Code: GBB2-AR
Adopted: March 19, 2019
Revised: April 8, 2025

Prevention of Sexual Misconduct Toward Students Mandatory Reporting of Child Abuse, Child Neglect, Corporal Punishment

1. Sexual misconduct as used in this regulation is:

   a. Any sexual conduct that meets the definition of prohibited conduct/behavior as described below or in any other District policy.

   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 bullying, cyberbullying, harassing, or intimidating conduct or communication, of a sexual nature, that creates an environment which is hostile to a student by interfering with their education.

   e. Any conduct or communication of a sexual nature that is sufficiently severe, persistent, or pervasive and objectively offensive that it limits a student's ability to participate in or benefit from an educational program or activity or creates a hostile or abusive educational environment.

   f. Any conduct or communication that is considered immorality within the meaning of NRS 391.650 including but not limited to sexual assault, statutory sexual seduction, incest, commission of certain sexual acts in public, open or gross lewdness, indecent exposure, or lewdness with a minor.

   Note: *The District acknowledges the applicability of criminal statutes relating to sexual conduct toward a student, including:*

   - *NRS 201.540, which indicates that it is a felony for a person 21 years and older, who is or was employed or is or was a volunteer at a public or private school in a position of authority, from engaging in sexual conduct with students who are 16 years of age or older.*
   - *NRS 201.230 states it is a felony for a person to conduct lewdness with a child under the age of 16.*
   - *Other criminal statutes which are pertinent to this policy include, but are not limited to, NRS 200.366, sexual assault; NRS 200.368, statutory sexual seduction; NRS 201.560, using a computer to lure children.*

2. 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 a sexual act with ~~a~~ student;

c. Engaging in sexual intercourse or any sexual act with any student;

d. Touching oneself sexually or talking about one's sexual activity in front of students;

e. Spreading rumors about or discussing administrators, teachers, officials, volunteers, or other school employees, or students' sexual activity;

f. Sexually motivated or inappropriate touching, patting, grabbing, or pinching student's body, whether that student is of the same or the opposite sex; and

g. 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.

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.*

3. Sexual Misconduct Reporting

Any teacher, administrator, official, volunteer, or other school employee who witnesses or has or receives information that a student has been subjected to sexual misconduct including sexual harassment under Title IX shall report the alleged acts to the Title IX Coordinator as soon as practicable, but not later than a time during the same day on which the person became aware of the sexual misconduct, including sexual harassment or allegations of sexual harassment. Reports by District employees must be made in person, by telephone, and/or by email to the District's Title IX Coordinator. Failure to make this report as prescribed will result in disciplinary or other appropriate action against the teacher, administrator, official, volunteer, or other school employee.

4. Investigation

The District shall promptly investigate all complaints or allegations of sexual misconduct. If a violation is found to have occurred, the investigation shall include recommendations concerning the incorporation of disciplinary action and other measures to be imposed. The District will keep all investigations confidential to the extent possible. The District will release information obtained only to those individuals with business need-to-know or involved in the investigation and the administration of the complaint or as required by law. The District will inform the individual filing the complaint, as well as the individual against whom the complaint was made, of the final determination. All employees and students questioned as part of an investigation

will be requested to refrain from discussing the matter with anyone except District or legal representatives or their own union or legal representatives.

The initial investigation will be conducted by a qualified and objective school official not named in the complaint or by an outside investigator. The investigator will act with due regard for the rights of all individuals requesting representation during questioning, and, in particular, to ensure the rights of students to have their parent(s)/guardian(s) present during questioning. If the initial investigation indicates that a criminal act may have occurred, the investigator shall immediately notify the Superintendent, who will in turn immediately report the matter to the law enforcement agency having jurisdiction.

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 may discipline or take other appropriate action against that participant.

5. Retaliation

   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.

   The District will discipline or take other appropriate action against individuals for threatening, intimidating, or interfering with any person who complains of sexual misconduct, or reports sexual misconduct, or who testifies or participates in a proceeding, investigation, or hearing related to a complaint of sexual misconduct.

6. Training

   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 acknowledgment of receipt of such policy. The District will provide all new employees with a copy of this policy and afford employees an opportunity to discuss the orientation.

7. Dissemination of Policy

   The District will make this policy available to all employees, volunteers, parents or guardians and all students, as appropriate, during annual registration. The District will also 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.

8. Mandatory Reporting of Child Abuse or Neglect and Corporal Punishment

   Under NRS 432B, all employees and volunteers who, in their professional or occupational capacities, know or have reasonable cause to believe that a child under age 18 has been abused, neglected, or subjected to corporal punishment must report the abuse, neglect, or corporal punishment to an agency which provides child welfare services or law enforcement agency.

Employees and volunteers required to report the abuse, neglect, or corporal punishment of a child must be provided notice, in writing or electronically, of their duty as a mandatory reporter. The employee and volunteer must sign acknowledgment of this notice which is to be filed in his/her master personnel file. (This requirement is not necessary if the employee is licensed, certified, or endorsed by a board in the state.)

9. Reporting Procedures

   If a District employee or volunteer knows or has reasonable cause to believe that a child has been subjected to sexual misconduct, abuse, neglected, or subjected to corporal punishment, the employee or volunteer must take the following steps:

   a. ***Notification to principal/designee/supervisor***. The employee or volunteer must immediately notify the principal/designee/supervisor of the school where the child is enrolled, **and**

   b. ***Mandatory report to child welfare agency and a law enforcement agency; timing of report.*** The employee or volunteer must report to the local child welfare agency and a law enforcement agency as soon as reasonably practicable but not later than 24 hours after the employee or volunteer knows or has reasonable cause to believe that a child has been subject to sexual misconduct, abuse, or neglect.

      - If an employee or volunteer has knowledge of or reasonable cause to believe that abuse, neglect, sexual misconduct, luring of a child, or violent actions have occurred **by another employee or volunteer,** they are required to make a report to child welfare services and law enforcement.

      - If an employee or volunteer has knowledge of or reasonable cause to believe that the use of corporal punishment or aversive intervention on a child has occurred by another employee or volunteer, they are required to make a report to child welfare services. Reports of corporal punishment are to be made to the principal/designee and local child welfare agency. Reports of aversive intervention are to be made to the principal/designee, special education director, and the superintendent.

      The employee or volunteer shall notify an administrator/designee and may request that a representative an administrator/designee be present when a report is made, but any delay in making such an arrangement does not excuse a failure to report directly to the local child welfare agency and a law enforcement agency as soon as reasonably practicable but not later than 24 hours after the employee or volunteer knows or has reasonable cause to believe that a student has been subject to sexual misconduct, abuse, neglect or corporal punishment.

   c. *Form of report.* The employee or volunteer may make a report by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. SEE GBB2-AR-EX-1

d. *Contents of report.* The report must contain the following information, if obtainable:

- The name, address, age and sex of the child;
- The name and address of the child's parents or other person responsible for the care of the child;
- The nature and extent of the sexual misconduct, abuse, neglect, or corporal punishment of the child;
- Any evidence of previously known or suspected:
  - Sexual misconduct, abuse, neglect or corporal punishment of the child or the child's siblings; or
  - The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child, including sexual misconduct or subjected the victim to corporal punishment if other than parents; and
  - Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

The local child welfare office may be contacted at:

Division of Child and Family Services
Child Protective Services
(833) 571-1041

The local law enforcement agency to be contacted at:

Mineral County Sheriff's Office
105 A Street
Hawthorne, NV 89415
(775) 945-2434

Walker River Paiute Tribe
1029 Hospital Road
Schurz, NV 89427
(775) 773-2544

e. On the same day a verbal report is made to the local child welfare agency and a law enforcement agency, or as soon thereafter as reasonably practicable, the employee or volunteer, in conjunction with the principal/designee if available, must complete the "MCSD Suspected Child Abuse Reporting Form" and provide the original to the agency where the verbal report was made.

f. A copy of the completed Child Abuse and Neglect Reporting Form must be forwarded to the Superintendent to be maintained in the Superintendent's confidential files. Records of written reports, or copies of reports, are not to be maintained within an individual school.

g. Investigating Reports of Sexual Misconduct, Abuse, Neglect or Corporal Punishment

No District employee is expected or authorized to contact non-school district individuals or agencies in order to investigate or obtain additional information or to verify report information.

h. Failure to Report

Any employee or volunteer who fails to report sexual misconduct, abuse, or neglect as provided by this regulation will be subject to discipline. Any employee or volunteer who knowingly and willfully violates the provisions of NRS 432B.220 concerning reports of sexual misconduct, abuse, or neglect is guilty of a misdemeanor (see NRS 432B.240).

i. Immunity from Civil and Criminal Liability

Immunity from civil or criminal liability extends to District employees and volunteers who in good faith make mandatory reports or perform other acts set forth under NRS 432B. See NRS 432B.160 for details and exceptions.