

Prevention of Sexual Misconduct Toward Students Mandatory Reporting of Child Abuse or Neglect, and Corporal Punishment

1. **Sexual misconduct** as used in this regulation is:
 - a. Any sexual conduct that meets the definition of prohibited conduct/behavior as described below or in any other District policy.
 - b. Any conduct or communication that explicitly or implicitly conditions a student's participation in an educational program or activity on submission to sexual conduct.
 - c. Any conduct or communication that explicitly or implicitly indicates that an educational decision will be based on the student's submission to sexual conduct.
 - d. Any bullying, cyber-bullying, harassing, or intimidating conduct or communication, of a sexual nature, that creates an environment which is hostile to a student by interfering with their education.
 - e. Any 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.
 - f. Any conduct or communication that is considered immorality within the meaning of NRS 391.650 including but not limited to sexual assault, statutory sexual seduction, incest, commission of certain sexual acts in public, open or gross lewdness, indecent exposure, or lewdness with a minor.

Note: The District acknowledges the applicability of criminal statutes relating to sexual conduct toward a student, including:

- NRS 201.540, which indicates that it is a felony for a person 21 years and older, who is or was employed or is or was a volunteer at a public or private school in a position of authority, from engaging in sexual conduct with students who are 16 years of age or older.
 - NRS 201.230 states it is a felony for a person to conduct lewdness with a child under the age of 16.
 - Other criminal statutes which are pertinent to this policy include, but are not limited to, NRS 200.366, sexual assault; NRS 200.368, statutory sexual seduction; NRS 201.560, using a computer to lure children.
2. Examples of behavior which constitute sexual misconduct include, but are not limited to:
 - a. Making sexual advances or gestures toward a student;
 - b. Coercing, forcing, or attempting to coerce or force sexual intercourse or asexual act with a student;
 - c. Engaging in sexual intercourse or any sexual act with any student;
 - d. Touching oneself sexually or talking about one's sexual activity in front of students;
 - e. Spreading rumors about or discussing students' sexual activity;
 - f. 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 persons or property or conduct such as a teacher's consoling or congratulatory hug of a student or the

- g. demonstration of an athletic move by a teacher or student requiring contact with another student; and
- h. 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.

3. Sexual Misconduct Reporting

Any teacher, administrator, official, volunteer, or other school employee who witnesses or has or receives information that a student has been subjected to sexual misconduct shall report the alleged acts as provided in section 11 of this policy. Failure to make this report as prescribed may result in disciplinary or other appropriate action against the teacher, administrator, official, volunteer, or other school employee.

4. Investigation

The District shall promptly investigate all complaints or allegations of sexual misconduct. If a violation is found to have occurred, the investigation shall include recommendations concerning the incorporation of disciplinary action and other measures to be imposed. The District will keep all investigations confidential to the extent possible. The District will release information obtained only to those individuals with business need-to-know or involved in the investigation and the administration of the complaint or as required by law. The District will inform the individual filing the complaint, as well as the individual against whom the complaint was made, of the final determination. All employees and students questioned as part of an investigation will be told and expected to refrain from discussing the matter with anyone except District or legal representatives or their own union or legal representatives.

The initial investigation will be conducted by a qualified and objective school official not named in the complaint or by an outside investigator. The investigator will act with due regard for the rights of all individuals and, in particular, to ensure any rights of students to have their parent(s)/guardian(s) present during questioning. If the initial investigation indicates that a criminal act may have occurred, the investigator shall immediately notify the Superintendent, who will in turn immediately report the matter to the law enforcement agency having jurisdiction.

The District treats all complaints or allegations of sexual misconduct seriously and expects all employees and students to be candid and truthful during the investigation process. If credible evidence indicates that a participant in the investigation has made intentionally false or malicious statements, the District will discipline or take other appropriate action against that participant.

5. Retaliation

The 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 District will discipline or take other appropriate action against individuals for threatening, intimidating, or interfering with any person who complains of sexual misconduct, or reports sexual misconduct, or who testifies or participates in a proceeding, investigation, or hearing related to a complaint of sexual misconduct.

6. Training

All District employees, volunteers, officials, and administrators will participate in an initial training session and in periodic training updates on the prevention of sexual misconduct, will be given a copy of the District's policy, and will sign an acknowledgment of receipt of such policy. The District will provide all new employees with a copy of this policy and afford employees an opportunity to discuss the contents during orientation.

7. Dissemination of Policy

The District will make this policy available to parents or guardians and all students, as appropriate, during annual registration. The District will also publish the policy in student handbooks and post the policy in the District administrative offices and in school offices. At least annually, the District will publicize this policy in school newsletters or other publications used to communicate District policies to parents and guardians.

8. Mandatory Reporting of Child Abuse or Neglect and Corporal Punishment

Under NRS 432B, the following employees who, in their professional or occupational capacities, know or have reasonable cause to believe that a child under age 18 has been abused, neglected, or subjected to corporal punishment must report the abuse, neglect, or corporal punishment to an agency which provides child welfare services or to a law enforcement agency:

- a. Nurse
- b. Psychologist
- c. Athletic trainer
- d. Emergency medical technician
- e. Social worker
- f. Administrator
- g. Teacher
- h. Librarian
- i. Counselor
- j. Speech Pathologist and Audiologist
- k. Physical/Occupational/Music therapist
- l. Any person employed by a public school and any person who serves as a volunteer at such school
- m. Any adult person who is employed by an entity that provides organized activities for children

Employees and volunteers required to report the abuse, neglect, or corporal punishment of a child must be provided notice, in writing or electronically, of their duty as a mandatory reporter. The employee and volunteer must sign acknowledgement of this notice which is to be filed in his/her personnel file. (This requirement is not necessary if the employee is licensed, certified, or endorsed by a board in the state.)

9. Reporting Procedures

If a District employee or volunteer knows or has reasonable cause to believe that a child has been subjected to sexual misconduct, abused, neglected, or subjected to corporal punishment the employee or volunteer must take the following steps:

- a. Notification to principal/designee. The employee or volunteer must immediately notify the principal/designee of the school where the child is enrolled, **and**
- b. Mandatory report to child welfare agency or law enforcement agency; timing of report. The employee or volunteer must report to the local child welfare agency or law enforcement agency as soon as reasonably practicable but not later than 24 hours after the employee or volunteer knows or has reasonable cause to believe that a child has been subject to sexual misconduct, abuse, or neglect.
 - 1) If an employee or volunteer has knowledge of or reasonable cause to believe that abuse, neglect, sexual misconduct, or luring of a child has occurred **by another employee or volunteer**, they are required to make a report to child welfare services **and** law enforcement.
 - 2) If an employee or volunteer has knowledge of or reasonable cause to believe that the use of corporal punishment or aversive intervention on a child has occurred by another employee or volunteer, they are required to make a report to child welfare services. Reports of corporal punishment are to be made to local child welfare agency only.
- c. The employee or volunteer may request that a principal/designee be present when a report is made, but any delay in making such an arrangement does not excuse a failure to report directly to the local child welfare agency or law enforcement agency as soon as reasonably practicable but not later than 24 hours after the employee or volunteer knows or has reasonable cause to believe that a child has been subject to sexual misconduct, abuse, neglect or corporal punishment.
- d. Form of report. The employee or volunteer may make a report by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report.
- e. Contents of report. The report must contain the following information, if obtainable:
 - 1) The name, address, age and sex of the child;
 - 2) The name and address of the child's parents or other person responsible for the care of the child;
 - 3) The nature and extent of the sexual misconduct, abuse, neglect, or corporal punishment of the child, the effect of prenatal illegal substance abuse on the newborn infant or the nature of the withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;
 - 4) Any evidence of previously known or suspected:
 - a) Sexual misconduct, abuse, or neglect of the child or the child's siblings; or
 - b) Effects of prenatal illegal substance abuse on or evidence of withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;
 - 5) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child including sexual misconduct or subjected the child to corporal punishment; and
 - 6) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.
 - 7)

The local child welfare office may be contacted at:
The Ely field office for DCFS:

740 Park Avenue
Ely, NV 89301
Phone: (775) 289-1640
Fax: (775) 289-1652

The local law enforcement agency may be contacted at:

Lincoln County Sheriff Dept.

Pioche Main Station
P.O. Box 570
225 Justice Way
Pioche, NV 89043
775-962-8080
Fax: 775-962-5384

Alamo Substation
P.O. Box 390
121 Joshua Tree St.
775-962-7000
Fax: 775-725-3629

On the same day a verbal report is made to the local child welfare agency or law enforcement agency, or as soon thereafter as reasonably practicable, the employee or volunteer, in conjunction with the principal/designee if available, must complete the "Child Abuse and Neglect Reporting Form" and provide the original to the agency where the verbal report was made.

- f. A copy of the completed Child Abuse and Neglect Reporting Form must be forwarded to the Director of Special Services to be maintained in the Director's confidential files. Records of written reports, or copies of reports, are not to be maintained within an individual school.
10. Investigating Reports of Sexual Misconduct, Abuse, and Neglect
No District employee is expected or authorized to contact non-school district individuals or agencies in order to investigate or obtain additional information or to verify report information.
 11. Failure to Report
Any employee or volunteer who fails to report sexual misconduct, abuse, or neglect as provided by this regulation will be subject to discipline. Any employee or volunteer who knowingly and willfully violates the provisions of NRS 432B.220 concerning reports of sexual misconduct, abuse, or neglect is guilty of a misdemeanor (see NRS 432B.240).
 12. Immunity from Civil and Criminal Liability

Immunity from civil or criminal liability extends to District employees and volunteers who in good faith make mandatory reports or perform other acts set forth under NRS 432B. See NRS 432B.160 for details and exceptions.

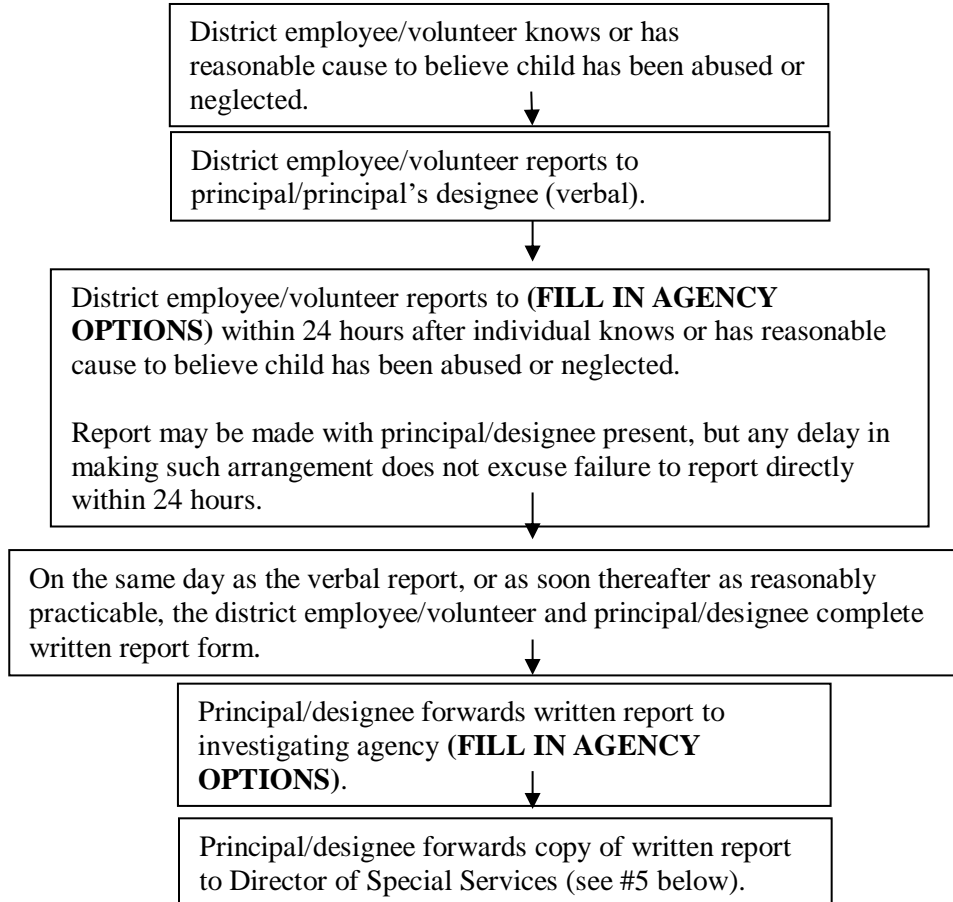
Related Forms

[*Protocol in Suspected Cases of Child Abuse or Neglect*](#)
[*Suspected Child Abuse Reporting Form*](#)

Reference: NRS 391.650, NRS 201.540, NRS 201.230, NRS 200.366, NRS 200.368,
NRS 201.560, NRS 394.354, NRS 394.356, NRS 432B

PROTOCOL IN SUSPECTED CASES OF CHILD ABUSE OR NEGLECT

SIMPLIFIED PROCEDURAL FLOW CHART FOR REPORTING



1. School personnel are to REPORT ALL SUSPECTED abuse cases to the principal/designee.
2. Law enforcement officials and/or Child and Family Services personnel conduct the INVESTIGATION.
3. School personnel are NOT to discuss the case with anyone other than the principal/designee; a violation of the confidentiality provisions of NRS 432B is a misdemeanor (NRS 432B.280).
4. District policy states that school personnel are NOT authorized to contact individuals or agencies in order to investigate, obtain additional information, or to verify report information.
5. All copies of written reports are to be maintained in confidential files of the Director of Special Services. Reports or copies of reports ARE NOT TO BE MAINTAINED WITHIN AN INDIVIDUAL SCHOOL.

**This form provided by Ann Alexander; Erickson, Thorpe & Swainston, LTD.*

SUSPECTED CHILD ABUSE REPORTING FORM (NRS 432B.220)

REPORTING PARTY	A	Name and Title	School	School Address
		Phone Number	Date of Report	
	Signature of Reporting Party			

REPORT SENT TO	B	<input type="checkbox"/> (NAME OF AGENCY) (ADDRESS) (ADDRESS) (PHONE) Official Contact: _____ Date/Time: _____	<input type="checkbox"/> (NAME OF AGENCY) (ADDRESS) (ADDRESS) (PHONE) Official Contact: _____ Date/Time: _____	<input type="checkbox"/> (NAME OF AGENCY) (ADDRESS) (ADDRESS) (PHONE) Official Contact: _____ Date/Time: _____
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VICTIM	C	Name (Last, First, Middle)	DOB
		Address	Sex
		Present Location of Child	Phone Number

SIBLINGS	<i>Name</i>	<i>School</i>	<i>DOB</i>
	1.		
	2.		
	3.		

PARENT/ GUARDIAN	D	Name	Relationship	Phone Number
		Address		
		Name	Relationship	Phone Number
		Address		

INCIDENT INFORMATION	E	<input type="checkbox"/> If necessary, attach extra sheet. Check box if there are additional attachments.		
		Alleged Perpetrator	Place of Incident	Phone Number
		Relationship	Address	
		Check One: <input type="checkbox"/> Occurred <input type="checkbox"/> Observed	If child was out of home care at time of incident, check one: <input type="checkbox"/> Group Home Institute <input type="checkbox"/> Foster Care <input type="checkbox"/> Other:	Type of abuse, check one: <input type="checkbox"/> Physical <input type="checkbox"/> Mental <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Neglect <input type="checkbox"/> Other:
		Narrative Description:		
		Note: (e.g., other relatives, persons who can help, other family problems, employment, etc.)		
		Summarize what the child said happened:		
		Explain known history of similar incident(s) for this child:		

