

UNLAWFUL HARASSMENT AND SEXUAL 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, 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 is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct based on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school-aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;

- b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to the school unit’s education program or activities;
- 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 or Sexual Harassment

All school employees 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 or sexual 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.

All reports and complaints of harassment and sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

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-R - Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

AC – Nondiscrimination/Equal Opportunity and Affirmative Action

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

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