

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may 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.

This policy applies to prohibit harassment of school employees employed at 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 ACAB-2024 applies to prohibit harassment of school employees employed at 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).

Notice and Training:

Annually, each employee shall receive a copy of this policy by and the School Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with 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 Maine law.

The Superintendent is responsible for ensuring that the school district complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

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

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 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.

[*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 ACAB-2024.]

- 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 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 procedures promulgated by the Superintendent or their designee that are consistent with this policy.

LEGAL REFERENCE: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
 Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
 Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
 Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
 Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
 Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
 5 MRSA § 4551 et seq.
 MHRC Rule Chapter 94-348, ch. 3
 26 MRSA §§ 806-807

CROSS REFERENCE: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAB-2024 – Harassment and Discrimination of Employees
 ACAD – Hazing
<https://link75.org/about/title-ix>

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