

<p>TUCSON UNIFIED SCHOOL DISTRICT</p> <p>GOVERNING BOARD POLICY</p>	<p>POLICY TITLE:</p> <p>Non-Discrimination</p>
	<p>POLICY CODE: AC</p>

Non-discrimination Policy

Tucson Unified School District is committed to a policy of nondiscrimination based on disability, race, color, religion/religious beliefs, sex, sexual orientation, gender identity or expression, age, or national origin. This policy will prevail in all matters concerning Governing Board, District employees, students, the public, educational programs and services, and individuals with whom the Board does business.

Discrimination and retaliation prohibited

Discrimination based on disability, race, color, religion/religious beliefs, sex, sexual orientation, gender identity or expression, age, or national origin, as well as retaliation for opposition to such discrimination, is prohibited by one or more of the following federal and state laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Americans with Disabilities Act of 1990, Rehabilitation Act of 1973, Age Discrimination in Employment Act, and the Arizona Civil Rights Act, and by this policy.

Coercion, intimidation, threats, harassment, interference prohibited Jurisdiction

In addition to the protections against discrimination and retaliation, the Americans with Disabilities Act (ADA) prohibits coercion, intimidation, threats, harassment, or interference in the exercise of an individual’s ADA rights or the encouragement of others’ exercise of rights granted by the ADA.

It shall be a violation of this policy for any Tucson Unified School District employee, student, or member of the public while on District property or on official District business to discriminate or retaliate or engage in conduct or communication which would constitute discrimination or retaliation, as defined below.

Single Incident

A single incident may result in a violation of this policy.

Definitions:

- *“Discrimination”* includes disparate treatment based on legally identified factors unrelated to their ability or potential, such as race, color, gender, religion, ancestry, national origin, marital status, age, disability, sexual orientation, or gender identity.
- *Discrimination as prohibited by this policy* includes expression or conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin or disability, or that of his or her peers, family members, co-workers or associates, and which expression or conduct results in differential treatment because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin or disability, or has the purpose or effect of creating a hostile, intimidating or offensive employment or educational environment.
- *“Discrimination”* also includes epithets, slurs, jokes, negative stereotyping, or threatening, derogatory, intimidating or hostile acts that relate to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin or disability, and, written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin or disability.
- *“Retaliation”* includes adverse action against a covered individual because the individual (or closely associated individual) engaged in protected activity.
- *“Adverse action”* includes any 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.
- *“Protected activity”* includes (1) reasonable opposition to a practice believed to violate anti-discrimination laws on behalf of oneself or others; (2) participation in a discrimination complaint proceeding, such as cooperating with an internal investigation of alleged discriminatory 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 discrimination by state and local government employers, or failure to provide accommodations.

Use of Epithets and Racial Slurs

TUSD recognizes the power of language and acknowledges the trauma associated with some words in our society. Epithets based on any category protected in this policy, such as the N-word, whether spoken or read aloud by TUSD faculty, staff, or students, can materially affect a student’s sense of safety and wellbeing in the classroom and should therefore not be used. The use of resource materials (e.g., school books) including such epithets is permissible, but only with substantial context-setting and student preparation, and TUSD employees and students may use only the abbreviated form of such epithets. The speaking or writing of such epithets by TUSD employees at any time will be grounds for discipline, up to and including termination.

Reporting Procedures

Individuals who believe they have been discriminated and/or retaliated against in violation of this policy shall immediately report the conduct according to the following procedures so that the complaint can be addressed fairly and quickly. The individual may make a complaint to any of the following individuals:

- The individual’s immediate supervisor
- The individual’s site/department administrator, or
- The EEO Compliance Officer.

The District’s EEO Compliance Officer may be contacted at:
Maricela Meza
Director of Employee Relations
1010 E. Tenth St.
Building A, Room 7
Tucson, AZ 85719
EEOIntake@tusd1.org

For EEO Intake, please email EEOIntake@tusd1.org.
Phone: 520-225-6739

Investigation Procedures

The District will use the complaint procedures for conducting a fair and impartial investigation of the retaliation complaint as outlined in regulation AC-R. Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.

Remedial Action

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) and prevent future ones. A substantiated charge of discrimination, retaliation, coercion, intimidation, threat, harassment or interference with ADA rights against an individual 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, required attendance at training programs, 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 required attendance at training programs, detention, suspension or expulsion, consistent with the *Student Code of Conduct*.
- 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: May 25, 1995

Revised: October 10, 2000

Revised: February 10, 2004

Revised: October 5, 2004 [in new policy format]

Revised: April 10, 2007

Revised: May 17, 2011 [Typographical error corrected 6-23-11]

Revised: September 27, 2011

Revised: January 17, 2013 [Cross Reference Correction Only]

Revised: March 25, 2014

Reviewed: July 13, 2018

Revised: October 2, 2019

Revised: May 15, 2020 (updated contact information only)

Revised: February 9, 2021

Revised: November 29, 2022

Legal Ref:

[A.R.S. 23-341 Equal wage rates; variations; penalties; enforcement](#)

[A.R.S. 41-1463 Discrimination; unlawful practices; definition](#)

[20 U.S.C. 1400 Individuals with Disabilities Education Act](#)
[20 U.S.C. 1681 Education Amendments of 1972, Title IX](#)
[20 U.S.C. 1703 Equal Employment Opportunity Act of 1972](#)
[29 U.S.C. 794 Rehabilitation Act of 1973, Section 504](#)
[42 U.S.C. 2000 Civil Rights Act of 1964, Titles VI and VII](#)
[42 U.S.C. 12101 et seq. Americans with Disabilities Act](#)
[Arizona Constitution, Ordinance Art. XX, Par. Seventh](#)
United States v. Tucson Unified School District,
Consent Judgment #CV-11-471-TUC-DCB, dated 08/08/11

Cross Ref:

[ACA - Sexual Harassment](#)
[GBA – Equal Employment Opportunity](#)
[IHBA – Education of Section 504 Disabled Students](#)
[JB - Equal Educational Opportunities](#)