

## SEXUAL HARASSMENT

All individuals associated with ASDB, including, but not necessarily limited to the Board of Directors, the employees, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when made by an employee to a student or to another employee, or when made by a student to another student where:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive employment or education environment.

Sexual harassment may include, but is not limited to:

- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, or display of sexually suggestive objects, pictures, or cartoons.
- Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
- Implying or withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; suggesting that probation will be failed; implying or actually withholding grades earned or deserved; or suggesting that a scholarship recommendation or college application will be denied.
- Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee; or engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.

- Offering or granting favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, et cetera, in exchange for sexual favors.

Anyone who is subject to sexual harassment, or who knows of the occurrence of such conduct, should inform the Superintendent, as provided in ACA-R.

A substantiated charge against an employee of ASDB shall subject such employee to disciplinary action.

A substantiated charge against a student in ASDB shall subject that student to disciplinary action, which may include suspension or placement in an alternative education setting.

All matters involving sexual harassment complaints will remain confidential to the extent possible.

*Adopted:* November 2, 2006

LEGAL REF.: A.R.S. 15-1323  
15-1326  
41-1461 *et seq.*  
20 U.S.C. 1681, Education Amendments of 1972, Title IX  
20 U.S.C. 1703, Equal Employment Opportunity Act of 1972  
42 U.S.C. 2000, Civil Rights Act of 1964 as amended, Title  
VII

CROSS REF.: AC - Nondiscrimination/Equal Opportunity  
GBA - Equal Employment Opportunity  
JB - Equal Educational Opportunities  
KED - Public Concerns/Complaints about Facilities or  
Services  
KFA - Public Conduct on School Property

## **SEXUAL HARASSMENT**

### **Compliance Officer**

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or who has been the victim of unlawful discrimination by an agent or employee of ASDB or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

### **Complaint Procedure**

ASDB is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible.

The Superintendent shall also investigate incidents of policy violation that are raised by the Board, even though no complaint has been made. If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board. The Superintendent also may impose a suspension without pay, or recommend dismissal, or other appropriate discipline.

If the person alleged to have violated policy is an employee, the due process provisions of Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with policy GCQF may be initiated.

If a student is alleged to have violated policy, the Superintendent may impose discipline in accordance with Policies JK and JKD.

If the Superintendent's investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

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## COMPLAINT FORM

(To be filed with the compliance officer as provided in ACA-R)

**Please print:**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Another phone where you can be reached \_\_\_\_\_

During the hours of

\_\_\_\_\_

E-mail address

\_\_\_\_\_

**I wish to complain against:**

Name of person, school (department), program, or activity

Address \_\_\_\_\_

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Date of the action against which you are complaining

\_\_\_\_\_

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
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**The projected solution**

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify that this information is correct to the best of my knowledge.

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Signature of Complainant

The compliance officer, as designated in ACA-R, shall give one (1) copy to the complainant and shall retain one (1) copy for the file.