



Administrative Regulation 5702 STAFF ON STUDENT BULLYING, HARASSMENT, and/or DISCRIMINATION - COMPLAINT AND APPEAL PROCEDURES

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 prompt and equitable response to complaints and concerns from students, parent/guardian(s), or others regarding allegations of bullying¹, harassment, discrimination, and power-based violence by an employee against a student in the Washoe County School District (District).

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; and
 - 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

¹ For the purpose of this Administrative Regulation, the word "bullying" encompasses bullying, cyber-bullying, discrimination based on race, and/or retaliation as defined herein.

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. "Criminal Harassment" occurs when a person, without lawful authority, knowingly makes threats to cause bodily harm, damage property, physically restrain someone, or substantially harm another's physical or mental health or safety, and through words or conduct places the targeted individual in reasonable fear that the threat will be carried out.
3. "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;
 - c. "Electronic communication" means the communication of any written, verbal, or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication; and
 - d. "Sexual image" means any visual depiction, including, without limitation, any photograph or video, of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal.
4. "Discrimination" is the unfair or unequal treatment of an individual based on their actual or perceived membership in a legally protected category, in a way that prevents or denies equal access to District facilities, programs or activities.

5. "Discrimination based on race" means any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general to any demographic including 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 altercation, or intimidation.
6. "Harassment" is unwelcome conduct that is based on an individual's actual or perceived membership in a legally protected category. Harassment directed at a student becomes unlawful when the conduct is severe or pervasive enough to create an educational environment that a reasonable person would consider intimidating, hostile, or abusive.
7. "Power-based violence" is any form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power over the person. The term includes, without limitation, dating violence, domestic violence, family violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, sexual exploitation, stalking, or the observation of another person who is naked or engaging in sexual activity without his or her consent, including without limitation, voyeurism.
8. "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 bullying or participating in an investigation.

REGULATION

1. Filing a Complaint
 - a. The District accepts complaints submitted verbally, in writing, or online. (online at SafeVoice Nevada at <http://safevoicenv.org>). Complaints shall be directed to the school's principal or designee (i.e., assistant principal or dean of students).
 - i. If the complaint involves the school principal, the complaint can be filed with either an Area Superintendent or the District's Department of Civil Rights Compliance.
 - b. The District's Department of Civil Rights Compliance oversees the complaint process for all bullying matters falling under:
 - i. Title VI (of the Civil Rights Act of 1964);
 - ii. Title IX (of the Education Amendments of 1972);

- iii. Title II (of the Americans with Disabilities Act) and Section 504 of the Rehabilitation Act; and
- iv. Nevada Revised Statutes (NRS) Chapter 388, Safe and Respectful Learning Environment.
- c. The General Counsel of Civil Rights Compliance and Title II, VI, IX and 504 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. Additional avenues available to students and their parent(s)/guardian(s) for filing a complaint may include:
 - 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; and
 - ii. Nevada Department of Education's Safe and Respectful Learning Environment Office ([Safe and Respectful Learning \(doe.nv.gov\)](http://doe.nv.gov)).
- e. It is a violation of the law to retaliate against any individual filing a complaint or participating in an investigation. Any student experiencing retaliation because they filed a bullying complaint or participated in an investigation should file a separate complaint regarding the alleged retaliation.

2. Reporters

- a. Students – Any student who is the target of bullying and/or students who have first-hand knowledge of such bullying are encouraged to report such incident to any administrator, counselor, faculty, or staff member; 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 employees who witness an act of bullying by an employee or receives information that bullying may have occurred shall report the information to the principal or designee as soon as practicable, but not later than the same day on which the

administrator, faculty, or employee witnessed the bullying or received information that bullying may have occurred.

3. Complaint Review

a. Three-Point Criteria.

i. The three-point criteria used to evaluate a bullying complaint is as follows:

1) Criterion One: Did Harm or Threat of Harm Occur?

- a. Was there an intentional act that caused physical or emotional pain or targeted a student based on a protected class? (Note: an intentional act refers to the individual's choice to engage in a behavior(s); it does not refer to the intent of the individual to hurt the alleged victim.)

2) Criterion Two: Is the Action Unwelcome?

- a. Was the conduct welcome by the recipient? Who initiated the conduct?
- b. Is the alleged victim afraid? Is the alleged victim avoiding school or areas of the school or school bus?
- c. Was the alleged victim an unequal participant in the conduct?

3) Criterion Three: Is the Action Severe, Persistent or Pervasive?

- a. Severe behavior can be established with a single action (i.e., Physical Assault).
- b. Persistent behavior occurs repeatedly. If the victim asks the offender to stop but the act(s) continue, this is persistent behavior.
- c. Pervasive behavior is when the behavior is rampant throughout the school. Generally, there is not one specific offender in these cases.

ii. The answer to Criterion One, Two and Three must be yes in order for the conduct to meet the definition of bullying.

- b. District employees shall report allegations that are violent or criminal in nature to the appropriate law enforcement officers. Though a school may defer its investigation until completion of an investigation by law enforcement, law enforcement actions do not replace a school's obligation to conduct an investigation and respond to a bullying complaint.
- c. Upon receiving a report of possible bullying, criminal harassment, or power-based violence, the principal or designee shall 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:
 - i. Implementing a safety plan;
 - ii. Adjusting participation in school activities;
 - iii. Excusing absences;
 - iv. Increased monitoring or supervision in relevant locations;
 - v. Putting a no-contact order in place;
 - vi. Class/schedule changes;
 - vii. Counseling services; and/or
 - viii. Academic supports.
- d. Interim actions taken should aim to minimize the impact on and prioritize the safety and well-being of the alleged victim. Responses should be designed to avoid exposing the alleged victim to further harm, retraumatization, or undue burden.
- e. If the principal or designee does not have access to the alleged victim, they can wait until the next school day that there is access to the alleged victim to take the steps outlined above.
- f. A principal that receives a complaint of bullying by an employee shall inform the Area Superintendent and either the principal or the Area Superintendent shall prepare and submit a Confidential Request for Investigation Form (CRIF) to the Office of the General Counsel for review and possible investigation.
 - i. An investigation into bullying must be completed, to the greatest extent practicable, within five school days after the principal or designee received the complaint. When extenuating circumstances

prevent the investigation from being completed within five school days after making a good faith effort, two additional school days may be used to complete the investigation.

- ii. During the investigation, statements shall be taken from the alleged offender(s), the alleged victim(s), and their parents/guardians. The investigation must also include statements from any witnesses. Written statements are preferred, when possible.

4. The principal or designee and/or Area Superintendent shall:

- a. Notify the parent(s)/guardian(s) of all involved students by telephone, electronic mail, or other electronic means, or in person.
 - i. If the bullying is reported before the end of school hours on a school day, notification of the parent(s)/guardian(s) must occur prior to the school's administrative office closes on the same day; or
 - ii. If the bullying is reported on a day that is not a school day or after hours on a school day, notification of the parent(s)/guardian(s) must occur prior to the school's administrative office closes on the next school day.
- b. Support and collaborate with the Administrative Investigator in conducting interviews and gathering evidence.
- c. Document the incident in the District's electronic student records management system (Infinite Campus). An identifier, not the employee's name, shall be used in the Infinite Campus documentation.
- d. Complete a written report of the findings and conclusions of the investigation to be provided to parents of the alleged victim(s) within 24 hours of the completion of the report.² The report must include:
 - i. A summary of the allegations;
 - ii. A summary of the investigation;
 - iii. An analysis explaining why the incident did or did not meet the criteria for bullying;

² Student information shall only be released in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Individuals with Disabilities in Education Act (IDEA).

- iv. If bullying is found, recommendations regarding any disciplinary action for the accused or other measures to be imposed and/or remedial actions taken to support the victim; and
- v. Information on how to file an appeal of the decision.
- e. Not later than 10 school days after receiving the initial report/complaint, meet with each reported victim regarding the student's well-being and to ensure that sufficient steps were taken to ensure the bullying is not continuing.

5. Sanctions

- a. If an investigation determines that an employee engaged in bullying a student, the District may take any necessary and appropriate action that is consistent with District policies and/or applicable statutes.
- b. Successive violations by an employee shall lead to progressively more severe discipline. However, the principles of progressive discipline do not preclude the District from taking serious discipline, up to and including dismissal from service, for a first offense if the first offense is sufficient to warrant such discipline.
- c. If an offender receives discipline, the victim(s), consistent with the Family Educational Right to Privacy Act (FERPA), will be advised that the District is taking appropriate steps to ensure that the bullying behavior will not re-occur. A victim will be provided appropriate information regarding sanctions to be able to report continued prohibited contact or retaliation.

6. Remediation

- a. Students found to be the victim of bullying will be offered support services available from the District to help deal with the effects, including assignment to a different school if requested by the parent or guardian of the victim.
- 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 victim(s). When necessary, the principal or designee shall give priority to ensuring the safety and well-being of the victim(s) over any interest of the perpetrator(s) when determining the actions to take.

7. Appeals

- a. Any employee covered by the negotiated agreement that is dissatisfied with a finding of bullying and resulting discipline may file a grievance

consistent with the terms of the negotiated agreement. Apart from the grievance process, an employee covered by the negotiated agreement does not have any additional appeal right pursuant to this regulation.

- b. Any alleged victim that is dissatisfied with a finding of not bullying as a result of an investigation may appeal the decision.
- c. Any employee **not covered** by the negotiated agreement may appeal a decision that they engaged in bullying of a student.
- d. An appeal must be submitted in writing within 10 business days of notification of the resolution addressed to the Area Superintendent assigned to the school based on one or more of 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; and
 - iii. A sanction imposed is substantially disproportionate to the severity of the violation.
- e. An appeal will be assigned to an Area Superintendent in the Office of Academics who did not have oversight of the underlying investigation. The Area Superintendent will serve as the “reviewing officer”.
 - i. The notice of appeal will be sent to all parties to the investigation within three business days of receipt of the appeal.
 - ii. The notice will include the grounds for the appeal and a deadline for submitting information to the appeal officer.
- 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 under 7(d) above.
- g. 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

appealing party in writing that the appeal is denied and the basis for the denial.

- h. If the written appeal is timely and raises a permissible ground for appeal, the reviewing officer shall consider those grounds and decide the appeal based on the following:
 - i. Unless there is a request to consider new evidence pursuant to 7(d)(ii) as grounds for an appeal, the reviewing officer will limit his or her review to the records from the school's process;
 - ii. The reviewing officer will decide whether to grant or deny the appeal based on the specific grounds for appeal pursuant to 7(d)(i), (ii) or (iii);
 - iii. The reviewing officer may also remand the matter back to the original investigator to consider new evidence; and
 - iv. The reviewing officer will respond to the appealing party with a written decision within 15 business days of receiving the appeal. A copy of the decision will also be provided to the principal or designee.
- i. If an appeal results in a new finding that an employee has engaged in bullying and is subject to discipline, the following steps will be taken:
 - i. If the employee is covered by the negotiated agreement the principal or designee will draft an Expedited IDP letter and convene an IDP with the employee; and
 - ii. If the employee is not covered by the negotiated agreement, the principal or designee will take appropriate corrective action.

8. Confidentiality

- a. Bullying must be reported to the principal or designee. Beyond the reporting requirements, the complaint will be kept confidential to the extent possible.
- b. Written statements and the details of the investigation are to be kept in strictest confidence, where practical, for the protection of all parties involved.
- c. The District's obligation to investigate, provide a safe environment and take corrective action may supersede an individual's right of privacy.

- d. Pending the completion of the investigation, the District may take any action necessary to protect the safety and well-being of its students, employees, and property.
- 9. 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.

LEGAL REQUIREMENTS AND 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 5700, Safe and Respectful Learning Environment;
 - b. Board Policy 0100, Nondiscrimination and Equal Opportunity;
 - c. Administrative Regulation 5701, Student Bullying, Harassment and/or Discrimination Complaint and Appeal Procedures;
 - d. Administrative Regulation 5161, Gender Identity and Gender Non-Conformity – Students; and
 - e. Administrative Regulation 7211, Responsible Use and Internet Safety.
- 2. This Administrative Regulation aligns with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
 - a. NRS Chapter 200, Crimes Against the Person, and specifically:
 - i. NRS 200.571, Harassment and Stalking;
 - b. NRS Chapter 388, System of Public Instruction, and specifically:
 - i. NRS 388.121 – 388.145, inclusive, Provision of Safe and Respectful Learning Environment;
 - c. NRS Chapter 389, Academics and Textbooks, and specifically:
 - i. NRS 389.520, establishment of policy for ethical, safe and secure use of computers;
 - d. NRS Chapter 392, Students; and
 - e. NRS Chapter 396, Nevada System of Higher Education and specifically:
 - i. NRS 396.1285, Power-Based Violence.

3. This Administrative Regulation complies with federal laws and regulations, to include:
- a. Americans with Disabilities Act, as amended;
 - b. Section 504 of the Rehabilitation Act, as amended;
 - c. The Civil Rights Act of 1964; and
 - d. Title IX of the Education Amendments of 1972.

REVISION HISTORY

Date	Revision	Modification
09/04/2018	1.0	Adopted: Staff on Staff complaints process removed from Administrative Regulation 5701
09/30/2019	2.0	Revised: Comply with changes to state law during the 2019 Legislative Session related to victim rights (SB89, SB239)
12/06/2019	2.1	Revised: Remove wcsdbullying.com as a reporting site; replaced with state site
09/21/2022	3.0	Revised: Update and clarify language
01/17/2023	3.1	Revised: Change contact name to Judy Prutzman
05/03/2023	3.2	Revised to correct typo on page 7
10/02/2025	4.0	Revised: Based on changes in state law related to power-based violence (AB 277 of 2025)