

STATE SPONSORED CHARTER SCHOOL

PROCEDURES FOR PREVENTION OF DISCRIMINATION, HARASSMENT, AND SEXUAL HARASSMENT:

NAME OF STATE SPONSORED CHARTER SCHOOL _____

The State Sponsored Charter School (hereafter the "SSCS") is an equal opportunity employer and does not discriminate in any practice on the basis of race, color, sex, age, religion or religious creed, national origin, sexual orientation, ancestry, or disability. This procedure extends to recruiting and hiring, working conditions, training, promotion, and terms and conditions of employment and interactions with the students in the school.

- Unlawful discrimination, harassment, and sexual harassment will not be tolerated.
- All employees and students shall cooperate with the investigation, by the school administrator or governing body, of an alleged act of discrimination, harassment, or sexual harassment.
- The SSCS will not retaliate against any person who has filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted by authorized representatives.

I. HARASSMENT

- A. Harassment of an individual constitutes unlawful discrimination when the victim perceives the work/school environment to be hostile and the harassing conduct is sufficiently pervasive or severe that a reasonable person would find it hostile or abusive.
- B. Whether conduct constitutes unlawful harassment depends on all of the circumstances of the particular case. Examples of conduct that may, depending on the particular circumstances, constitute unlawful harassment include, but are not limited to:
 1. Slurs, epithets, derogatory or degrading comments, threats, or verbal abuse;
 2. Offensive and unwelcome posters, drawings, pictures, or gestures;

3. Offensive and unwelcome jokes, stories, rumors, or teasing; and
4. Any other physical, verbal, or visual conduct that has the purpose or effect of unreasonably interfering with the individual's work/academic performance or creating an intimidating, hostile, or offensive work/school environment.

II. SEXUAL HARASSMENT

- A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience.
 2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work/school environment.
- B. Examples of conduct that may, depending on the circumstances, constitute unlawful sexual harassment include, but are not limited to:
 1. Sexual assault, coerced intercourse, fondling, patting, pinching, or other actual or attempted unwanted physical touching;
 2. Sexual propositions, pressure for sex, or insistent and unwelcome invitations for dates
 3. Slurs, epithets, derogatory or degrading comments, sexual innuendoes or remarks, threats, or verbal abuse of a sexual nature;
 4. Offensive and unwelcome posters, drawings, pictures, or gestures;
 5. Offensive and unwelcome jokes, stories, rumors, sexual horseplay, ogling, or teasing; and
 6. Any other physical, verbal, or visual conduct that is related to the individual's sex and has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
- C. A harasser may be the victim's supervisor, administrator, teacher, student, an agent of the employer, a supervisory employee who does not directly supervise the victim, a non-supervisory employee (co-worker), or in some circumstances, even a non-employee.

- D. The victim does not have to be the person at whom the unwelcome conduct is directed. It can also be someone who is offended by such conduct when it is directed toward another person. For example, the harassment or sexual harassment of a female (or male) employee/student may create an intimidating, hostile, or offensive work/school environment for another female (or male) co-worker/student, or unreasonably interfere with the co-worker's/student work or academic performance.

III. INTERNAL REPORTING PROCEDURES

- A. In the event employees or students believe they have been or are being victimized as the result of discrimination, harassment or sexual harassment, they may use the complaint procedures contained in this document.
- B. Employees or students, who allege discrimination because of a disability under the provisions of the Americans with Disabilities Act of 1990, or who allege that they require a reasonable accommodation, must make their situation known to the school administrator.
- C. Although SSCS employees and students are encouraged to avail themselves of this procedure, it is understood they may, at any time during the process or at its completion, seek relief in accordance with the provisions of applicable federal or state statutes.

IV. WRITTEN COMPLAINT

- A. All employees or students who have complaints regarding alleged discrimination, harassment or sexual harassment shall file written complaints with their school administrator. For employees at the level of school administrators or above who have complaints regarding alleged discrimination, harassment or sexual harassment shall file a written complaint with the governing board of the SSCS.
- B. The written complaint should be made within a reasonable period of time following the occurrence of the alleged unlawful conduct. It shall be detailed and shall include the following:
 - 1. A description of the events in question and the date(s) of the occurrence(s).
 - 2. The name(s) of the individual(s) involved, including persons responsible and witnesses.

3. The specific alleged unlawful acts, which were perpetrated against the complainant.
4. The desired action for resolution.
5. The complainant shall sign and date the written complaint.

V. INTERNAL INVESTIGATIVE PROCEDURES

- A. In the event an employee or student has lodged a written complaint regarding alleged discrimination, harassment or sexual harassment, the complaint shall be handled in the following prompt and equitable manner:
 1. Within ten (10) days after receiving a written complaint, the school administrator, or governing body will begin the investigation with resolution within thirty (30) working days.
 2. The school administrator, or governing body shall investigate the allegations made by the complainant, and shall, at a minimum, accomplish the following:
 - a. Review all statements, evidence and documents currently available in order to become acquainted with the facts of the complaint and to help plan the investigation.
 - b. Determine the scope of the inquiry.
 - c. Open and organize an investigative file.
 - d. Determine potential witnesses and evidence to gather, if any.
 - e. Determine additional or clarifying information needed, if any.
 - f. Conduct interviews as necessary.
 - g. Gather supporting documentation and evidence as necessary.
 - h. Analyze the evidence.
 3. Following the investigation, the school administrator or governing body shall make a determination as to whether the complaint is, in whole or in part, justified or unjustified.
 4. The school administrator shall prepare a written report of his or her findings, with a remedy for resolution.

5. If the allegation pertains to the administrator of the SSCS, the governing body will investigate and render a decision.

- B. Employees or students who allege discrimination or harassment will not be penalized as a result of their allegations in future consideration for recruitment, hiring, transfer, promotion, and other terms and conditions of employment and no potential employer will be informed that an employee has filed previous discrimination complaints. In the case of a student, no student will be denied or penalized as a result of their allegations throughout the remainder of their educational experience.
- C. In determining whether the conduct at issue in the alleged complaint constitutes discrimination or harassment, the school administrator or governing body, will examine the records of the employee/student as a whole, and with the totality of the evidence collected. A determination and remedy, if appropriate, will be based on the facts, on a case-by-case basis. Employees or students found to have engaged in inappropriate conduct will receive discipline up to and including termination or expulsion.
- D. All information gathered by the investigating parties in the course of their investigation of an alleged unlawful discriminatory practice will remain confidential except to the extent necessary to conduct an investigation, resolve the complaint, serve other significant needs, or comply with law.

VI. APPEAL LEVEL

- A. If the alleged act(s) of discrimination, harassment, or sexual harassment is related to a decision(s) made by a school administrator, the employee/student may use the appeal procedure stated below.
- B. All employees/students have the right to appeal a decision made by an administrator. Procedures for appeal are as follows:
- C. An employee or student may appeal any decision made by the school administrator by submitting the appeal in writing to the governing body of the SSCS. If the investigation involves the alleged conduct of the administrator, and the governing body investigates the matter and renders a decision, this decision may be appealed to the Nevada Department of Education who will render a final decision.

VII. EXTERNAL COMPLAINT PROCEDURES

- A. An employee or student who believes he or she has suffered discrimination, harassment or sexual harassment may seek relief through external agency or court proceedings.
- B. Individuals who wish to file an external complaint should consult the relevant local, state, or federal agency for information concerning filing periods and requirements and/or seek legal assistance as necessary.
- C. The school administrator or governing body, may determine that it is unnecessary to investigate an internal complaint if any county, state or federal administrative office, which has jurisdiction to adjudicate complaints of discriminatory practices, has previously made a decision upon the complainant's complaint based upon the same facts and legal theory.

VIII. NDE Title IX Coordinator

- A. The NDE Title IX Coordinator will work with individuals on a statewide basis who have concerns regarding allegations of discrimination, harassment, or sexual harassment issues to provide information and support including; where to locate forms, how to contact responsible individuals/officers at various levels, updating the NDE Title IX website, conducting preventative training/professional development and offering resources and materials.

Contact Information;

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