

BOARD OF TRUSTEES
HUMBOLDT COUNTY SCHOOL DISTRICT

POLICY 3075
BUSINESS, NON-INSTRUCTIONAL

**HARASSMENT/SEXUAL HARASSMENT, SCHOOL/WORKPLACE VIOLENCE AND
INTIMIDATION**

1. HARASSMENT

Prohibited harassment is defined as unwelcome verbal or physical conduct that is based on a person's actual or perceived race, color, national origin, age (40 or older), sex (including pregnancy, childbirth, or related medical conditions, and sexual orientation, gender identity, or expression), disability, genetic information, and/or religion.

Harassment becomes unlawful when:

- a. The conduct has the purpose or effect of creating a hostile, intimidating, or offensive working environment;
- b. The conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or
- c. The conduct otherwise adversely affects an individual's employment opportunities.

Harassment in the workplace, as defined in NRS 33.240, includes any act or threat causing bodily injury, property damage, or substantial harm to health or safety, occurring at or affecting the workplace and that a reasonable person would find intimidating, terrifying, or harassing. Additionally, this policy prohibits any person from knowingly making a threat of violence against a school official, school employee, or pupil, as outlined in NRS 388.880. This includes threats made in person, through electronic devices, or any other means.

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

Prohibited harassment exists when the conduct:

- a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- b. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or
- c. Otherwise adversely affects an individual's employment opportunities.

Examples of general harassment include, but are not limited to, behaviors that ridicule, degrade, harass, etc., a person because of his/her actual or perceived race, color,

national origin, age, sex (including non-conformity to gender stereotypes), gender identity or expression, sexual orientation, disability, and/or religious preference such as:

- a. Unwelcome comments, ethnic, racial, anti-gay slurs and jokes, or threats;
- b. cartoons, graffiti, posters, visuals, etc., with offensive connotations, though nothing in this regulation shall be interpreted to prohibit use of such materials for genuine academic, educational or instructional purposes;
- c. sabotage, criticism, unreasonable monitoring of an employee's work, etc.; and
- d. hitting; intentionally blocking the path of; body, hand or facial gestures or contact.
- e. Use of electronic devices in any method found to be in violation of this policy.

Bullying and cyber-bullying are prohibited as defined in NRS 388.122 and NRS 388.123. All employees are mandatory reporters under NRS 388.1351 and must report incidents immediately to administration or through the SafeVoice system.

Bullying means a single severe and willful act or repeated acts or omissions, including the use of written, verbal or electronic expressions, physical acts or gestures, or any combination thereof, directed at another pupil that:

- (a) causes physical or emotional harm;
- (b) places the pupil in reasonable fear of harm;
- (c) creates a hostile educational environment; or
- (d) substantially interferes with academic performance or participation in school activities.

Cyber-bullying means bullying through the use of electronic communication, including transmitting or distributing a sexual image of a minor.

2. SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination prohibited under Title IX of the Education Amendments of 1972 and Nevada law. For purposes of this policy in Humboldt County School District, sexual harassment is defined as unwelcome conduct on the basis of sex that satisfies one or more of the following:

- a. **Quid pro quo harassment:** An employee of the District conditioning the provision of an aid, benefit, or service of the District (such as educational opportunities, grades, employment terms, or other privileges) on an individual's participation in unwelcome sexual conduct.
- b. **Hostile environment harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity, or interferes with an individual's work performance or employment opportunities. This may include verbal, nonverbal, visual, or physical behaviors, whether in person or through electronic means.

- c. **Specific offenses:** Sexual assault, dating violence, domestic violence, or stalking, as defined under the Clery Act (20 U.S.C. § 1092(f)(6)(A)(v)) and the Violence Against Women Act (VAWA) amendments to the Clery Act (34 U.S.C. § 12291(a)).

Examples of sexual harassment include, but are not limited to: unwanted sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when such actions create an intimidating, hostile, or offensive educational or work environment. This definition applies to conduct involving students, employees, volunteers, or third parties in any District education program or activity, including on school grounds, during school-sponsored events, or through District-provided technology.

The District will respond promptly and equitably to reports of sexual harassment, offering supportive measures to complainants and following the grievance procedures outlined in this policy.

An “intimidating, hostile or offensive employment environment” means an environment in which:

- a. any unwelcome behavior with sexual connotation which makes an employee feel uncomfortable, humiliated, or embarrassed, or
- b. any aggressive, harassing behavior in the workplace is directed toward an individual based on their sex and interferes with their ability to perform at work.

The following are some examples of sexual harassment or intimidation:

- a. Sexual advances which are unwanted (this may include situations which began as reciprocal but later ceased to be reciprocal).
- b. Sexual gestures, oral abuse, sexually oriented jokes, innuendos or obscenities.
- c. Displaying of sexually suggestive objects, pictures, cartoons, or posters.
- d. Sexually suggestive letters, notes, threats, or invitations
- e. Employment benefits affected in exchange for sexual favors.
- f. Physical conduct such as assault, attempted rape, impeding or blocking movement, or unwelcome touching.
- g. Hazing or daring to perform in unsafe work practices, particularly directed toward employees in non-traditional settings.

This prohibition of sexual harassment includes the definition of Bullying and Cyber-bullying as found in Section 1 Harassment.

The District shall comply with 34 C.F.R. Part 106, including designation of a Title IX Coordinator, publication of contact information, and implementation of grievance procedures consistent with federal law. Upon actual knowledge of sexual harassment in an education program or activity, the District must offer supportive measures to the complainant, conduct a prompt and equitable investigation, and provide a grievance process that includes the opportunity for informal resolution where appropriate. The process must presume the respondent's non-responsibility until conclusion and allow for appeals.

3. SCHOOL/WORKPLACE VIOLENCE

Humboldt County School District has a No Tolerance Policy for school/workplace violence. Acts or threats of physical violence including intimidation, harassment, and/or coercion, which involve or affect the Humboldt County School District or which occur on Humboldt County School District property or during the course of the Humboldt County School District business will not be tolerated.

Examples of school/workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on the Humboldt County School District premises, regardless of the relationship between the organization and the parties involved in the incident.
- All threats or acts of violence occurring off the Humboldt County School District's premises involving someone who is assigned supervisory responsibilities on behalf of the district and/or school.
- All threats or acts of violence occurring off Humboldt County School District's premises involving a student, or employee of the district if the threats or acts affect the legitimate interests of the district.
- Any acts or threats resulting in the conviction of a student/employee or agent of the Humboldt County School District, or of individual performing services for the district on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the district.

Actions of law enforcement personnel which are necessary in the performance of their duties and are consistent with Humboldt County School District's policies or sound law enforcement procedures shall not be considered to violate this policy. In addition, actions necessary for Bonafide self-defense or protection of district property shall not be considered to violate this policy.

Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- Hazing
- The intentional destruction or threat of destruction of Humboldt County School District property.
- Harassing, surveillance or stalking.
- Unauthorized possession or inappropriate use of firearms, weapons, or explosives.

Humboldt County School District desires to detect and deter real or threatened violence. Every student/employee is required to report immediately any acts of violence or threat of violence against any student/co-worker, teacher, supervisor, administrator, elected official, visitor, or other individual. Every other person on Humboldt County School District property is encouraged to report incidents of threats or acts of violence of which he or she

is aware. These reports should be made to the Personnel Department, student's teacher or administrator, or an employee's supervisor. Teachers and/or supervisory personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Students/employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in Humboldt County School District's policies or in State, Federal or other applicable law and or regulation.

Pursuant to NRS 33.240–33.360, the District may seek workplace harassment protective orders to safeguard employees. Threats against schools are prohibited under NRS 388.880 and may result in criminal prosecution.

This prohibition of school/workplace violence includes the definition of Bullying and Cyber-bullying as found in Section 1 Harassment.

1. PREVENTION

The District shall provide training for all employees on preventing harassment, sexual harassment, bullying, cyber-bullying, discrimination based on race, and workplace/school violence. Training shall include identification, reporting, and prevention of harassment, bullying, and workplace violence, as well as the specific statutory responsibilities of employees.

2. INFORMAL AND FORMAL RESOLUTION OF COMPLAINTS

Informal: The school district is committed to the prompt and equitable resolution of all reports or complaints. An individual may voluntarily choose informal measures but will be informed of the options and timelines available to him/her in formal complaint procedures. The following informal steps may be tried if the individual chooses and if the harassment is not severe:

- a. Inform the individual that his/her behavior is unwelcome, offensive or inappropriate. Confrontation is not required, however, and notice may be accomplished in a letter developed with assistance of a supervisor, and administrator, or Assistant Superintendent.
- b. Notify an administrator, supervisor, the Assistant Superintendent, or the Superintendent. Early reporting assists in stopping the unwanted behavior.

Request a copy of the school district's harassment policy/regulation so that reporting processes are clear.

Formal: At any time, an individual may choose to initiate the formal procedure to resolve the problem. At no time shall an individual's attempts at informal resolution be used to delay or excuse the school district's responsibility to investigate reports of harassment in a prompt and equitable manner, with or without a formal complaint.

Upon receiving a report, the administrator or designee shall take immediate action to stop the alleged violation, notify parents/guardians if involving students, and begin an investigation. The investigation must include interviews with involved parties and

witnesses, and a written report must be completed within 5 school days (extendable by 2 days for extenuating circumstances). Follow-up with the alleged victim must occur within 10 school days to ensure their well-being and confirm no ongoing issues.

All individuals are permitted and encouraged to have a friend or advisor present with them for moral support during any stage of the reporting and investigation. Once a report or complaint has been filed with the first level supervisor who is not involved in the alleged harassment, a confidential and expeditious investigation shall begin following the procedures outlined in the school district's "Harassment Complaint Procedure" on the pages following this regulation.

Documentation: With either a formal or informal complaint an individual should keep notes, a journal, and/or a record of dates, times, places, witnesses, and description of each incident. Save all notes and records in a safe place.

3. CONFIDENTIALITY

A report of harassment or sexual harassment or intimidation and the investigation are to be kept in strictest confidence, where practical, for the protection of all parties involved.

The school district's obligation to investigate and take corrective action may supersede an individual's right of privacy. Reports will be handled with discretion and information will only be shared on a "need-to-know" basis to facilitate the investigation.

Pending the completion of the investigation, however, the Superintendent may take any action necessary to protect the alleged victim, or other employees or students consistent with requirements of applicable regulations and statutes, if any.

4. SANCTIONS

Consistent with the requirements of applicable regulations or statutes, the Superintendent or his designee may take such action as deemed necessary and appropriate after the completion of the investigation. All parties involved in the investigation shall be notified of the decision of the Superintendent or his designee.

The final disposition of the case may be by action of the Board of Trustees if there is a recommendation for non-renewal of employment, termination, or expulsion. The due process rights of all individuals will be protected.

A substantiated charge against an employee of the school district shall subject the employee to disciplinary action in accordance with any appropriate employee contract, up to and including discharge.

5. FALSE ACCUSATIONS

Persons perpetrating false or fabricated accusations will be held responsible for their actions and may be subject to disciplinary action as listed in Section 7, Sanctions (above).

6. RETALIATION

Retaliation against any person for reporting harassment, participating in an investigation, or opposing discriminatory practices is prohibited under NRS 613.340. This includes adverse actions such as demotion, intimidation, or threats. Reports of retaliation shall be investigated under the same procedures as harassment complaints.

7. NOTIFICATION

Notice of this policy and regulation, the school district's prevention plan, and grievance procedures shall be posted in prominent locations in all school district buildings, including information on how to receive copies. Notices shall also be included in staff handbooks. Notices will be updated annually with the names, locations and numbers of contact persons throughout the school district.

8. REMEDIATION

Staff targets of harassment and witnesses of harassment will be provided support services available from staff of the school district to help deal with the effects of harassment.

9. REPORTING

Employees who believe they may have been subjected to harassment, sexual harassment, or violence should immediately report the conduct. The District encourages early reporting to allow for prompt action. The District will conduct a prompt, thorough, and impartial investigation into all complaints. Reports may be made to:

- The first level supervisor who is not involved in the alleged harassment.
- The Assistant Superintendent.
- A designated Title IX/Harassment Coordinator, whose name and contact information are available from the Human Resources Division.

Reports may be made anonymously through the Nevada SafeVoice system at 1-833-216-SAFE (7233) or via the SafeVoice app/website. Examples of harassment or violence via electronic devices include cyber-bullying, sharing unauthorized images, or online threats, which are subject to the same prohibitions and procedures.

10. OTHER SOURCES OF ASSISTANCE

Nevada Equal Rights Commission
U.S. Department of Education- Office of Civil Rights, Regional Office
State Department of Education

Legal References:

Title VII of the Civil Rights Act of 1964 (as interpreted in *Bostock v. Clayton County*, 590 U.S. 644 (2020));
Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106);
Americans with Disabilities Act of 1990;
Age Discrimination in Employment Act of 1967;
Genetic Information Nondiscrimination Act of 2008;
NRS 33.240-33.360;
NRS 388.122-388.1351;
NRS 388.880

NRS 613.330-340

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