

SEXUAL HARASSMENT

Purpose

The Governing Board prohibits sexual harassment of or by any of its employees, students, or visitors. It is the District's policy that all individuals associated with the District, including but not limited to the Governing Board, employees, students, and visitors have a right to work, learn, and visit all District sites in an environment free of discrimination based on race, color, religion, sex, age, national origin, disability, sexual orientation, and sexual harassment. All employees, students, and visitors at all sites must avoid offensive or inappropriate sexual and/or sexually harassing behavior. Governing Board members, employees, students, and visitors have a right and responsibility to report harassment experiences. It will be ensured that there will be prompt and equitable resolution of sexual harassment complaints by providing access to any needed information and materials concerning harassment, how to file a complaint, and a step-by-step process which will guide those involved, whether it be the accused or the victim.

Definition of Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, any unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct by an employee, by a student, or by a third party, of a sexual nature when:

- It creates an intimidating, hostile or offensive working and/or educational environment.
- The conduct has the purpose or effect of having a negative impact on a student's academic performance and/or academic environment.
- The conduct has the purpose or effect of having a negative impact on an employee's work performance and or work environment.

There are two (2) types of sexual harassment recognized by the courts. First, quid pro quo harassment occurs when one person conditions an employment or educational benefit on another person in exchange for sexual demands. Only one (1) incident of quid pro quo harassment is sufficient to constitute sexual harassment. Second, hostile environment harassment occurs when one person's verbal, physical, or presentation of visual images/gestures of a sexual nature interferes with an employee's work or a student's education.

- A person does not have to be the target of harassment to be considered a victim, a victim may be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury or discharge of the victim.

The intentions of the alleged harasser shall not be a determining factor in applying the definition of conduct considered sexual harassment but may be considered when conducting an investigation.

It is important to recognize that sexual harassment does not extend to legitimate nonsexual touching or other nonsexual conduct.

Recognizing Sexual Harassment

Sexual harassment can occur in a variety of circumstances. One person may not be bothered by certain conduct, while another may find it objectionable, thus making it harassment. Generally, sexual harassment occurs when:

- The behavior is unwelcome and sexual in nature.
- The behavior is ongoing, creating a hostile environment, except quid pro quo harassment, which needs only one (1) incident.
- The behavior leaves the victim feeling uncomfortable.
- Submission to or rejection of behavior affects employment or academic status or benefit.

Sexual harassment may occur:

- Student to student.
- Adult to student.
- Student to adult.
- Adult to adult.
- Male to male.
- Female to female.
- Male to female.
- Female to male.

Conduct considered sexual harassment may include, but is not limited to:

- Visual behaviors which include, but are not limited to, exhibitionism, showing sexually suggestive or explicit pictures, objects or cartoons, making suggestive or obscene gestures, soliciting photographs, suggestive or obscene letters (either hard copy or electronic media); *or*
- Verbal behaviors which include, but are not limited to, making sexual comments, sexually explicit jokes, jeering or taunting, asking questions about sexual activities, compliments of a sexual nature; *or*

- Physical behaviors which include, but are not limited to fondling, touching, stroking, kissing, touching on the outside of clothes, face, neck, hair, hands, or any other part of the body that a child or adult may perceive as uncomfortable, such as touching on the breasts, buttocks, or on or near the genitals, sexually hugging and kissing, having oral sexual contact, having sexual intercourse, vaginal or anal insertion, and oral/genital contact; *or*
- Submission to such conduct made either explicitly or implicitly a term or condition of someone's employment or education; *or*
- Submission to or rejection of such conduct by someone used as a basis for employment or education decisions affecting that person; *or*
- Repeated unwanted sexual advances by one person on another when the offender has been told that the advance is unwelcome; *or*
- Conduct that is sexual in nature and has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, and/or offensive working or learning environment; *or*
- Implying or withholding support for an appointment, promotion, or change of assignment, duties, or shift, suggesting that a poor performance report will be prepared; suggesting that probation will be failed; *or*
- Implying or actually withholding grades earned or deserved, suggesting that a scholarship recommendation or college application will be denied; *or*
- Coercive sexual behavior used to control, influence, or affect the career, salary, and/or environment of another employee; *or*
- Engaging in coercive sexual behavior to control or affect the educational opportunities; grades, and/or learning environment of a student; *or*
- Offering or granting favors or educational benefits such as grades in exchange for sexual favors; *or*
- Offering or granting favors or employment benefits such as promotions, favorable evaluations, favorable assignments, duties or shifts, recommendations, reclassification, et cetera, in exchange for sexual favors.

Actions to be Taken

Anyone who is subject to harassment should immediately inform and/or file a complaint with the appropriate personnel. Anyone who is aware of harassment involving students or minors must immediately inform and/or file a complaint with appropriate personnel. All complaints will be forwarded to the Title IX Compliance Officer.

Due process rights will be afforded to all complainants and alleged harassers.

Such use of the complaint procedure shall not preclude the complainant from pursuing redress through other means. Illegal behavior must be reported to the proper authorities.

A substantiated charge of sexual harassment against a staff member in the District shall subject such staff member to disciplinary action. [For certificated employees, see Policy GCQF; for support staff employees, see Policy GDQD.]

A substantiated charge of sexual harassment against a student in the District shall subject that student to disciplinary action. [See Policies JK - Student Discipline, JKD - Student Suspension, and JKE - Expulsion of Students.]

An employee or student shall have the right to raise the issue of harassment and/or file a complaint without reprisal or retaliation. Any act of reprisal or retaliation shall be subject to disciplinary action. All matters involving harassment complaints will remain confidential to the extent reasonably possible.

Adopted: date of manual adoption

LEGAL REF.: A.R.S. 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
IHBA - Special Instructional Programs and Accommodations for Disabled Students
JB - Equal Educational Opportunities
KED - Public Concerns/Complaints about Facilities or Services
KFA - Public Conduct on School Property