

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

**ADMINISTRATIVE REGULATION No. 443
CLASSIFIED STAFF**

**EMPLOYEES
HARASSMENT/SEXUAL HARASSMENT AND INTIMIDATION**

A. Intimidation and Harassment

Prohibited harassment is defined as behavior consisting of verbal or physical conduct which ridicules, degrades, etc., a person because of his/her race, color, national origin, age, sex, disability, and/or religious preference.

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, employment, discipline, or instructional purposes.

Prohibited harassment exists when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment, property, or academic opportunities.

Examples of general harassment include, but are not limited to, behaviors that ridicule, degrade, harass, etc., a person because of his/her race, color, national origin, age, sex, disability, and/or religious preference such as:

1. Unwelcome comments, ethnic or racial slurs and jokes, threats, etc.;
2. 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;
3. sabotage; criticism, unreasonable monitoring of any individual's work, etc., and
4. hitting; intentionally blocking the path of; body, hand or facial gestures.

B. Sexual Harassment

Sexual harassment is generally defined as unwelcome sexual advances, requests for favors and other verbal, nonverbal or physical conduct of a sexual or gender-directed nature when:

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1. Submission is made either explicitly or implicitly a term or condition of an individual's employment or education; or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile or offensive employment or educational environment.

An "intimidating, hostile or offensive employment or educational environment" means an environment in which:

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

The following are some examples of sexual harassment or intimidation:

1. Sexual advances (employee to employee only) which are unwanted (this may include situations which began as reciprocal, but later ceased to be reciprocal)
2. Sexual gestures, verbal abuse, sexually-oriented jokes, innuendos or obscenities
3. Displaying of sexually suggestive objectives, pictures, cartoons, or posters
4. Sexually suggestive letters, notes, threats, or invitations
5. Employment or education benefits affected in exchange for sexual favors
6. Physical conduct such as assault, attempted rape, impeding or blocking movement, or unwelcome touching
7. Hazing, or daring to perform in unsafe work or learning practices, particularly directed toward employees and/or students in nontraditional or athletic settings.

C. Prevention

It is the policy of this District to provide regular inservice education and training about harassment and sexual harassment and intimidation for employees and students. Such inservice and training shall include:

1. Awareness concerning the various types of harassment and intimidation; how the harassment and intimidation manifests itself; and the devastating emotional and educational consequences of harassment and intimidation.
2. Training in the appropriate methods to facilitate positive human relations among pupils without the use of harassment and intimidation so that pupils may realize their full academic and personal potential.

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3. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils.
4. Methods to teach skills to pupils so that pupils are able to replace inappropriate behavior with positive behavior.

D. Informal and Formal Resolutions of Complaints

INFORMAL: The 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 them in formal complaints procedures. The following informal steps may be tried if the individual chooses and if the harassment is not severe:

1. Inform the individual or his/her supervisor/site administrator that his/her behavior is unwelcome, offensive or inappropriate. Confrontation is not required, however, and notice may be accomplished in a letter developed with the assistance of a supervisor, site administrator or District's Associate Superintendent of Human Resources.

Request a copy of the 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 District's responsibility to investigate reports of harassment in a prompt and equitable manner, with or without a formal complaint.

All individuals are permitted and encouraged to have a friend, association representative, 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, or site administrator who is not involved in the alleged harassment, or District's Associate Superintendent of Human Resources, a confidential and expeditious investigation shall begin following the procedures outlined in the "District's Complaint Procedure" on pages 5 through 8 of this regulation.

DOCUMENTATION: When a formal or informal complaint is made, 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. All complaint forms shall be filed with the site administrator and the District's Associate Superintendent of Human Resources.

E. Confidentiality

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

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The District's obligation to investigate and take corrective action may supersede an individual's right of privacy.

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.

F. Sanctions

Consistent with the requirements of applicable regulations or statutes, the Superintendent 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.

The due process rights of all individuals will be protected and any rights under any collective bargaining contract will be followed.

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

A substantiated charge against a student of the District shall subject said student to disciplinary action in accordance with school rules, including class changes, suspension and or expulsion.

G. 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 F Sanctions, above.

H. Notification

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

I. Remediation

Staff and student targets of harassment and witnesses of harassment will be provided counseling and other support services available from staff and other resources of the District to help deal with the effects of intimidation and harassment.

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J. Reporting

Employees who believe they may have been harassed or intimidated should contact the first level supervisor who is not involved in the alleged harassment, site administrator or the District's Associate Superintendent of Human Resources.

K. Other Sources of Assistance

Nevada Equal Rights Commission

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

State Department of Education

Legal References:

Title VII of the Civil Rights Act of 1964
Other State and Federal Implementing Regulations

Carson City School District Human Resources Division Harassment Complaint Procedure

- A. Any person who believes he/she has been or is being subjected to prohibited harassment of any kind by any individual associated with the District is encouraged to bring such harassment to the attention of whichever of the following with whom he/she is most comfortable: his/her supervisor or department administrator or site administrator, the Associate Superintendent of Human Resources, or the Superintendent. Complaint forms shall be prepared and filed with the site administrator and the Associate Superintendent of Human Resources.
- B. Any non-employee of the District who feels he/she is being harassed by any individual associated with the District is encouraged to bring such to the attention of the Associate Superintendent of Human Resources of the Superintendent.
- C. All harassment complaints will be handled in a timely and confidential manner. Information will only be shared with individuals who have a legitimate "need to know."
- D. Prompt attention and appropriate disciplinary action (up to and including termination for employees or suspension or expulsion for students) designed to stop the harassment immediately and to prevent its recurrence will be taken if an investigation reveals harassment has occurred.

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- E. All persons shall be protected from coercion, intimidation, retaliation, interference, or discrimination as a result of filing a complaint or assisting in an investigation.
- F. Any person who feels he/she has been or is being harassed may utilize the District's informal or formal complaint procedure.
- G. The Informal Complaint Procedure consists of the following:
 - 1. Informal Resolution
 - a. The affected person is encouraged to meet with the alleged harasser and inform him/her of the unwelcome behavior and that if the behavior stops, no further action will be pursued. Confrontation is not required, however. An informal complaint form may be used if the employee wishes.
 - b. The person who believes he/she has been harassed is also encouraged to contact an appropriate supervisor or administrator identified above to apprise them of the alleged harassment.
 - c. The appropriate supervisor or administrator will follow up by contacting the complainant to ensure the alleged harassment has ceased.
 - 2. Informal Meeting: Administrator/Supervisor
 - a. The affected person may inform the appropriate administrator or supervisor of the alleged harassment and request that the administrator or supervisor meet with the individual to discuss the allegation. The administrator or supervisor will meet with the individual, and inform him/her of the alleged unwelcome behavior. The person will be informed that if the alleged behavior stops no formal action will be pursued.
 - b. The appropriate administrator will follow up by contacting the complainant to ensure the alleged harassment has ceased.
- H. An affected person may utilize the following formal complaint procedure initially or, if after having used the informal complaint procedure, the unwelcome behavior continues.
- I. The Formal Complaint Procedure consists of the following:
 - 1. Site Administrator
 - a. The complainant may inform the appropriate site administrator of the alleged harassment and request the administrator contact the District's Associate Superintendent of Human Resources to inform him/her of the alleged harassment verbally or may use the Formal Complaint Form.

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- b. The District’s Associate Superintendent of Human Resources will meet with the complainant to discuss the specifics of the complaint. A formal investigation will then be conducted.
 - 2. District’s Associate Superintendent of Human Resources
 - a. The complainant may inform the Associate Superintendent of Human Resources and inform him/her of the alleged harassment, and may report the alleged harassment verbally or may use the Formal Complaint Form.
 - b. The District’s Associate Superintendent of Human Resources or his/her designee will meet with the complainant to discuss the specifics of the complaint. A formal investigation will then be conducted.
- J. A formal investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Once the investigation is concluded, a review of the information will be conducted and a decision rendered regarding action to be taken. A meeting will be held with the complainant to communicate the results of the investigation. A meeting will also be held with the alleged harasser to communicate the results of the investigation and action to be taken, if any.
- K. In determining what action is to be taken, the investigator shall consider the nature of the behavior, past incidents or past continuing patterns of behavior by either the alleged harasser or the complainant, the relationships between the parties involved, and the context in which the alleged incidents occurred. In all cases, the alleged harasser shall have an opportunity to review and rebut all evidence gathered against him or her before the investigation is completed.

The District shall take disciplinary or remedial action as appropriate to ensure that further harassment or intimidation does not occur. Such action may include but is not limited to; 1) counseling, awareness training, parent-teacher conferences, warning, transfer, suspension and/or expulsion or termination of an employment or appointment.

District action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, Nevada Revised Statutes (NRS), federal law and Carson City School District Policies.
- L. Interference or Retaliation
 - A) A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of State Laws dealing with harassment or intimidation. A “school official” means: (a) A member of the

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- B) Board of Trustees of the District; or (b) a licensed or unlicensed employee of the District
 - C) No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.
- M. Record Keeping

The record of a complaint, investigation of harassment/intimidation, as well as the disposition of the complaint and any disciplinary or remedial action will be maintained by the Human Resources Department in a confidential file.

Adopted: January 14, 1992

Revised: January 11, 1994
September 8, 1998
November 28, 2006