employee on administrative leave, must comply with District policies and administrative regulations, CBAs, and applicable federal or state law, including but not limited to student discipline laws and the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

e. Notice to Parties of Formal Complaint

- Within five business days after the filing of a formal complaint (filed by the complainant or signed by the Title IX Coordinator), the Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under Title IX. The notice will include:

  i. Notice regarding the complaint procedure and the availability of an informal resolution process if the Title IX Coordinator believes the circumstances are appropriate.

  ii. Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview. No interview will be conducted until at least five business days after the date notice has been provided to the parties.

  iii. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process.

  iv. Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence.

  v. Notice that knowingly making false statements or submitting false information during the grievance process is prohibited and may result in disciplinary action.

vi. Notice of the name of the investigator, with notice that parties must raise concerns of conflict of interest or bias within two business days after the date notice has been provided to the parties. The Title IX Coordinator will resolve concerns of conflict of interest or bias within two business days after receipt of a party's objections.

- If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
- The Title IX Coordinator will initiate or continue discussions with the complainant and the respondent regarding the provision of supportive measures.

f. Informal Resolution Process

After a formal complaint has been filed, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant, and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; mediation; restorative justice; acknowledgment of responsibility by a respondent; apologies; or supportive measures.

If the Title IX Coordinator determines that informal resolution is available to the parties, the Title IX Coordinator will provide the parties a written notice disclosing the allegations in the formal complaint, and stating the following:

1. The Title IX Coordinator has determined that informal resolution is available to the parties.
2. The parties must voluntarily agree in writing to participate in an informal resolution process.
3. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
4. If an informal resolution agreement is reached, it must be signed by both parties and the Title IX Coordinator.
5. Any such signed agreement is final and binding according to its terms. Once an agreement has been reached, the District will not resume the formal complaint process, nor initiate or allow either party to initiate another formal complaint process addressing any allegations resolved in the informal resolution process or arising out of the same facts or circumstances as any allegations resolved in the informal resolution process.
6. If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process will be considered as evidence in the subsequent investigation or determination.

g. Investigation

1. The formal complaint will be investigated by a trained internal or external individual designated by the Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Chair of the Board, who will consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator will consult with the Title IX Coordinator as necessary during the investigation process.
3. If the complaint is against an employee of the District, rights conferred under an applicable CBA will be applied, to the extent they do not conflict with the federal Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
5. The investigator will:

- Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
- Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
- Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
- Interview witnesses and conduct such other activities that will assist in ascertaining facts (e.g., site visits, review of documents).
- Consider the evidence that is relevant and directly related to the allegations in the formal complaint.
- During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the District does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
- Within 10 business days of resolving any objection to the investigator, and prior to the completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with 10 business days to submit a written response. The evidence subject to inspection and review includes any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source.
- Consider the parties' written responses to the evidence prior to completing the investigation report.

- Within ten business days of receiving the parties' written responses to the evidence, create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any) for them to review and provide written responses within 10 business days of receipt of the investigative report.
- After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision-maker.

6. The investigation report and party responses will be forwarded to the assigned decision-maker within 60 business days of the date a formal complaint is filed, if practicable. A temporary, short-term delay or extension of time for good cause will be allowed.

h. Determination of Responsibility

1. The decision-maker cannot be the investigator or Title IX Coordinator.
2. Within five business days of receiving the investigation report and party responses, the decision-maker will provide notice to the parties that they have five business days to submit written, relevant questions that the party wants asked of another party or witness.
3. Within five business days of receipt of all questions, the decision-maker will provide relevant questions to parties/witnesses for response. A party/witness will be given five business days to respond to the relevant questions asked by another party. If the decision-maker excludes a question as not relevant, the decision-maker will explain that decision to the party who proposed the question.
4. Within five business days of receipt of all responses, the decision-maker will provide the responses to the parties. A party will be given an additional five business days to ask limited written, relevant follow-up questions that the party wants asked of another party or witness.
5. Within five business days of receipt of all follow-up questions, the decision-maker will provide relevant questions to parties/witnesses for response. A party/witness will be given five business days to respond to the follow-up questions asked by another party. The decision-maker will send each party a copy of the responses to any follow-up questions.
6. The decision-maker will review the investigation report, the parties' responses and other relevant materials, and apply the preponderance of the evidence standard ("more likely than not") when making a determination.
7. Within five business days of receipt of the responses to follow-up questions, the decision-maker will issue a written determination, which will include the following:

- Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
- A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather evidence, and meetings held;

- A determination regarding responsibility as to each allegation and findings of fact supporting the determination;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the District's program and activity will be provided to the complainant; and
- The District's appeal procedure and permissible bases for the parties to appeal the determination.

8. The written determination will be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the District provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.
9. The written determination will be provided to the parties within 45 business days of the date the investigation report was provided to the decision-maker. A temporary, short-term delay or extension of time for good cause will be allowed.

i. Remedies, Discipline and Other Actions

It is the intent of the Board that appropriate corrective action will be taken by the District to stop sexual harassment, prevent its recurrence and address negative consequences. The age and maturity of any student(s) involved and other relevant factors will be considered in determining appropriate action.

Any school employee or student that is found to have violated this policy will be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, or termination. Students who violate this policy will be disciplined in accordance with District policies and procedures for discipline, suspension, and expulsion.

Any remedy, discipline, or other action imposed on a student or employee will comply with District policies and administrative regulations, CBAs, and applicable federal or state law.

1. Remedies

   Remedies are measures used to ensure that the complainant has equal access to the District's education program and activity following the decision-maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions – Students

   Following are the types of discipline and other actions that may be imposed on a student when there is a determination that the student is responsible for one or more violations involving sexual harassment:

   - In-school or out-of-school suspension
   - Expulsion

- Restorative justice
- Requirement to engage in education or counseling program

3. Discipline and Other Actions – Employees

   Following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that the employee is responsible for one or more violations involving sexual harassment:

   - Written warning
   - Probation
   - Demotion
   - Suspension without pay
   - Dismissal
   - Performance improvement plan
   - Counseling
   - Training
   - Loss of leadership/stipend positions

j. Appeals

The person deciding an appeal cannot be the decision-maker, investigator, or Title IX Coordinator.

The parties may appeal a determination regarding responsibility, and from dismissals of formal complaints. Appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.

Appeals must be filed with the Superintendent, who will consider the appeal.

Within five business days of receipt of the appeal, the Superintendent will notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision-maker. Parties will be given five business days to submit statements.

The Superintendent will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other District officials in making the decision.

Within 15 business days of receipt of the appeal, the Superintendent will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision-maker for further consideration; or grant the appeal by revising the disciplinary or other action(s). A temporary, short-term delay or extension of time for good cause will be allowed.

k. Records

Records in connection with sexual harassment reports and the grievance process will be maintained for a minimum of seven years, including:

1. Any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The training materials will be made publicly available on the District's website.