

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race (“race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs), color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

This policy applies to prohibit harassment of students who attend M.S.A.D. No. 75 schools to which the U.S. Department of Education’s 2020 Title IX Final Rule applies (34 C.F.R. Part 106, Federal Register Vol. 85 No. 97, May 19, 2020, p. 30026). Policy ACAA-2024 applies to prohibit harassment of students who attend M.S.A.D. No. 75 schools to which the U.S. Department of Education’s 2024 Title IX Final Rule applies (34 C.F.R Part 106, Federal Register Vol. 89 No. 83, April 29, 2024, p. 33474).

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.

Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including termination of employment. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

A. Harassment

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on race (“race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs), color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability. 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 federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the 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 better grade or a college recommendation) 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 District's education programs and activities; or

*Please note that this policy applies only to allegations of hostile environment sexual harassment as defined by the 2020 U.S. Department of Education Title IX regulations wherein conduct is both severe *and* pervasive. For allegations of conduct that violates this policy and that is either severe *or* pervasive, please refer to policy ACAA – 2024.

- 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. 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 or sexual harassment against students shall be addressed through the procedures promulgated by the Superintendent or their designee that are consistent with this policy.

The Superintendent or the Human Resources Director (designated as the Title IX Coordinator) will investigate complaints of harassment in accordance with published procedures. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

LEGAL REFERENCE:	<p>Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)</p> <p>Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)</p> <p>Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106</p> <p>Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)</p> <p>Maine Human Rights Act, 5 MRSA § 4551 et seq.</p> <p>20-A MRSA § 6553</p> <p>MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4</p>
CROSS REFERENCE:	<p>AC – Nondiscrimination/Equal Opportunity and Affirmative Action</p> <p>ACAA-2024 – Harassment and Discrimination of Students</p> <p>ACAAA – Transgender and Gender Expansive Students</p> <p>ACAD – Hazing</p> <p>GBEBB – Staff Conduct with Students</p>

JFCK – Student Use of Cellular Telephones and Other
Electronic Devices

JICIA – Weapons, Violence and School Safety

JICK – Bullying

<https://link75.org/about/title-ix>

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