

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
855**

SCHOOL DISTRICT EMPLOYEE CONDUCT

Supersedes: AR 855 (06/17/12); AR 855 (Temporary, 08/13/13); and AR 855 (Temporary, 09/20/13)

Effective date: 10/15/13

AUTHORITY: NRS 388.583, 284, 289, 199.325, 281.481; NAC 284 636-284.656; 389.694, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R., NRS 102

RESPONSIBILITY

The Director will make the final discipline recommendation to the school district.

The Deputy Directors and Wardens are responsible to ensure compliance with the provisions set forth in this Administrative Regulation (AR).

The Education Programs Professional for the Department is responsible for serving as the liaison with the Department's education providers and ensuring that they comply with Department rules and regulations.

855.01 ADMINISTRATION OF SCHOOL DISTRICT DISCIPLINARY PROCESS

1. Any school district employee or NDOC staff who becomes aware of an alleged act of misconduct is responsible to immediately report it to the Warden or highest ranking available supervisor.

2. The primary responsibility for ensuring that complaint allegations are properly investigated rests with each Warden. The alleged misconduct is to be entered into NOTIS and reviewed by the Inspector General's Office.

3. The Warden, in consultation with a Deputy Director, will determine if a reasonable basis exists for suspending access of a school district staff from the institution.

A. The decision to suspend access of a school district employee from the institution may be made at any time during the investigative process, and must be based on:

- (1) Alleged violation of NDOC's ARs and/or Operational Procedures (OPs). Or,

(2) Alleged evidence that the school district employee's presence in the workplace poses a clear or imminent threat to safety and security of the facility, staff, inmate, or the employee. Or,

(3) Alleged evidence that the school district employee's presence in the workplace may threaten the integrity of the investigation.

B. The decision to suspend access of a school district employee from the institution MAY NOT BE BASED ON:

(1) Disagreements over the content of the courses of study for such a program of education.

4. If an agreement cannot be reached regarding appropriate corrective/disciplinary action between the Warden and the School District Principal/designee, the complaint shall be forwarded to the designated Deputy Director and the school district's designated Administrator. Once the Deputy Director, in consultation with the School District Administrator, determines the recommended corrective/disciplinary action, the proposed resolution shall be forwarded to the Director for final review and approval. If the school district employee is suspended from the institution, the Deputy Director will ensure the designated school district Administrator is provided with preliminary information concerning the nature of the allegations.

A. Such preliminary information will cite the specific NDOC AR and/or OP allegedly violated.

B. Additionally, periodic updates will be provided to the NDOC Deputy Director and school district Administrator/designee throughout the investigative process.

5. If the school district employee's conduct does not warrant immediate suspension, the Warden should consult with the school district's Principal/designee to review the merits of the information.

855.02 INVESTIGATION

1. If the Deputy Director and/or the Inspector General believe the severity and level of complexity of misconduct may warrant an investigation, the investigation request should be done using the "Refer to IG" function in the NOTIS Incident Reporting System for review, complaint classification, assignment and case tracking.

2. The determination for an investigation will be based upon receipt of an investigation request, a review of the NOTIS preliminary report, any attachments, and any other reports related to the allegations of the school district employee misconduct will be done to determine if an investigation is appropriate.

3. Should an investigation assigned to an institution subsequently yield evidence of potential misconduct by a school district employee or others, the Warden shall immediately notify the Deputy Director and the Director; who will then notify the Inspector General of the need for a formal investigation.

4. Upon completion of a school district employee's misconduct investigation, the assigned investigator shall document investigative findings in a final case report according to the guidelines in the "Inspector General – Guide for Investigators." This investigation must be completed within 20 days and the final report submitted to the Deputy Director and Director for review and action.

5. Recommendations are based upon review of the completed misconduct investigation report and factual reasonable consideration of the evidence and statements presented in the investigation.

A. The Deputy Director is responsible to adjudicate the misconduct complaint investigations and make a recommended action on the school districts' employee's culpability to the Director. This action may include recommendations for corrective or disciplinary action.

B. Recommendations will be forwarded to the Director for final review, a copy of which will be provided to the School District Administrator.

6. Only the Director of the Department of Corrections can make the final decision to restrict the access of a person employed by a school district to an NDOC facility.

855.03 APPEAL PROCESS

1. According to NRS 388.583, if the Director restricts the access of a person employed by a school district to an NDOC facility; the school district employee may request a hearing.

2. An interagency panel will be convened within 30 days of restriction.

A. The interagency panel consists of:

(1) The Director of the Department of Corrections or the Director's designee;

(2) The Superintendent of Public Instruction or the Superintendent's designee; and

(3) The immediate supervisor of the person employed by the school district.

3. The decision of the interagency panel is final.

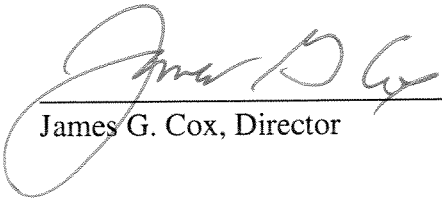
APPLICABILITY

1. This regulation does not require an Operational Procedure.

2. This regulation does not require an audit.

REFERENCES

ACA Standards 2010 Supplement 4-4011



James G. Cox, Director

10/15/13
Date