



**Responsible Office:** Office of the General Counsel

## **BOARD POLICY 9201**

### **BULLYING, HARASSMENT AND DISCRIMINATION PROHIBITED**

#### **PURPOSE**

The Board of Trustees is committed to providing a safe and respectful learning and working environment within its schools, buses and other facilities, and at District sponsored events. The Board believes that every individual has the right to learning and/or working environment that is safe and free from bullying, harassment, and discrimination; and in which their diversity is valued and contributes 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. The Washoe County School District is committed to nondiscrimination in educational programs/activities and employment, as required by applicable federal and state laws and regulations, on the basis of:
  - a. race,
  - b. color,
  - c. national origin or ethnic group identification,
  - d. marital status,
  - e. ancestry,
  - f. sex,
  - g. sexual orientation,
  - h. gender identity or expression,
  - i. genetic information,
  - j. religion,
  - k. age,

- l. 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; or
    - m. Military or veteran's status.
- 2. Responsibility for coordination of compliance efforts and receipt of inquiries concerning state and federal laws and regulations, to include Title VI, Title VII of the Civil Rights Act of 1964, Title IX Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act as Amended, has been delegated to the Office of the General Counsel.
- 3. The District expects all school facilities and school-sponsored events to be free from prohibited conduct 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 student's educational or employee's performance. This includes conduct described in the Definitions section of this policy related to Bullying, Cyber-Bullying, Harassment, Discrimination, Hazing, Intimidation and Retaliation.
- 4. The District will make every effort to communicate this policy and the accompanying administrative regulation(s) to students and parents/guardians. Such notification will occur through activities such as the "Week of Respect." The District's Notice of Nondiscrimination shall be posted at each of its schools and other facilities, posted on the District's website and included annually in the Parent Student Handbook.
- 5. The District shall establish procedures to ensure that the following professional development and/or training will be provided to the members of the Board of Trustees, faculty and staff, and volunteers:
  - a. Training in the appropriate methods to facilitate positive human relations among students by eliminating the use of bullying, cyber-bullying, harassment and discrimination so that students may realize their full academic and personal potential;
  - b. Training in methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation;
  - c. Methods to improve the school environment in a manner that will facilitate positive human relations among students, staff and volunteers; and,
  - d. Methods to teach skills to students so that the students are able to replace inappropriate behavior with positive behavior.

## 6. Reporting Requirements

- a. In accordance with state law, any faculty or staff member who witnesses or receives information that a possible violation of the non-bullying, harassment or discrimination provisions of this policy has occurred against a student shall report the possible violation to the principal or designee, or site supervisor.
  - i. Specific procedures related to the reporting and investigation process may be found in this policy's associated administrative regulations. This includes the process for reporting alleged violations to the District's School Police Department.
- b. Other individuals, such as students, coaches and volunteers, are encouraged to report possible violations of the non-bullying, harassment or discrimination provisions of this policy to the principal, site administrator or other staff member.
- c. Any other individual who witnesses or receives information that a possible violation of the non-bullying, harassment or discrimination provisions of this policy has occurred against any individual who is not a student is asked to report the possible violation to the principal or designee, or site supervisor as soon as practicable.

## 7. Complaint and Appeal Procedures

- a. The District will act promptly on reports, complaints, and appeals related to bullying, harassment, and/or discrimination which are brought to the attention of the District in compliance with the District's complaint process and timelines. The processes for reporting potential violations are detailed within Administrative Regulation 5700, Student Complaint and Appeal Procedures – Bullying, Harassment, and Discrimination (Pending); Administrative Regulation 4405, Staff Complaints – Intimidating or Hostile Work Environment (Pending); and Administrative Regulation 1312, Public Complaint Resolution Procedures.
- b. Behavior which is or may be considered criminal in nature, or results in substantial bodily harm, will be referred to law enforcement.
- c. Notice of Complaint and Appeal Procedures shall be posted to the District's website, included in the Parent/Student Handbook, and made available to any individual upon request.
- d. 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.

8. 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:
  - a. Non-staff / non-students, to include a school volunteer, found to be in violation of this policy may be trespassed from District property;
  - b. Faculty and staff members found to be violation of this policy may be subject to disciplinary action pursuant to the employee negotiated agreements.
  - c. 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. "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.
  - 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 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. (NRS 388.122)

2. "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. (NRS 388.123)
  - a. "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.
  - b. "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. (NRS 200.737)
3. Harassment (NRS 200.571) – is to knowingly threaten:
  - a. (1) To cause bodily injury in the future to the person threatened or to any other person; (2) To cause physical damage to the property of another person; (3) To subject the person threatened or any other person to physical confinement or restraint; or (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and
  - b. The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.
4. Sexual Harassment is defined as 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.
5. 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.
6. "Hazing" means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation

with a student organization, academic association or athletic team at a high school.  
(NRS 200.605)

7. Intimidation is defined as intentional behavior that would cause an ordinary person to fear harm or injury.
8. 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.

## **DESIRED OUTCOMES**

1. The District shall 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.
2. Through this and related documents, the Board of Trustees shall promote a culture of respect that prohibits discriminatory practices. All employees are encouraged to foster an environment where individuals are judged on their merits, and to promote a workplace free of discriminatory policies and practices.
3. This policy, and related governing documents shall assist in the implementation and maintenance of effective anti-discriminatory employment practices;

procedures for investigating discrimination complaints; and programs to educate employees about unlawful discriminatory practices

### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This policy reflects the goals of the District's Strategic Plan.
2. This policy aligns with the following WCSD governing documents:
  - a. Board Policy 1312, Public Complaints, and any associated documents
  - b. Board Policy 9031, Safe and Respectful Learning Environment, and any associated documents
  - c. Administrative Regulation 5700, Student Complaint and Appeal Procedures – Bullying, Harassment, and Discrimination (Pending)
  - d. Administrative Regulation 5161, Gender Identity and Gender Non-Conformity - Students
  - e. Administrative Regulation 4405, Staff Complaints – Intimidating or Hostile Work Environment (Pending)
  - f. Board Policy 5039, Student Discipline, and any associated documents
  - g. Board Policy 4111, Equal Opportunity in Employment
  - h. Board Policy 7087, Community Use of School Facilities
3. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
  - a. Chapter 200, Crimes Against the Person
    - i. NRS 200.571, Harassment
    - ii. NRS 200.605, Hazing
    - iii. NRS 200.900, Bullying By Use of Electronic Communication Device – Penalties; definitions
  - b. Chapter 388, System of Public Instruction
    - i. NRS 388.121 – 388.139, Provision of Safe and Respectful Learning Environment
    - ii. NRS 388.440 – 388.520, Pupils with Disability and Gifted and Talented Pupils, Educational Services and Programs

- c. Chapter 391, Personnel
    - i. NRS 391.312, Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators
  - d. Chapter 392, Pupils
    - i. NRS 392.461 – 392.4676, inclusive, Behavior and Discipline
    - ii. NRS 392.900 – 392.920, inclusive, Unlawful Acts
    - iii. NRS 392.700, Homeschooled Children...discrimination prohibited
  - e. Chapter 613, Employment Practices
    - i. NRS 613.310 – 613.435, Equal Opportunities in Employment
4. This policy complies with federal laws and regulations, to include:
- a. Title II, Americans with Disabilities Act as Amended (ADAA), 42 U.S.C.A. § 12101, 28 CFR Part 35, which provides comprehensive civil rights protections for “qualified individuals with disabilities”;
  - b. Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c;
  - c. Title VI of the Civil Rights Act of 1964, which prohibits discrimination in public schools based on race, color, national origin, and other bases;
  - d. Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e et seq., which prohibits sexual harassment;
  - e. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and the implementing regulations, 34 C.F.R. Part 106, which protects people from discrimination based on sex in education programs or activities;
  - f. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability;
  - g. Individuals with Disabilities in Education Act (IDEA), 20 U.S.C. § 1400 et seq.;
  - h. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99;
  - i. Age Discrimination Act of 1975, 29 U.S.C. § 6101, which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance;



- j. Equal Access to Public School Facilities (Boy Scouts of America Equal Access Act), 20 U.S.C. § 7905, 34 C.F.R. Part 108, which prohibits discrimination against any group listed in title 36 (as a patriotic society) from access to public school facilities use.

**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.
- 3. The District will conduct annual Climate and Safety Surveys with input from students, parents, and staff. The results of the Climate and Safety Surveys are provided to the Board of Trustees annually.

**REVISION HISTORY**

Date	Revision	Modification
2-10-2015	1.0	Adopted: Consumed Board Policy 4111.3, Harassment, Sexual Harassment and Intimidation
7-14-2015	3.0	Revised: pursuant to changes during the 2015 Legislative Session (SB504)