

 <p>TUCSON UNIFIED SCHOOL DISTRICT</p> <p>GOVERNING BOARD REGULATION</p>	<p>REGULATION TITLE:</p> <p>Title VII Sexual Harassment</p>
	<p>REGULATION CODE: ACA-R</p>

Compliance Officer

The Superintendent has designated an EEO Compliance Officer. Any person who feels unlawfully discriminated against or who has been the victim of unlawful sexual harassment, as defined in Policy ACA, by an agent or employee of the District, or who knows of such discrimination against another person should file a complaint with either the site/department administrator (such as a Principal or Director) (hereafter “Administrator”) or may file a complaint directly with the EEO Compliance Officer:

EEO Compliance Officer:

Maricela Meza
Employee Relations Department
1010 East 10th Street, #7 Tucson, Arizona 85719
E-mail: Maricela.Meza@tusd1.org
Telephone: (520) 225-6739.

If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

Complaint Procedure

The District is committed to conducting a prompt and equitable investigation of any Title VII sexual harassment complaint and to taking appropriate action on all confirmed violations of policy. A prompt and equitable investigation shall be conducted, and complaints documented by either the Administrator or the EEO Compliance Officer. Any Administrator who receives a Title VII sexual harassment complaint or who has knowledge of a possible violation of this policy shall conduct an “intake interview” and shall complete Form AC-E.

In investigating the complaint, the Administrator or Compliance Officer will maintain confidentiality to the extent reasonably possible. The Administrator or Compliance Officer shall also investigate incidents of policy violation that are raised by the Governing Board, even though no complaint has been made. If after the initial investigation the Administrator or EEO Compliance officer has reason to believe that a violation of policy has occurred, the investigator shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

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Informal Resolution Process

The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

Similarly, the District may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility during a formal complaint process, the District may facilitate an informal resolution process, such as mediation, which does not involve a full investigation and adjudication, provided that the District:

- A. Provides to the parties a written notice disclosing:
 - 1) The allegations;
 - 2) The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - 3) Any consequences resulting from participating in the informal resolution process, including the records that shall be maintained or could be shared;
- B. Obtains the parties' voluntary, written consent to the informal resolution process; and
- C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

1. Complaint Intake

Title VII sexual harassment complaints may be made to the Administrator and should be made as soon as possible after the alleged discrimination takes place. An initial complaint may also proceed directly to the EEO Compliance Officer. Title VII sexual

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harassment complaints DO NOT need to be in writing but may be heard by the Administrator during an “intake interview” (in which case the Administrator shall complete Form AC-E). The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Upon receiving a Title VII sexual harassment complaint, the Administrator or designee shall:

Step One

Within five (5) working days of receipt of the allegations, conduct an “intake interview” with the Complainant. Complete, sign, and submit Form AC-E to the EEO Compliance Officer. Where deemed appropriate by the EEO Compliance Officer, make a reasonable attempt to resolve the complaint through informal mediation.

Step Two

If the complaint is not resolved through Step One, within fourteen (14) working days of receipt of the allegations:

1. Conduct an investigation, including interview witnesses and review documentary evidence, reporting the outcome to the EEO Compliance Officer; or
2. Refer the complaint for possible MEDIATION through the EEO Compliance Officer; or
3. Refer the complaint to the EEO Compliance Officer for investigation.

During the course of the investigation, interim measures may be taken to protect all parties.

2. Guidelines

A determination of whether alleged conduct constitutes a violation of this policy will be based upon a review of the totality of the circumstances. Such a review will include an assessment of the nature and severity of the conduct and the context in which the conduct occurred, on a case-by-case basis. It will take into consideration the following:

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1. The perspective of a similarly situated individual (for instance, someone of the same gender, ethnicity and/or age);
2. The power held by the individual against whom the complaint is made (such as supervisor); and
3. The number of individuals involved.

Sexually harassing conduct under Title VII need not be targeted at the complainant. The acts may be directed at anyone. Furthermore, the conduct need not result in psychological harm, or tangible injury or detriment to the victim.

A determination of hostile environment will generally require a sustained pattern or practice of harassment to the extent that the working or educational environment is altered. Nonetheless, a hostile environment requiring appropriate responsive action may result from a single incident that is sufficiently severe.

3. Investigation

TUSD will investigate complaints of Title VII sexual harassment promptly. No later than five (5) working days after receipt of the complaint, the Administrator or designee shall conduct an intake interview (preliminary investigation). No later than fourteen (14) working days after receipt of the complaint, the Administrator or designee shall take one of the three actions outlined above in “Step Two.”

Generally, investigations shall not exceed sixty (60) days from the receipt of the complaint. However, TUSD reserves the right to reasonably extend the timeline with notice to the complaining party for reasons of necessary delay. Within a reasonable time following the conclusion of the investigation, the investigator will inform the complaining party in writing whether a violation of this policy occurred.

4. Resolution

Policy Violation Occurred: After the initial investigation, if there is reasonable cause to believe a violation of governing board policy has occurred or the complaint is found to warrant corrective action, the appropriate Administrator or designee shall take reasonable corrective action to remedy the situation, and to prevent future recurrence, including where appropriate, the imposition of disciplinary action or sanctions against the person alleged to have violated this policy, up to and including termination.

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1. 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.
2. If the person alleged to have violated this policy is a member of the general public, sanctions consistent with Policy # KFA – *Public Conduct on School Property* shall be imposed.

No Policy Violation Occurred: If the investigation reveals no reasonable cause to believe a violation of policy occurred, the investigating officer shall inform the complaining party in writing.

Review

If any party disagrees with the outcome of the investigation, the party may request a review by the Chief Human Resources Officer. Such request for review shall be made within fifteen (15) days following notification of the outcome to the party. The Chief Human Resources Officer or designee shall review the investigation and determination and render a decision within thirty (30) days.

Responsibility

Supervisory and management staff is responsible for taking prompt and effective action in response to any violation of this policy regardless of the manner in which the District becomes aware of the conduct and will be subject to discipline for failure to do so. Administrators or supervisors who fail to report a known or reported complaint of Title VII sexual harassment, or otherwise fail to comply with TUSD’s policies and regulations regarding Title VII sexual harassment, will be subject to appropriate discipline, pursuant to such policies.

Monitoring

The EEO Compliance Officer will be responsible for monitoring all actions taken by Administrators in response to complaints of Title VII sexual harassment, including receipt, investigations and resolutions of such complaints, as well as actions taken by Administrators in response to such complaints. Where necessary to ensure compliance

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with TUSD's written policies and regulations, the EEO Compliance Officer shall take steps to amend or supplement any such investigation.

Where the EEO Compliance Officer finds a violation occurred, but that the corrective action taken was disproportionate to the violation, the EEO Compliance Officer shall discuss the discrepancy with the appropriate Assistant Superintendent and/or the Chief Human Resources Officer to ensure that the corrective action is properly correlated to the violation.

ANY EMPLOYEE WHO IS SUBJECT TO TITLE VII SEXUAL HARASSMENT, OR KNOWS OF THE OCCURRENCE OF SUCH CONDUCT, SHOULD IMMEDIATELY INFORM HIS/HER ADMINISTRATOR, DIRECTOR, OR THE EEO COMPLIANCE OFFICER.

For information or technical assistance, contact the EEO Compliance Officer.

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CROSS REF

[Policy ACA](#) – Title VII Sexual Harassment