

PREVENTION OF SEXUAL MISCONDUCT TOWARD STUDENTS

The school district prohibits and will not tolerate any form of sexual misconduct, including sexual abuse, toward students on the part of school district employees, administrators, officials, or volunteers, and will take all necessary and appropriate action to eliminate it, up to and including disciplinary action. Because the school district has a particular interest in maintaining student safety and well-being, it has established this additional policy to specifically address sexual misconduct and sexual abuse toward students.

A. Sexual Misconduct

Sexual misconduct as used in this policy includes:

- Any conduct that meets the definition of sexual harassment contained in school district policy, including conduct or communication of a sexual nature that is sufficiently severe, persistent, or pervasive and objectively offensive that it limits a student's ability to participate in or benefit from an educational program or activity or creates a hostile or abusive educational environment.
- Any conduct or communication that explicitly or implicitly conditions a student's participation in an educational program or activity on submission to sexual conduct.
- Any conduct or communication that explicitly or implicitly indicates that an educational decision will be based on the student's submission to sexual conduct.
- Any conduct or communication that is immoral conduct within the meaning of NRS 391.311(4) including but not limited to sexual assault, statutory sexual seduction, incest, commission of certain sexual acts in public, open or gross lewdness, indecent exposure, and lewdness with a minor.
- Sexual abuse is defined as any form of criminal sexual conduct under NRS 431B.100.
- Any act defined by criminal statutes relating to sexual conduct toward a student, including NRS 201.450, which indicates that it is a felony for a teacher, administrator, coach, volunteer or teacher's aide or auxiliary nonprofessional employee who assists with instruction or supervision of pupils, to engage in sexual conduct with pupils ages 14 through 17. Other criminal statutes which are pertinent to this policy include, but are not limited to, NRS 201.195 (solicitation of a minor to engage in acts constituting crimes against nature); NRS 201.230 (lewdness with a child under 14); NRS 200.366 (sexual assault); NRS 200.368 (statutory sexual seduction); NRS 201.560 (using a computer to lure children, etc.).

Examples of behavior which constitute sexual misconduct include but are not limited to:

- making sexual advances or gestures toward a student
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- coercing, forcing, or attempting to coerce or force sexual intercourse or any sexual act with a student
 - engaging in sexual intercourse or any sexual act with any student
 - touching oneself sexually or talking about one's sexual activity in front of students
 - spreading rumors about or discussing students' sexual activity
 - sexually motivated or inappropriate touching, patting, grabbing, or pinching a student's body, whether that student is of the same or the opposite sex. Note: This prohibition does not preclude legitimate, non-sexual physical conduct which may include but is not limited to the use of necessary restraints to avoid physical harm to person or property or conduct such as a teacher's consoling or congratulatory hug of a student or the demonstration of an athletic move by a teacher or student requiring contact with another student
 - other sexual behavior or communication, including requests for sexual favors, whether or not accompanied by implied or overt threats concerning a student's educational status or implied or overt promises of preferential treatment.

C. Student Reporting

The school district encourages every student who believes s/he has been the recipient of sexual misconduct to report immediately the alleged act(s) to a teacher, coach, nurse, school counselor, principal, or other appropriate school district official. School district staff members who receive reports of alleged sexual misconduct or who witness sexual misconduct directed toward students must take steps in accordance with the school district policy and regulation established under **SAFE AND RESPECTFUL LEARNING ENVIRONMENTS**.

D. Reporting Sexual Abuse to Child Welfare Services or Law Enforcement

As required by NRS 432B.220, in situations where there is reasonable cause to believe that a child has been abused or neglected, a school administrator, teacher, librarian, or counselor must report conduct to child welfare services or a law enforcement agency within 24 hours. See procedures set forth in board policies and regulations concerning **MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT**.

E. Retaliation

The school district will not tolerate any form of retaliation toward any person who reports alleged sexual misconduct in good faith, assists another in filing a complaint, or provides truthful statements during an investigation.

The school district will discipline or take other appropriate action against any student, school personnel, volunteers, administrators, or officials for threatening, intimidating, or interfering with the educational or school-related extracurricular opportunities or any person who complains of

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sexual misconduct, or reports sexual misconduct, or who testifies or participates in a proceeding, investigation, or hearing related to a complaint of sexual misconduct.

Any student who believes s/he is being retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, provided information, testified, or participated in a proceeding, investigation, or hearing related to a complaint of sexual misconduct or provided advice and/or assistance to one who filed a complaint should immediately notify the superintendent or the principal who shall take appropriate timely action to review and resolve the allegation.

Legal Reference(s):

NRS 388.121 *et seq.*

NRS 432B.220

END OF POLICY