

CLARK COUNTY SCHOOL DISTRICT REGULATION

R-4110

EMPLOYMENT DISCRIMINATION, HARASSMENT, AND SEXUAL HARASSMENT: ALL EMPLOYEES

- I. The Clark County School District (hereafter the “District”) is an equal opportunity employer and does not discriminate in any employment practice on the basis of race, color, sex, age, religion or religious creed, national origin, sexual orientation, gender identity or expression, ancestry, or disability. This regulation extends to recruiting and hiring, working conditions, training, promotion, and terms and conditions of employment.
 - A. Unlawful discrimination, harassment, and sexual harassment will not be tolerated.
 - B. All employees shall cooperate with the investigation, by the District, of an alleged act of discrimination, harassment, or sexual harassment.
 - C. The District 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 school district representatives.

II. HARASSMENT

- A. Harassment of an individual constitutes unlawful discrimination when the victim perceives the work 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 performance or creating an intimidating, hostile, or offensive work environment.

III. 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;
 - 2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work 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, an agent of the employer, a supervisory employee who does not directly supervise the victim, a non-supervisory employee (coworker), 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 may create an intimidating,

hostile, or offensive working environment for another female (or male) coworker or unreasonably interfere with the coworker's work performance.

IV. INTERNAL REPORTING PROCEDURES

- A. In the event employees or applicants for employment believe that 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, or if the alleged act(s) of discrimination, harassment, or sexual harassment is related to a decision(s) made by a supervisor or administrator, the employee may use the appeal procedures contained in CCSD Regulation 4313.
- B. Applicants or employees 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 their appropriate supervising administrator, the ADA Coordinator for the District (Executive Director, Diversity and Affirmative Action Programs) or the Human Resources Division.
- C. Although District employees and applicants 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.

V. VERBAL COMPLAINT

- A. In lodging a verbal complaint, the aggrieved person shall orally present the complaint to his or her immediate supervisor, or if that person is the alleged perpetrator, to the next administrator in line of authority, or to the Executive Manager, Diversity and Affirmation Action Programs. The complaint should be made within a reasonable period of time following the occurrence of the alleged unlawful conduct on which the complaint is based. The complainant shall orally define the nature of the complaint, provide particulars such as names, dates, and a detailed description of the alleged conduct, and state the action desired for resolution.

VI. WRITTEN COMPLAINT

- A. All employees or applicants for employment who have complaints regarding alleged discrimination, harassment, or sexual harassment, shall be encouraged to file written complaints with their immediate supervisor or next administrator in line or with the Executive Manager, Diversity and Affirmative Action Programs.

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 and any school district policies or practices which were violated.
4. The desired action for resolution.
5. The complainant shall sign and date the written complaint.

VII. INTERNAL INVESTIGATIVE PROCEDURES

A. In the event an employee or applicant for employment has lodged a complaint regarding alleged discrimination, harassment, or sexual harassment, the complaint shall be handled in the following manner:

1. As soon as possible after receiving an oral or written complaint, the supervising administrator will notify the Executive Manager, Diversity and Affirmative Action Programs, or vice versa if the complainant first provides the oral or written complaint to the Executive Manager, Diversity and Affirmative Action Programs. The Executive Manager, Diversity and Affirmative Action Programs and the supervising administrator will determine who will conduct the investigation.
2. The Executive Manager, Diversity and Affirmative Action Programs or the supervising administrator shall investigate the allegations made by the complainant. The investigator 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 Executive Manager, Diversity and Affirmative Action Programs or supervising administrator shall make a determination as to whether the complaint is, in whole or in part, justified or unjustified.
 4. If the investigation was conducted by the Executive Manager, Diversity and Affirmative Action Programs, the Manager shall submit a written and/or oral report of his or her findings to the supervising administrator with a written and/or oral recommendation for resolution. The supervising administrator shall take into account the recommendation of the Executive Manager, Diversity and Affirmative Action Programs, and shall take appropriate action.
 5. If the investigation was conducted by the supervising administrator, the administrator, after consultation with the Executive Manager, Diversity and Affirmative Action Programs, shall determine the resolution and take appropriate action.
- VIII. Employees or applicants 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.
- IX. In determining whether the conduct at issue in the alleged complaint constitutes discrimination or harassment, the District will look at the record as a whole and at 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 found to have engaged in inappropriate conduct will receive discipline up to and including termination.
- X. All information gathered by the District in the course of its 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.

XI. EXTERNAL COMPLAINT PROCEDURES

- A. An employee or applicant 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 Executive Manager, Diversity and Affirmative Action Programs 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.

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