



**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 within its schools, buses and other facilities, and at Washoe County School District (“District”) sponsored events. Staff, students, and visitors shall be safe and free from harassment and discrimination; programs and services shall be developed and maintained that ensure equitable access; and diversity shall be valued as a contributing factor to successful academic and personal outcomes. The District is committed to identifying and correcting practices and policies that perpetuate negative beliefs and behaviors. This commitment includes the actions and behaviors of students, faculty and staff, coaches and volunteers, families, and other visitors to District facilities. Such behavior must not be allowed to contribute to opportunity gaps or create barriers to success.

#### **POLICY**

##### **1. Governing Principles**

- a. The terms “harassment” and “discrimination” refer to acts and allegations of harassment, sexual harassment, discrimination, intimidation, retaliation, hazing, and related forms of violence or violent behavior.
- b. 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:
  - i. race,
  - ii. color,
  - iii. national origin, ethnic group identification, citizenship status, and native language,
  - iv. marital status,
  - v. ancestry,
  - vi. sex, to include pregnancy,

- vii. sexual orientation,
  - viii. gender identity or expression,
  - ix. genetic information,
  - x. religion,
  - xi. age,
  - xii. economic status,
  - xiii. 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
  - xiv. Military or veteran's status.
- c. 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.
- d. The District makes the following commitments through this and accompanying policies and regulations:
- i. Safe and respectful environments shall be created and maintained in which all individuals are free from harassment and discrimination which creates or is reasonably certain to create an intimidating, hostile educational or work environment for the person at whom the conduct is directed, such that it substantially interferes with or impairs the individual's educational or work performance. (See Definitions for further description); and
  - ii. Creating environments which are safe, respectful, and free from harassment and discrimination include providing equal access to the programs and services offered by the District. Students enrolled in the District shall receive an equal opportunity to achieve their maximum potential through the curricular, co-curricular, and extra-curricular programs offered.
  - iii. The District states its commitment to providing a safe and respectful learning environment for students, to include freedom from bullying, through Board Policy 5700, and associated regulations.

- iv. The District states its commitment to equal opportunities in employment for current, past, and prospective employees through Board Policy 4111, and associated regulations.
- v. The District states its commitment to meaningful access to parents/guardians and other visitors through Board Policy 1505, and associated regulations.
- vi. The District states its commitment to protecting the rights of gender non-conforming students through Administrative Regulation 5161, Gender Identity and Gender Non-Conformity.

## 2. Governing Practices

- a. The Superintendent shall create and maintain a Civil Rights Compliance Department, which has the responsibility for coordination of compliance efforts concerning harassment, discrimination, and equal access.
- b. 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;
  - iii. Refusing to grant a benefit to the person; or
  - iv. Imposing an unreasonable burden on the person.
- c. The District shall not prohibit access to its properties and facilities, to include the District's website, by persons with disabilities and shall make all reasonable accommodations to guarantee access.
- d. The superintendent shall cause to be created regulations, procedures, and programs that include, but are not limited to:
  - i. Communication of this policy and any accompanying regulations or site-based protocols to staff, 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.

- ii. Annual training for the Board of Trustees, staff, coaches, and volunteers. Such training shall include, but not be limited to:
  - 1. Methods to prevent, identify, and report incidents of harassment or discrimination;
  - 2. Methods for addressing the rights and needs of persons with diverse gender identities or expressions; and
  - 3. Methods for addressing the needs of students with disabilities and students with autism spectrum disorder.
  
- e. Any individual who witnesses or receives information that a possible violation of this 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.
  
- f. 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 5700, Student Complaint and Appeal Procedures – Bullying, Harassment, and Discrimination;
  - ii. The staff reporting process is detailed within Administrative Regulation 4111.3, Staff Complaint Process: Harassment, Sexual Harassment and Intimidation; and
  - iii. The public reporting process is detailed within Administrative Regulation 1312, Public Complaint Resolution Procedures.
  
- g. Behavior which is or may be considered criminal in nature, or results in substantial bodily harm, will be referred to law enforcement.

- h. Individuals found to be engaging in behavior prohibited by this policy may be subject to appropriate disciplinary action. Examples of possible disciplinary action could include, but are not necessarily limited to:
  - i. Non-staff / non-students, to include a school volunteer, found to be in violation of this policy may be trespassed from District property;
  - ii. Faculty and staff members found to be violation of this policy may be subject to disciplinary action pursuant to the employee negotiated agreements.
  - iii. Students found to be in violation of this policy may be subject to disciplinary action pursuant to the District's student behavior matrix.

## **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. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of continued employment; or the conduct is severe or pervasive enough to create a 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.
2. 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.
  - 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.
3. 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.
  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. Intimidation is defined as intentional behavior that would cause an ordinary person to fear harm or injury.
  6. Equal Access refers to:
    - a. the rights guaranteed under the Equal Access Act, which provides that the District shall not deny a fair opportunity to, or discriminate against, any students who wish to conduct a meeting based on the religious, political, philosophical, or other content of the speech at such meetings; and/or
    - b. the rights guaranteed to students to an equal opportunity to participate in and achieve through District programs and services regardless of his/her real or perceived race, color, age, creed, religion, sex, national origin, disability or marital or parental status.

## **DESIRED OUTCOMES**

1. Through this policy, the Board states its commitment that the District shall:
  - a. Adopt comprehensive, appropriate and effective student-centered programs demonstrated to reduce disruption and misconduct; support and reinforce positive behavior and character development; and help students succeed.

- b. Promote a culture of respect that prohibits discriminatory practices and in which individuals are judged on their merits.
- c. Assist in the implementation and maintenance of effective anti-discriminatory employment practices; procedures for investigating discrimination complaints; and programs to educate students and employees about unlawful discriminatory practices.

## **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This 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 Complaints, and any associated documents
  - b. Board Policy 5700, Safe and Respectful Learning Environment, and any associated documents
  - c. Board Policy 4111, Equal Opportunity in Employment
  - d. Administrative Regulation 5701, Student Complaint and Appeal Procedures – Bullying, Harassment, and Discrimination
  - e. Administrative Regulation 5161, Gender Identity and Gender Non-Conformity - Students
  - f. Administrative Regulation 4425, Staff Complaint Process: Harassment, Sexual Harassment and Intimidation
  - g. Administrative Regulation 7521, Service Animals
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
  - a. Chapter 200, Crimes Against the Person
  - b. 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. Chapter 388D, Alternative School Choices
    - i. NRS 388D.060 (Homeschool children) Discrimination Prohibited

- d. Chapter 391, Personnel
    - i. NRS 391.750, Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators
  - e. Chapter 392, Pupils
    - i. NRS 392.461 – 392.4675, inclusive, Behavior and Discipline
    - ii. NRS 392.900 – 392.920, inclusive, Unlawful Acts
  - f. Chapter 613, Employment Practices
    - i. NRS 613.310 – 613.435, Equal Opportunities in Employment
3. This 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);
  - f. Age Discrimination Act of 1975; and
  - g. Equal Access to Public School Facilities (Boy Scouts of America Equal Access Act).

## 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 to implement this policy.

## REVISION HISTORY

Date	Revision	Modification
2-10-2015	1.0	Adopted: Consumed Board Policy 4111.3, Harassment, Sexual Harassment and Intimidation



7-14-2015	2.0	Revised: pursuant to changes during the 2015 Legislative Session (SB504)
12-13-2016	3.0	Revised: updated reference documents, NRS cites
5/22/2018	4.0	Revised: updated to remove bullying to BP 5700