

## **Harassment and Sexual Harassment of Employees**

It is the policy of the District to maintain a working environment that is free from harassment. Harassment of school employees because of the employee's actual or perceived religion, race, national origin, disability, sexual orientation, gender, age or physical or mental characteristics is prohibited. Such conduct by a District employee, student or visitor to the school is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

### **Harassment**

Harassment includes but is not limited to physical or verbal abuse based on religion, race, national origin, disability, sexual orientation, gender, age or physical or mental characteristic.

### **Sexual Harassment**

Unwelcome sexual advances, lewd or suggestive remarks, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based constitutes sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment can include unwelcome verbal, written or physical conduct directed at or related to a person's gender, such as sexual gossip, or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of education or other reward, obscene graffiti, displaying or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing or hugging or restraining someone's movement in a sexual way. This applies whether the conduct is between people of the same or different gender.

### **Compliance**

The Board directs the administration to appoint a Compliance Officer and charge that Officer with responsibility for implementing a continuing program which assures compliance with this policy and with applicable state and federal law, and which identifies and corrects those techniques, procedures, and actions which may constitute harassment.

### **Disciplinary Action**

Any employee who engages in harassment or sexual harassment will be subject to disciplinary action, up to and including discharge. All complaints of harassment will be investigated in accordance with the District's Employee Grievance Procedure.

### **Notice and Training**

Annually, each employee shall receive a copy of this policy and the District's Employee Grievance Procedure. This may be accomplished by including the policy/procedure with the employee paychecks or by using other appropriate means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with law.

### **Retaliation**

It is violation of District policy for any person to retaliate against a person who in good faith reports alleged harassment or who participates in an investigation, proceeding or hearing relating to alleged harassment. This anti-retaliation provision may be violated even if the underlying complaint of harassment is found to be unjustified. Retaliation includes any form of intimidation, reprisal or harassment and may be redressed through the same reporting, investigation and enforcement procedures as for harassment.

Legal Ref: Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)  
Title VI of the Civil Right Act of 1964 (42 USC § 2000d)  
Americans with Disabilities Act (42 USC §12101 et seq.)  
Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC §794 et seq.)  
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)  
Age Discrimination in Employment Act (29 USC § 623)  
5 MRSA §§ 4602; 4681 et seq.  
20-A MRSA § 6553  
26 MRSA §§ 806-807

**Adopted:** January 24, 2000

<b>Cross References:</b>	<b>AC</b>	<b>Nondiscrimination and Compliance</b>
	<b>ACAB-R</b>	<b>Employee Grievance Procedure</b>
	<b>ACAD</b>	<b>Hazing</b>

**JICIA**

**Weapons, Violence, Theft and School  
Safety**