

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

**REGULATION NO. 1031
ALL STAFF**

**PREVENTION OF HARASSMENT OR SEXUAL MISCONDUCT
TOWARD STUDENTS**

The Carson City School District prohibits any form of harassment or sexual misconduct towards students, whether by District employees, administrators, officials, contractors, community partners, or volunteers.

Conduct

Sexual misconduct as used in this regulation is:

- Any conduct that meets the definition of sexual harassment contained in law,¹ District Regulation and Policy.
- Any conduct or communication that explicitly or implicitly conditions a student's participation in an educational program or activity on submission to sexual conduct.
- Any conduct or communication that explicitly or implicitly indicates that an educational decision will be based on the student's submission to sexual conduct.
- Any conduct or communication of a sexual nature that is severe, persistent, or pervasive and objectively focused upon a student that it limits a student's ability to participate in or benefit from an educational program or activity or creates a hostile or abusive educational environment.
- Any conduct or communication that constitutes immoral conduct within the meaning of NRS 391.650, including but not limited to sexual assault, statutory sexual seduction, incest, commission of certain sexual acts in public, open or gross lewdness, indecent exposure, and lewdness with a minor.
- Harassment includes any conduct by a person which would cause a reasonable child to feel terrorized, frightened, intimidated, or harassed and which actually causes the child to feel terrorized, frightened, intimidated, or harassed.

Examples of behavior which constitute sexual misconduct include but are not limited to:

- Making sexual advances or gestures toward a student.
- Coercing, forcing, or attempting to coerce or force any sexual act with a student.
- Engaging in sexual intercourse or any sexual act with a student.
- Touching oneself sexually or talking about one's sexual activity in front of a student or students.
- Spreading rumors about or discussing a student's sexual activity.

¹ The District acknowledges the applicability of criminal statutes relating to sexual conduct toward a student, including NRS 201.540, which indicates that it is a felony for a teacher, administrator, coach, volunteer, or teacher's aide or auxiliary nonprofessional employee who assists with instruction or supervision of pupils, to engage in sexual conduct with pupils ages 14 through 17. Other criminal statutes which are pertinent to this regulation include, but are not limited to NRS 201.230, lewdness with a child under 14; NRS 200.366, sexual assault; NRS 200.368, statutory sexual seduction; NRS 201.560, using a computer to lure children.

REGULATION No. 1031 – CONTINUED

- Sexually motivated or inappropriate touching, patting, grabbing, or pinching a student’s body, whether that student is of the same or the opposite sex.²
- Other sexual behavior or communication, including requests for sexual favors, whether or not accompanied by implied or overt threats concerning a student’s educational status, and implied or overt promises of preferential treatment.

Examples of behavior which constitute harassment include but are not limited to bullying, and cyberbullying, as defined in District Policy 543 and Regulation 543.

Reporting Procedures:

The District encourages every student who believes s/he has been the target or recipient of sexual misconduct and every student or other individual who has knowledge of sexual misconduct to report immediately the alleged conduct to a teacher, school counselor, principal, or other District official. The report should be in writing. The District will keep the name of the person making the report confidential to the extent possible and will make it available only to those individuals who are necessarily involved in the investigation and the administration of the complaint. The person receiving the report shall document the time and place of the report and the name of the person making the report. Any teacher, administrator, official, volunteer, or other District employee who has or receives information that a student has or may have been the target or a recipient of sexual misconduct is required to report the alleged acts to local law enforcement and to the Division of Child and Family Services of the State of Nevada as required by NRS 392.030(1) and District Policy and Regulation 1020. A report also should be made to the Associate Superintendent in charge of Human Resources within 24 hours after receiving the information. Failure to make the report as prescribed herein may result in disciplinary or other appropriate action against the teacher, administrator, official, volunteer, or other District employee.

Investigation:

The District shall promptly investigate all complaints or allegations of sexual misconduct. It will keep all investigations confidential to the extent possible.

The District will release information obtained only to those individuals who are necessarily involved in the investigation and the administration of the complaint, or as required by law. The District will inform the individual filing the complaint, as well as the individual against whom the complaint was made, of the final determination. All employees and students questioned as part of an investigation will be told and expected to refrain from discussing the matter with anyone except agency or legal representatives.

The initial investigation will be conducted by a qualified and objective school official not named in the complaint or by an outside investigator. The investigator will act with due regard for the rights of all individuals and, in particular, to ensure any rights of students to have their parents or guardians present during questioning.

² This prohibition does not preclude legitimate, non-sexual physical conduct which may include but is not limited to the use of necessary restraints to avoid physical harm to persons or property or conduct such as a teacher’s consoling or congratulatory hug of a student or the demonstration of an athletic move by a teacher or student requiring contact with another student.

REGULATION No. 1031 – CONTINUED

The District treats all complaints or allegations of sexual misconduct seriously and expects all employees and students to be candid and truthful during the investigatory process. If credible evidence indicates that a participant in the investigation has made intentionally false or malicious statements, the District will discipline or take other appropriate action against that participant.

District Action:

Upon determination that a violation of this regulation has occurred, the District will provide written notice of the results of the investigation to the complainant and the person accused of the violation. If warranted, the District will also initiate appropriate remedial and/or disciplinary action consistent with the findings of the report and the requirements of applicable collective bargaining agreements, District policy, and state and federal law.

Reprisal:

The District will not tolerate any form of retaliation toward any person who reports alleged sexual misconduct in good faith, assists another in filing a complaint, or provides truthful information during an investigation.

The District will discipline or take other appropriate action against any student, school personnel, volunteer, administrator, or official for threatening, intimidating, or interfering with the educational or school-related extra curricular opportunities of any person who complains of sexual misconduct, or reports sexual misconduct, or who testifies or participates in a proceeding, investigation, or hearing related to a complaint of sexual misconduct.

Any student who believes he or she is being retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, provided information, testified, or participated in a proceeding, investigation, or hearing related to a complaint of sexual misconduct or provided advice or assistance to someone who filed a complaint should immediately notify the Superintendent or Principal who shall take appropriate and timely action to review and resolve the allegation.

Training:

All District employees, volunteers, officials, and administrators will participate in an initial training session and in periodic training updates on the prevention of sexual misconduct. New employees will be afforded an opportunity to discuss its contents during orientation. All employees, volunteers, officials, administrators, contractors and community partners, will be given a copy of the District's policy and this regulation, and will sign an acknowledgement indicating that they have read and understand the policy and this regulation.

Dissemination of Policy and Regulation:

The District will make this regulation and the related policy available to parents or guardians and all students, as appropriate, during annual registration. The District will also publish the regulation and related policy in student handbooks, and post the policy in the District administrative offices and in school offices. At least annually, the District will publicize this regulation and related policy in school newsletters or other publications used to communicate District policies to parents and guardians.

REGULATION No. 1031 – CONTINUED

Adopted: January 14, 2003
Revised: October 9, 2012 - Title Change
May 14, 2019