State of Arizona
Department of Education

NON-DISCRIMINATION POLICY

The Arizona Department of Education is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunity and prohibits discriminatory practices, including harassment. Therefore, Arizona Department of Education commits itself to the following non-discrimination policy.

Equal Opportunity

It is the policy of the Arizona Department of Education to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, age, disability, national origin, or any other characteristic protected by law. The Arizona Department of Education prohibits any such discrimination or harassment.

Retaliation Is Prohibited

The Arizona Department of Education encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Arizona Department of Education to investigate such reports. The Arizona Department of Education prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Definitions of Harassment

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or,
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic

material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender.

Sexually harassing conduct includes, but is not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Individuals and Conduct Covered

This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the Arizona Department of Education such as an outside vendor, consultant or customer.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting such as outside business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

The Arizona Department of Education encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, manager, agency human resources or employee relations staff.

In addition, the Arizona Department of Education encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. The Arizona Department of Education recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

Informal Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should promptly notify his/her immediate supervisor, manager, agency human resources or employee relations staff. An individual reporting harassment, discrimination or retaliation should be aware; however, that the Arizona Department of Education may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The informal procedure is not a required first step for the reporting individual.

Formal Procedure

As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with a member of management, agency Human Resources or Employee Relations staff.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with appropriate investigation and corrective action. Depending on the nature of the complaint, it may not be possible to preserve confidentiality.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as a reprimand, suspension without pay or termination, as the Arizona Department of Education believes appropriate under the circumstances. Responsive action may also include a reassignment or transfer.

If a party to a complaint does not agree with its resolution, that party may appeal to the agency Human Resources Office. Employees may also contact the Governor's Office of Equal Opportunity, The Arizona Attorney General's Civil Rights Division, and the Federal Equal Employment Opportunity Commission.

False complaints of harassment, discrimination or retaliation as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Conclusion

- The Arizona Department of Education has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.
- The Arizona Department of Education will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint of violation of such policies will be investigated and resolved appropriately.
- The Arizona Department of Education will post the Non-Discrimination Policy throughout departmental facilities. This policy is accessible to employees at http://www.azed.gov/hr-payroll/external-guidelines/non-discrimination/.
- All employment announcements shall include the phrase:

"AN EQUAL EMPLOYMENT OPPORTUNITY AGENCY"

As Director of the Arizona Department of Education, I am committed to the principles of Equal Employment Opportunity. To ensure the dissemination and implementation of the Equal Opportunity Policy throughout all levels of the Department, Billie Belanger shall serve as the Equal Opportunity Administrator for the Arizona Department of Education. Ms. Belanger can be contacted at (602) 542-3186 and Billie.Belanger@azed.gov.

John Huppenthal
Superintendent of Public Instruction

Date 2/15/2013

Any employee who has any questions or concerns about these policies should talk with Agency Personnel, Human Resources, or Employee Relations staff, the Governor's Office of Equal Opportunity, http://azgovernor.gov/eop/index.asp