

<p>TUCSON UNIFIED SCHOOL DISTRICT</p> <p>GOVERNING BOARD POLICY</p>	<p>POLICY TITLE:</p> <p>Title IX Sexual Harassment</p>
	<p>POLICY CODE: ACAA</p>

Purpose Title IX of the Federal Education Amendments Act protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. The District does not discriminate on the basis of sex and is required by Title IX not to discriminate in such a manner. The District adheres to all conditions established by Title IX by recognizing the right of every student who attends school in the District and every employee who works in the District to do so without the fear of sexual harassment.

Definition: Title IX Sexual Harassment For the purposes of implementing this policy and for any allegation of sexual harassment against a student, the District accepts and shall employ the definition of sexual harassment as established by the Title IX regulations. For claims of sexual harassment of one employee by another employee, please see Policy ACA, Sexual Harassment. Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct,
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- C. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Discipline for infractions other than Sexual Harassment can be imposed on a student, employee, or District vendor for engaging in the type of conduct described above regardless of whether the offending conduct is sufficiently severe or pervasive so as to constitute a violation of Title IX. The District also accepts and shall employ the definition of a complainant as an individual who is alleged to be the victim of conduct that could constitute sexual harassment, and a respondent as an

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individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

District Title IX Coordinator The District shall designate and authorize an employee as the “District Title IX Coordinator” to comply with its responsibilities pertaining to sexual harassment under Title IX. Inquiries about the application of Title IX may be referred to the District’s Title IX Coordinator.

Reporting Procedures Any person may report sex discrimination, including sexual harassment, regardless of whether the person reporting is the person alleged to be the victim of the reported conduct or not. A report may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the District Title IX Coordinator, or by any other means that results in the District Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the District Title IX Coordinator in Regulation ACAA-R. The District shall notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, electronic mail address, and telephone number of the District Title IX Coordinator.

Investigation Procedures School employees must report to the Title IX Coordinator all sexual harassment incidents or allegations of which they become aware. The District will respond promptly when any school employee has notice of sexual harassment. Upon receipt of notice of sexual harassment, the District shall notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the District’s grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the District shall respond. The District is committed to investigating each formal complaint submitted and to taking appropriate action on all confirmed violations of policy. The District shall follow grievance procedures that provide for the prompt and equitable resolution of

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complaints from students and employees alleging sexual harassment.

Confidentiality The District shall, to the extent reasonably feasible, keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as is necessary to carry out the grievance process and as may otherwise be permitted by law.

Title IX sexual harassment complaints may include violations covered by Arizona’s mandatory reporting statute, A.R.S. §13-3620. Any abuses classified by statute as “reportable offenses” must be reported as such to the authorities because not reporting a reportable offense is classified as a Class 6 Felony.

Retaliation Prohibited Neither the District nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has in good faith made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

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

ADOPTED: August 25, 2020
Revised: January 25, 2022

LEGAL REF.:

[A.R.S. §13-3620 – Duty to report abuse](#)
[20 U.S.C. 1092 20](#) – Title 20 - Education
[Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.](#)

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[34 U.S.C. 12291 Violence Against Women](#)

CROSS REF

[ACAA-R- Title IX Sexual Harassment Regulation](#)

[AC – Nondiscrimination](#)

[IHBA – Education of Section 504 Disabled Students](#)

[JB – Equal Educational Opportunities and Anti-Harassment](#)