

EUREKA COUNTY SCHOOL DISTRICT

EQUAL EDUCATIONAL OPPORTUNITY; EQUAL EMPLOYMENT
OPPORTUNITY; NONDISCRIMINATION

Eureka County School District provides Equal Educational Opportunities and Equal Employment Opportunities and does not discriminate on the basis of race, color, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, gender identity or expression, or any other category protected by applicable state or federal law in its program and activity, including employment, and provides equal access to the Boy Scouts of America and other designated youth groups.

What is discrimination?

Discrimination is unfair or unlawful treatment of a person or group because they are part of a defined group, known as a protected class. Discrimination may include treating a person or group differently or denying someone access to a program, service, or activity, because they are part of a protected class, or failing to accommodate a person's disability. Discriminatory harassment is verbal or physical harassment based on a protected class.

What is a protected class?

A protected class is a group of people who share common characteristics and are protected from discrimination and harassment by federal, state, or local laws. Protected classes in the school district are those groups identified in the nondiscrimination statement above, such as race, color, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, or gender identity or expression.

How do I file a complaint about discrimination?

If you believe that you or your student has experienced discrimination or discriminatory harassment in the school district, you have the right to file a formal complaint. All formal complaints must: (a) be in writing, (b) be signed by the complainant, and (c) set forth the specific acts, conditions, or circumstances alleged to have occurred that constitute discrimination. Before filing a complaint, you may want to discuss your concerns with the following school official:

Personnel Officer
Eureka County School District
PO Box 249
Eureka, NV 89316
Ph: 775-237-5373/Fax: 775-237-5014

detchegaray@eureka.k12.nv.us

Will my complaint be kept confidential?

Confidentiality cannot be guaranteed. We often need to disclose the identity of the complainant to investigate complaint allegations. We will attempt to maintain as much confidentiality as possible by sharing information only with those persons who are considered essential to the investigation and disposition of your complaint. Due process requirements for any person(s) complained about may also require that the school district release information regarding the complaint to the accused. Therefore, requests that any accused person *not* be informed of the complaint may limit our ability to respond to, investigate, and resolve your formal complaint concerns.

Is retaliation prohibited?

Yes. It is both illegal and against school district policy for anyone to retaliate against you for filing your complaint.

Complaint Procedures

The school district has specific complaint procedures for certain allegations of discrimination and harassment, as follows:

Employee Complaints:

1. For employee complaints alleging bullying, cyber-bullying, or harassment (**except sexual harassment prohibited by Title IX**), **see the procedures in Board Policy 4112 and Administrative Regulation 4112 AR.**
2. For employee complaints alleging sexual harassment prohibited by Title IX, **see the grievance process in Board Policy 4002 and Administrative Regulation 4002 AR.**
3. For employee complaints alleging discrimination based on disability, **see the procedures in Board Policy 4004 and Administrative Regulation 4004 AR.**

Student Complaints:

4. For student complaints alleging bullying or cyber-bullying (**except sexual harassment prohibited by Title IX**), **see the procedures in Board Policy 5300.**
5. For student complaints alleging sexual harassment prohibited by Title IX, **see the grievance process in Board Policy 5410 and Administrative Regulation 5410 AR.**

6. For student complaints alleging discrimination based on disability, **see the procedures in Board Policy 5500 and Administrative Regulation 5500 AR.**

Students, parents/guardians, employees, or other individuals may **use this procedure** to file a complaint **for all other allegations of discrimination including harassment** on the basis of race, color, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, sex, gender identity or expression, or any other category protected by applicable state or federal law in its program and activity, including employment, and including the provision of equal access to the Boy Scouts of America and other designated youth groups.

All complaints alleging discrimination will be addressed under applicable district procedures and processes, regardless of whether the complainant accesses the applicable procedure in the first instance.

STEP ONE

Provide a signed, written statement about your complaint or complete the form on the following pages. Be as specific as possible when discussing the acts, conditions, or circumstances alleged to have occurred that constitute discrimination. Include the date(s), incident(s) that occurred, the name(s) of the person(s) involved, and the name(s) of those who may have additional information. You are encouraged to attach additional materials, which may assist in the investigation process.

COMPLAINT ALLEGING DISCRIMINATION

Personal Information

First Name _____ Last Name _____
Phone Number _____ (work/cell)
Email _____
Home Address _____
City _____ State _____ Zip _____

Type of Complaint (mark all that apply)

Discrimination based on:
 Race Color Religion National Origin Ancestry
 Disability Age Marital Status Sex Sexual Orientation
 Gender Identity or Expression Other (specify) _____

Date(s) Discrimination Allegedly Took Place

Earliest Date _____ Latest Date _____

Person and/or School District Program Allegedly Discriminating

Name _____
School/Department _____

Name _____
School/Department _____

Name _____
School/Department _____

Describe Your Complaint

Please describe your complaint. Specifically, how were you or your child discriminated against or treated differently from others on the basis of race, color, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, gender identity or expression, or any other category protected by applicable state or federal law? Attach additional pages, if necessary.

Please identify all school district employees to whom you have reported your concerns:

Reported to (Name) _____ Date(s) _____

Describe how concerns were reported _____

Describe results _____

Reported to (Name) _____ Date(s) _____

Describe how concerns were reported _____

Describe results _____

Please identify person(s) who have relevant information concerning your complaint:

Name _____

Relationship to you (colleague, friend, family member, teacher, etc.) _____

Phone Number _____ Email _____

Name _____

Relationship to you (colleague, friend, family member, teacher, etc.) _____

Phone Number _____ Email _____

Name _____

Relationship to you (colleague, friend, family member, teacher, etc.) _____

Phone Number _____ Email _____

Corrective Action Desired

How would you like the school district to resolve your complaint? Attach additional pages, if needed.

Your Signature _____

Date _____

STEP ONE (continued)

Send your complaint by mail, email, or hand delivery to:

Personnel Officer
Eureka County School District
PO Box 249
Eureka, NV 89316
Ph: 775-237-5373/Fax: 775-237-5014
detchegaray@eureka.k12.nv.us

STEP TWO

The school district Personnel Officer or designee will conduct a prompt, thorough, and equitable investigation of your complaint and respond to you within 60 calendar days after receiving your complaint, unless the school district extends the timeline. If resolution will take more than 60 calendar days, the school district will notify you in writing about the reasons for the extension and the anticipated response date.

When the school district Personnel Officer or designee responds to your complaint, the response will include:

1. A summary of the results of the investigation;
2. Whether or not the school district has failed to comply with requirements related to your complaint;
3. Notice of your right to appeal, including where and to whom the appeal must be filed; and
4. Any corrective measures determined necessary to correct any noncompliance.

STEP THREE

If you disagree with the determination of the Personnel Officer or designee, you may appeal to the Superintendent. You must file a notice of appeal in writing to the Superintendent within 10 business days after you received the response to your complaint. The date you received the response will be the date of personal delivery, or the date of delivery by email, or three days after deposit by first-class mail if delivered by mail. The notice of appeal must specifically state the nature of the disagreement, the reasons underlying such disagreement and how the outcome would be changed by reconsideration of the determination.

The Superintendent or designee will conduct a review of the record to determine whether the preponderance of the evidence supports the determination made by the Personnel Officer or designee. The Superintendent or designee will issue a written decision and mail it to you

within 15 business days of the receipt of the appeal. The decision of the Superintendent or designee is a final decision.

COMPLAINTS TO AN EXTERNAL AGENCY

If a party is not satisfied at any time, including with the Superintendent's decision, the party may file a complaint with the Office for Civil Rights ("OCR") in Seattle, Washington. More information is available at the United States Department of Education, Office for Civil Rights, 915 2nd Avenue, Suite 3310, Seattle, WA, 981174-1099, (206)684-4500. Individuals may also file complaints with any other civil rights entities such as the Nevada Equal Rights Commission:

- Las Vegas Office: 1820 East Sahara Avenue, Suite 314, Las Vegas, NV 89104, phone (702)486-7161, fax (702)486-7054
- Northern Nevada Office: 1325 Corporate Blvd., Room 115, Reno, NV 89502, phone (775) 823-6690, fax (775)688-1292

Legal References:

Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000(d)

Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000(e)

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

Americans with Disabilities Act, Amendments Act of 2008, 42 USC 12101-12213

Section 504, Rehabilitation Act of 1973, 29 USC 791, 793 and 794

Boy Scouts of America Equal Access Act, 20 USC 7905

Nevada Revised Statutes, 388.121 *et seq.*, Provision of Safe and Respectful Learning Environment

Nevada Revised Statutes, 392.275 *et seq.*, Reports of Abuse, Neglect and Other Illegal Conduct

Nevada Revised Statutes, 432B.010 *et seq.*, Protection of Children from Abuse and Neglect

Nevada Revised Statutes, 651.050 *et seq.*, Equal Enjoyment of Places of Public Accommodation