

HARASSMENT OF SCHOOL EMPLOYEES

RSU 9 prohibits discrimination, including harassment of school employees 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;
- Age;
- Disability; and
- Genetic information.

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

A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on the protected classes above. Harassment that rises to the level of physical assault, battery, and/or abuse is also addressed in Board policy JICIA – Weapons, Violence, and School Safety, and bullying conduct is also addressed in Board policy GBGB – Workplace Bullying. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation are also illegal.

B. Sexual Harassment/Sex-Based Harassment

Sexual harassment is addressed under federal and state laws and 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 promotion or favorable evaluation) 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 ACAB-R2 – Employee 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/regulations, 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 an individual's employment;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. 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.

C. Reports and Complaints of Harassment or Sexual Harassment

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Affirmative Action Officer/Title IX Coordinator. 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 regarding harassment or sexual harassment of employees shall be addressed through *ACAB- R1 Discrimination and Harassments of Employee Complaint Procedure*. Reports of sex discrimination including sexual/sex-based harassment are addressed in *ACAB- R2 – Employee Sex Discrimination/Harassment Complaint Procedure*

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 -1688);
34 C.F.R. §106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against §§ato)
Americans with Disabilities Act, 42 U.S.C §§ 12101-12213 as amended by 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 VI of the Civil Rights Act of 1964, 42 U.S.C 2000d to 2000d-7
Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e – 2000e-17, as
amended 29 C.F.R. § 1604.11
Age Discrimination in Employment Act (29 U.S.C. §§ 623 -634.)
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. §§ 2000ff –2000ff
-11)
MHRC Rule Chapter 94-348, ch. 3
26 MRSA §§ 806-807
Pregnant Workers Fairness Act, 42 U.S.C §§ 2000gg-2000gg-6
Maine Human Rights Act, 5 M.R.S.A. §§4551-4634 (2023)

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB-R1- Employee Discrimination/and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
ACAA – Harassment of Student
ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
ACAD - Hazing
GBGB – Workplace Bullying
JICIA – Weapons, Violence and School Safety
JIE – Pregnant Students

Adopted: March 26, 2019

Previous Revisions: February 9, 2021, October 11, 2022

Revised: August 27, 2024