

## FAIR EMPLOYMENT PRACTICES

The Lyon County School District recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with the District may also be considered. Therefore, it is the policy of the District to provide equal employment opportunity for all applicants and employees. The District does not sanction or tolerate discrimination in any form on the basis of any protected class including race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard victims of domestic violence or sexual assault, or any other class that becomes protected by federal and/or state law.

If the alleged discrimination could constitute sexual harassment under Title IX, the Nondiscrimination on the Basis of Sex Under Title IX policy AB policy and administrative regulations apply rather than the Fair Employment Practices policy GBB policy and administrative regulations.<sup>1</sup> Because the school district must respond with specific steps whenever any employee has notice of sexual harassment under Title IX, all school employees are required to report possible incidents of sexual harassment directly to the District's Title IX Coordinator, **as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, including allegations of sexual harassment. Reports by school district employees must be made by in person, by telephone, and/or by email to the school district's Title IX Coordinator as follows:**

Director of Human Resources  
Lyon County School District  
25 E. Goldfield Avenue  
Yerington, NV 89447  
(775)463-6800  
bhogan@lyoncsd.org

The school district's Title IX Coordinator will assist the employee to determine whether the allegation could constitute sexual harassment under Title IX, in which case Board Policy AB will be followed rather than Board Policy GBB.

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<sup>1</sup>Sexual harassment is defined under the federal Title IX regulations as conduct on the basis of sex that satisfies one or more of the following:

- a. A school employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo); or
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school district's education program or activity; or
- c. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act.

The District will:

- Recruit, hire, train, and promote, discharge, and discipline for all job classifications without regard to protected class membership race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, District-sponsored training, social, and recreation programs will be administered in conformance with the District's policy.
- Comply with all applicable laws prohibiting discrimination. in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), Nevada Revised Statutes regarding National Guard service (NRS 412.139/.1395), and any other applicable federal, state, and local statutory provisions.
- Provide reasonable accommodation as required by law or statute. wherever the need for such is known by the District and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others.
- Hold all administrators or managers/supervisors responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

Legal Reference(s):

NRS 613

Title IX of the Education Amendments of 1972, 20 USC 1681-1683

Title IX federal regulations, 34 CFR Part 106

***FAIR EMPLOYMENT PRACTICES - ADMINISTRATIVE REGULATIONS***

This policy applies to all persons involved in the operation of the District and prohibits harassment, ~~or~~ discrimination, and retaliation by any employee, including supervisors and coworkers, volunteers, customers or clients of the District, and any vendor or other service provider with whom the District has a business relationship. The District will not tolerate instances of harassment, ~~or~~ discrimination, or retaliation whether or not such behavior meets the threshold of unlawful prohibited conduct/behavior(s). While single incidents of alleged harassment, ~~or~~ discrimination, or retaliation may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the District nevertheless prohibits such conduct/behavior(s) and may impose appropriate disciplinary action, up to and including termination ~~against any employee engaging in such.~~

If the alleged discrimination could constitute sexual harassment under Title IX, the *Nondiscrimination on the Basis of Sex Under Title IX* ~~policy~~ AB policy and administrative regulations apply rather than the *Fair Employment Practices* ~~policy~~ GBB policy and administrative regulations.

**1. Equal Employment Opportunity Officer Designated**

The primary responsibility for ensuring fair employment practices for the District are promoted and adhered to is assigned to the District's designated Equal Employment Opportunity (EEO) Officer. The District's designated EEO Officer will also serve as the Americans with Disabilities Act (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating the District's compliance with federal and state disabilities laws. The designated EEO Officer for the District is the ~~Safety and Benefits Risk Manager~~ Executive Director of Human Resources. The name and work telephone number of the individual designated will be posted on bulletin boards at District work sites. In the event the designated EEO Officer is unavailable, the ~~Executive Director of Human Resources~~ Employee Relations Administrator is designated as the alternative EEO Officer.

**2. Unlawful Anti-Harassment**

Unlawful harassment is considered a form of discrimination and is defined as any conduct directed toward another because of that person's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard or any other basis that is inappropriate or offensive as determined by

using a reasonable person standard. The “reasonable person” standard considers whether a reasonable person would find the behavior or conduct in question offensive.

The District will not tolerate any form of unlawful harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee’s ability to perform his/her duties. Examples of unlawful harassment include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments made in person, in writing, via the telephone or electronic means.
- Visual conduct such as derogatory posters, notices, email, photography, cartoons, drawings, leering, making sexual gestures, or displaying sexually suggestive objects or pictures.
- Physical conduct, such as unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
- Threats or demands, either direct or veiled, to submit to sexual requests in order to keep a job or avoid some job-related loss, and offers of job benefits in return for sexual favors.
- Retaliation for opposing, reporting, or threatening to report harassment; assisting another employee in filing an unlawful harassment complaint; or for participating in a harassment investigation, proceeding, or hearing.

a. Definition

District promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another’s work performance or that creates an intimidating, offensive, or hostile environment based on that protected class membership.

b. Prohibited Conduct/Behavior(s)

The District will not tolerate any form of harassment based on protected class membership, including any conduct/behavior(s) on the part of employees, volunteers, clients, customers, vendors, contractors, etc., that impairs an employee’s ability to perform assigned duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

- Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
- Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
- Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters,

- photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
- Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
- Expectations, requests, demands, or pressure for sexual favors.

### 3. Dealing with Allegations of Prohibited Conduct/Behavior(s)

#### a. Process

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy/regulation by another (e.g., employee, student, parent, volunteer, vendor, contractor of the District) based on their protected class membership, as well as those who believe they have witnessed another employee, client, or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the District. Employees covered by a collective bargaining agreement (CBA) may opt to use the process described in this policy/regulation or in an applicable grievance procedure delineated by their CBA, but may not use both.

#### b. Employee Rights & Responsibilities

Employees or applicants who believe they are being discriminated against or subjected to any form of unlawful harassment by another (e.g., employee, student, parent, volunteer, vendor, contractor of the District) because of their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard as well as those who believe they have witnessed another employee, client, or member of the public being subjected to discrimination and/or harassing behavior, have an affirmative duty to bring the situation to the attention of the District. Employees covered by a collective bargaining agreement may opt to use the process described in this policy or in an applicable grievance procedure delineated in an applicable collective bargaining agreement. Upon hire, employees will be provided a copy of this policy, as well as the opportunity to discuss the policy during the new hire orientation process. In addition, a copy of this policy will be made available to applicants upon request.

Employees who believe they personally are being or have been subjected to discriminatory action and/or are the target of any form of unlawful harassment or have witnessed any other employee being subjected to discrimination or harassment should immediately:

- Identify the offensive behavior to the alleged harasser and request that the harasser cease the conduct.

**Note:** An employee is NOT required to talk directly to the harasser or to his/her supervisor. It is critical, however, that the employee contact one of the individuals listed below if s/he believes s/he is being harassed or has witnessed what the employee believes to be harassment directed to or committed by another employee(s).

- If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the harassing behavior to cease, but the request did not produce the results desired, the employee should report the conduct as soon as possible to an administrator or manager/supervisor or to the District's designated EEO Officer.
- Employees who believe the EEO Officer has engaged in discriminatory or harassing conduct should bring such concerns to the attention of the Human Resources Director. The Human Resources Director will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct to the Superintendent or the District's attorney.
- Applicants are encouraged to contact the designated EEO Officer or the alternate.

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors should immediately:

1. Identify the offensive behavior to the alleged harasser and request that the behavior cease.

*Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that employees who believe they have been targeted or have witnessed what the employee believes to be prohibited conduct/behaviors(s) directed to or committed by another, contact one of the individuals listed in sections 2 or 3 below.*

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the prohibited conduct/behavior(s) as soon as possible to any administrator or manager/supervisor, District's designated EEO Officer, or to the Employee Relations Administrator.
3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the Deputy Superintendent who will designate an objective person to conduct an investigation of such allegations. Employees may also report the prohibited conduct/behavior(s) to the Superintendent.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by the immediate supervisor is required to report the incident to the administrator, EEO Officer, or Employee Relations Administrator.

Applicants who have concern regarding violations of this policy are encouraged to contact the designated EEO Officer or the Employee Relations Administrator.

c. Administrator or Manager/Supervisors Rights & Responsibilities

Regardless of whether the employee involved is in the administrator's or manager's/supervisor's department and regardless of how s/he the manager/supervisor became aware of the alleged discriminatory and/or harassing prohibited conduct/behavior(s), all administrators or managers/supervisors must immediately report all allegations, complaints of discrimination, unlawful harassment, or observations of such prohibited conduct/behavior(s) to the EEO Officer or the Employee Relations Administrator. The report shall contain all known information including:

- The persons(s) involved.
- A written record of any specific conversations held with the complainant(s) and other person(s) involved as applicable.
- All known pertinent facts, including date(s), time(s), and locations(s).

An administrator's or manager's/supervisor's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including possible termination.

*Note: Supervisors/Managers shall not investigate nor conduct further fact finding without authorization from the EEO Officer or the Employee Relations Administrator.*

An administrator or manager/supervisor who receives information about, or is a witness to, any discriminatory or harassing action, communication, or conduct by an employee, vendor, volunteer, parent or member of the public, which violates the District's policies or the law, is required to report this information to the EEO Officer or the Superintendent/designee immediately. The information reported must include:

- The persons(s) involved, including all witnesses.
- A written record of specific conversations held with the accused and any witnesses.
- All pertinent facts, including date(s), time(s), and locations(s).

An administrator or manager/supervisor is required to report this information to his/her immediate administrator or manager/supervisor and may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization to do so.

District Responsibilities

Upon being made aware of allegations or complaints of discriminatory conduct and/or unlawful harassment, the District will ensure that such allegations or complaints are investigated promptly. The District treats all allegations or complaints of discrimination or unlawful harassment seriously and expects all employees to be candid and truthful during the investigation process. The District will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Due to the sensitive nature of investigations involving unlawful harassment, employees will be requested to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees may be required to provide information to regulatory agencies. The District will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint or as required by law.

The individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware of the final determination by the District.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including possible termination.

If it is determined that discrimination and/or unlawful harassment has occurred, the District will take remedial action against the perpetrator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, a verbal and/or written reprimand, counseling, transfer, suspension without pay, and/or termination. The District will also initiate action to deter any future discrimination or harassment from occurring.

With regard to disability related complaints, the EEO Officer (when appropriate, working with the Human Resources Department and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the District determines that such a reasonable accommodation can be provided.

#### d. Investigation

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the District will ensure that such allegations or complaints are investigated promptly. The District treats all allegations or complaints seriously and requires all employees to be candid and truthful during the investigation process. The EEO Officer or Employee Relations Administrator will identify the appropriate individual(s) to conduct the investigation.

The District will make efforts to ensure that all investigations into complaints of prohibited behavior are kept as confidential as reasonably possible. Employees will be



required to refrain from discussing the subject content of the alleged prohibited behavior with other employees or persons who may have information pertinent to the investigation throughout the course of the investigation. Employees shall be required, upon request, to provide information to regulatory agencies. The District will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law per LCSD Board Policy GAC: Confidential Information.

The District will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, that the investigation is completed and appropriate action, if any, has been taken.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including possible termination.

If it is determined that a violation of this policy/regulation has occurred, the District will take corrective action against the violator commensurate with the severity of the offense. Such corrective action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. The District will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

With regard to disability-related complaints, the EEO Officer (when appropriate, working with the administrator/manager/supervisor and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the District determines that such a reasonable accommodation can be provided.

e. Training

The District will provide periodic training on the prevention of discrimination and unlawful harassment to all employees prohibited conduct/behavior(s) in the workplace.

The District will provide new employees a copy of this policy/regulation upon hire and discuss the contents during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s). A copy of this policy/regulation will be made available to applicants upon request.

f. Prohibition against Retaliation

Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment prohibited conduct/behavior(s) in the workplace. The District will not tolerate any retaliation by administrators/supervisors or coworkers against an employee who exercises his/her their rights under this policy. Any employee who believes s/he has they have been harassed, retaliated, or discriminated against in any

manner as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or the **alternate Employee Relations Administrator**. The District will promptly investigate and deal appropriately with any allegation of retaliation.

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