

Harassment of Students

RSU 9 prohibits discrimination, including harassment, of students on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family or marital status
- Color;
- Religion;
- Ancestry or national origin; and
- Disability.

Such conduct is in violation of Board policy and may constitute illegal discrimination under state and/or federal laws.

School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

A. Harassment

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on the protected classes listed above. Harassment that rises to the level of physical assault, battery and/or abuse, and/or bullying behavior are also addressed in Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

B. Sexual Harassment

Sexual harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Sex-Based Harassment under Title IX

Under the federal Title IX law and its accompanying regulations, sex-based harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions, that is:

- a. “Quid pro quo” sexual harassment by a school employee, agent, or other person authorized by the school unit to provide aid, benefit or service under an education program or activity, explicitly or implied conditioning the provision of such aid, benefit or service (such as a better grade or a college recommendation) on an individual’s participation in unwelcome sexual conduct;
- b. “Hostile environment” sexual harassment: Unwelcome conduct that, based on the totality of circumstances, is subjectively and objectively offensive, and determined to be so severe, pervasive and objectively offensive that it limits or denies an individual’s ability to participate in or benefit from the school unit’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure).
- c. Sexual assault, dating violence, domestic violence and stalking, as these terms are defined in federal laws.

2. Sexual Harassment Under Maine Law

Under Maine law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.

C. Reports and Complaints of Harassment

All school employees (except employees designated by the school unit as “confidential employees” in regard to sexual/sex-based harassment complaints) are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment involving students to the Affirmative Action Officer/Title IX Coordinator so they can be appropriately addressed.

The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has

occurred. Reports of discrimination and harassment of students shall be addressed through *ACAA- R1 Discrimination and Harassments of Students Complaint Procedure. Reports of sex discrimination including sexual/sex-based harassment are addressed in ACAA- R2 – Student Sex Discrimination/Harassment Complaint Procedure.*

Legal Reference:

Americans with Disabilities Act (42 U.S.C. §§12101- 12213., as amended; 28 C.F.R. §35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended by 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (Title IX) 20 USC §§ 1681 – 1688, as amended by 34 C.F.R. §106
Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c to 2000c-9.
Maine Human Rights Act, 5 MRSA §§ 4551-4634 (2023)
20-A MRSA § 6553 (2019)
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, Ch. 4

Cross Reference:

ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
AC – Non-discrimination/Equal Opportunity and Affirmative Action
ACAB – Harassment of Employees
ACAA-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAA-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK – Bullying
JIE – Pregnant Students

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