

 Tucson, Arizona GOVERNING BOARD POLICY	POLICY TITLE: Sexual Harassment
	POLICY CODE: ACA

Tucson Unified School District shall maintain a learning and working environment that is free from sexual harassment and retaliation. Sexual harassment is a form of discrimination based on gender, gender identity, or sexual orientation, which is prohibited by this policy in addition to federal and state law.

Sexual harassment is prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Arizona Civil Rights Act. The District also prohibits retaliation because an individual has engaged in a protected activity.

All individuals associated with this District, including but not limited to, the Governing Board, the administration, District staff, students, and members of the public while on District property, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment.

It shall be a violation of this policy for any member of the Tucson Unified School District staff, student, or member of the public while on District property, to engage in sexual harassment as defined below.

DEFINITION

Prohibited sexual harassment shall be defined as:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, written, or physical conduct of a sexual nature when made by a member of the District staff, student, or member of the public while on District property, where:

- Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment may include, but is not limited to:

- Sexual assault or violence
- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, fondling, sexual molestation or assault, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, posters or cartoons.
- Continuing to express sexual interest after being informed that the interest is unwelcome.
- Implying or withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; or suggesting probation will be failed.
- Within the educational environment, actual withholding or implying that grades earned or deserved would be withheld; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- Coercive sexual behaviors used to control, influence, or affect the career, salary, and/or work environment of another employee.
- Within the educational environment, engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- Offering or granting favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
- A single incident may result in violation of this policy.

Prohibited retaliation shall be defined as:

Adverse action against a covered individual because the individual (or closely-associated individual) engaged in protected activity.

- An adverse action is an action that is likely to keep a reasonable person from engaging in protected activity, including but not limited to termination, denial of promotion, threats, unjustified negative references or evaluations, undesirable transfer, or severe harassment.

- Covered individuals are people who have engaged in protected activity, such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity, such as a spouse.
- Protected activity includes (1) reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others; (2) participation in a sexual harassment proceeding, such as cooperating with an internal investigation of alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation; and (3) the asserting of one's rights, such as requests for reasonable accommodation based on religion or disability. Additionally, the Americans with Disabilities Act prohibits retaliation because of opposition to any acts made unlawful by the ADA, including sexual harassment by employers, public accommodations, and state and local government.
- A single incident may result in a violation of this policy.

REPORTING PROCEDURES:

Anyone who is subjected to sexual harassment, or who knows of the occurrence of such conduct, shall report the conduct as provided in this policy's administrative regulation to the following individuals:

- The individual's immediate supervisor
- The individual's site/department administrator, or
- For employees: the EEO Compliance Officer or
- For students: the Title IX Coordinator.

The District will use the complaint procedures for conducting a fair and impartial investigation of the retaliation complaint as outlined in regulation ACA-R. The investigation will be conducted in as confidential manner as possible.

If the investigation concludes that a violation of this policy has occurred, the District is committed to taking effective remedial action designed to end the violation(s). A substantiated charge of sexual harassment or retaliation shall subject the individual to discipline or sanctions as follows:

- If the person alleged to have violated this policy is a staff member, possible discipline includes, but is not limited to, letters of reprimand, reassignment, and other disciplinary actions including suspension or job termination.
- If the person alleged to have violated this policy is a student, possible discipline includes detention, suspension or expulsion, consistent with the *Guidelines for Student Rights and Responsibilities*.

- If the person alleged to have violated this policy is a member of the general public, sanctions consistent with Policy Code KFA – *Public Conduct on School Property* shall be imposed.

The Superintendent shall establish procedures to ensure monitoring and compliance with this policy.

Adopted: September 17, 1985
Revised: July 9, 1991
Revised: May 25, 1995
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Revised: October 5, 2004 [in new policy format]
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LEGAL REF: A.R.S. 41-1461 *et seq.*
20 U.S.C. 1681, Education Amendments of 1972, Title IX
20 U.S.C. 1703, Equal Employment Opportunity Act of 1972
42 U.S.C. 2000, Civil Rights Act of 1964 as amended, Title VII

CROSS REF: AC – Non-Discrimination
IHBA – Education of Section 504 Disabled Students
JB - Equal Educational Opportunities and Anti-Harassment
KFA - Public Conduct on School Property