

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment will not be tolerated in CRCS. Acts of harassment based upon race, color, sex, sexual orientation, gender identity, religion, age, national origin, ancestry, familial status, genetic information or disability are not only prohibited as a violation of this policy, but also constitute illegal discrimination under state and federal laws.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

Examples of prohibited harassment include, but are not limited to:

- A. Unwelcome sexual advances, gestures, comments, or contact;
- B. Threats;
- C. Offensive jokes;
- D. Ridicule, slurs, derogatory action or remarks; and
- E. Basing employment decisions on practices of submission to harassment.

Each employee and each student has the right to work and learn in an environment which is free of intimidation, hostility, and offensiveness. Employees and students are encouraged to inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate.

Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up to and including discharge.

A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability. 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

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. Title IX Sexual Harassment

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

- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

2. Sexual Harassment Under Title VII and Maine Law

Under another federal law, Title VII, and under Maine law/regulations, sexual harassment is defined differently. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

- 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 employees who believe that they are victims of harassment should report such occurrences to the Affirmative Action/Title IX Coordinator. The Affirmative Action/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 the Employee & Third-Party Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R)

Appropriate information regarding harassment and recourse will be posted in a prominent and accessible location in each workplace in the unit, as well as a public place. Education and training shall take place as required by law for each new employee.

Legal Reference: Title IX Educational Amendments of 1972 (20 USC Sec 1681 et seq)
34 CFR Part 106
Violence Against Women Act (34 USC Sec 1092(f)(6)(A)(v)-definition of sexual assault;
34 USC Sec 1229(a)(10)-dating violence; 34 USC Sec 12291(a)(3)-definition of stalking;
34 USC Sec 12291(a)(8)-definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC Sec 2000d)
Americans with Disabilities Act (42 USC Sec 12101 et seq), as amended
Section 504 of the Rehabilitation Act of 1973 (29 USC Sec 794 et seq) as amended
Title VII of 1964 Civil Rights Act (42 USC Sec 2000e, et seq; 29 CFR Sec 1604.11)
Age Discrimination in Employment Act (29 USC Sec 623 et seq)

Genetic Information Nondiscrimination Act of 2008 (42 USC Sec 2000f et seq)

5 MRSA Sec. 4551 et sec
MHRC Rule Chapter 94-348, Ch 3
26 MSRA Sec. 806, 807

Cross Reference: ACAB-R Employee Discrimination/Harassment
and Title IX Sexual Harassment Complaint Procedure
AC- Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD-Hazing

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