Administrative Regulation 1332
Alcohol, Tobacco and Controlled Substances Prohibited

Responsible Office: Office of the General Counsel – Policy Development

PURPOSE

The Washoe County School District recognizes its responsibility to promote the health, welfare and safety of students, faculty and staff, parents/guardians, and other visitors on District property and at school-sponsored activities. This administrative regulation establishes the District's procedure concerning the use and possession of alcohol, tobacco and controlled substances on District property and at any activity sponsored by the District. Such use includes smokeless tobacco and "herbal" or "fake" chew products and any device which simulates smoking such as an electronic cigarette, cigar or pipe, personal vaporizer, e-hookah, or electronic nicotine delivery system.

REGULATION

1. Miscellaneous

    a. For the purposes of this document, District property includes any building, owned or leased by the District, used for instruction, administration, support services, maintenance, parking lots or storage; the grounds and surrounding buildings; bus stops; and all District-owned vehicles.

    b. This regulation applies to all faculty and staff, students, parents/guardians, volunteers and other visitors to District property or District-sponsored events.

2. Tobacco, Smokeless Tobacco, E-Cigarettes

    a. Since the use of tobacco products has been identified as a major health problem in the United States, it is the intention of the Washoe County School District to be tobacco free.

    b. Nevada state law provides that the District may impose restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco on District property, buildings, facilities and vehicles of the District.

        i. Through this administrative regulation, that restriction is extended to the possession and use of smokeless tobacco products, to include "herbal" or "fake" chew and any device which simulates smoking such as an electronic cigarette, cigar or pipe, personal vaporizer, e-hookah, or electronic nicotine delivery system.

c. It is the policy of the District that smoking, carrying lit tobacco products, and/or the use of smokeless tobacco products and devices which simulate smoking is prohibited at any time on District property, including non-school hours.

d. The District will not permit cigarette vending machines or the advertising of tobacco products in any District building nor will it allow the sale of cigarette or other smoking materials or tobacco products on District premises. In addition, no person representing the District may accept donations from tobacco companies.

3. Alcohol and Controlled Substances

   a. The possession, sale, consumption or promotion of alcoholic beverages or controlled substances by any person upon any property of the District or at any school-sponsored function is prohibited.

4. Violations

   a. In addition to any penalty resulting from violation of law or District policies or regulations which may occur, any person(s) found to be in violation of this regulation may be requested to leave the premises immediately or be subject to arrest for trespass.

   b. Violation of alcoholic beverage and controlled substance matters will be referred to the School Police Department for their investigation and appropriate action.

   c. Students and District staff will be subject to disciplinary action for violations and other persons violating this policy shall be instructed to leave the school property. Violations shall be reported to the building site administrator.

5. Cessation and Prevention

   a. Information concerning assistance for the cessation of tobacco use will be available through the District.

      i. Faculty and staff may contact the District's Wellness Coordinator.

      ii. Students may contact the school counselor or the District's Safe and Drug Free Schools Division.

DESIRED OUTCOMES

1. The Board of Trustees believes that education has a central role in establishing patterns of behavior related to good health. The District is concerned about the health of all faculty and staff, students and other visitors to District property and activities. This regulation shall establish the procedure by which alcohol, tobacco and controlled substances shall be banned from District properties.

2. Prevention programs in schools are most effective when supplemented by strong tobacco-free policies and when they are a part of broader school, community, and state efforts to reduce youth smoking. In light of this information, and to be consistent with school curriculum and federal and state law, it is the intent of the District to establish a tobacco-free environment.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This regulation reflects the goals of the District's Strategic Plan.

2. This regulation complies with the following WCSD governing documents:

    a. Administrative Procedure PATH-P101, Prohibited Conduct (Students)

    b. Administrative Procedure PATH-P107, Substance Abuse Discipline Procedure (Students)

    c. Board Policy 7087, Community Use of School Facilities

3. This regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:

    a. Chapter 202, Crimes Against Public Health and Safety, and specifically:

        i. NRS 202.015 – 202.067, Alcoholic Beverages

        ii. NRS 202.2483 – 202.2497, Tobacco

4. This regulation complies with federal laws and regulations, to include:

    a. U.S. Department of Education—No Child Left Behind, Title IV C, Sections 4301 – 4304, Part A. Safe and Drug-Free Schools and Communities

REVIEW AND REPORTING

1. The Board of Trustees has delegated implementation of this administrative regulation to the Superintendent. A bi-annual audit of this document shall be

conducted, the results of which shall be presented to the Board of Trustees. Such an audit will check for changes to applicable laws, and other relevant information.

REVISION HISTORY

Date	Revision	Modification
7/10/1979	1.0	Adopted
1/14/1992	2.0	Revised
9/9/1997	3.0	Revised
8/7/2014	4.0	Revised: merged Administrative Regulation 4163, Tobacco; revised and updated language to include "e-cigarettes"
10/07/2014	4.1	Revised: Section "Policy" 3(a) revised to include the word "promotion"

CPR & AED for WCSD Employees

CLASS

American Heart Association (AHA) Heartsaver adult and child CPR/AED certification

- Two year certification
- Satisfies state and WCSD requirements (Admin Reg 4508)

WHO

CPR certification is required for the following groups of employees (Admin Reg 4508):

- Athletic and ROTC Coaches
- Physical Education Teachers
- Special Education Teachers
- Physical, Speech and Occupational Therapists
- Teachers teaching CPR for health curriculum
- School Police
- Nurses (BLS only) and Clinical Aides
- Personal Care Providers
- Visually Impaired Program Teacher
- Team Up Coordinators
- Transportation, Campus Supervisors, Truancy and Re-Engagement Employees
- Medical Emergency Response Team Members

COST

For employees listed above, there is no fee for the course.
Classes are open to all current WCSD employees for a reduced fee of $25, due at start of class.

HOW

REGISTER ONLINE at **www.WashoeSchools.net/CPR**

- Seating is limited; pre-registration is required.
- Log into MyPGS with your WCSD login, search for the "CPR and AED" course.
- No MyPGS access? Email CPR@washoeschools.net for information about upcoming classes.
- New NRS-mandated employees must complete CPR within 30 days of start date.

WHEN

Regularly Scheduled Classes

- Saturdays, 9 am to 12 pm
- Wednesdays, 4pm to 7 pm

Additional Offerings

- **Daytime classes offered over school breaks.**
- **Additional week night and weekend classes available upon request.**

WHERE

Most classes are offered at Student Health Services near Sparks High School:

- In a brick house on the west side of 12th Street between Oddie Blvd and Prater Way, between the WCSD Family Resource Center and Sparks High School baseball field.
- Park on the west side and enter through the basement on the north side of the house.

ONLINE	EMAIL	PHONE
WashoeSchools.net/CPR	**CPR@WashoeSchools.net**	**775-325-8579**

The American Heart Association strongly promotes knowledge and proficiency in all AHA courses and has developed instructional materials for this purpose. Use of these materials in an educational course does not represent course sponsorship by the AHA. Any fees charged for such a course, except for a portion of fees needed for AHA course materials, do not represent income to the AHA.

9/2/2022



Responsible Office: Office of Human Resources

BOARD POLICY 4214

ALCOHOL AND CONTOLLED SUBSTANCE FREE WORKPLACE

PURPOSE

The Board of Trustees (Board) is committed to protecting the safety, health and well-being of all students, visitors, and employees of the Washoe County School District (District). The use and abuse of alcohol and controlled substances can pose a significant threat to the mission and goals of the District. An alcohol and controlled substance free workplace program is established that balances the District's respect for individuals with the need to maintain an alcohol and controlled substance free environment.

DEFINITIONS

1. "Alcohol" Also called: ethanol, ethyl alcohol. A colorless flammable liquid, the active principle of intoxicating drinks, produced by the fermentation of sugars, esp glucose, and used as a solvent and in the manufacture of organic chemicals. Formula: $C_2 H_5 OH$. Includes but is not limited to beer, wine, wine cooler, liquor, liqueur, mixed alcoholic beverages, fermented malt beverages or malt, vinous, spirituous liquors or any product, including "non-alcoholic" beer, containing an alcohol content greater than zero.

2. "Controlled substance" A drug or chemical substance whose possession and use are regulated under the Uniformed Controlled Substances Act. Includes but is not limited to any drug listed in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or Nevada state law including but not limited to: narcotics, depressants, stimulants, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, cannabis/marijuana, marijuana concentrate, anabolic steroids (drugs commonly known or referred to as: acid, LSD, speed, Quaaludes, valium, cocaine, crack, PCP, ice, and other names), and any other controlled substances as defined in state or federal law, or any prescription or nonprescription drug, medicine, vitamin or other chemical substance not taken in accordance with the District's policy, regulations, or procedures. Controlled substance also includes:

    a. A prescription drug or medication that is not listed as a Controlled Substance under the Uniform Controlled Substances Act, which has not been lawfully prescribed for the individual possessing or using the medication. This includes, but is not limited to, a counterfeit controlled

substance and any chemical compound that will induce a condition of intoxication when inhaled for that purpose;

b. A counterfeit controlled substance;

c. Controlled substances presented in alternative forms such as edibles, patches, oils, etc.;

d. An imitation substance that an individual believes to be a controlled substance or that is represented to be such by the individual, and/or imitation, synthetic or designer drugs that are used as substitutes or imitations for controlled substances (this includes synthetic cannabinoids or salvia divinorum); and,

e. A chemical compound or substance used to induce a condition of intoxication when inhaled or digested for that purpose. This includes, but is not limited to, household or office products such as aerosol products or liquid correction tape (white out).

3. "District Property" refers to any building, owned, or leased by the District, used for instruction, administration, support services, maintenance, parking lots or storage; the grounds and surrounding buildings; bus stops; and all District-owned, rented, and leased vehicles.

4. "Impaired" means under the influence of a substance such that the individual's motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected.

5. "Under the influence" refers to any level of consumption of alcohol or a controlled substance by an individual.

6. "Use" refers to the consumption, injection, inhalation, or absorption of either alcohol or a controlled substance into a person's body by any means.

POLICY

1. This Board Policy applies to applicants for employment, District employees, trustees and volunteers who are representing or conducting business for the District, on District property or at District-sponsored events.

2. This Board Policy is not intended to prohibit employees, trustees and volunteers from the legal use of alcohol and/or controlled substance(s) when not representing or conducting business for the District, on District property or at District-sponsored events.

    a. The District strives to honor the private medical decisions of employees while ensuring a working environment which is free from disruption.

Administration of prescription medications by an employee on District property, or at a District/school-sponsored event shall be in accordance with this Board Policy and any associated governing documents of the District, and state and federal laws and regulations.

3. The use of recreational or medical THC/cannabis/marijuana or marijuana derivatives is prohibited on District property in accordance with state and federal laws as the District is a recipient of federal funding.

4. No employee, Trustee or volunteer shall report for work impaired by alcohol or controlled substance. Employees, Trustees, and volunteers must plan for and allow enough time to pass between any use of a controlled substance that causes impairment and commencement of their District duties, whether on District property, remote location or at a District-sponsored event to ensure that they are not under the influence in any way.

5. The District prohibits the marketing, display, or promotion of alcohol and controlled substances on District property, at school or District sanctioned activities and events and in school or District sponsored publications, websites or social media.

    a. Commercial advertisement of prohibited substances does not apply to the use of such advertisements by employees in a school program or activity on the harmful effects of alcohol and drugs.

    b. Commercial advertisement of prohibited substances shall not apply to magazines, newspapers and other publications having a general circulation in the community, state or nation which are purchased by the school or District for their educational value.

6. The Board hereby directs the Superintendent to adopt an Administrative Regulation to implement and maintain the purpose of this Board Policy. The Superintendent shall include in the Administrative Regulation the following provisions:

    a. The prohibition against the use of tobacco products, to include electronic delivery devices, on or within school property, to include athletic fields and parking lots, as well as within other District buildings and places of public use. This prohibition extends to District-owned, leased, and rented vehicles and school buses;

    b. Requirements for District employees who must maintain a Commercial Driver's License (CDL) as a condition of employment (e.g., school bus drivers) related to transportation and the use of controlled substances. This includes being aware that marijuana,

to include medical marijuana, is an illegal substance under federal law;

c. Communication of the alcohol and controlled substance free workplace policy to all employees, Trustees, and volunteers, to include the procedure in place when alcohol and controlled substance use is suspected;

d. Consequences for engaging in any of the prohibited behaviors described in this Board Policy; and

e. Compliance with all state and federal laws and regulations pertaining to an alcohol and controlled substance free workplace.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Board Policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
    a. Board Policy 4505, Standards of Professional Conduct;
    b. Board Policy 1500, Volunteers;
    c. Board Policy 1505, Visitors to District Property (Meaningful Access);
    d. Board Policy 5250, Alcohol, Tobacco, and Controlled Substances – Student Prevention and Intervention;
    e. Board Policy 7500, Transportation of Students; and
    f. Board Policy 7505, District Vehicles.
2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
    a. Chapter 202, Crimes Against Public Health and Safety;
    b. Chapter 391, Personnel
    c. Chapter 392, Pupils, and specifically;
        i. NRS 392.463, Adoption of plan to ensure public schools are safe and free of controlled substances; and
    d. Chapter 453, Controlled Substances.
3. This Board Policy complies with federal laws and regulations, to include:

a. Title 49, Transportation, Part 382, Controlled substances and alcohol use and testing, through the U.S. Department of Transportation's Federal Motor Carrier Safety Administration;

b. Title 49, Transportation, Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; and

c. Drug-Free Workplace Act of 1988.

REVISION HISTORY

Date	Revision	Modification
4/11/1967	1.0	Adopted as Alcohol and Drug Testing (commercial drivers)
10/27/1992	2.0	Revised
2/28/1995	3.0	Revised
7/14/1998	4.0	Revised
4/13/1999	5.0	Revised
12/08/2015	6.0	Revised: name changed to Drug Free Workplace
4/9/2019	7.0	Revised: clarifies rules related to being impaired, marijuana use, etc.
09/14/2021	8.0	Revised: Formatted per BP 9070, update definitions.

Administrative Regulation 4219
EMPLOYEE DISCIPLINE AND SEPARATION (NON-LICENSED EMPLOYEES)

Responsible Office: Department of Labor Relations

PURPOSE

This administrative regulation shall establish discipline and separation procedures for non-licensed employees in the Washoe County School District ("District").

REGULATION

1. Discipline

    a. Employment with the District, except for those post-probationary Education Support Professional (ESP) employees covered by the current Agreement between the District and the Washoe Education Support Professionals / Nevada State Education Association (WESP/NSEA), the Washoe County School Police Officers Association (WCSPOA), Executive Assistants and Confidential employees, is at the will of the employee and the District. Accordingly, either the employee or the District can terminate the employment relationship at will, at any time, with or without cause or advance notice.

    b. For those post-probationary ESP employees who are covered by the Agreement between the District and the WESP/NSEA, WCSPOA, and Executive Assistants and Confidential employees, the District will adhere to the general principles of "progressive discipline" in matters which require disciplinary action. Such actions will range from verbal warnings, written warnings, reprimands, suspension without pay, demotion, or termination. In appropriate cases, the District may, in the exercise of its discretion, determine to impose a particular discipline or terminate employment without strictly adhering to progressive discipline.

    c. Employees may be disciplined for a variety of reasons. The general areas in which disciplinary actions may occur are identified below. This must not be construed as a comprehensive, all-inclusive list.

        i. Inadequate or deficient work performance.

        ii. Insubordination.

        iii. Failure to follow the policies, regulations, procedures, rules, instructions, directions of the District and terms of the respective negotiated Agreements.

        iv. Theft.

v. Dishonesty.

vi. Discourteous or rude treatment of the public, students or other District employees.

vii. Verbally abusing, threatening or striking a member of the public, a student or a District employee.

viii. Misuse or destruction of District property.

ix. Conduct on or off the job which adversely affect job performance or which adversely reflects on the District and its mission of education.

x. Physical or mental incapacity which results in the inability to satisfactorily perform the assigned work of the position.

xi. Conviction of a crime.

xii. Unauthorized or excessive absences or tardiness, or the abuse of leave privileges.

xiii. Possession, use, sale, distribution or being under the influence of or being impaired by illegal drugs on controlled substances, possession, use, distribution of, or being under the influence of or being impaired by alcohol during working hours; use of or being under the influence of medically prescribed drugs which negatively affects ability to perform assigned duties; or failure to pass a required medical test for the presence of illegal drugs, controlled substances or alcohol.

xiv. Immorality.

xv. Gross Misconduct: includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

xvi. Neglect of Duty.

xvii. An intentional violation of NRS 388.497, Aversive intervention prohibited, or 388.499, Physical restraint and mechanical restraint prohibited; exceptions; or

xviii. An intentional failure to report a violation of NRS 388.135, Bullying and cyber-bullying prohibited, as required by NRS 388.1351, if the employee witnessed the violation.

2. Resignation (Including Retirement)

    a. General Resignation - Resignations by non-licensed personnel should be presented in writing to the Office of Human Resources, at least one (1) month prior to the date requested for separation.

    b. If a resignation is submitted which is to take effect prior to the completion of a work year, the Chief Human Resources Officer shall make the necessary arrangements for the payment of the salary due to the employee based on the actual time of employment as related to the total work year.

DESIRED OUTCOMES

1. Through this regulation, the District seeks to be transparent in its disciplinary procedures related to staff and to comply with the provisions of both the negotiated agreements between the District and the employee associations, and with state laws and regulations.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns with the governing documents of the District, to include:

    a. Board Policy 4119, Separation of Service.

    b. Administrative Regulation 4119.4, Grounds for Dismissal: Possession of a Weapon on School District Property

    c. Administrative Regulation 4214, Alcohol and Controlled Substance Testing (Employees Licensed to Operate a Commercial Vehicle)

2. This administrative regulation aligns with the Collective Bargaining Agreements of the employee associations:

    a. Washoe County School Police Officers' Association (WCSPOA).

    b. Washoe Education Support Professionals (WESP)

3. This administrative regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) and specifically:

    a. Chapter 288, Relations Between Governments and Public Employees

REVIEW AND REPORTING

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.

2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

REVISION HISTORY

Date	Revision	Modification
10/27/1992	1.0	Adopted
7/14/1998	2.0	Revisions
11/15/2012	3.0	Revised: format changes; align to changes to NRS for licensed employees (4119)
7/18/2016	3.1	Revised: format changes; changes to NRS numbering

Administrative Regulation 4530
ETHICAL STANDARDS / CONFLICT OF INTEREST

Responsible Office: Department of Labor Relations

PURPOSE

This administrative regulation establishes guidelines for all officials and employees to ensure ethical standards are met and conflict of interests are detected, managed, and prevented. The District endeavors "to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties." (Nevada Commission on Ethics)

REGULATION

1. The following ethical standards are hereby established as a guide for the conduct of all officials and employees of the District.

    a. All officers and employees of the District shall also comply with state and federal laws and regulations related to ethical standards.

    b. For the purposes of conflict of interest and/or ethical standards, the District will recognize relationships within the Third Degree of Consanguinity (see below).

2. Conflict of interests

    a. No official or employee of the District shall engage in any apparent or actual activities that place them in a conflict of interest between their official activities and any other interest or obligation.

        i. An actual conflict is a situation where the employee knows that his/her judgment is likely to be compromised.

        ii. An apparent conflict is one where a reasonable person might think that the employee's judgment is likely to be compromised.

    b. Conflict of interest requires all officials and employees of the District to disqualify themselves from participating in a decision when a financial or personal interest is present.

3. Prohibited conduct includes, but is not limited to:

    a. Accepting gifts, services, favors, employment, engagement, emolument, or economic opportunities which would tend improperly to influence a

reasonable person in his/her position to depart from the faithful and impartial discharge of his/her duties in connection with the District;

b. Receiving or giving unwarranted privileges, preferences, exemptions or advantages for oneself or any member of one's household, any business entity in which he/she has a financial interest or to any other person;

c. Using confidential information for personal gain;

d. Suppressing information for pecuniary (any economic) interests;

e. Using or loaning District resources for personal use, without prior approval of a supervisor where applicable;

f. Improperly influencing subordinates;

g. Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his/her duties as an employee of the District.

    i. No teacher employed by the District shall tutor his/her students for pay in established curriculum subject matter areas during the school year unless special permission for such tutoring has been granted by the Superintendent or his/her Designee.

h. No employee of the District shall use his/her knowledge or special information about pupils to solicit funds or to sell products to students or adults.

4. Employee – Vendor Relationships

a. A District employee and/or relative of an employee, within the third degree of consanguinity, shall not sell or lease goods or contract for services with the District as to create an employee-vendor relationship.

b. For purposes of this regulation, an employee-vendor relationship is defined as a relationship in which:

    i. An employee proposes for consideration a contract with the District;

ii. A relative of an employee proposes for consideration a contract with the District and the employee is directly involved in the selection process or management of the contract;

iii. An employee or a relative of an employee who owns or controls more than a one percent (1%) interest in any business which proposes for consideration a contract with the District and the employee is directly or indirectly involved in the selection process or management of the contract;

iv. An employee or a relative of an employee who serves on a board of any organization, including a not-for-profit or other charitable organization, that stands to benefit from any contract, charitable, or other contributions from the District and the employee is directly or indirectly involved in the selection process or management of the contract or contribution; or,

v. An employee personally benefits as a result of a contract or any other type of transaction with the District that is in addition to their employment with the District.

c. Any situation meeting the definition of employee-vendor relationship above is prohibited unless extraordinary circumstances are found to exist, as determined by the Superintendent or his/her designee.

d. Unless specifically prohibited by law, an official or employee of the District is not precluded from making a bid on a District contract if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he/she has not taken part in developing the contract plans or specifications, and he/she will not be personally involved in opening, considering, or accepting offers.

5. Disclosure

a. No employee of the District may approve, disapprove, vote, abstain from voting, or otherwise act upon any matter in which he/she has a financial interest without first disclosing the full nature and extent of such interest. Such a disclosure shall be made before the time when the employee is to perform his/her duty, or concurrently with that performance.

i. If the employee is a member of any decision-making body, he/she shall make disclosure to the chairperson and other members of the body.

ii. An employee shall inform his/her supervisor (i.e. Department Head, Principal) of any potential violation of this policy. The supervisor will determine if a conflict exists or if any extraordinary circumstances exist that may influence the conflict determination. An appropriate course of action shall be determined after receiving concurrence from the Chief Human Resources Officer or his/her designee.

6. Suspected Dishonest or Fraudulent Activities

a. By the nature of its business, the District employs many people in situations and circumstances where irregularities in the handling of money, documents, and equipment are possible.

b. District administrators should be familiar with types of possible dishonest or fraudulent irregularities which may occur in their departments and among those under their supervision, and they should also be alert for any indication that such an irregularity might exist or has occurred.

c. If an individual suspects an irregularity in the handling of money, documents, and/or equipment, it should be identified and investigated promptly in order to protect the interests of the District and the taxpayers. In some cases, the District insurance carriers require it; in every case, business practice makes it essential.

d. Any employee suspecting irregularity should notify the Superintendent and/or Internal Auditor. The Superintendent or designee shall determine whether or not the irregularity should be investigated by the Internal Audit Department, the School Police Department, or both.

i. If the suspected irregularity involves the Superintendent, then the President of the Board of Trustees should be notified. The Internal Audit Department will then be responsible for coordinating investigations into such matters with legal counsel.

e. Any employee suspecting an irregularity may make a report by:

i. Contacting the District's Anonymous Reporting System; or

ii. Notify the Superintendent and/or Internal Auditor.

1. The Superintendent or designee shall determine whether or not the irregularity should be investigated by the Internal Audit Department, the School Police Department, or both.

2. If the suspected irregularity involves the Superintendent, then the President of the Board of Trustees should be notified.

3. The Internal Audit Department will be responsible for coordinating investigations into such matters with legal counsel.

f. Possible dishonest or fraudulent activities may include, but are not limited to, the following:

i. Intentional alteration or misstatement of school district reports and records;

ii. Forgery or alteration of checks, drafts, promissory notes, securities, shipping or receiving documents or records, etc.;

iii. Any misappropriation or misapplication of funds, securities, supplies, or any other assets of the school district;

iv. Any irregularity in the handling or reporting of money transactions involving school district funds;

v. Unauthorized sale or other disposal of school district furniture, fixtures, or equipment; or

vi. Intentional alteration or misstatement in reporting of items such as employee expenses, vacation time, personal time, sick leave, overtime, or of other records such as licenses or in-service credits, etc.

7. Acknowledgement and Compliance

a. All District employees shall be responsible for compliance with Board Policy 4505, Standards of Professional Conduct, this regulation and any applicable state and federal laws and regulations. Failure to comply may result in disciplinary action.

b. Staff shall, on an annual basis, acknowledge receipt and understanding of their responsibilities related to ethical standards and conflict of interest.

DEFINITIONS

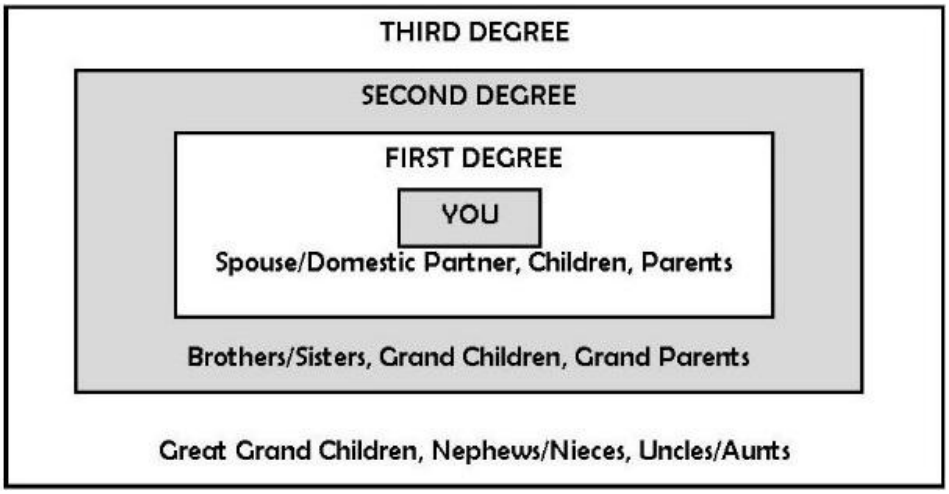
1. Conflict of Interest is "[a] real or seeming incompatibility between one's private interests and one's public or fiduciary duties." (Black's Law Dictionary)

2. Consanguinity refers to a relationship by blood or law:

    i. A husband and wife/domestic partners are related in the First Degree of Consanguinity by marriage.

    ii. For other relationships by marriage, the degree of relationship is the same as the degree of underlying relationships by blood.

    b. Third Degree of Consanguinity



3. "Public employee" means any person who performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision. (NRS 281A.150)

4. Contract includes any contract, agreement, lease or other legal document between the District and another entity that involves the donation, lease, or sale of goods or services.

5. Compensation is any money, thing of value or economic benefit conferred on or received by any person in return for services rendered, personally or by another.

6. Nepotism and Cronyism

    a. Nepotism refers to favoritism granted to relatives regardless of merit

    b. Cronyism refers to partiality to friends or acquaintances

DESIRED OUTCOMES

1. Through implementation of this administrative regulation, the District seeks to encourage and strengthen the community's confidence related to financial stewardship of public funds by avoiding conflicts by and between its employees.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This regulation reflects the goals of the District's Strategic Plan and aligns with the governing documents of the District, to include:

    a. Board Policy 4505, Standards of Professional Conduct

2. This regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:

    a. Chapter 281A, Ethics in Government

3. This regulation complies with the standards developed by the State of Nevada Commission on Ethics.

4. This regulation complies with federal laws and regulations, to include:

    a. Title 34, Education, Conflict of Interest: Participation in a Project (34 CFR § 75.525)

REVIEW AND REPORTING

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.

2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

REVIEW HISTORY

Date	Revision	Modification
6-6-1990	1.0	Adopted
10-27-1992	2.0	Revised
7-14-1998	3.0	Revised
12-19-2016	4.0	Revised: changed from Administrative Regulation 4111.4, added 3rd degree of consanguinity

FERPA and Part B of IDEA Confidentiality Provisions

OR

FERPA as it relates to IDEA and Students with Disabilities



Individuals with Disabilities Education Act (IDEA)

- Statute:20 U.S.C. §1401 and §§1411-1419

- Regulations:34 CFR Part 300



Part B of the Individuals with Disabilities Education Act (IDEA)

- §300. 610 Confidentiality of Information
- “The Secretary takes appropriate action, in accordance with section 444 of GEPA [FERPA], to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act, and consistent with §§300.611 through 300.627.”



§300.625 of IDEA "Children's rights"

If the rights accorded to parents under Part B are transferred to a student who reaches the age of majority, consistent with §300.520, the rights regarding education records in §§300.613 through 300.624 must also be transferred to the student. However, the public agency must provide any notice required under section 615 of the IDEA to the student and the parents. (§300.625(c)).



Educations Records under IDEA and FERPA

Reminder: Educational records are those that are directly related to the student and maintained.

- Records maintained by an educational agency or institution, or by a party acting for the educational agency or institution, that are subject to FERPA on students with disabilities receiving services under Part B of IDEA are “education records” subject to FERPA.
- Just like with FERPA, an agency under IDEA may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce (§300.613(c)).



Record Maintenance

- The school district is required to maintain each IEP folder and ensure that all educational record is securely maintained. In the WCSD, the file of record is located electronically in OnBase.

Therefore, it is mandatory that all educational records are scanned and/or uploaded into the electronic file. Scanning and/or uploading the educational record must be done in a timely fashion, optimum immediately following any IEP or related meeting. All data collected towards progress towards goals and objectives is also an educational record an must be maintained in the electronic file. The expectation is that these records would be scanned and/or uploaded minimally once a month.

Inspection & Review of Education Records

- §300.613 of the IDEA regulations requires each participating agency to comply with a request to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under part 300 without unnecessary delay and ***before*** any meeting regarding an IEP, or any hearing pursuant to §300.507 (due process complaint regarding identification, evaluation, or educational placement or provision of a free appropriate public education to the child) or §§300.530 through 300.532 (discipline procedures), or resolution session pursuant to §300.510, and in no case more than 45 days after the request has been made**.**



Charging Fee for Copies

§99.11 of FERPA and §300.617 of the IDEA regulations states that an educational agency or institution may charge a fee for copies of education records, unless imposing a fee would effectively prevent a parent or eligible student from exercising his or her rights to inspect and review education records.



Limitations on Right to Inspect and Review

§99.12 of FERPA and §300.615 of the IDEA regulations state that if records contain information on more than one student, the parent has the right to inspect, review, or be informed of only the specific information about his or her child's education records.



Amending Education Records under IDEA

§§300.618-300.621 of the IDEA regulations govern the amendment of education records and reflect the FERPA requirements.

§300.621 states that a hearing held under §300.619 must be conducted according to the procedures in §99.22 of the FERPA regulations.



Consent for Disclosures under IDEA

- §300.622 of the IDEA regulations requires

—Parental consent before PII is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of §300.622, unless the information is contained in education records and the disclosure is authorized without parental consent under FERPA;

–Parental consent, or consent of eligible child who has reached age of majority under State law, must be obtained before PII is disclosed to officials providing or paying for transition services in accordance with §300.321(b)(3); and

–Parental consent must be obtained before any PII about the child is released between officials of the LEA where the private school is located and officials of the LEA of the parents' residence if the child is enrolled or is going to enroll in a private school that is not located in the LEA of the parent's residence.



Destruction of Information is VERY DIFFERENT under IDEA

- §300.624 of the IDEA regulations **requires** a public agency to **inform parents** when PII that is collected, maintained, or used under the IDEA is no longer needed to provide educational services to the child.
- Under the IDEA, information must be destroyed at the request of the parents, but certain information, such as directory information, may be maintained without time limitation.



Record of Access for both FERPA and IDEA

- §99.32 of FERPA contains recordkeeping requirements for both schools and SEAs.

–Record of disclosure must be maintained as long as record is maintained;

–Include parties who requested or received information; and

–Include legitimate interest the parties had in receiving information.

- §300.614 of the IDEA regulations contains recordkeeping requirements for participating agencies.

–Keep a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees);

–Include name of party, day access given, and purpose for which the party is authorized to use the records.



IDEA Enforcement of Regulations and Policies

- §300.626 of the IDEA regulations provides that the SEA must have in effect policies and procedures, including sanctions, to ensure that the confidentiality requirements in §§300.611 –300.625 are followed.
- An organization or individual, including from another State, may file a signed written complaint under procedures described in §§300.151-300.153 alleging that a public agency has violated a requirement of Part B of the IDEA or the IDEA regulations. This could include the Confidentiality of Information provisions in §§300.611-300.626. Such complaints are filed with, and resolved by, the State educational agency (SEA) (or the LEA if allowed by State procedures).



Questions?

- Contact Jessica Medulla at jmedulla@washoeschools.net or (775) 789-4646





Responsible Office: Office of the General Counsel

BOARD POLICY 9200

HARASSMENT AND DISCRIMINATION PROHIBITED

PURPOSE

The Board of Trustees (Board) is committed to providing safe and respectful environments free of harassment or discrimination based on protected class status within its schools, buses, and other facilities, and at Washoe County School District (District) sponsored events.

DEFINITIONS

1. "Discrimination" is the distinguishing treatment of an individual based on their actual or perceived membership in a certain group or category as listed below under Policy section 1, in a way that explicitly or implicitly affects an individual's employment, prevents, or denies equal access to programs or benefits; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile or offensive educational or work environment.

    a. "Discrimination" based on race, color, religion, sex (including non-conformity to gender stereotypes), sexual orientation, gender identity or expression, age, disability, religious preference, or national origin is prohibited.

        i. "Disability" means, with respect to a person: 1) a physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus; 2) a record of such an impairment; or 3) being regarded as having such an impairment.

        ii. "Gender identity or expression" means a gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth.

        iii. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality, or bisexuality.

2. "Harassment" is unwelcome conduct that is based on their actual or perceived membership in a certain group or category as listed below under Policy section 1. Harassment becomes unlawful when enduring the offensive conduct becomes a

condition of continued employment; or the conduct is severe or pervasive enough to create an educational or work environment that a reasonable person would consider intimidating, hostile, or abusive.

   a. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

3. "Intimidation" is defined as intentional behavior that would cause an ordinary person to fear harm or injury.

4. "Retaliation" is adverse action (e.g., payback, retribution, revenge) taken against an individual for engaging in legally protected activity such as making a complaint of harassment or participating in workplace or school site investigations.

5. "Sexual Harassment" is a form of sexual discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive educational or work environment. The term sexual harassment includes sexual violence under Title IX of the Educational Amendments.

POLICY

1. The District prohibits harassment and discrimination on its properties, in educational programs/activities, and employment, in accordance with applicable federal and state laws and regulations. This includes harassment and/or discrimination on the basis of:

   a. Race;

   b. Color;

   c. National origin, ethnic group identification, citizenship status, and native language;

   d. Marital status;

   e. Ancestry;

   f. Sex, to include pregnancy;

   g. Sexual orientation;

h. Gender identity or expression;

i. Genetic information;

j. Religion;

k. Age;

l. Economic status;

m. A qualifying mental or physical disability, based on the Americans with Disabilities Act as Amended (ADAA), Section 504 of the Rehabilitation Act of 1973, or the Individuals with Disabilities in Education (IDEA) Act, to include use of a trained dog guide or service animal by a person with a disability; or

n. Military or veteran's status.

2. The prohibition against harassment and discrimination applies to any individual on District property, including a school bus, at a District- or school-sponsored event, or while acting on District business. This includes community organizations, and their members, which use a District facility, regardless of whether the club or organization has any connection to the school.

3. The District shall comply with the Title IX Regulations that went into effect August 14, 2020. Complaints alleging sexual harassment between students, between staff and students and between staff members shall be reported to the Title IX Coordinator for processing.[1]

4. The Superintendent shall create and maintain a Civil Rights Compliance Department, which has the responsibility for coordination of compliance efforts concerning harassment, discrimination.

a. An employee or representative of the District who is acting or purporting to act in an official capacity may not, based on the protected classes listed above, harass, or discriminate against another person by:

i. Refusing to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the District, except in accordance with District policies and regulations.

ii. Refusing to permit the person to participate in a program owned, operated, or managed by or on behalf of the District;

[1] This paragraph is effective until the date of the repeal or injunction against the Federal Title IX Regulation. At such time, this paragraph shall be stricken from the policy.

iii. Refusing to grant a benefit to the person; or

iv. Imposing an unreasonable burden on the person.

5. The Board hereby directs the Superintendent to adopt an Administrative Regulation to implement and maintain the purpose of this Board Policy. The Superintendent shall include in the Administrative Regulation the following provisions:

a. Communication of this Board Policy and any accompanying regulations or site-based protocols to employees, students, parents/guardians, and the community. Such communication may include through means to include, but not limited to, school activities such as "Week of Respect" and posted notices in District publications and District websites.

b. Annual training for Trustees, employees, coaches, and volunteers. Such training shall include, but not be limited to:

i. Methods to prevent, identify, and report incidents of harassment or discrimination;

ii. Methods for addressing the rights and needs of persons with diverse gender identities or expressions; and

iii. Methods for addressing the needs of students with disabilities and students with autism spectrum disorder.

c. Any individual who witnesses or receives information that a possible violation of this Board Policy has occurred shall report the possible violation to the school principal or designee, site supervisor, or the Civil Rights Compliance Department.

i. Reports of student discrimination based on race, national origin, disability, sex, or religion may also be filed with the U.S. Department of Education's Office for Civil Rights.

ii. Specific procedures related to the District's reporting and investigation process may be found in associated administrative regulations.

d. The District will act promptly on reports, complaints, and appeals related to harassment and/or discrimination which are brought to the attention of the District in compliance with the District's posted complaint process and accompanying timelines. At all times, to the extent possible, confidentiality of the parties involved shall be maintained.

i. The student reporting process is detailed within Administrative Regulation 5701, Student Bullying, Harassment and/or Discrimination Complaint and Appeal Procedures;

ii. The Title IX sexual harassment process is detailed in Administrative Regulation 9201, Title IX Sexual Harassment;

iii. The employee reporting process is detailed within Administrative Regulation 4425, Staff Complaint Process: Harassment, Sexual Harassment, and Intimidation; and

iv. The public reporting process is detailed within Administrative Regulation 1601, Public Complaints – Response and Resolution.

e. Behavior, which is or may be considered criminal in nature, or results in substantial bodily harm, will be referred to law enforcement.

f. Individuals found to be engaging in behavior prohibited by this Board Policy may be subject to appropriate disciplinary action. Examples of possible disciplinary action could include, but are not necessarily limited to:

i. Non-employees / non-students, to include a school volunteer, found to be in violation of this Board Policy may be trespassed from District property;

ii. Faculty and employees found to be violation of this Board Policy may be subject to disciplinary action pursuant to the employee negotiated agreements; and

iii. Students found to be in violation of this Board Policy may be subject to disciplinary action pursuant to the District's student behavior matrix.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Board Policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:

a. Board Policy 1600, Public Complaint and Resolution Process;

b. Board Policy 4400, Equal Opportunity in Employment; and

c. Board Policy 5700, Safe and Respectful Learning Environment.

2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
    a. NRS Chapter 200, Crimes Against the Person;
    b. NRS Chapter 388, System of Public Instruction
        i. NRS 388.121 – 388.1459, Provision of Safe and Respectful Learning Environment;
        ii. NRS 388.417 – 388.525, Pupils with Disabilities;
        iii. NRS 388.5251 – 388.5317, Gifted and Talented Pupils;
    c. NRS Chapter 388D, Alternative School Choices
        i. NRS 388D.060 (Homeschool children) Discrimination Prohibited;
    d. NRS Chapter 391, Personnel
        i. NRS 391.750, Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators;
    e. NRS Chapter 392, Pupils
        i. NRS 392.461 – 392.4675, inclusive, Behavior and Discipline;
        ii. NRS 392.900 – 392.920, inclusive, Unlawful Acts; and
    f. NRS Chapter 613, Employment Practices
        i. NRS 613.310 – 613.435, Equal Opportunities in Employment.
3. This Board Policy complies with federal laws and regulations, to include:
    a. Title II, Americans with Disabilities Act as Amended (ADAA);
    b. Title IV, VI and VII of the Civil Rights Act of 1964;
    c. Title IX of the Education Amendments of 1972 (Title IX);
    d. Section 504 of the Rehabilitation Act of 1973;
    e. Individuals with Disabilities in Education Act (IDEA); and
    f. Age Discrimination Act of 1975.

REVISION HISTORY

Date	Revision	Modification
02/10/2015	1.0	Adopted: Consumed Board Policy 4111.3, Harassment, Sexual Harassment, and Intimidation
07/14/2015	2.0	Revised: Pursuant to changes during the 2015 Legislative Session (SB504)
12/13/2016	3.0	Revised: Updated reference documents, NRS cites
05/22/2018	4.0	Revised: Updated to remove bullying to BP 5700
05/15/2019	4.1	Revised: Updated referenced regulation numbers that have been changed
11/24/2020	5.0	Revised: Pursuant to changes in Title IX regulations
10/27/2022	5.1	Revised: Update format pursuant to BP 9070



Responsible Office: Office of Human Resources

BOARD POLICY 4510

PROTECTION OF STUDENTS -

BACKGROUND CHECKS AND MANDATORY REPORTING

PURPOSE

The Board of Trustees (Board) is committed to the protection of Washoe County School District (District) students and employees. In order to strengthen public confidence with adult interaction with students, this Board Policy establishes mandating background checks and fingerprinting of individuals who regularly spend time with students, as well as mandatory reporting protocols related to child abuse and/or neglect.

DEFINITIONS

1. "Abuse or neglect of a child" refers to the physical or mental injury of a non-accidental nature; sexual abuse or sexual exploitation; or negligent treatment of a child.

2. "Child", for the purposes of this Board Policy, refers to a person under the age of 18 years or, if in school, until graduation from high school.

3. "Corporal punishment" refers to the intentional infliction of physical pain upon or the physical restraint of a student for disciplinary purposes.

4. "Employees" refers to all District paid employees, to include full-time, part-time and temporary.

5. "Representative of the District" refers to individuals who do not meet the definition of employee or a volunteer but who may have access to students. This may include, but is not limited to, student teachers, contractors.

POLICY

1. This Board Policy applies to all employees whether full-time, part-time, or temporary.

2. As the safety of students and employees is of primary concern, the District shall utilize criminal and civil background checks as one part of the rigorous process by which employees are selected.

3. Criminal and Civil Background Checks – Employees

    a. In order to provide for the safety and security of students, employees and visitors to District properties, employees shall submit to and pass a background check, to include fingerprinting, as described in this Board Policy.

        i. For the purposes of this section, the term "employee" includes "conditional hires" or individuals who are extended an offer of employment pending successful completion of a background investigation.

        ii. Background checks are a condition of employment. Offers of employment may be rescinded based on failure to pass a background check.

    b. Background checks shall include the person's name, date of birth, gender, race, and Social Security number.

    c. Background Check with Fingerprinting.

        i. A background check with fingerprinting may include a search against the state and national sex offender registries, the active "wants and warrants" list, restraining orders, FBI terrorist list, and individuals currently on probation or parole.

        ii. Employees who require licensure through the Nevada Department of Education (NDE) shall comply with the criminal background check and fingerprinting procedures of the NDE. This generally includes a background check with fingerprinting every five years, or in accordance with the individual's licensure requirements. Such employees include but are not limited to teachers, counselors, and school administrators.

        iii. Employees who do not require licensure through the NDE, shall submit to a criminal background check and fingerprinting conducted by the District every five years. Such employee includes but is not limited to educational support personnel, non-school administrators, school police, and departmental staff.

    d. Information obtained through a background check shall:

        i. Be maintained by the District's School Police Department; and

        ii. Remain confidential, to the extent possible under state and federal laws and regulations.

e. Qualified applicants and current employees whose criminal history background check reveals a violation of District Board Policy may appeal the criminal history restrictions to employment through a process of review through the School Police Department, in conjunction with the Office of Human Resources, Department of Labor Relations.

f. The Superintendent, through the Office of Human Resources, Department of Labor Relations and School Police Department, shall cause to have created procedures related to background checks and fingerprinting for staff.

4. Mandatory Reporting of Abuse or Neglect of a Child or Vulnerable Person

a. Employees, by virtue of close proximity to and/or frequent interaction with students, are in a position to assist in identifying the potential abuse and/or neglect of children. As a result, and in accordance with Nevada state law, all District employees are mandatory reporters of child abuse and/or neglect. This includes certain offenses involving sexual misconduct, corporal punishment, and/or luring of a minor.

b. Any District employee who has reasonable cause to believe that a child has experienced abuse or neglect shall report such incident or belief to Child Protective Services (CPS), School Police, or an outside law enforcement agency immediately, and not later than 24 hours. This includes suspected sexual abuse or exploitation, physical or mental injury of a non-accidental nature (i.e. corporal punishment), luring of a child, or negligent treatment or maltreatment of a child.

c. Employees shall immediately report to School Police or an outside law enforcement agency any actual, suspected, possible, or potential inappropriate relationship, interaction, or communication, to include grooming behaviors, between an employee and a student. "Grooming" is generally defined as the process of creating an emotional connection with a child for the purpose of sexual abuse or exploitation.

d. The District shall ensure that all employees are aware of their responsibilities as mandatory reporters and develop procedures to provide guidance to staff related to the timely and appropriate reporting of potential concerns.

e. The District requires the reporting of the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person, specifically of those students in the District who are aged 18 or over who:

i. suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

ii. Have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:

    a. Chapter 388, System of Public Instruction;

    b. Chapter 391, Personnel, specifically:

        i. NRS 391.033, Issuance of licenses; fingerprinting of applicants; provisional licensure authorized;

    c. Chapter 392, Pupils; and

    d. Chapter 432B, Protection of Children from Abuse and Neglect.

REVISION HISTORY

Date	Revision	Modification
2/13/2018	1.0	Adopted
10/15/2019	2.0	Revised: removed references to Volunteers (to BP 1500, Volunteers)
11/23/2021	3.0	Revised: clarify language, added Department of Labor Relations

Administrative Regulation 4560
MANDATORY REPORTING –
Child Abuse, Neglect, Corporal Punishment

Responsible Office: Office of Student Services

PURPOSE

This administrative regulation establishes the procedures related to mandatory reporting requirements of all staff and school volunteers of the Washoe County School District ("District" or "WCSD") of alleged or suspected abuse or neglect of a child, corporal punishment of a student, or the neglect or abuse of a vulnerable person.

REGULATION

1. In accordance with Board Policy 4510, Protection of Students – Background Checks and Mandatory Reporting, all District staff members and volunteers are mandatory reporters of suspected child abuse, child neglect, and corporal punishment.

2. All District staff and school volunteers shall be aware of and comply with the legal, professional, and ethical reporting obligations established under District policy as well as state laws and regulations. This document details mandatory reporting requirements, and instances where the disclosure of student information is permissible when required by law.

3. Following are offenses which require reporting under Nevada's mandatory reporting laws (NRS Chapter 432B):

    a. Suspected abuse or neglect of a child caused or allowed by a person responsible for his/her welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm includes:

        i. Physical or mental injury of a non-accidental nature;

        ii. Sexual abuse or sexual exploitation; or,

        iii. Negligent treatment or maltreatment of a child.

    b. Corporal Punishment by a District employee or volunteer;

    c. Sexual conduct between a District employee or volunteer and a student (See also Administrative Regulation 4430, Sexual Harassment and Misconduct by Staff); and/or

    d. Luring of a child by a District employee or volunteer.

4. Reporting Requirements

    a. Any District staff member or volunteer who, in his/her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

        i. File a report with the Washoe County Human Services Agency's Child Protective Services (CPS); or

        ii. The law enforcement agency which has jurisdiction (e.g. jurisdiction over the address where the student lives or where the alleged or suspected incident(s) may have occurred).

    b. Any District staff member or volunteer who, in his/her professional or occupational capacity, knows or has reasonable cause to believe that a child has been subjected to abuse, neglect, sexual conduct, or luring by another employee of or volunteer of the District shall:

        i. File a report with the Washoe County Human Services Agency's Child Protective Services (CPS); and

        ii. School Police or the law enforcement agency which has jurisdiction (e.g. jurisdiction over the address where the student lives or where the alleged or suspected incident(s) may have occurred).

    c. Any District staff member or volunteer who, in his/her professional or occupational capacity, knows or has reasonable cause to believe that a student has been subjected to corporal punishment by a staff member or volunteer shall file a report with the Washoe County Human Services Agency's Child Protective Services (CPS).

5. Reporting Procedures

    a. The report must be made **as soon as reasonably practicable** but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused, neglected, or subjected to corporal punishment.

        i. A person has ""reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred." (NRS 432B.121)

        ii. A person has acted ""as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or

which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances." (NRS 432B.121)

b. A school counselor or nurse may be consulted to assist with reporting. However, reports must be made by the person with the actual information.

c. Staff shall not attempt to investigate the matter and shall only report information which is already known or suspected. School personnel do not have responsibility or authority for determining whether protective care is needed. Child Protective Services, in cooperation with law enforcement, will determine if protective care is needed in accordance with Child Protective Services' policies.

d. The report may be made to Child Protective Services by telephone or by any other means of oral, written or electronic communication. The report shall contain the following information, if available.

    i. The name, address, age, and sex of the child;

    ii. The name and address of the child's parents or other person responsible for the care of the child;

    iii. The nature and extent of the abuse or neglect of the child;

    iv. Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;

    v. The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and

    vi. Any other information known to the person making the report that Child Protective Services or law enforcement considers necessary.

e. The school administrator should be notified after contacting Child Protective Services.

f. Law Enforcement Notification

    i. WCSD School Police or local law enforcement shall be contacted related to any actual, suspected, possible, or potential abuse or neglect, sexual contact, luring, or inappropriate relationship, interaction, or communication, to include grooming behaviors, between a staff member or volunteer and a student. "Grooming" is generally defined as the process of creating an emotional

connection with a child for the purpose of sexual abuse or exploitation.

ii. This includes when an employee or volunteer suspects: physical or sexual abuse to the child has occurred; the child is a victim of sex trafficking; or the child may be endangered if the child returns home.

iii. Where appropriate, school police shall inform local law enforcement who will conduct the investigation.

g. Parent/Guardian Notification. Staff shall NOT notify a parent/guardian of a report to Child Protective Services regarding suspected abuse or neglect that may have occurred outside of school hours. In the event that a parent/guardian contacts staff regarding a report of suspected abuse or neglect, inquiries shall be referred to Child Protective Services and the local law enforcement agency as applicable.

6. Vulnerable persons

a. The District encourages the reporting of the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person, specifically of those students in the District who are aged 18 or over who:

i. suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

ii. Have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

7. Notice

a. Staff. All staff members shall receive training regarding their reporting obligations during orientation upon being hired, and annually thereafter through the District's online training program.

b. Volunteers. School volunteers shall be notified and acknowledge receipt of such notice of his/her status as a mandatory reporter of suspected child abuse and/or neglect through the Volunteer application process. Additional information shall be available in the District's Volunteer Procedures Manual. Volunteer applications and associated records shall be retained by the District for as long as the person serves as a volunteer in the District.

8. Immunity. In accordance with state law, immunity from civil or criminal liability shall be extended to any person who in good faith makes a report of suspected child abuse or neglect.

9. Failure to Report. A person who knowingly and willfully fails to report:

    a. Shall be subject to disciplinary action in accordance with the District's discipline procedures; and

    b. May be guilty of a misdemeanor under state law.

DEFINITIONS

1. Abuse of a child means, …: (a) Physical or mental injury of a non-accidental nature; (b) Sexual abuse or sexual exploitation; or (c) Negligent treatment or maltreatment as defined below. (NRS 432B.020).

2. Negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic, has been abandoned, is without proper care, control or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so. (NRS 432B.140)

3. Corporal punishment is the intentional infliction of physical pain upon or the physical restraint of a student for disciplinary purposes. This does not include the use of reasonable force to quell a disturbance that threatens physical injury or property destruction, to obtain possession of a weapon within the student's control, or for the purpose of self-defense or defense of another person. (NRS 392.4633)

4. Sexual conduct is defined as ordinary sexual intercourse; anal intercourse; fellatio, cunnilingus or other oral-genital contact; physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person; penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person; masturbation or the lewd exhibition of unclothed genitals; sado-masochistic abuse; or any lewd or lascivious act upon or with the body, or any part or member thereof, of another person. (NRS 201.520)

5. Luring of a child is refers to a person knowingly contacting or communicating with or attempting to contact or communicate with:

    a. A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure, or transport

the child away from the child's home or from any location known to the child's parent/guardian to a place other than where the child is located, for any purpose without the express consent of the parent/guardian and with the intent to avoid the consent of the parent/guardian; or

b. Another person whom he/she believes to be a child who is less than 16 years of age and at least 5 years younger than he/she is, regardless of the actual age of that other person, with the intent to solicit, persuade or lure the person to engage in sexual conduct. (NRS 201.560)

6. A vulnerable person is a person over the age of 18 who suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.50935)

DESIRED OUTCOMES

1. Through this document, the District:

   a. affirms its commitment to the safety, mental, and emotional well-being of all students and vulnerable adults, and

   b. sets forth a comprehensive approach to recognizing and reporting suspected abuse and/or neglect of a child or vulnerable person.

2. The District shall work in collaboration with applicable government agencies (e.g. Child Protective Services (CPS)) and local law enforcement in this effort.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:

   a. Board Policy 4550, Staff Interactions with Students

   b. Administrative Regulation 4430, Sexual Harassment and Misconduct by Staff

2. This administrative regulation aligns with Nevada Revised Statutes (NRS) and Nevada Administrative Code, to include:

   a. Chapter 201, Crimes Against Public Decency and Good Morals, and specifically:

      i. NRS 201.470 – 201.550, Sexual Conduct with Pupils and Students

      ii. NRS 201.560, Luring Children or Persons with Mental Illness

b. Chapter 392, Pupils, and specifically:

    i. NRS 392.4633, Corporal punishment prohibited.

c. Chapter 432B, Protection of Children From Abuse and Neglect

REVIEW AND REPORTING

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.
2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

REVISION HISTORY

Date	Revision	Modification
9/4/2018	1.0	Adopted
10/9/2018	2.0	Revised to correct language related to when reports are made to law enforcement

PRINT | EMAIL to Supervisor | EMAIL to Labor Relations

Administrative Form HR-F617

REQUIRED SELF-REPORTING BY STAFF CHARGE, ARREST, OR CONVICTION OF A CRIME

In accordance with Administrative Regulation 4160, all employees are required to report any charge, arrest, or conviction of a crime. Such crimes must be reported to the supervisor within 24 hours of the charge, arrest, and/or conviction. All charges, arrests, or convictions as of July 1, 2011 must be reported.

Crimes which must be reported include, but are not limited to:

- Any crime involving a minor;
- Any felony;
- Any misdemeanor, except for minor traffic citations, but to include Driving under the Influence ("DUI")

Employee Name: _____ Employee ID: _____

Address: _____ School/Dept: _____

_____ Date of Birth: _____

		Date	Offense	Agency
☐	Arrest			
☐	Charge			
☐	Conviction			

Explanation of circumstances:

_____

Employee signature: _____

Supervisor name (please print): _____

Supervisor signature: _____

This form must be provided to your supervisor and emailed to Labor Relations within 24 hours of the charge, arrest, or conviction.

How to submit the form (please select one method):

Electronically via email:	**Print form and send via fax:**
1. Employee completes form and signs via digital signature 2. Select EMAIL to Supervisor on top of form 3. Type in Supervisor's email address and send 4. Supervisor reviews form with employee 5. Supervisor signs via digital signature 6. Select EMAIL to Labor Relations at top of form	1. Select PRINT on top of form 2. Employee completes form and signs and provides to supervisor 3. Supervisor reviews form with employee 4. Supervisor signs form 5. Supervisor faxes form to Labor Relations (333-6010)

Administrative Regulation 4160
Mandatory Self-Reporting by Staff:
Charge, Arrest or Conviction of a Crime

Responsible Office: Office of the General Counsel

PURPOSE

This administrative regulation establishes the procedures for reporting of a charge, arrest or conviction of certain crimes by staff of the Washoe County School District ("District" or "WCSD").

REGULATION

1. Self-Reporting Responsibilities
    a. All employees are required to report to his/her immediate supervisor any charge, arrest or conviction of a crime by completing the Mandatory Self-Reporting by Staff Form (HR-F617).
    b. Self-reporting of a charge, arrest, or conviction of such a crime must be made within 24 hours of the charge, arrest, or conviction.
        i. All charges, arrests, or convictions as of July 1, 2011 must be reported.
    c. Crimes which must be reported include:
        i. Any crime involving a minor, to include an allegation of child abuse or neglect;
        ii. Any felony;
        iii. Any gross misdemeanor or misdemeanor except for minor traffic citations, but to include Driving Under the Influence (DUI).
            1. Drivers of District White Fleet Vehicles must report minor traffic citations to his/her supervisor.
    d. Failure to self-report may result in disciplinary proceedings, up to and including termination from employment.
2. Supervisor Responsibilities
    a. The supervisor shall forward the Mandatory Self-Reporting by Staff Form to the Office of the General Counsel's Labor Relations Department.
3. Labor Relations Department Responsibilities
    a. The Labor Relations Department shall:

i. Review the circumstances of the charge, arrest, or conviction, in cooperation with the School Police Department;

ii. Assist the supervisor in conducting any further investigation, as needed; and

iii. Assist the employee's supervisor who will determine, based on the applicable collective bargaining agreement and/or progressive discipline plan, if any employee disciplinary action should be taken.

b. The supervisor shall be notified by Labor Relations of the status of the report, support potential investigation by the supervisor, and discuss potential disciplinary action for the supervisor's determination.

4. Licensed Employees

a. Upon the arrest and self-reporting of a licensed employee, the Superintendent shall submit in a timely manner all information required by the Nevada Department of Education in accordance with Nevada state law.

i. Resulting convictions may be grounds for the suspension or revocation of the person's license, as determined by the Nevada Department of Education and State Board of Education.

5. Immunity from liability

a. In accordance with state law, immunity from civil or criminal liability extends to every person who in good faith:

i. Participates in the making of a report;

ii. Causes or conducts an investigation of a person who is licensed by the Nevada Department of Education and who is arrested; or

iii. Submits information to the Nevada Department of Education concerning a person who is licensed and who is arrested.

DEFINITIONS

1. Arrest is the taking of a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person.

2. A felony is generally described as a serious crime, characterized as an offense punishable by imprisonment in excess of one year.

3. A gross misdemeanor is generally described as more serious than a misdemeanor but still classified as a minor crime punishable by a fine and/or

county jail time of up to one year. Such crimes may include, but are not limited to, simple assault and driving under the influence.

4. A misdemeanor is generally described as a crime punishable by a fine and/or county jail time of up to one year. Such crimes include, but are not limited to, petty theft, disturbing the peace, simple assault and battery, driving under the influence without injury to others, drunkenness in public, and various traffic violations.

IMPLEMENTATION GUIDELINES

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
    a. Board Policy 4160, Mandatory Reporting By Staff – Charge, Arrest or Conviction of a Crime.
2. This regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
    a. Chapter 391, Personnel, and specifically:
        i. NRS 391.053-059, Procedure for Notification and Tracking of Criminal Cases Involving Licensees.

REVIEW AND REPORTING

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.
2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

REVISION HISTORY

Date	Revision	Modification
9/21/2012	1.0	Adopted
12/18/2017	1.0	Revised to change Responsibility from Human Resources to General Counsel; added purpose statement



Responsible Office: Office Human Resources

BOARD POLICY 4160

MANDATORY SELF-REPORTING BY EMPLOYEES:

Arrest, Charge or Conviction of a Crime

PURPOSE

The Board of Trustees (Board) finds it necessary to having safe and secure learning and working environments for all students, employees, and visitors to Washoe County School District (District) properties. This Board Policy requires any District employee to self-report to the District if the employee is arrested for, charged with or convicted of a crime.

POLICY

1. Reporting
    a. District employees can be arrested, cited, charged and subject to criminal sanctions for conduct both on and off duty by violating local, state, or federal criminal laws. All employees are required to self-report any arrest, citation, charge, or conviction of a crime described below.
        i. Crimes for which employees are required to self-report their arrest, citation, charge, or conviction include, but are not limited to:
            1) Any crime involving a minor;
            2) Any felony; and
            3) Any misdemeanor, except for minor traffic citations, but to include Driving Under the Influence (DUI).
    b. Failure of an employee to self-report may result in disciplinary proceedings, up to and including dismissal from service with the District.
2. The Board hereby directs the Superintendent to adopt an Administrative Regulation to implement and maintain the purpose of this Board Policy. The Superintendent shall include in the Administrative Regulation the following provisions:

i. Identification of the individual to whom a self-report of an arrest, citation, charge or conviction must be made;

ii. The time period after the arrest, citation, charge or conviction within which a self-report must be made; and

iii. The process for notification of the Nevada Department of Education when a criminal case involves a licensed employee under certain circumstances.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Board Policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
    a. Board Policy 4119, Separation of Service; and
    b. Board Policy 4505, Standards of Professional Conduct.
2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
    a. Chapter 391, Personnel, and specifically:
        i. NRS 391.053 - 391.059, Procedure for Notification and Tracking of Criminal Cases Involving Licensees.

REVISION HISTORY

Date	Revision	Modification
3/27/2012	1.0	Adopted
2/10/2015	2.0	Revised: Added "Self-" to name
11/28/2017	3.0	Revised: Added responsibilities of the superintendent in accordance with state law
09/14/2021	4.0	Revised: Formatted per BP 9070, update language for crimes required to self-report.

Administrative Form 4436

NOTICE TO EMPLOYEES REGARDING THE NEVADA PREGNANT WORKERS' FAIRNESS ACT

1. Employees of the Washoe County School District ("District" or "WCSD") have the right to be free from discriminatory or unlawful employment practices under the Nevada Pregnant Workers' Act and Nevada Revised Statute 613.335. As such, the District will provide reasonable accommodation to a female employee or applicant for employment upon request of the employee or applicant for a condition relating to pregnancy or childbirth, or a related medical condition, unless such accommodation would cause undue hardship to the District.
2. Requests for Accommodation and Interactive Process
    a. Female employees or applicants should direct any request for an accommodation to their Administrator. The District will engage in a timely, good faith interactive process to determine an effective, reasonable accommodation for the employee or applicant.
3. Guidelines for Administrators:
    a. Potential accommodations for employees include a change in the work environment or in the way things are customarily carried out that allows the employee to have equal employment opportunities, including the ability to perform the essential function of the position and to have benefits and privileges of employment that are equal to those available to other employees. Potential accommodations for applicants include modification to the application process or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position. Examples of reasonable accommodation include but are not limited to: modifying equipment or providing different seating; revising break schedules (including the frequency or duration of breaks), providing space in an area other than a bathroom to be used for expressing breast milk, assisting with manual labor that is incidental to the primary work duties of the employee, light duty work, temporary transfers to a less strenuous or hazardous position, or restricting a position or providing a modified work schedule.
    b. In the event that the employee and/or Administrator are unsure of possible accommodations, the employee/Administrator shall contact Risk Management.
    c. No female applicant or employee affected by a condition relating to pregnancy or childbirth or a related medical condition will be:
        i. Required to accept an accommodation the employee or applicant did not request or chooses not to accept;
        ii. Required to take a leave of absence as an accommodation if a different reasonable accommodation is available that would allow the employee to continue to work;
        iii. Subject to any adverse action because of requesting or using a reasonable accommodation under this policy; or
        iv. Denied an employment opportunity based on the need of the employee or applicant for a reasonable accommodation under this policy.
    d. Adverse actions can include, but are not limited to: refusal to promote, transfers, refusal to reinstate to the same or an equivalent condition upon return to work, or taking other action which affects the terms or conditions of employment in a manner not desired by the employee. WCSD reserves the right to make exceptions from this policy based upon a bona fide occupational qualification as permitted by the Act. WCSD further reserves the right to require a female employee to provide an explanatory statement from the employee's physician concerning the specific accommodation recommended for the employee.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

The Nevada Occupational Safety and Health Act was created to allow you to do your job in a safe and healthy workplace. But it is up to you to make sure that job safety works. Here are some tips to help you stay safe on the job.



Know and follow all safety rules set by:

- Your employer
- The Nevada Occupational Safety and Health Act
- State of Nevada Occupational and Health Administration (NVOSHA)

You can get copies of all Nevada safety and health standards from the Safety Consultation and Training Section of the Division of Industrial Relations or on the web at www.4safenv.state.nv.us. Also, your employer may be required to have a written workplace safety program.

If your employer requires personal protective equipment, such as hard hats, safety shoes, safety glasses, respirators, or hearing protection, you are responsible to wear and/or use the equipment.

If you do not know how to safely use tools, equipment or machinery, be sure to ask your supervisor.

If you see something that's unsafe,report it to your supervisor. That's part of your job. Give your employer a chance to fix the problem. If you think the unsafe condition still exists, it is your right to file a complaint with NVOSHA. The Division will not give your name to your employer.

There are laws that protect you if you are punished for filing a safety and health complaint. If you feel you have been treated unfairly for making a safety and health complaint, you have 30 days from the date of the punishment to file a discrimination complaint with NVOSHA.

Whistle Blower Hotline – (702) 486-9097

Most on-the-job injuries are covered by Workers' Compensation Insurance. From cuts and bruises to serious accidents, coverage begins the first minute you're on the job.

It is your responsibility to report any on-the-job injury or occupational disease immediately to your supervisor or foreman using the "Notice of Injury or Occupational Disease" C-1 Form. You have 7 days from the date of injury or knowledge of the occupational disease to turn in the completed C-1 Form to your employer. If you seek medical treatment for a work-related injury you must complete a "Claim for Compensation" C-4 Form at the emergency room or medical provider's office to initiate a claim for workers compensation.

But remember, filing a false claim will result not only in a loss of benefits, but could mean costly fines and/or jail time.

If there is a dangerous situation at work and an employee, with no reasonable alternative, refuses in good faith to expose themselves to a dangerous condition, they would be protected from subsequent retaliation. The condition must be of such a nature that a reasonable person would conclude that there is a real danger of death or serious harm and that there is not enough time to contact NVOSHA and for NVOSHA to inspect. Where possible, the employee must have also sought from the employer, and been unable to obtain, a correction of the condition.

During a NVOSHA inspection, you have the right to talk privately with the inspector and take part in meetings with the inspector before and after the inspection. You are encouraged to point out hazards, describe injuries and illnesses from these hazards, discuss past worker complaints and inform the inspector of working conditions that are not normal during the inspection. If after the inspection citations are proposed to the employer, the employer is required to post the citations where employees can see them.

SCATS Form IE. 0-302 (Rev.10/17) All previous forms obsolete.

WORKPLACE

Stop and Learn Your Rights and Responsibilities

The Division of Industrial Relations of the Nevada Department of Business & Industry helps employers provide a safe and healthful workplace. This document explains the rights and responsibilities of both employers and employees in creating a safe working environment.



WORKPLACE SAFETY IS EVERYONE'S RESPONSIBILITY.

I have (check one) ___ read this document or ___ viewed the video, entitled "Nevada Workplace Safety: Our Rights and Responsibilities" and I understand my rights and responsibilities for safety in the workplace.

Employee Name (please print)_____ Date_____

Employee's Signature_____

Place of Viewing Video_____

Employer's Name (please print)_____

Employer's Signature (or representative)_____

Note: This portion must be maintained in the employee's personnel file

Any employee who does not understand this document should contact his or her supervisor, employee representative or the Division of Industrial Relations of the Nevada Department of Business & Industry.

Las Vegas: (702) 486-9140
Reno: (775) 688-3730
Elko: (775) 778-3312
Toll-Free: (877) 472-3368

SEE CONFIRMATION FORM

EMPLOYER RIGHTS AND RESPONSIBILITIES

The Safety Consultation and Training Section (SCATS) was created to assist employers in complying with Nevada laws which govern occupational safety and health. They are available to provide a workplace hazard assessment. This service can assist employers in minimizing on-the-job hazards, and is provided at no charge. The Division also offers no cost safety training and informational programs for Nevada employers.

A Nevada employer with 11 or more employees must establish a written workplace safety program. A safety committee is required if you have more than 25 employees or if an employer's employees are engaged in the manufacturing of explosives.

You must maintain a workplace that is free from unsafe conditions.

As an employer you are responsible for complying with all Nevada safety and health standards and regulations found in the:

+ Nevada Occupational Safety and Health Act
+ Occupational Safety and Health Standards and Regulations

Copies of all occupational safety and health standards and regulations are available from the Division of Industrial Relations (SCATS and NVOSHA) or on the web at www.4safenv.state.nv.us.



You are also responsible for ensuring that your employees comply with these same rules, standards and regulations. You must select someone to administer and enforce occupational safety and health programs in your workplace.

Before assigning an employee to a job, you must provide proper training in a language and format that is understandable to each employee:

+ Safe use of equipment and machinery
+ Personal protective gear
+ Hazard recognition
+ Emergency procedures
+ Hazardous chemicals and substances found at the jobsite or in the workplace

You must also inform all employees of the safety rules, regulations and standards which apply to their respective duties.

It is your responsibility to maintain accurate accident, injury and safety records and reports. These files must be made available, upon request, to the affected employee and representatives of NVOSHA.

The Nevada Safety and Health Poster, provided by the Division of Industrial Relations, must be posted in a prominent place on the job site.

Any accident or motor vehicle crash occurring in the course of employment which results in the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye must be reported by the employer orally to the nearest office of NV OSHA within 24 hours hours after the time that the accident or crash is reported to any agent or employee of the employer.

Any accident or motor vehicle crash occurring in the course of employment which is fatal to one or more employees must be reported by the employer orally to the nearest office of NV OSHA within 8 hours after the time that the accident or crash is reported to any agent or employee of the employer.

Nevada employers are required to secure and maintain workers' compensation insurance unless excluded by Nevada Revised Statute (NRS). There are few exceptions to this requirement. In the event of an injury or at the onset of an occupational disease, the employer must provide the C-1 Form, "Notice of Injury or Occupational Disease - Incident Report" to the injured worker. The employer is also responsible for filing an "Employer's Report of Injury" (C-3 Form) within six working days with your insurer after the receipt of a "Claim for Compensation" (C-4 Form) from a physician or chiropractor.

Additional employer responsibilities:

+ Perform tests such as air sampling and noise monitoring.
+ Prevent employee exposure to harmful substances to include chemicals, lead, asbestos, and sharps.
+ Provide hearing exams, medical testing, fall protection, machine guarding, cave-in and confined space safety equipment and protection, respirators, personal protective equipment, etc., as required by NVOSHA and OSHA standards.

The law requires that employers shall provide newly-hired employees with a copy of this document or with a video setting forth the rights and responsibilities of employers and employees to promote safety in the workplace.

Employers shall keep a signed copy of the attached receipt in the employee's personnel file to show he or she has been made aware of these rights and responsibilities.

ADDITIONAL INFORMATION

If you require further information or would like to obtain copies of safety and health standards, videos of this pamphlet in English and Spanish or more copies of the pamphlet, contact the following:

State of Nevada Department of Business & Industry, Division of Industrial Relations, Safety Consultation and Training Section

Southern Nevada
3360 W. Sahara Avenue
Suite 100
Las Vegas, NV 89102
(702) 486-9140
Fax: (702) 486-8711

Northern/Central Nevada
4600 Kietzke Lane
Suite E-144
Reno, NV 89502
(775) 688-3730
Fax: (775) 688-1478

Northeastern Nevada
350 West Silver Street
Suite 210
Elko, NV 89801
(775) 778-3312
Fax: (775) 778-3412

Or Call, Toll-Free
1 (877) 4SAFENV (472-3368)
www.4safenv.state.nv.us

State of Nevada Department of Business & Industry Division of Industrial Relations NVOSHA

Southern Nevada
3360 W. Sahara Avenue
Suite 200
Las Vegas, NV 89102
(702) 486-9020
Fax: (702) 486-7214

Northern Nevada
4600 Kietzke Lane
Suite F-153
Reno, NV 89502
(775) 688-3700
Fax: (775) 688-1378

A video of this information is available in English and Spanish through the Division of Industrial Relations, Safety Consultation and Training Section.

This document may be copied. For additional copies, contact the Division of Industrial Relations or visit www.4safenv.state.nv.us.



Responsible Office: Office of the General Counsel, Civil Rights Compliance Department

BOARD POLICY 5700

SAFE AND RESPECTFUL LEARNING ENVIRONMENT

PURPOSE

Through this Board Policy, the Board of Trustees (Board) seeks to create a safe and respectful learning environment free from race discrimination, bullying, and cyber-bullying in order for students to achieve success. This Board Policy establishes the procedures necessary to create a safe and respectful learning environment, to promptly investigate accusations of bullying, to implement remedies and interventions for all who are involved, and to provide training to employees and students on the prevention and remediation of such behaviors.

DEFINITIONS

1. "Bullying" means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

    a. Have the effect of physically harming a person or damaging the property of a person; or placing a person in reasonable fear of physical harm to the person or damage to the property of the person; or

    b. Interfere with the rights of a person by: creating an intimidating or hostile educational environment for the person; or substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

    c. Are acts or conduct described in paragraph (a) or (b) and are based upon the: actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or association of a person with another person having one or more of those actual or perceived characteristics.

    d. The term "bullying" includes, without limitation: Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or

demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors; Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures; Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing; Blackmail, extortion or demands for protection money or involuntary loans or donations; Blocking access to any property or facility of a school; Stalking; and Physically harmful contact with or injury to another person or his or her property.

2. "Cyber-bullying" means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor.

    a. "Electronic communication device" means any electronic device that is capable of transmitting or distributing an image of bullying, including, without limitation, a cellular telephone, personal digital assistant, computer, computer network and computer system.

    b. "Image of bullying" means any visual depiction, including, without limitation, any photograph or video, or a minor bullying another minor.

3. "Race discrimination" means any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general to any demographic regarding the race, color, culture, religion, language, ethnicity, or national origin of a person that causes harm or creates a hostile work or learning environment, which may include, without limitation, jokes, threats, physical altercations, or intimidation.

4. "Retaliation" is adverse action (e.g., payback, retribution, revenge) taken against an individual for engaging in legally protected activity such as making a complaint of harassment or participating in workplace or school site investigations.

POLICY

1. The Washoe County School District (District) is committed to:

    a. Providing an environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

b. The belief that all persons are entitled to maintain their own beliefs and to respectfully disagree without resorting to or being subjected to bullying;

c. Ensuring that all students, administrators, faculty, and other District employees demonstrate appropriate behavior by treating other persons, including students, with civility and respect and by refusing to tolerate bullying;

d. By declaring the above, the Board is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit freedom of expression. The Board does require that persons with differing beliefs be free from bullying; and

e. All District/school properties shall be maintained as safe and respectful learning environments, and no form of bullying will be tolerated.

2. For the purposes of this Board Policy:

a. The prohibition against bullying applies to any individual on District property, to include District-provided transportation, at District-sponsored activities and events, and/or while acting on behalf of the District. This includes outside entities renting/using District facilities.

b. The act of bullying does not apply to a student enrolled in prekindergarten, or between two or more adults regardless of whether one or more of the adults is a District employee.

3. Civil Rights Compliance Department. The District, through the Office of the General Counsel's Civil Rights Compliance Department, shall:

a. Establish and maintain reporting mechanisms, to include an internet website, through which any person can report an allegation of bullying;

b. Create and distribute information about anti-bullying efforts;

c. Provide outreach and anti-bullying education and training for students, employees, and parents/guardians; and

d. Protect the rights of gender non-conforming students.

e. Provide training and professional learning for the Board, District employees, volunteers, students, and their families to include, but not be limited to:

i. Methods to promote a positive learning environment and facilitate positive relationships between students;

ii. Methods for recognizing bullying behaviors;

iii. Requirements and methods for reporting bullying allegations to include the mandatory reporting requirements for employees and volunteers;

iv. Requirements concerning the needs of students with disabilities and students with autism spectrum disorder;

v. Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and

vi. Information on and referral to available resources regarding suicide prevention and the relationship between bullying and suicide.

f. Provide site-school administrators further training and guidance in:

i. Bullying investigation requirements and procedures;

ii. Effective intervention and remediation strategies;

iii. The prevention of violence and suicide associated with bullying as well as appropriate methods to respond to such incidents;

iv. Employing strategies to improve the climate of schools and the overall District environment in a manner that will facilitate respectful positive human relations among students, families, and employees; and

v. Establishment of a site-based school safety team to develop, foster and maintain a school environment which is free from bullying.

4. Reporting

a. Students, their family members, and members of the community who have knowledge or concerns of potential bullying are encouraged to report potential incidents of bullying of a student to school administration and/or school police immediately to ensure incidents are investigated and harmful behavior stopped.

b. Employees and volunteers are required to report bullying and shall promptly report when they know or have reasonable reason to believe that an incident of bullying may have occurred.

c. The District shall maintain an online reporting website to allow for the expedient reporting of incidents to the school principal/designee.

d. Reports of student discrimination based on race, national origin, disability, sex, or religion may also be filed with the U.S. Department of Education's Office for Civil Rights.

5. Retaliation. The District prohibits retaliation against any person who reports an act of race discrimination, bullying, cyber-bullying, harassment, or discrimination, or against any person who testifies, assists, or participates in the investigation of a report. Such retaliation is itself a violation of law and may lead to disciplinary or other appropriate action against the offender.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Board Policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
    a. Board Policy 5100, Student Behavior; and
    b. Board Policy 9200, Harassment and Discrimination Prohibited.
2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
    a. Chapter 200, Crimes Against the Person;
    b. Chapter 200.900, Bullying by Use of Electronic Communication Device;
    c. Chapter 388, System of Public Instruction, and specifically:
        i. NRS 388.121 – 388.1459, inclusive, Provision of Safe and Respectful Learning Environment;
    d. Chapter 392, Students, and specifically:
        i. NRS 392.461 – 392.4675, inclusive, Behavior and Discipline; and
        ii. NRS 392.900 – 392.920, inclusive, Unlawful Acts.
3. This Board Policy complies with federal laws and regulations, to include:
    a. Section 504 of the Rehabilitation Act, as amended;
    b. The Civil Rights Act of 1964; and
    c. Title IX of the Education Amendments of 1972.

REVISION HISTORY

Date	Revision	Modification
4/03/2012	1.0	Adopted
2/11/2014	2.0	Revised: Pursuant to changes during the 2013 Legislative Session (SB164, SB414, SB427)
7/14/2015	3.0	Revised: Pursuant to changes during the 2015 Legislative Session (SB504)
12/13/2016	4.0	Revised: Changed number from 9031; added "harassment;" added additional definitions
5/22/2018	5.0	Revised: Changed from 9205 (moved to Student Series); changes compliant with 2017 Senate Bill 225
03/29/2022	6.0	Revised: Clarify language, update definitions

Administrative Regulation 4430
SEXUAL HARASSMENT AND MISCONDUCT BY STAFF

Responsible Office: Office of the General Counsel

PURPOSE

This administrative regulation describes and establishes the prohibition against sexual harassment and sexual misconduct by staff in the Washoe County School District (District).

REGULATION

1. In accordance with Board Policy 9201, Bullying, Harassment and Discrimination Prohibited, as well as state and federal laws and regulations, the District prohibits sexual harassment by staff and volunteers in its educational programs/activities and employment on the basis of sex, sexual orientation, and/or gender identity or expression.

2. Sexual harassment occurs when:

    a. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;

    b. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or

    c. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

3. Scope

    a. For the purposes of this administrative regulation:

        i. The term "sexual harassment" encompasses behaviors to include sexual misconduct, sexual violence and/or abuse, sexually exploitative behavior, and gender based discrimination. Use of the term "sexual harassment" in this document indicates any or all of those behaviors unless otherwise noted.

        ii. Use of the word "staff" refers to all District employees and volunteers, which may include but is not limited to unpaid coaches, chaperones and advisors, student teachers, and 3rd party consultants and/or vendors.

b. This administrative regulation specifically addresses sexual harassment by a staff member on another staff member or student. Sexual harassment can occur as adult-to-adult, student to adult, student-to-student, male to female, female to male, male to male, and female to female.

c. The District will take prompt, equitable and remedial action within its authority on reports and complaints alleging sexual harassment that come to the attention of the District, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services.

d. Persons found to have been subjected to sexual harassment will have appropriate District services made reasonably available to them and adverse consequences of the harassment shall be reviewed and remedied, as appropriate.

e. Nothing contained herein should be construed or interpreted to prohibit or in any way to discourage the genuine discussion of issues or use of materials for legitimate academic, educational, or instructional purposes.

4. Consent

a. Consent refers to a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unmistakable actions.

b. In accordance with Nevada state law, no student, regardless of his/her age, can legally consent to any form of sexual conduct with a staff member. Any such conduct by a staff member or volunteer shall result in disciplinary action up to and potentially including termination of employment or the volunteer opportunity and a criminal investigation. Sexual conduct includes, but is not necessarily limited to, sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature or with sexual implications. Nonverbal conduct may include contact through social media, to include texting.

5. Prohibited Conduct

a. Quid Pro Quo Harassment

i. For students, quid pro quo sexual harassment occurs when a staff member causes a student to believe that he/she must submit to sexual conduct, sexual advances, or grant sexual favors or that acceptance or rejection of such conduct or communications will be

used as a factor in decisions affecting the student's education or participation in programs/activities.

ii. For staff or potential staff quid pro quo harassment occurs when a supervisor makes unwelcome sexual advances or requests sexual favors and the staff member reasonably believes that submitting to that conduct or communication is a condition of obtaining employment or that accepting or rejecting that conduct or communication will be used as a factor in employment decisions.

b. Hostile Environment

i. For students, hostile environment sexual harassment means unwelcome conduct of a sexual nature that is sufficiently serious that it interferes with, limits, or denies a student the opportunity to participate in or benefit from an education program or activity.

ii. For employees, a hostile work environment is created when unwelcome conduct of a sexual nature is sufficiently serious that it interferes with, denies, or limits the employee's work performance or work environment.

c. Soliciting a Romantic Relationship with a Student

i. Staff and volunteers are prohibited from soliciting a romantic, intimate, or sexual relationship with a current District student or a graduate of a school within the District for one (1) year after the student's graduation, regardless of the student's age.

ii. "Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by a staff member or volunteer of a relationship with a student that is romantic in nature even if such romantic relationship doesn't begin until after the student has graduated. Evidence of such solicitation includes but is not limited to the following:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the staff member's job duties and evidence a romantic intent or interest in the student.

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.

3. Making sexually demeaning comments to a student.

4. Making comments about a student's potential sexual performance.
5. Requesting details of a student's sexual history.
6. Inappropriate hugging, kissing or excessive touching.
7. Suggestions that a romantic relationship is desired after the student graduates, including post-graduate plans for dating or marriage.

6. Reporting and Complaint Process

   a. The District encourages anyone who believes that sexual harassment is occurring or has occurred to report the behavior.

   b. Students

      i. Sexual harassment or misconduct directed at a student may be reported by any individual using the District's online reporting tool (www.wcsdbullying.com); to a counselor, administrator, teacher or any other District staff member; to Gina Session, the District's Civil Rights Compliance Director/Title IX Coordinator (email: titleix@washoeschools.net); or to a school police or local law enforcement officer.

      ii. Allegations by or on behalf of a student may also be filed with the Nevada Department of Education's Office of Safe and Respectful Learning (www.bullyfreezone.nv.gov) or the U.S. Department of Education's Office for Civil Rights (OCR).

   c. Staff

      i. Sexual harassment or misconduct directed at a staff member may be reported to the staff member's first level supervisor who is not involved in the alleged harassment; the District's Civil Rights Compliance Director / Title IX Coordinator; the Department of Labor Relations; or a school police or local law enforcement officer.

      ii. Staff complaints may also be filed with the Nevada Equal Rights Commission (NERC) or the U.S. Equal Employment Opportunity Commission (EEOC).

   d. For detailed information regarding complaint and resolution procedures, see:

i. Administrative Regulation 4520, Staff Complaint Process: Harassment, Sexual Harassment and Intimidation

ii. Administrative Regulation 5700, Student Complaint and Appeal Procedures: Bulling, Harassment and Discrimination

7. General

   a. Notice of this regulation and complaint procedures shall be posted in prominent locations, to include the District's website and staff handbooks.

   b. It is unlawful for any person to intimidate, threaten, coerce, or discriminate against another person for the purpose of interfering with his/her right to file a report or complaint under this regulation. Retaliation against any person who has filed a complaint, provided evidence and/or testimony, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized District representative(s) is prohibited.

   c. The District shall provide regular training about harassment, sexual harassment and intimidation for employees.

DEFINITIONS

1. Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

2. Sexual Harassment is generally defined as deliberate, unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual or gender-directed nature or with sexual implications, or unwelcome conduct based on sex or sexual stereotyping that is sufficiently severe, persistent or pervasive that it:

   a. Has or may have direct employment consequences resulting from the acceptance or rejection of such conduct;

   b. Has or may have direct enrollment, grading or academic consequences resulting from the acceptance or rejection of such conduct;

c. Creates an intimidating, hostile, or offensive work or learning environment; and/or interferes with an employee's work performance or student's academic performance;

d. Denies or limits a student's ability to participate in and/or benefit from a school program.

e. Examples of potential sexual harassment include, but are not limited to:

   i. Sexual assault, coerced intercourse, threats or verbal abuse of a sexual nature, or other actual or attempted unwanted physical touching, to include fondling, rubbing, patting, and pinching;

   ii. Conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's education or employment; or of creating an intimidating, hostile or offensive learning or working environment;

   iii. Sexual advances which are insistent and unwelcome. This may include situations which began as reciprocal, but later ceased to be reciprocal;

   iv. Sexually suggestive text messages, emails, social media postings, letters, notes, threats, or invitations;

   v. Submission is made either explicitly or implicitly a term or condition of an individual's employment

   vi. Displaying of sexually suggestive, offensive and unwelcome posters, drawings, objects, pictures, or cartoons;

   vii. Offensive and unwelcome sexual gestures, verbal abuse, sexually-oriented jokes, stories, rumors, innuendo, teasing, ogling, or obscenities; and

   viii. Any other physical, verbal or visual conduct that has the purpose or effect of unreasonably interfering with the individual's work or academic performance or creating an intimidating, hostile or offensive work or learning environment.

3. Sexual misconduct encompasses any unwelcome behavior of a sexual nature that is committed by force. Force includes:

   a. Physical force – intentional physical restraint or restricting or controlling the movement of another person with or without the presence of a weapon;

b. Threats – any threat (to include threat of a negative consequence) that causes someone to do something they would not have done absent the threat.

c. Intimidation – use of power or authority to influence someone else (quid pro quo or "this for that").

d. Coercion - an unreasonable amount of pressure to engage in sexual activity. Coercion begins not when the sexual advance is made, but when it is realized the individual does not want to be convinced, and the offender pushes past that point. Frequency, intensity, isolation and/or duration can enhance the coercive effect.

e. Sexual misconduct can occur between persons of the same or different genders.

4. Discrimination is the distinguishing treatment of an individual based on their actual or perceived membership in a certain group or category, in a way that explicitly or implicitly affects an individual's employment, prevents or denies equal access to programs or benefits; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile or offensive educational or work environment.

5. Retaliation is adverse action (e.g. payback, retribution, revenge) taken against an individual for engaging in legally protected activity such as making a complaint of harassment or participating in workplace or school site investigations.

DESIRED OUTCOMES

1. Through this regulation and its associated Board policies:

   a. The District shall promote a culture of respect that prohibits discriminatory practices. All employees are encouraged to foster an environment and to promote a workplace free of discriminatory policies and practices.

   b. The District seeks to develop and implement procedures related to:

      i. Identifying resources and support for individuals reporting an incident of sexual harassment or misconduct;

      ii. Establishment and notice of procedures for filing complaints of sexual harassment or misconduct;

      iii. Affirming the District's commitment to preventing sexual harassment and misconduct;

iv. The appropriate response by the District when incidents do occur.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
    a. Board Policy 9201, Bullying, Harassment and Discrimination Prohibited
    b. Board Policy 9205, Safe and Respectful Learning Environment
    c. Board Policy 4505, Standards of Professional Conduct
2. This administrative regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
    a. Chapter 201, Crimes Against Public Decency and Good Morals
        i. NRS 201.540, Sexual conduct between certain employees of school or volunteers at school and pupil
    b. Chapter 388, System of Public Instruction, and specifically:
        i. NRS 388.121 – 388.139, Provision of Safe and Respectful Learning Environment
    c. Chapter 391, Personnel, and specifically:
        i. NRS 391.312, Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators
    d. Chapter 392, Pupils
    e. Chapter 613, Employment Practices, and specifically:
        i. NRS 613.310 to 613.435, Equal Opportunities for Employment
3. This administrative regulation complies with federal laws and regulations, to include:
    a. Title IX of the Educational Amendments Act of 1972
    b. Titles IV, VI and VII of the Civil Rights Act of 1964
    c. Family Educational Rights and Privacy Act of 1974 (FERPA)

d. Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010

REVIEW AND REPORTING

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.
2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

REVISION HISTORY

Date	Revision	Modification
7/18/2017	1.0	Adopted



Responsible Office: Office of the General Counsel

BOARD POLICY 4500

STAFF FREEDOM OF SPEECH and FREEDOM OF EXPRESSION

PURPOSE

The Board of Trustees ("Board") supports the constitutionally guaranteed right to freedom of speech and freedom of expression for all members of the Washoe County School District ("District" or WCSD") community. As schools are a natural venue for a wide variety of expression, the District seeks to strike a balance between encouraging and promoting individual expression and ensuring such activities do not interfere with the District's educational mission or the rights of others. This policy, and any associated documents, addresses those ideals by creating guidelines related to the rights and responsibilities of District staff.

POLICY

1. Guiding Principles

    a. The District seeks to ensure the rights of District staff are protected with respect to the exercise of free speech and free expression. Those rights, although not absolute, are addressed in the United States Constitution and the Nevada State Constitution.

        i. "Congress shall make no law…abridging the freedom of speech, or of the press; or the right of people peaceably to assembly, and to petition the government for a redress of grievances." (First Amendment to the U.S. Constitution)

        ii. "Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press." (Article 1, Section 9 of the Constitution of the State of Nevada)

    b. When a District staff member makes statements pursuant to his/her official duties, the employee is not speaking as a private citizen regarding a public concern and, therefore, such speech is not protected speech for First Amendment purposes.

c. Staff freedom of speech and/or freedom of expression may not be used to engage in harassment, sexual harassment, discrimination, or the intimidation of another person.

d. Freedom of speech refers to a person's right to express his/her ideas. Freedom of expression refers to an act of seeking, receiving or imparting information or ideas, regardless of the medium used. The terms include, but are not limited to, the spoken word, clothing, gestures, images and video, and posts to social media.

e. The District encourages the genuine discussion of issues or use of materials for legitimate academic, educational, or instructional purposes.

f. Staff are encouraged to use appropriate internal channels regarding supervisory or administrative concerns.

    i. The District recognizes the powerful impact of communication through social media. The participation in and sharing of information by staff through social media can be a beneficial tool to faculty and their students. When used responsibly and safely, the use of social media may be incorporated into the educational environment to support traditional instruction.

2. Guiding Practices

a. District employees do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."[1] However, an employee does not have an absolute constitutional right to use a District building, to include a school or classroom, for unlimited speech or expression purposes.

b. Appropriate and allowable staff speech or expression may include distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern outside of work hours. However, these activities are also governed by procedures established by Board policy such as distribution of materials to students or political activity at school. Refer to the appropriate policy, regulation or procedure for additional information.

c. The District may take action, to include discipline, within the confines of due process and the employee negotiated agreements as applicable, when a staff member, through speech or expression, causes a substantial disruption to the operation of the District. The District may limit or prohibit

[1] *Tinker v. Des Moines Independent Community School District*

speech and/or expression by a staff member if the District can demonstrate reasonable cause that:

i. It materially and substantially interferes with school activities; the staff member's ability to perform assigned duties; or the rights of other staff or students;

ii. The speech/expression does or could create substantial interference to the educational mission of the District;

iii. The speech/expression violates a District policy or regulation or a state or federal law or regulation; or

iv. The speech/expression challenges a supervisor or other staff by undermining his/her authority, resulting in insubordination, or creating a hostile environment. Generally, a hostile work environment exists when an employee experiences workplace harassment and fears going to work because of the offensive, intimidating, or oppressive atmosphere generated by the harasser. Staff are encouraged to use appropriate internal channels regarding supervisory or administrative concerns. In such cases, the District shall initiate an unbiased investigation into any such allegations. See Administrative Regulation 4425, Staff Complaint Process: Harassment, Sexual Harassment and Intimidation.

d. Personal Views and Opinions. Staff members have the right to speak out on matters of public interest or of a public nature and generally cannot be disciplined or suffer negative consequences for such speech or expression. However, District employees are not always free to express their personal opinions and beliefs. When a staff member goes public with strictly personal concerns or engages in unprotected speech which includes statements that are defamatory or cause a substantial disruption to the operation of the District or of a school, the District may take appropriate action.

e. Social Media. Staff shall be held to the same professional standards in his/her use of social media as for any other public conduct.

f. Academic Freedom. Academic freedom includes the right of teachers to speak about a subject in the curriculum, raise questions and select appropriate teacher materials and methods. Staff should consider the age and maturity of students when engaging in discussion of topics that are of public interest, in the news, or outside the curriculum. Staff do not have an absolute right to academic freedom and the District retains control of the curriculum, both what is taught and how it is taught.

g. Publications. The District retains the right to exercise control over publications and activities that appear to represent the District, a school and/or its students. The District/school may limit controversial subjects if the District/school is sponsoring the speech, such as with school newsletters or student publications, if the content would substantially disrupt the ability of the District/school to perform its educational mission or is used to engage in bullying, cyber-bullying, or the intimidation of another person.

    i. District staff acting as an advisor for a student publication shall be protected from discipline, to include dismissal, suspension, or retaliation, when he/she acts to take responsible and appropriate action to protect a student engaged in protected free speech or expression related to the student publication.

h. Religion.

    i. Staff have the right to sincerely held theistic and non-theistic, ethical and moral beliefs and practices. The District shall provide staff with appropriate religious accommodations to the extent possible and in a manner that does not disrupt or interfere with the duties of the employee or other employees, student instruction, or activities of the school or workplace.

    ii. The District shall not seek to restrict or ban the wearing of religious clothing, with the exception of unprotected speech.

i. Patriotic Observances. The District shall encourage staff to express patriotism for the United States by reciting the Pledge of Allegiance, historical documents or singing official anthems. All staff shall behave in a respectful manner during such observances.

DEFINITIONS

1. Unprotected speech may include, but is not limited to:

    a. obscenity, fighting words, fraudulent misrepresentation, defamation (includes libel and slander), child pornography, perjury, blackmail, incitement to imminent lawless action, true threats, solicitations to commit crimes, and speech which is vulgar or profane.

    b. any article of clothing or apparel which displays obscene words, pictures, or designs;

    c. speech which is sexually suggestive, or has a pro-alcohol, tobacco and/or controlled or illegal substances message;

    d. clothing or items that symbolize gang-related behavior;

e. speech which does not comply with the District's policies and regulations, interferes with the educational process, and/or poses a threat to the safety of students or other individuals.

2. "Social media" includes web-based, interactive communication between individuals, organizations, or communities, which includes but is not limited to web logs (e.g. blogs, electronic forums such as chat rooms, video-sharing websites (e.g. YouTube, Vimeo), editorial comments posted on the internet, and social networking sites including, but not limited to Facebook, Twitter, Google+, Instagram, LinkedIn, Wikispace, and Edmodo.

DESIRED OUTCOMES

1. Through this policy, the Board of Trustees encourages:

    a. Diverse points of view and free inquiry;

    b. A respectful learning and working environment free from harassing or discriminatory speech or expression.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This policy reflects the goals of the District's Strategic Plan and aligns/complies with the following governing documents of the District, to include:

    a. Board Policy 4505, Standards of Professional Conduct

    b. Board Policy 1140, Distribution and Display of Information and Non-School Materials

    c. Board Policy 7120, Community Use of School Facilities

    d. Board Policy 7200, 21st Century and Digital Learning

    e. Board Policy 1310, Political Activity in Schools

    f. Board Policy 9201, Bullying, Harassment and Discrimination Prohibited

2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:

    a. Chapter 391, Personnel

3. This policy complies with federal laws and regulations, to include:

    a. U.S. Constitution

    b. Family Educational Right to Privacy Act (FERPA)

REVIEW AND REPORTING

1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the policy as well as an audit of the accompanying governing documents.

2. Administrative regulations, and/or other associated documents, will be developed as necessary for the consistent administration of this policy.

REVISION HISTORY

Date	Revision	Modification
9/26/2017	1.0	Adopted

Administrative Regulation 4425
STAFF COMPLAINT PROCESS:
Harassment, Sexual Harassment And Intimidation

Responsible Office: Office of the General Counsel

PURPOSE

This administrative regulation sets forth the procedures for the prompt and equitable response to administrative complaints from staff regarding allegations of harassment, sexual harassment, discrimination and/or retaliation against a staff member in the Washoe County School District ("District").

REGULATION

1. The Department of Civil Rights Compliance oversees the complaint process for all harassment and discrimination matters falling under Board Policy 9200, Discrimination and Harassment Prohibited, Board Policy 4111, Equal Opporutnity in Employment, and state and federal laws and regulations including Title II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1963, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the Age Discrimination Act of 1975. The Director of the Department of Civil Rights Compliance and the Title IX Coordinator is Judy Prutzman.

2. For the purposes of this administrative regulation, the term "harassment and/or discrimination" encompasses harassment, sexual harassment, discrimination, and/or retaliation.

3. Filing a Complaint

    a. A formal written complaint must be filed within 45 days of the date the complaining party first knew, or should have known, of the decision or action giving rise to the complaint.

    b. Such complaints should be filed with the lowest level administrator / supervisor who is not involved in the alleged harassment and/or discrimination and has the authority to remedy the alleged issues or the Labor Relations Department ("Labor Relations").

    c. If an administrator/supervisor is aware or made aware of actions that may amount to harassment and/or discrimination, the administrator/supervisor may request a written complaint from the alleged victim or proceed with an investigation without a written complaint. If there is no written complaint, the administrator/supervisor will file a report, which will serve as the complaint for purposes of the investigation.

d. If the complaint is not filed with the appropriate administrator/supervisor, the person receiving the complaint shall note the date and time the complaint form was received and immediately forward the complaint form to Labor Relations. The Director of Labor Relations will then be responsible for forwarding the complaint to the appropriate administrator/supervisor as soon as practicable. The Director of Labor Relations shall notify the complainant of the filing error and the actions of the Director of Labor Relations.

e. Once a complaint is received by the appropriate first level administrator/supervisor, a confidential investigation shall begin no later than five (5) working days from the date it is received by the appropriate administrator/supervisor, absent any extenuating circumstances.

f. It is a violation of the law to retaliate against any individual filing a complaint. Any staff member who believes they are experiencing retaliation because they filed a complaint should file a separate complaint regarding the alleged retaliation.

g. Additional avenues available to staff members for filing a complaint include:

    i. U.S. Equal Employment Opportunity Comission ("EEOC") and/or Nevada Equal Rights Commission ("NERC").

        1. A staff member is required to exhaust the administrative process with the District, prior to filing a complaint with the EEOC or NERC.

    ii. The Nevada State Department of Education

    iii. U.S. Department of Education Office for Civil Rights, Regional Office

    iv. Any court of competent jurisdiction

4. Complaint Review

    a. Upon receiving a complaint of alleged harassment and/or discrimination, the administrator/supervisor shall take any immediate necessary action to ensure the safety and well-being of the complainant(s) or other employee(s) that have alleged harm.

5. Investigation Process

a. The District will endeavor to complete an investigation into harassment or discrimination not later than 15 business days after the administrator/supervisor receives the complaint. Additional time shall be allowed when necessary to complete all interviews or gather pertinent information. In the event the investigation cannot be completed within the initial 15 business day time period, the administrator/supervisor will notify the Complainant(s) with the estimated date of completion.

    i. During the investigation, interviews will be conducted and statements shall be taken from the involved individuals , to include any witnesses. Written statements are preferred, when possible.

b. A written report of the findings and conclusions of the investigation shall be completed that includes a summary of the facts and the evidence considered.

6. Appeals

a. Any complainant that is dissatisfied with the resolution of a complaint may appeal that decision in writing within 10 business days of notification of the resolution addressed to Labor Relations based on one or more of the following grounds:

    i. Procedural error that significantly impacted the outcome of the investigation.

    ii. To consider new evidence which was unknown or unavailable during the original investigation and that could substantially impact the original findings or sanction. The appeal must include a summary of new evidence, why it was unavailable at the time of the investigation and its potential impact.

b. An appeal will be assigned to a District administrator ("Appeal Review Officer") who did not conduct the underlying investigation. The Appeal Review Officer assignment will be made by the Director of Civil Rights Compliance or the Director of Labor Relations, depending on the nature of the complaint. Acknowledgement of receipt of appeal will be sent to the appealing party within three (3) business days.

c. Before considering the appeal, the Appeal Review Officer will determine whether the appeal is timely and raises one or more of the permissible grounds for appeal listed under 5(a) above. If the written appeal is not

timely or does not raise one or more of the permissible grounds for appeal, the Appeal Review Officer will notify the appealing party in writing that the appeal is denied and the basis for the denial.

d. A decision on an appeal will be based on the following:

    i. Unless there is a request to consider new evidence pursuant to 5(a)(ii) as grounds for an appeal, the Appeal Review Officer will limit his or her review to the investigation record and process.

    ii. The Appeal Review Officer will decide whether to grant or deny the appeal based on the specific grounds for appeal pursuant to 5(a) (i) or (ii).

    iii. The Appeal Review Officer may also remand the matter back to the original investigator to consider new evidence.

    iv. The Appeal Review Officer will respond to the appealing party with a written decision within 15 business days of receiving the appeal.

7. Confidentiality

    a. An investigation will be kept in strictest confidence, where practical, for the protection of all parties involved.

    b. The District's obligation to investigate, provide a safe environment and take corrective action may supersede an individual's right of privacy.

    c. Pending the completion of the investigation, however, the District may take any action necessary to protect the safety and well-being of its students, employees and property.

8. Sanctions

    a. Consistent with the requirements of applicable state law, District policies and administrative regulations and/or collective bargaining agreements, the District may take such action as deemed necessary and appropriate after the completion of the investigation. The complainant(s) will be notified in writing of the investigation findings. However, if the individual(s) who were found to be engaged in prohibited behavior are disciplined, the complainant(s) will only be advised that the District is taking appropriate steps to ensure that the prohibited behaviors will not re-occur.

b. A substantiated charge against an employee of the District may subject the employee to disciplinary action in accordance with any the requirements of applicable state law, District policies and administrative regualtions and/or collective bargaining agreements.

9. False Accusations

    a. Persons knowingly bringing false accusations will be held responsible for their actions, and may be subject to disciplinary action in accordance with the requirements of applicable state law, District policies and administrative regulations and/or collective bargaining agreements.

10. Remediation

    a. Individuals found to be subjected to harassment or discrimination will be provided support services available from the District to help deal with the effects.

11. Other Sources Of Assistance

    a. U.S. Equal Employment Opportunity Commision and/or Nevada Equal Rights Commission

    b. U.S. Department of Education Office for Civil Rights, Regional Office

    c. Nevada State Department of Education

DEFINITIONS

1. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

    a. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

b. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

c. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

    i. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

    ii. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

    iii. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

2. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's ability to receive an education, unreasonably interferes with an individual's educational performance or creates an intimidating, hostile or offensive educational environment. The term sexual harassment includes sexual violence under Title IX.

3. Discrimination is the distinguishing treatment of an individual based on their actual or perceived membership in a certain group or category, in a way that is worse than the way people are usually treated.

    a. Protected Classes: Race, color, national origin or ethnic group identification, marital status, ancestry, sex, sexual orientation, gender identity or expression, genetic information, religion, age, mental or physical disability, military or veteran’s status

        i. “Disability” means, with respect to a person: 1) a physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus; 2) a record of such an

impairment; or 3) being regarded as having such an impairment.

ii. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

iii. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

4. Retaliation is an adverse employment action against the employee based upon a protected activity, i.e. Filing a complaint or being a witness in an investigation.

    a. An "adverse employment action" has been defined in the Ninth Circuit Court of Appeals as "any adverse treatment that is based on a retaliatory motive and is reasonably likely to deter the charging party [an employee] from engaging in protected activity." Ray v. Henderson, 217 F.3d 1234, 1242–43 (9th Cir. 2000) Examples of adverse employment actions include termination of employment, demotion evidenced by a decrease in wage or salary, a less distinguished title, a material loss of benefits or diminished responsibilities. Not every disagreeable workplace action constitutes retaliation; rather, retaliation must produce an injury or harm. Aki v. Univ. of California Lawrence Berkeley Nat'l Lab., 74 F. Supp. 3d 1163, 1181 (N.D. Cal. 2014) (citations and quotations omitted.)

DESIRED OUTCOMES

1. Through this regulation and its associated Board policies, the District shall:

    a. Adopt and implement effective anti-discriminatory employment practices; procedures for investigating discrimination complaints; and programs to educate employees about unlawful discriminatory practices.

    b. Promote a culture of respect that prohibits discriminatory practices. All employees are encouraged to foster an environment where individuals are judged on their merits, and to promote a workplace free of discriminatory policies and practices.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns to the governing documents of the District, to include:

    a. Board Policy 9200, Harassment and Discrimination Prohibited

b. Board Policy 4111, Equal Opportunity in Employment

c. Administrative Form LEG-F122, Staff / Job Applicant Complaint From – Workplace Discrimination

2. This Administrative Regulation complies with federal laws and regulations, to include:

   a. Title VII of the Civil Rights Act of 1964.

   b. Title IX of the Education Amendments of 1972.

3. This Administrative Regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:

   a. Chapter 613, Employment Practices, and specifically:

      i. NRS 613.310 to 613.435, Equal Opportunities for Employment

REVIEW AND REPORTING

1. This document shall be reviewed as part of the bi-annual review and reporting process for the corresponding policy.

REVISION HISTORY

Date	Revision	Modification
1/23/1990	1.0	Adopted
10/27/1992	2.0	Revised
4/25/1995	3.0	
7/14/1998	4.0	Revised
8/27/2002	5.0	Revised
10/25/2011	6.0	Revisions based on 2011 Legislative Session – inclusion of Gender Identity in protected areas
10/26/2016	7.0	Revised: to clarify the investigation process
11/02/2016	7.1	Revised: 5(a)(i) erroneously referred to a "hearing." Changed to "investigation
4/7/2017	8.0	Revised: to change the number from 4111.3 to align with like regulations; added Desired Outcomes

5/22/2018	9.0	Revised to remove bullying in accordance with changes to state law (2017-Senate Bill 225)
01/13/2023	9.1	Revised to change contact name from Gina Session to Judy Prutzman

Administrative Regulation 9201
TITLE IX SEXUAL HARASSMENT

Responsible Office: Office of the General Counsel, Department of Civil Rights Compliance

PURPOSE

The Superintendent has adopted this administrative regulation to set forth the procedures for the resolution of Title IX[1] sexual harassment complaints in the Washoe County School District ("District" or "WCSD").

REGULATION

1. For the purposes of this administrative regulation the following definitions apply.
    a. Sexual harassment for the purposes of a Title IX complaint is:
        i. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (also referred to as Quid Pro Quo sexual harassment);
        ii. Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.
        iii. Sexual Assault, which is any sexual act, directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. It includes:
            1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
            2. Fondling: The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
            3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

[1] Title IX of the Educational Amendments of 1972.

4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

iv. Dating Violence which is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim which includes but is not limited to sexual or physical abuse or the threat of such abuse.

v. Domestic Violence which is a crime of violence such as rape, attempted rape or a sexual offense committed between family or household members.

vi. Stalking which is engaging in a course of conduct directed a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or

2. Suffer substantial emotional distress.

b. Reporting Party means the party that is bringing a complaint.

c. Responding Party means the person alleged to have engaged in sexual harassment.

d. Grievance Procedure refers to the process followed beginning with receiving a formal complaint and includes the investigation, decision-making and appeals.

e. Title IX Coordinator refers to the person designated by the District to oversee the Title IX process. The Title IX Coordinator cannot be involved in decision-making.

f. Investigator is the person who investigates a formal complaint and submits a final report to the Decision-Maker. The Investigator cannot be involved in decision-making.

g. Decision-Maker is the person assigned by the District to receive the final investigative report and issues a decision. The Decision-Maker cannot be involved in the investigation of the complaint.

h. Preponderance of the Evidence means that, based on the evidence, the conduct more likely than not occurred.

i. Rape shield laws limits the ability to introduce evidence or cross-examine rape complainants about their past sexual behavior.

2. Application

The procedures outlined in this regulation applies to sexual harassment between:

a. Student and student

b. Staff and student.

c. Staff and staff.

3. Jurisdiction

A matter falls under Title IX jurisdiction if:

a. It meets the Title IX definition of sexual harassment;

b. The respondent is enrolled as a student or is employed by the District;

c. The complainant is enrolled as a student or is employed by the District;

d. The conduct occurs while the complainant is participating or attempting to participate in a District education program or activity; and

e. The conduct occurs in the United States of America.

4. Filing a Complaint

a. A Title IX Complaint must be made in writing or to the District. The District accepts complaints submitted verbally, in writing, or online. (Email: titleIX@WashoeSchools.net; online SafeVoice Nevada at http://safevoicenv.org).

b. Complaints shall be directed to the school's principal or designee (i.e. assistant principal or dean of students). The school administrator will immediately contact the Title IX coordinator of the District.

c. The Director of the Department of Civil Rights Compliance and the Title IX coordinator is Judy Prutzman. Her contact information is:

Office of the General Counsel
Department of Civil Rights Compliance
425 E. 9th Street
Reno, Nevada 89520-3425
judy.prutzman@washoeschools.net

d. It is a violation of law to retaliate against any individual filing a complaint or participating in an investigation. Any student experiencing retaliation because they filed a sexual harassment complaint or participated in an investigation should file a separate complaint regarding the alleged retaliation.

5. Reporters

a. Students – Any student who is the target of sexual harassment and/or students who have first-hand knowledge of sexual harassment are encouraged to report such incident. Students should report incident(s) to any employee; by email to the Title IX Coordinator at

titleIX@WashoeSchools.net; or through the Nevada Department of Education's SafeVoice Program (http://safevoicenv.org).

b. District Employees and Elected Officials – Members of the Board of Trustees, administrators, faculty, coaches or staff members who witness an act of sexual harassment or receive information that such an act may have occurred shall report the information to the principal or designee or the Title IX coordinator as soon as practicable, but not later than the same day on which the administrator, faculty, or staff member witnessed the sexual harassment or received a report that sexual harassment may have occurred.

6. Preliminary Steps

a. District staff shall report sexual harassment that is violent or criminal in nature to the appropriate school law enforcement officers. Investigation by school law enforcement does not replace a school's obligation to conduct an investigation and respond to a sexual harassment complaint.

b. Upon receiving a report of possible sexual harassment, the principal or designee shall:

i. Contact the Title IX Coordinator.

ii. Take any immediate necessary action to ensure the safety and well-being of the involved student(s). Possible supportive measures may include, but are not limited to:

1. Implementing a safety plan;

2. Putting a no contact order in place;

3. Class changes;

4. Counseling services; and/or

5. Academic support.

iii. Supportive measures taken should aim to minimize the impact on the Reporting Party but cannot place an undue burden on the Responding Party. An example of an undue burden may include removing the Responding Party from an academic course without making adjustments to the Responding Party's schedule to allow the Responding Party to continue to earn credit in the academic course.

iv. If the principal or designee does not have access to the Reporting Party or Responding Party, they can wait until the next school day that there is access to the Reporting Party or Responding Party to take the steps outlined above.

v. The Responding Party shall not be issued any disciplinary consequences until the investigation is complete and a decision that the Responding Party is in violation of Title IX is finalized.

7. Intake

a. Upon receipt of a report of a possible Title IX sexual harassment violation, the Title IX Coordinator will contact the Reporting Party to discuss the Title IX sexual harassment complaint process.

i. The Reporting Party may elect to file a written formal Title IX complaint with the Title IX Coordinator; or

ii. The Reporting Party may elect to address the matter through the bullying process and/or the Title VII process or any other appropriate District process.

iii. If a complaining party elects not to file a formal Title IX complaint, in instances where there is a threat to safety, the Title IX Coordinator may elect to file a formal complaint.

b. All formal sexual harassment complaints will be reviewed by the Title IX Coordinator to determine whether the complaint meets the jurisdictional requirements of Title IX.

i. If the complaint meets the jurisdictional requirements of Title IX, the Title IX Coordinator will forward the complaint for investigation.

ii. If the complaint does not meet the jurisdictional requirements of Title IX, the Title IX Coordinator will provide in writing the grounds for dismissing the complaint under Title IX and whether the complaint can be pursued through the bullying process and/or the Title VII process or any other appropriate District process.

c. If the complaint meets the jurisdictional requirements of Title IX, the Title IX Coordinator will provide written notice to each party that includes:

i. Relevant grievance procedures

1. Allegations with sufficient details to include identity of parties, date, location, if known, and implicated policies.

i. Statement that the Responding Party is presumed not responsible.

ii. Right to inspect and review relevant evidence.

8. Informal Resolution

a. After a formal written complaint has been submitted to the Title IX Coordinator and any time before a final decision is issued by the Decision-

Maker the parties may enter into an informal resolution of the complaint subject to the following:

i. In matters involving a staff member and a student, there can be no informal resolution of the complaint.

ii. Parties must receive detailed notice that includes the allegations, a description of the Title IX process, and the consequences of entering into an informal resolution.

iii. An informal resolution must be voluntary and include written consent from the parties.

9. Advisor of Choice

   a. All parties are entitled to have an advisor of their choice to assist them throughout the process.

   b. There is no restriction on who may serve as an advisor.

   c. An advisor is allowed to be present at all meetings and interviews.

   d. There can be restriction on the participation of the advisor as long as it is applied equally to all parties.

10. Evidence

   a. All relevant evidence must be considered.

   b. There is no restriction on the parties' abilities to discuss the matter or gather evidence.

   c. All parties shall have an equal opportunity to

      i. Present witnesses

      ii. Present evidence

      iii. Inspect all evidence, including evidence not used to support the determination.

      iv. Evidence must be relevant and not violate "rape shield" protections.

11. Investigation

   a. The burden of proof for the Investigator's final report is the preponderance of the evidence standard as defined in paragraph (1)(h) of this Regulation.

   b. The scope of the investigation must be sufficient to reach a determination.

   c. Each party must have an equal opportunity to present witnesses, including fact and expert witnesses, and inculpatory and exculpatory evidence.

d. Investigative Report

   i. Report must fairly summarize all relevant evidence.

   ii. Prior to the completion of the report all evidence directly related to the allegations must be provided to parties and advisors.

   iii. Parties have 10 business days to review and submit written responses.

   iv. The Investigator shall finalize the investigative report after considering the written responses.

   v. The final report shall be sent to the Decision-Maker and all parties.

12. Decision-Making Process

   a. The Decision-Maker cannot be the Title IX Coordinator or the Investigator.

   b. The parties have 10 business days to review the final investigative report and submit written responses to the Decision-Maker.

   c. Each party may submit relevant questions to the Decision-Maker for the opposing party. Questions not deemed relevant by the Decision-Maker may be excluded. The Decision-Maker shall provide a rationale for questions that are excluded.

   d. The Decision-Maker shall issue a final report to the parties that includes the following:

      i. Allegations potentially constituting sexual harassment.

      ii. All procedural steps taken by the District prior to reaching a decision.

      iii. Findings of fact supporting the decision.

      iv. A determination on each allegation regarding responsibility.

      v. Sanctions

      vi. Remedies

      vii. Procedures and bases for parties to appeal.

13. Sanctions

   a. If after an investigation, the Decision-Maker determines that an individual engaged in sexual harassment, the District may take any necessary and appropriate action that is consistent with District policies and/or applicable statutes including termination for an initial act of sexual harassment.

b. Successive violations by an offender shall lead to progressive discipline consistent with District policies and/or applicable statutes including termination.

c. A sanction shall not be implemented until the right to appeal the determination of the Decision-Maker is exhausted and the determination is final.

14. Remediation

a. Persons found to be the victim of sexual harassment will be offered support services available from the District to help deal with the effects, if any.

b. Any action(s) taken after the completion of the investigation shall be carried out in a manner that causes the least possible disruption for the Reporting Party. When necessary, the principal or designee shall give priority to ensuring the safety and well-being of the Reporting Party over the interests of the Responding Party when determining the actions to take.

15. Appeals

a. All parties have a right to appeal the Final Decision by the Decision-Maker.

b. An appeal must be submitted in writing within 10 business days of notification of the Final Decision by the Decision-Maker, addressed to the Title IX Coordinator. The Title IX Coordinator will assign the appeal to an Area Superintendent or other appropriate District administrator that has not participated, in any way, in the investigation or resolution of the complaint to perform as the Reviewing Officer.

c. A decision can be appealed based on the following grounds:

i. Procedural error that significantly impacted the outcome of the investigation (i.e. insufficient evidence to support findings, substantiated bias, material deviation from established procedures).

ii. To consider new evidence, unknown or unavailable during the original investigation and that could substantially impact the original findings or sanction. The appeal must include a summary of new evidence, why it was unavailable at the time of the investigation, and its potential impact on the outcome of the investigation or sanction.

iii. A sanction imposed is substantially disproportionate to the severity of the violation.

d. Acknowledgement of receipt of appeal will be sent to all parties within three business days.

e. All parties may submit written summaries either challenging or supporting the Decision-Maker's final report.

f. Before considering the appeal, the Reviewing Officer will determine whether the appeal is timely and raises one or more of the permissible grounds for appeal listed above. If the written appeal is not timely or does not raise one or more of the permissible grounds for appeal, the reviewing officer will notify the parties in writing that the appeal is denied and the basis for the denial.

g. A decision on an appeal will be based on the following:

i. Unless there is a request to consider new evidence, the Reviewing Officer will limit the review to the records from the Decision-Maker's process.

ii. The Reviewing Officer will decide whether to grant or deny the appeal based on the specific grounds for appeal listed above.

iii. The Reviewing Officer may also remand the matter back to the original Investigator to consider new evidence.

iv. The Reviewing Officer will respond to the parties with a written decision within 15 business days of receiving the appeal.

v. A decision on appeal is final.

16. Nothing contained herein shall be construed or interpreted to prohibit or in any way to infringe on a person's right to freedom of speech, discourage the genuine discussion of issues or use of materials for academic, educational, or instructional purposes.

17. If dissatisfied with the District's response to a Title IX complaint students and/or their parent/guardian may file a complaint with the following agencies:

i. U.S. Department of Education's Office for Civil Rights (Telephone: 800-421-3481); or Seattle Office (Telephone: 206-607-1600, TDD 1-800-877-8339), www.ed.gov/ocr.

ii. Nevada Department of Education's SafeVoice Program (http://safevoicenv.org).

LEGAL REQUIREMENTS & ASSOCIATED DOCUMENTS

1. This Regulation is effective until the date of the repeal or injunction against the Federal Title IX Regulation that was effective August 14, 2020. If the Federal Title IX Regulation is repealed or otherwise rendered inoperable, complaints of sexual harassment will be handled pursuant to District Regulations 5701, Student Bullying, Harassment, and/or Discrimination Complaint and Appeal Procedures,

District Regulation 5702, Staff on Student Bullying, Harassment, and/or Discrimination – Complaint and Appeal Procedures and District Regulation 4425, Staff Complaint Process: Harassment, Sexual Harassment and Intimidation.

2. This administrative regulation aligns and complies with the governing documents of the District, to include:
    a. Board Policy 9200, Harassment and Discrimination Prohibited
3. This administrative regulation aligns with federal law, specifically Title IX of the Education Amendments and the regulations thereto that went into effect August 14, 2020.

REVISION HISTORY

Date	Revision	Modification
9/16/2020	1.0	Adopted: pursuant to new Title IX Regulations
01/12/2023	1.1	Revised to change name of Director of Civil Rights Compliance