

 <b>Tucson, Arizona</b>  <b>POLICY REGULATION</b>	REGULATION TITLE: Equal Education Opportunities & Anti-Harassment
	CODE: JB - R

TUSD is committed to conducting a prompt and equitable investigation of every complaint of discrimination or harassment as defined under Board Policy AC “Discrimination” and Board Policy ACA “Sexual Harassment.” See these Policies for definitions of terms.

**Reporting**

It is the policy of the Tucson Unified School District to encourage student targets of harassment and students who have first-hand knowledge of such harassment to report such claims. Students should report incident to any teacher, guidance counselor, or school administrator.

Every individual who believes that he or she has been discriminated against under Board Policies AC “Discrimination” and ACA “Sexual Harassment” has the right to file a complaint, present their allegations to a fair investigator, and to bring witnesses and exhibits in support of his or her allegations. Every individual against whom a complaint of discrimination or harassment is brought under these policies has the right to present his or her side of the story to an investigator, and to bring witnesses and exhibits on his or her own behalf.

Any adult school employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment at school or during school-sponsored activities shall report any harassment to the principal or the principal’s designee. The report should be filed as soon as possible, but within 30 calendar days of the incident.

- If the report involves discriminatory harassment by the school principal, the reporter shall make the report directly to the school district EEO Compliance Officer.
- Other harassment by the school principal should be reported to the respective Assistant Superintendent. The Assistant Superintendent will conduct the investigation within a reasonable period of time, generally within 30 school days of the complaint.

Under certain circumstances, alleged harassment may constitute child abuse or other criminal violation under state law. The statutory obligation to report a suspected crime, therefore, may be applicable. (See GBEC – Reporting of Suspected Crimes).

### **Privacy**

- Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.

### **Investigation Of Discrimination Harassment**

- When informed of a discriminatory harassment complaint, the Principal must immediately initiate an investigation, either by conducting an investigation personally, or by referring the matter to the EEO Compliance Officer for investigation. If the Principal has a potential conflict of interest, he or she must refer the matter immediately to the EEO Compliance Officer for investigation.
- If the Principal conducts the investigation, the investigation shall be completed and a notification report of the investigation's findings forwarded to the complainant and the respondent (with a copy to the EEO Officer) within 10 school days of the original complaint. If the Principal declines to conduct the investigation, the Principal has 10 school days from the date of the complaint to forward the complaint to the EEO Officer for handling.
- If the investigation is referred to the EEO Compliance Officer for handling, the Compliance Officer will conduct the investigation within a reasonable period of time, generally within 30 school days of the complaint.
- TUSD, however, reserves the right to reasonably extend the timeline, with notice to the Complainant, as to the reason for the delay. The Compliance Officer will report the outcome of the investigation to both the complainant and the respondent in writing.

### **Appeal of Discrimination Harassment**

- If the Principal conducts the investigation, and either the complainant or respondent is dissatisfied with the Principal's findings, they may appeal the Principal's findings to the EEO Officer for review. The appeal must be timely filed within 10 school days after receipt of the Principal's written findings. The EEO Compliance Officer will issue a final decision within 20 school days. The Compliance Officer's decision on the appeal is final.
- If the EEO Officer conducts the initial investigation, and either the complainant or respondent is dissatisfied with the EEO Officer's findings, they may petition the EEO Compliance officer for reconsideration of the decision. The appeal must be timely filed within 5 school days of the receipt of the decision. The Compliance Officer will have 30 school days in which to affirm or rescind the earlier decision. The Compliance Officer's decision on the appeal is final.

**Mediation**

- Whenever possible, an attempt should be made to resolve the Complainant's concerns through the more informal process of mediation. The Administrator should contact the EEO Compliance Officer to determine whether mediation is appropriate for the issues at hand.

**School District Action**

- If the investigation finds a violation of Governing Board policy, the district shall take disciplinary and/or remedial action as appropriate in order to ensure that further harassment does not occur. Such action may include, but is not limited to: counseling, awareness training, mediation, parent-teacher conferences, warning, transfer, suspension and /or expulsion of a student, and counseling, awareness training, transfer, suspension and/or termination of an employee.

**Appeal**

- A person judged to be in violation of the policy on student harassment and subject to action under it may appeal the determination and/or the action taken.
- The appeal shall proceed in accordance with School District policy governing discipline of students and with legal due process requirements.

**Notification**

- The complainant and respondent shall be notified whether allegations of discrimination or harassment were found to be valid, whether a violation of Board Policy occurred, and whether action was taken as a result.

**Training**

- Each Principal shall ensure age-appropriate methods of discussing the meaning and substance of this policy with students in order to help prevent harassment.
- In addition to informing students about the Board Policy, these programs, implemented within the context of school curriculum, must also raise awareness about the different types of harassment; how the harassment manifests itself; and the devastating emotion and educational consequences of harassment.

**Documentation**

The EEO Compliance Officer will maintain a record of each discrimination complaint and its outcome.

Adopted: October 5, 2004

Reviewed: July 28, 2009