

 <p>Tucson, Arizona</p> <p>GOVERNING BOARD POLICY</p>	POLICY TITLE: Non-Discrimination
	POLICY CODE: AC

Tucson Unified School District is committed to a policy of nondiscrimination based on disability, race, color, religion/religious beliefs, sex, sexual orientation, 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 based on disability, race, color, religion/religious beliefs, sex, sexual orientation, 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.

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 engage in conduct or communication which would constitute discrimination, as defined below.

DEFINITION:

Prohibited discrimination shall be defined as:

Verbal, graphic, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, age, national origin or disability, or that of his or her peers, co-workers or associates, and that:

- Results in differential treatment because of race, color, religion, sex, sexual orientation, age, national origin or disability, (e.g., persons treated differently than

similarly situated persons of a different or non-protected status with regard to a service, benefit or privilege); or

- Has the purpose or effect of creating a hostile, intimidating or offensive employment or educational environment.
- Such prohibited conduct includes, but is not limited to, the following:
 - epithets, slurs, jokes, negative stereotyping, or threatening, derogatory, intimidating or hostile acts that relate to race, color, religion, sex, sexual orientation, 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, age, national origin or disability.
- 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 complaint based on prohibited discrimination 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 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.
- A single incident may result in a violation of this policy.

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 will use the following complaint procedures for conducting a fair and impartial investigation of the retaliation complaint as outlined in regulation AC-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) 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, 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: May 25, 1995
Revised: October 10, 2000
Revised: February 10, 2004
Revised: October 5, 2004 [in new policy format]
Revised: April 10, 2007
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Revised: September 27, 2011

Legal Ref: A.R.S. 23-341 Equal wage rates; variations; penalties; enforcement
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

Cross Ref: ACA - Sexual Harassment; GBA – Affirmative Action; IHBA - Special Instructional Programs and Accommodations for Disabled; JB - Equal Educational Opportunities; KED - Public Concerns/Complaints about Facilities or Services

Replaces TUSD Policy # 4315 – Discrimination/Harassment; #4004 – Nondiscrimination in Employment