

**EQUAL EMPLOYMENT OPPORTUNITY**

The Governing Board is committed to providing an employment environment that is free from discrimination and harassment. All individuals associated with this District, including but not necessarily limited to, the Governing Board, the administration, and all other employees, students and members of the public while on campus, are expected to conduct themselves at all times so as to provide a working and educational atmosphere free from discrimination and harassment.

Discrimination against an otherwise qualified individual with a disability or any individual by reason of race, color, religion, sex, age, or national origin or other legally protected status is prohibited. Efforts will be made in recruitment and employment to ensure equal opportunity in employment for all qualified persons. Employees who believe they have been subjected to discrimination or harassment related to their race, color, religion, gender, age, national origin, disability, or any other legally protected status should report the behavior in accordance with the regulations prepared by the Superintendent or the Superintendent's designee.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

*Adopted:* September 13, 2007

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41-1461

41-1463

41-1465

G-0211

GBA-R

**REGULATION****REGULATION****EQUAL EMPLOYMENT OPPORTUNITY****Introduction – Staff Harassment**

Employees have the right to work in an environment free from harassment or discrimination. Employees are encouraged to immediately report harassment or discriminatory experiences that they have or that they witness. Employees found to be involved in harassment or discriminatory activities are subject to disciplinary action.

The following procedures apply to allegations of discrimination and/or harassment (collectively referred to as "harassment") on the basis of an employee's race, color, religion, gender, sexual orientation, age, national origin, disability, or any other applicable legally protected status.

Additionally, Governing Board members or any members of the general public who are visiting a campus or administration facility of the District may follow these procedures if they are subjected to or witness harassing or discriminatory behavior.

The following definitions are examples and not a complete list of harassment definitions.

**Harassment Definitions*****Race/Color/National Origin***

Examples of race, color, or national origin harassment include oral, written, graphic, or physical conduct relating to an employee's race, color, or national origin, including an employee's ancestry or country of origin, that has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive employment environment. A race, color, or national origin basis for acts of harassment may be evident from the explicit statements of the perpetrator or may be inferred from the surrounding circumstances.

A hostile environment may be created through the following examples of conduct:

- Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin.
- Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin.
- Demeaning racial jokes, taunting, racial slurs, and derogatory racial nicknames, innuendoes, or derogatory remarks of a racial nature or relating to color, or national origin.

***Religious Harassment***

Examples of harassment based on religion or religious beliefs include oral, written, graphic, or physical conduct relating to an employee's religion or religious belief that has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive employment environment. A religious basis for acts of harassment may be evident from the explicit statements of the perpetrator or may be inferred from the surrounding circumstances.

A hostile environment may be created through the following examples of conduct.

- Intimidation and implied or overt threats of physical violence motivated by religion or religious beliefs.
- Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's religion or religious beliefs.

- Demeaning religious jokes, taunting, religious slurs and derogatory religious nicknames, innuendoes, or derogatory remarks of a religious nature.

### ***Gender (Sexual) Harassment***

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or regarding an individual's sexual orientation where:

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

Sexual harassment may include, but is not limited to:

- *Verbal:* Derogatory comments or jokes, slurs, insults, epithets, threatening words spoken to another person, continuing to express sexual interest after being informed that the interest is unwelcome, sexual name calling, or spreading of rumors.
- *Physical:* Unwanted physical touching, contact, assault, deliberate impeding or blocking of movements, leering gestures, or any intimidating interference with normal work or movement.
- *Visual:* Derogatory, demeaning, obscene, suggestive or inflammatory posters, cartoons, calendars, written words, letters, notes, invitations, drawings, gestures, or objects.
- *Coercive behavior:* Coercive behavior used to control, influence or affect the career, salary, and/or work environment of another employee.
- *Quid Pro Quo:* Offering or granting of employment benefits, such as promotions, favorable performance evaluations, assignments, duties, etc., in exchange for sexual favors.

### ***Disability Harassment***

Examples of harassment based on a disability include oral, written, graphic, or physical conduct relating to an employee's disability that has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive employment environment. Acts of harassment based upon a disability may be evident from the explicit statements of the perpetrator or may be inferred from the surrounding circumstances.

A hostile environment may be created through the following examples of conduct:

- Intimidation and implied or overt threats of physical violence motivated by a disability.
- Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's disability.
- Demeaning disability-related jokes, taunting, slurs and derogatory disability-based nicknames, innuendoes, or remarks.

### ***Age Harassment***

Examples of harassment based on age include oral, written, graphic, or physical conduct relating to an employee's age that has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive employment environment. Acts of harassment based upon age may be evident from the explicit statements of the perpetrator or may be inferred from the surrounding circumstances.

A hostile environment may be created through the following examples of conduct:

- Intimidation and implied or overt threats of physical violence motivated by an individual's age.
- Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's age.
- Demeaning age-related jokes, taunting, slurs and derogatory age-based nicknames, innuendoes, or remarks.

## **Complaint Procedures**

### ***General Rules Regarding Harassment Reporting***

Any employee who is subjected to or observes harassing or discriminatory conduct is encouraged to immediately report it, either verbally or in writing, to the building administrator, department head or the District's Equal Employment Opportunity (EEO) Officer, who is located in the human resources department at the District administrative offices. A report (either verbal or written) should contain information about the incident(s) of harassment, the date, the substance of the encounter and the alleged victim's reaction.

These regulations do not prohibit any individual from making a complaint directly to the appropriate state or federal agencies charged with enforcing harassment and discrimination laws.

A substantiated charge against an employee in the District shall subject that employee to disciplinary action.

Anyone who knowingly files or threatens to file a false complaint is subject to disciplinary action.

All matters involving harassment complaints will remain confidential to the extent possible. To assure confidentiality is consistent with legal mandates, the District will maintain all complaints, reports, statements,

notations and memoranda generated during the course of an investigation in a separate file. Such material will be deemed confidential and access to the separate files will be limited. A record is kept of the report, results of the investigation and persons involved regardless of whether the complaint is informal or formal. However, any discipline issued may be documented in an employee's personnel file.

Should a complaint be received by a department or school directly from a compliance agency, the complaint is to be directed to the District's EEO Officer.

The District is committed to providing information and training for its administrators and staff through regular meetings, ensuring that they understand the policy and its importance; making all employees aware of this policy and the commitment of the District toward its strict enforcement; remaining watchful for conditions that create or may lead to a hostile or offensive work environment; and establishing and implementing programs and practices designed to create a working environment free from discrimination and harassment.

The District will neither allow nor tolerate retaliation in any form by any employee or others, against any complaining employee, or corroborating witness. Retaliation that contravenes this policy will result in disciplinary action.

If there is reason to believe that the Superintendent has violated policy, the complaint shall be made to the President of the Governing Board.

### ***Informal Complaint Resolution Process***

A complaint may first be presented informally to the person immediately involved in the alleged harassment. If the complaint is not promptly resolved at that level, or if the employee elects not to present the complaint to the person immediately involved, the employee is encouraged to immediately present the complaint to the supervisor of the alleged harasser.

After learning of an employee's complaint, the administrator or designee meets with the complaining employee ("complainant") to investigate the details of his/her complaint. The complainant will place their concerns in writing on the Informal Complaint Form, GBA-EA. The administrator or designee will use the Administrator's Checklist, GBA-EB, when proceeding through the Informal Complaint Resolution Process. The complainant and alleged harasser may have a representative present with them.

In the case where the complainant's supervisor is the cause of the complaint, the complainant may file a complaint with the District's EEO Officer, located in human resources, who will arrange for the investigation of the matter.

The administrator or designee provides for an appropriate investigation, which includes giving the alleged harasser an opportunity to present his/her side of the incident and also includes interviewing any other relevant witnesses. If possible, the alleged harasser and witness(es) will place their responses in writing.

Within ten (10) working days after being notified of the complaint, the administrator shall inform both the complainant and alleged harasser of the administrator's determination and proposed resolution, if any, of the matter. If the administrator is unable to complete an investigation within this time frame, the complainant shall be provided with a written explanation of the reason for the delay and an estimate of when the investigation will be completed.

If applicable, during the investigation the administrator may implement any initial remedial steps to separate the complainant and the alleged harasser. A remedial step may include placing the alleged harasser on a nondisciplinary paid administrative leave.

The administrator or designee keeps a written record of the report, results of the investigation, and persons involved. All complaints, reports, statements, notations and memoranda generated during the course of an investigation are kept in a separate file. Such material will be deemed confidential and access to the separate files will be limited.

If the complainant does not agree with the findings of the administrator, the complainant may, within ten (10) working days after receiving the administrator's decision, appeal the decision in accordance with the Formal Complaint process.

### ***Formal Complaint Resolution Process***

If the complainant disagrees with the administrator's findings, the complainant may, within ten (10) working days after receiving the decision, appeal the decision to the District's EEO Officer by filing a *formal complaint* on exhibit GBA-EC.

The complainant may also complete and submit a formal complaint when the administrator is the cause of the complaint.

Within twenty (20) working days after receiving the formal complaint, the EEO Officer shall receive and evaluate all relevant evidence related to the complaint and shall render a recommendation to the Superintendent. Evaluation of the complaint shall include, but is not necessarily limited to, conferring with the parties involved and any named or apparent witness(es). If the EEO Officer is unable to complete an investigation within this time frame, the

complainant shall be provided with a written explanation of the reason for the delay and an estimate of when the investigation will be completed.

The EEO Officer's recommendation shall be delivered to the Superintendent and shall be in writing with supporting evidence and reasons. The Superintendent will render a decision upholding, modifying or rejecting the recommendation within three (3) working days. The Superintendent's decision will be communicated in writing to the complainant by the EEO Officer within two (2) working days after receiving the decision from the Superintendent. The EEO Officer shall retain a record of the Superintendent's written decision. If the Superintendent is unable to render a decision within three (3) working days, the complainant shall be provided with a written explanation of the reason for the delay and an estimate of when the written determination will be provided, which will be no longer than ten (10) additional working days.

If after the investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent, at his/her discretion, shall determine whether to hold an administrative hearing in accordance with the District's disciplinary procedures.

**STAFF ETHICS****(Statement of Ethics for School Employees)**

All employees of the District are expected to maintain high standards in their school relationships. These standards must be idealistic and at the same time practical, so that they can apply reasonably to all staff members. The employees acknowledge that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, every employee assumes responsibility for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. It must be recognized that the employee's actions will be viewed and appraised by the community, associates, and students. To these ends, the Board adopts the following statements of standards.

The school employee:

- Makes the well-being of students the fundamental value of all decision making and actions.
- Maintains just, courteous, and proper relationships with students, parents, staff members, and others.
- Strives for the maintenance of efficiency and knowledge of developments in the employee's field of work.
- Fulfills job responsibilities with honesty and integrity.
- Directs any criticism of other staff members or of any department of the school system toward improving the District. Such constructive criticism is to be made directly to the school administrator who has the responsibility for improving the situation.
- Supports the principle of due process and protects the civil and human rights of all individuals.
- Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
- Implements the Governing Board's policies and administrative rules and regulations.
- Refrains from using school contacts and privileges to promote partisan politics, sectarian religious views, or selfish propaganda of any kind.
- Pursues appropriate measures to correct any laws, policies, or regulations that are not consistent with sound educational goals.
- Avoids using position for personal gain through political, social, religious, economic, or other influence.
- Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
- Stresses the proper use and protection of all school properties, equipment, and materials.
- Honors all contracts until fulfillment or release.

In the performance of duties, employees shall keep in confidence such information as they may secure unless disclosure serves District purposes or is required by law.

*Adopted:* \_\_\_\_\_ date of manual adoption

LEGAL REF.: A.A.C. R7-2-205

## STAFF CONDUCT

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students and District property. No employee shall, by action or inaction, interfere with or disrupt any District activity or encourage any such disruption. No employee, other than one who has obtained authorization from the appropriate school administrator, shall carry or possess a weapon on school grounds. All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

Potential consequences to employees of the District who violate these rules may include, but are not limited to:

- Removal from school grounds.
- Both civil and criminal sanctions, which may include, but are not limited to, criminal proceedings under Title 13, Chapter 29, Arizona Revised Statutes.
- Warning.
- Reprimand.
- Suspension.
- Dismissal.
- Having consideration given to any such violations in the determination of or establishment of any pay or salary in later contracts or employment, if any.

### Reporting Suspected Crimes or Incidents

Staff members are to report any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property. All such reports shall be communicated to the Superintendent who shall be responsible for reporting to local law enforcement.

### Use of Physical Force by Supervisory Personnel

Any administrator, teacher, or other school employee entrusted with the care and supervision of a minor may use reasonable and appropriate physical force upon the minor to the extent reasonably necessary and appropriate to maintain order. Similar physical force will be appropriate in self-defense, in the defense of other students and school personnel, and to prevent or terminate the commission of theft or criminal damage to the property of the District or the property of persons lawfully on the premises of the District.

The threat or use of physical force is not justified as a response to verbal provocation alone, nor when the degree of physical force used is disproportionate to the circumstances or exceeds that necessary to avoid injury to oneself or to others or to preserve property at risk.

*Adopted:*            date of manual adoption

LEGAL REF.:	A.R.S. 13-2911	15-514	
		13-3102	15-521
		13-3111	15-550
		13-3411	38-531
		15-341	38-532
		15-342	41-1758.03
		15-507	41-770
		15-509	

A.A.C. R7-2-205

**STAFF CONDUCT**

No employee, while on or using school property, otherwise acting as an agent, or working in an official capacity for the District shall engage in:

- Physical or verbal abuse of, or threat of harm to, anyone.
- Causing damage, or threat of damage, to property of the District or property of a member of the community or a visitor to the school when the property is located on premises controlled by the District.
- Forceful or unauthorized entry to or occupation of District facilities, including buildings and grounds.
- Use, possession, distribution, or sale of alcohol or of drugs or other illegal substances.
- Use of profane or abusive language, symbols, or conduct.
- Failure to comply with lawful direction of District officials, security officers, or any other law-enforcement officer, or failure to identify oneself to such officials or officers when lawfully requested to do so.
- The carrying or possession of a weapon on school grounds without authorization from the appropriate school administrator.
- A violation of District policies and regulations.
- Any conduct violating federal, state, or applicable municipal law or regulation.
- Any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions of the District, or any other activity sponsored or approved by the Board.

In addition to the foregoing, all staff members are expected to:

- Thoroughly acquaint themselves with the rules, regulations, and other information applicable to them contained within the policies of the Board.
- Conduct themselves in a manner consistent with effective and orderly education and to protect the students and the District property.
- Maintain order in a manner consistent with District policies and regulations.
- Comply promptly with all orders of the Superintendent and the administrator who is their immediate supervisor.
- Dress and maintain a general appearance that reflects their position and does not detract from the educational program of the school.
- Comply with the requirement of A.R.S. 15-515 by immediately reporting to the Superintendent or the administrator who is their immediate supervisor:
  - A violation of A.R.S. 13-3102 [possession of a deadly weapon on school grounds].
  - A violation of A.R.S. 13-3111 [possession of a firearm by a minor without authorization (in Maricopa and Pima Counties and where otherwise adopted by local ordinance)].
  - A violation of A.R.S. 13-3411 [possession, use, or intent to sell marijuana, peyote, or dangerous or narcotic drugs, or intent to sell prescription-only drugs in a drug-free school zone (i.e., school grounds and the area within three hundred [300] feet and public property within one thousand [1,000] feet of school grounds, the area at a school bus stop, and a school bus)].

Any administrator receiving a report of a violation of A.R.S. 13-3102, 13-3111, or 13-3411 shall immediately report such violation to a peace officer in compliance with A.R.S. 15-515.

Employees of the District who violate these rules are subject to disciplinary action.





**DRUG-FREE WORKPLACE**

The Governing Board is committed to having a drug and alcohol free work environment. Therefore, no employee shall violate the law or District policy in the manufacture, distribution, dispensing, possession, or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

*Workplace* includes any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport staff members or students to and from school or school activities or on school business. Off school property, the workplace includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the District. In addition, the workplace shall include all property owned, leased, or used by the District for any educational or District business purpose.

Any employee who has been convicted under any criminal drug statute for a violation occurring in the workplace shall verbally notify the supervisor within five (5) working days thereof that such conviction has occurred.

As a condition of employment, each employee shall abide by the terms of the District policy respecting a drug-free workplace and by completing Exhibit GBEC-EA.

Any employee who violates this policy in any manner is subject to discipline, according to District policy.

*Adopted:* April 10, 2008

LEGAL REF.: A.R.S. 13-2911

13-3401 *et seq.*  
15-341

41 U.S.C. 702, Drug-free workplace requirements for  
Federal grant recipients.

21 C.F.R. 1308.11 *et seq.*  
34 C.F.R. Part 84

**SMOKING BY STAFF MEMBERS**

The possession or use of tobacco products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

Under the provisions of A.R.S. 36-798.03, a person who violates the prohibition is guilty of committing a petty offense.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with Arizona Revised Statute 15-712.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 13-3622

15-341  
15-712  
36-798.03  
6083

20 U.S.C.

### NONMEDICAL USE OR ABUSE OF DRUGS OR ALCOHOL

All substance abuse or drug and alcohol testing will be performed in conformance with applicable laws and the following procedures.

#### **Pre-Employment Post-Offer Testing**

After an offer of employment has been made, but before the beginning of the applicant's duties, all applicants are required to undergo a drug/alcohol test. Testing will be conducted in accordance with the testing procedures discussed below.

All individuals are required to sign a consent and release form prior to testing. Tested individuals shall pay a portion of the testing cost. Individuals that fail the screening process are not reimbursed for the cost of the test. Individuals who refuse to undergo drug testing are not eligible for hire.

Test results will be sent to the District's designated human resources representative. The Human Resources Administrator or designee will notify the individual of a positive test outcome.

If the test is positive, the individual may submit information to the human resources department within three (3) working days after receiving notice of the test results. If the explanation is acceptable, the individual may begin work after satisfying other District requirements. Individuals testing positive can, at their option and expense, have a second confirmation on the same specimen at the collection site. Individuals are not allowed to submit another specimen for testing. A test result indicating the specimen contained a masking substance will be considered a positive test. Individuals must submit a request for a retest within three (3) working days after being informed of their first test result. Failure to do so will result in the District taking action based upon the first test result. A work day is defined as a day when the District office is open for business.

Individuals refusing to cooperate in any portion of the testing procedure are not eligible for hire. Failure to pass the screening process will result in the withdrawal of the recommendation to hire and that individual will not be eligible to reapply for District employment at any of the Washington School District properties, in any capacity, for a minimum of six (6) months.

#### **Reasonable Suspicion Testing**

*Reasonable Suspicion.* When the District has reasonable suspicion to believe that an employee has violated the District's policy regarding drug and alcohol use, it will conduct an investigation that may result in requiring the employee to submit to drug/alcohol testing. Circumstances that constitute reasonable suspicion may include, but are not limited to:

- Observation of use or possession of drugs or alcohol;
- Presence of the physical symptoms of drug/alcohol use, such as slurred speech, red eyes, erratic behavior, dilated pupils, smell of alcohol or drugs emanating from the body, poor coordination;
- Inability to perform a job or task;
- A work-related accident;
- Receipt of reliable information indicating that a violation of the policy has occurred;
- Frequent absenteeism or tardiness.

The person who observed the behavior shall complete and sign a Reasonable Suspicion Report Form summarizing the circumstances that constitute reasonable suspicion. Anyone who knowingly files or threatens to file a false complaint will be subject to disciplinary action.

When there is reasonable suspicion that an employee has violated this policy, a conference will be held with the employee and the supervisor/designee. This conference will be held as soon as possible after the conduct creating the reasonable suspicion is noted. During the conference, the employee will be informed of the basis for the reasonable suspicion and will have an opportunity to respond. Based on the results of this conference, the employee may be required to submit a specimen at a collection site.

If the employee is required to submit a specimen, the employee will be taken to a District-approved medical collection site by a District supervisor/designee. If a District vehicle is assigned to the site where the violation occurred, the supervisor/designee will drive the employee to the collection site. If the work site does not have a District vehicle, or if the violation occurs after regular business hours, a District vehicle driven by the Transportation Department/designee will be dispatched to the work site. As the last option, a personal vehicle will be used as transportation. If possible, two (2) District personnel should accompany the employee to the collection site.

The employee will be requested to sign a Consent and Release Form authorizing the collection site to conduct a test. Employees who refuse to sign this form will be considered insubordinate and will be subject to discipline. In emergency cases where the employee is injured as a result of an accident/incident, the District will inform a staff member at the medical facility where the employee is taken of the need for drug/alcohol testing if there is reasonable suspicion that the employee violated this policy. If possible, the District will request the employee to sign a Consent and Release Form.

Testing shall be conducted under the following conditions:

- Sample collections shall be performed under reasonable and sanitary conditions.
- Sample collections shall be labeled in such a way as to reasonably preclude the possibility of misidentification of test results.
- Sample collection, storage and transportation, where necessary, shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration, or misidentification.
- Sample testing will be done in such a way as to comply with scientifically-accepted analytical methods and procedures.

Any specimen that is shown to have been adulterated will be considered as a positive result.

Positive tests results shall be confirmed by a subsequent test on the same specimen, using a different chemical process than used in the initial drug screening.

The District will pay the actual costs of the initial drug/alcohol impairment test. An employee awaiting test results may be placed on administrative leave with pay until the District receives the test result.

Test results will be sent to the District's Human Resources Administrator. The Human Resources Administrator and the employee's supervisor will inform the employee of the test results. If the test result is negative, the employee will return to work. If the test result is positive, the employee may submit information to the human resources department within three (3) working days after receiving notice of the test results. A test result indicating the specimen contained a masking substance will be considered a positive test. If the explanation is acceptable, the employee will return to work. Employees testing positive can, at their option and expense, have a second confirmation on the same specimen at the collection site. An employee is not allowed to submit another specimen for testing. An employee must request in writing a retest within three (3) days after being informed of their first test result. Failure to do so will result in the District taking action based upon the first test result. A day is defined as a day in which the employee is regularly scheduled to work. Employees testing positive will be subject to disciplinary action. Employees refusing to cooperate in any portion of the testing procedure will be considered insubordinate and will be subject to disciplinary action.

Depending on the circumstances, an employee who is referred for testing may be directed to take alternate transportation home or to a destination where assistance is available. If transportation arrangements cannot be made, if a District vehicle is assigned to the site where the violation occurred, the supervisor/designee will drive the employee. If the work site does not have a District vehicle, or if the violation occurs after regular business hours, a District vehicle driven by the transportation department/designee will be dispatched to the work site. As the last option, a personal vehicle will be used as transportation. If possible, two (2) District personnel should transport the individual to an appropriate destination. If an employee insists on driving from the premises, local law enforcement authorities may be contacted depending on the employee's ability to drive. The employee will not be allowed to operate District equipment when it reasonably appears that his/her ability to do so is impaired.

*Corrective Action.* One (1) or more of the following may be implemented after receipt of a positive test result:

- Supervisor/employee conference to counsel employee regarding problems and expectations for future behavior;
- Referral to community agency or employee health insurance plan;
- Use of leave policies;
- Warning, reprimand, suspension, or termination.

*Self-Referral.* Employees with an alcohol, drug, or controlled substances problem are encouraged to seek assistance. An employee that requests assistance prior to the detection of reasonable suspicion may be referred to a community agency or health insurance plan for assistance, at the employee's expense. An employee may also be eligible for a District leave. Upon returning from leave the employee will be required to submit medical and/or professional certification of the ability to resume responsibilities.

All test results are to be kept confidential. Disclosure of test results will conform to applicable laws. Any individual subject to a drug/alcohol test may receive, upon written request, a copy of their test result.

The District will not release information relating to testing, including test results, to any third parties except upon written authorization of the individual, or when legally compelled to do so.

*Transportation Employees.* District employees required to have a commercial drivers license for the performance of their jobs and transportation employees, as defined by A.R.S. 15-513, are required to submit to the procedures outlined above, in federal and state law, and policy EEAEAA and EEAEAA-R.

**REPORTING CHILD ABUSE /  
CHILD PROTECTION**

Any school personnel or any other person who reasonably believes that a minor is or has been the victim of physical injury, child abuse, or neglect that appears to have been inflicted upon the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under A.R.S. 36-2281 shall immediately report or cause reports to be made of such information to a peace officer or to the Child Protective Services (CPS) of the Department of Economic Security, except if the report concerns a person who does not have care, custody, or control of the minor, the report shall be made to a peace officer only. Such reports shall be made immediately by telephone or in person and shall be followed by a written report within seventy-two (72) hours. Pursuant to A.R.S. 13-3620, such reports shall contain:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
- The minor's age and the nature and extent of the minor's abuse, child abuse, or physical injuries or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
- Any other information that such person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

A person who furnishes a report, information, or records required or authorized under Arizona Revised Statutes or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under Arizona Revised Statutes is immune from any civil or criminal liability by reason of that action unless such person has acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

A report is not required under A.R.S. 13-3620 for conduct prescribed by A.R.S. 13-1404 and 13-1405 if the conduct involves only minors who are fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and there is nothing to indicate that the conduct is other than consensual.

A person who fails to report abuse as provided in A.R.S. 13-3620 is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

Any certificated person or Governing Board member who reasonably suspects or receives a reasonable allegation that a person certificated by the Department of Education has engaged in conduct involving minors that would be subject to the reporting requirements of A.R.S. 13-3620 shall report or cause reports to be made to the Department of Education in writing as soon as is reasonably practicable but not later than three (3) business days after the person first suspects or receives an allegation of the conduct.

Any school employee who has orally reported to CPS or a peace officer a reasonable belief of an offense to a minor must provide written notification to the principal of the oral report not later than the next workday following the making of the report.

*Adopted:* \_\_\_\_\_ date of manual adoption

LEGAL REF.:	A.R.S. 8-201	13-3553	
		13-1404 <i>et seq.</i>	13-3608
		13-1410	13-3619
		13-3019	13-3620
		13-3212	13-3623
		13-3506	15-514
		13-3506.01	46-451
		13-3552	46-454

## STUDENT VIOLENCE / HARASSMENT / INTIMIDATION / BULLYING

The Governing Board of the Washington Elementary School District believes it is the right of every student to be educated in a positive, safe, caring, and respectful learning environment. The Governing Board further believes a school environment that is inclusive of these traits maximizes student achievement, fosters student personal growth, and helps students build a sense of community that promotes positive participation as members of society. Bullying, harassment or intimidation as defined below (see Policy JICK) will not be tolerated.

### **Definitions:**

Bullying (including cyberbullying as defined below) may occur when a student or group of students engages through **written, verbal, physical, or emotional means**, any form of behavior that:

- is **sufficiently severe, persistent or pervasive, and**
- occurs when there is a **real or perceived imbalance of power or strength**

and the conduct involves:

- physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm or damage to property, OR
- actions, behaviors or threats that creates an intimidating, threatening, or abusive environment in the form of physical or emotional harm.

and the conduct occurs:

- on school grounds, school property, school buses, at school bus stops, at school sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists, OR
- outside of the school and the school day when such bullying results in a substantial physical, mental, or emotional negative effect on the victim while on school grounds, school property, school buses, at school bus stops, or at school sponsored events and activities, or when such act(s) interfere with the authority of the school system to maintain order.

Examples include:

- verbal, written/printed or graphic exposure to derogatory comments, extortion, exploitation, name calling, or rumor spreading either directly through another person or group or through cyberbullying,
- social exclusion or ostracism,
- physical contact, including but not limited to, pushing hitting, kicking, shoving, or spitting,
- damage to or theft of personal property.

**Cyberbullying:** Cyberbullying is, but not limited to, **any act of bullying** committed by use of electronic technology or electronic communication devices, including telephonic devices, social networking and other internet communications, on school computers, networks, forums and mailing lists, or other District-owned property, and by means of an individual's personal electronic media and equipment.

### **Reporting Obligations:**

**Student Reporting:** A student who is experiencing bullying, or believes another student is experiencing bullying, shall report the situation to the principal or the principal's designee or another school employee. The student's report may be provided **verbally** or **in writing**. A student's verbal report will be documented in writing by the employee receiving the report. (Use Exhibit JICK-EA – Complaint Form.)

**Employee Reporting:** A school employee who becomes aware of or suspects a student is being bullied shall immediately notify the principal or the principal's designee. Employees may initially give verbal notice to the principal or the principal's designee, but shall submit a written report to the principal or the principal's designee within **one (1) school day** of the verbal report. (Use Exhibit JICK-EA – Complaint Form.)

Failure by an employee to report a suspected case of bullying may result in disciplinary action up to suspension without pay or dismissal pursuant to Board Policies GCQF and GDQD.

**SUPERVISIONS OF STUDENTS**

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school and the school is responsible for them.

Supervision shall include being within the physical presence and, whenever possible, within a line of vision of the students so that school personnel will have a reasonable opportunity to control the behavior of and assist the students if necessary. Teachers shall exercise supervision as appropriate from the commencement of the school day, before classes begin, during class sessions, during lunch periods, between classes, and at any other time when performing teaching or related duties on behalf of the school.

If it should be necessary in an emergency situation for a teacher to leave the physical presence of the students, then the teacher shall make a reasonable effort to obtain a school employee to supervise the students during the teacher's absence. In no case shall the teacher leave students unsupervised if there is a reasonable possibility that harm to students or property will result from the students being left unattended.

School administrators, teachers, and other staff members will ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

*Adopted:* \_\_\_\_\_ date of manual adoption

LEGAL REF.: A.R.S. 15-341

15-502

15-521

**STUDENT DISMISSAL PRECUATIONS**

No student will be removed from the school grounds, from any school building, or from any school function during school hours except by a person authorized to do so by the student's parent or by a person who has legal custody of the student, except as A.R.S. 8-303, 8-304, and 8-802 shall apply. Before a student is removed, the person seeking to remove the student must present, to the satisfaction of the Superintendent, evidence of proper authority to remove the student. If any police or court official requests the dismissal of a student during school hours, parents should be notified as soon as possible.

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LEGAL REF.: A.R.S. 8-303

8-304

8-802

13-1302