

SEXUAL HARASSMENT

IN THE CLASSROOM AND THE WORKPLACE

SEXUAL HARASSMENT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Sexual harassment can include: sexual assault, stalking, deliberate touching, pinching, caressing, attempts to fondle, pressure for dates or sex, and requests for sex in exchange for grades or promotions. There are two types of sexual harassment: quid pro quo and hostile environment.

Tangible Employment or Educational Action (quid pro quo): This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a University program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by the University.

Hostile Environment: Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:

Is subjectively and objectively offensive; and

Is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment.

A hostile environment can be created by anyone involved in a University program or activity, such as an administrator, faculty or staff member, student, or campus guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a sexual assault, can be sufficient.

Sexual harassment often occurs in situations where one person has power or authority over another, but it can also occur between equals. Both men and women can be sexually harassed. Sexual harassment can also occur between members of the same sex.

WHERE CAN YOU GO FOR HELP?

<https://www.maine.edu/title-ix/>

To file a Complaint online 24/7:

https://cm.maxient.com/reportingform.php?UnivofMaineSystem&layout_id=1

If you have questions or concerns about sexual harassment contact the *UMS Title IX Coordinator below:

University of Maine System
Title IX Coordinator: Liz Lavoie
5754 Boudreau Hall, Room 101
 207.581.5866
titleix@maine.edu

*You may be put in touch with a Deputy Title IX Coordinator who oversees your campus for further assistance.

TO REPORT HARASSMENT BY A STUDENT

If you wish to report sexual harassment by a student please contact the UMS Title IX Coordinator or the Student Affairs Deputy Title IX Coordinator below:

University of Maine System
Title IX Coordinator: Liz Lavoie
Campus: Overarching Coordinator
HR UM, UMM, UMFK, USM & Maine Law
 5754 Boudreau Hall, Room 101
 207.581.5866
titleix@maine.edu

Deputy Title IX Coordinator: Heather Hogan
Campus: UM & UMM
 207.581.1734
um.titleix@maine.edu

Student Deputy Title IX Coordinator: Terri Reiter or Kim Kenniston
Campus: UMA
 207.621.3044 or 207.621.3310
terri.reiter@maine.edu or
kimberly.kenniston@maine.edu

HR Deputy Title IX Coordinator: Amie Parker
Campus: UMF & UMA
 207.592.3618
amie.parker@maine.edu

Student Deputy Title IX Coordinator: Sarah Carew
Campus: UMF
 207.778.7372
sarah.carew@maine.edu

Student Deputy Title IX Coordinator: Vicki Daigle
Campus: UMFK
 207.834.7513
vicki.daigle1@maine.edu

HR/Student Deputy Title IX Coordinator: Melissa DeMerchant
Campus: UMPI
 207.768.9518
melissa.demerchant@maine.edu

Student Deputy Title IX Coordinator: Sarah Holmes
Campus: USM & Maine Law
 207.780.5767
usm.titleix@maine.edu

TITLE IX

TITLE IX SEXUAL HARASSMENT

The **Title IX regulations** define **Sexual Harassment** (also includes **sexual assault, dating violence, domestic violence, and stalking**) as conduct on the basis of sex that must satisfy one or more of the following:

- A University employee conditions the provision of an aid, benefit, or service of UMS on an individual's participating in unwelcome sexual conduct; or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UMS' education program or ac-

tivity;

Title IX jurisdiction applies when the alleged sexual harassment occurs within the context of the University's "education program or activity" which includes all of the operations of the University, and locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

THE VIOLENCE AGAINST WOMEN ACT & TITLE IX

The 2013 reauthorization of the Violence Against Women Act included new obligations for colleges and universities. These changes include:

- Reporting any incident of domestic violence, dating violence, and stalking; in which the incident occurs on campus or on property that the campus has substantial control over.
- Notification of student discipline procedures; including notification of purported victims of their rights.
- Adopt policies to address and prevent campus sexual violence; provide educational options about campus sexual violence; train staff who handle these cases.

WHAT TO DO ABOUT (ALL TYPES OF) SEXUAL HARASSMENT

SET YOUR OWN BOUNDARIES: Say "NO" emphatically and clearly when you are asked to go places, do things, respond to questions, or engage in situations that make you uncomfortable. Do not worry about offending the other person or hurting their ego. Take care of yourself.

IN AN UNCOMFORTABLE SITUATION, BE DIRECT AND HONEST, AND REMOVE YOURSELF FROM THE SITUATION IMMEDIATELY. Regardless of your previous behavior or signals you may have given earlier, you have the absolute right to halt any sexual exchange at any time. Accept this right and act on it. If someone tells you to stop an encounter, listen to them and respect that request. Anything else is harassment.

TELL SOMEONE—BEING QUIET OR STOIC ABOUT SEXUAL HARASSMENT LETS IT CONTINUE. Talk to other students or coworkers; you may not be the only one harassed by this person.

KEEP RECORDS: Write down dates, places, times, witnesses, and the nature of the harassment—what was done and said and your response. Later, it may be important for you to remember details of incidents.

KNOW THAT YOU ARE PROTECTED FROM RETALIATION. You are protected from anyone retaliating against you for reporting the incident, filing a formal complaint, or participating in the investigation.

EXAMPLES OF BEHAVIOR THAT LEAD TO COMPLAINTS

Not all of the following examples are severe or pervasive enough to deny or limit a person's ability to participate in or, benefit from the University's program based on sex to be considered sexual harassment, but all of them involve problematic or questionable behavior.

-Devon's major requires an internship with a community agency. The supervisor at the agency has been sending sexually explicit email with links to sexually graphic web sites. Devon is nervous about continuing her weekly meetings with the supervisor.

-Koda, a custodian in the residence hall, has a good relationship with students. Koda likes to linger and chat with them and sometimes goes into their rooms to talk. One student is uncomfortable with Koda's friendliness, and is thinking of moving to a different hall.

-For some time, Charlie has listened sympathetically when their boss talks about their bad marriage. Now Charlie's boss wants them to listen over drinks after work. Charlie is uncomfortable and so is Charlie's partner.

-In one of the first year classes, the professor frequently makes jokes that are derogatory about men and often have sexual overtones. One student is thinking about dropping the course due to this.

-DJ is an older student in a lab class. The teaching assistant for the lab has repeatedly asked DJ to go out. DJ said no and made an excuse. Now DJ is getting low grades.

UNIVERSITY OF MAINE SYSTEMS' POLICY ON SEXUAL ASSAULT

The University of Maine System ("the University") is committed to providing a safe environment which promotes the dignity and worth of each member of the community. In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University does not discriminate on the basis of sex in employment, education, and all other programs and activities. For this reason, the University will not tolerate sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in any form. All conduct of this nature is considered a violation of this policy.

The University will respond promptly and effectively to complaints and reports of violations of this policy. The University has an obligation to address incidents of sexual harassment that it knows or should know about, even when a complaint or report is not filed. The University will take steps to end and

prevent recurrence of violations and to correct their discriminatory effects on the complainant and others. In responding to all complaints and reports, the University will act to ensure the safety of students, guests, and employees while complying with state and federal laws and provisions of applicable collective bargaining agreements and employee handbooks.

In conformance with this policy, the University of Maine System will ensure fair and impartial investigations that will protect the rights of the person(s) filing sexual harassment complaints, the person(s) complained against, and the institution or unit. Retaliation against anyone who makes a complaint of sexual harassment or who is involved in a complaint process will not be tolerated.

For Policy information: <https://www.maine.edu/board-of-trustees/policy-manual/section-402/>

FILING A COMPLAINT

The University has an Equal Opportunity Complaint Procedure to deal promptly and fairly with concerns and complaints about discrimination or harassment. Any student or employee who feels that they have experienced sexual harassment by a University employee or third party, and anyone with knowledge of an incident, should contact their supervisor, the campus Equal Opportunity Officer or Title IX Coordinator as soon as possible after the incident.

When the responding party is an employee and a formal complaint is filed, an investigator external to the campus conducts the investigation under the Equal Opportunity Complaint Procedure. When the responding party is a student and a formal complaint is filed, the Student Conduct Officer conducts the investigation according to the procedure in the Student Conduct Code.

Remember, **the University's goal is to prevent or, when necessary, STOP sexual harassment on campus.** There are many resources directed toward these goals. The first step is yours – **SPEAK UP!**

You can file a report by contacting the UMS Title IX Coordinator or the Deputy Title IX Coordinator on your campus. Or by filing out the online report form:

ONLINE REPORTING FORM

External Complaints

Sexual harassment complaints may also be filed externally with the Maine Human Rights Commission, State House Station 51, Augusta ME 04333, (207) 624-6290 or;

U.S. Department of Education Office for Civil Rights, 5 Post Office Square, Boston, MA 02109, (617) 289-0111. Employees may choose instead or in addition to file a grievance.

ALL UNIVERSITY EMPLOYEES ARE MANDATORY REPORTERS*

It is never easy to report sexual assault or sexual harassment. But it is always the right thing to do. All of us have responsibility for contributing to a safe campus and for forwarding information about allegations of sexual harassment and sexual assault. *When allegations like these arise, all University employees and volunteers should report what they witnessed or heard to the Equal Opportunity Officer or Title IX Coordinator for their campus.*

The University of Maine System has established that **ALL** employees are mandatory reporters. This means that all employees **MUST** report sexual harassment or sexual assault they witness or receive information about.

If a student or employee reports harassment to you, listen carefully, explain the University's sexual harassment policy, and encourage the person to contact the campus Equal Opportunity Officer or Title IX Coordinator as soon as possible. In addition, it is essential that you promptly report the situation to the Equal Opportunity Officer or the Deputy Title IX Coordinator.



“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

~Maya Angelou

SUPPORT RESOURCES & MEASURES

For Emergency Services please dial 911.

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the individual requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus Resource Advisors:

Statewide Sexual Assault Hotline Help:
1.800.871.7741

Statewide Domestic Abuse Hotline:
1.866.834.4357 (Deaf or Hard of Hearing:
1.800.437.1220)

To find a Counselor covered under the UMS insurance, you can contact the Cigna Employee Assistance Program (EAP). Cigna EAP provides 6 free visits to a counselor. For further details please

contact: CIGNA EMPLOYEE ASSISTANCE PROGRAM: 1.877.622.4327

NOTE: Off-campus counselors and advocates are not required to disclose information to the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors).

Supportive measures will be offered to anyone who reaches out to the UMS Title IX Coordinator or to the Deputy Title IX Coordinator on their campus to report or file a complaint about sexual harassment under Title IX.

SUPPORT RESOURCES

Did you know that a person can receive supportive measures even if they do not want to file a formal complaint?

Additional and individualized supportive measures can be provided through the Title IX Coordinator or the Deputy Title IX Coordinator.

Our Title IX Team is committed to ensuring all people have access to supportive services and resources that they may need.

NONDISCRIMINATION NOTICE

The University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information or veteran status in employment, education, and all other programs and activities. The following person has been designated to handle inquiries regarding nondiscrimination policies: Director of Equal Opportunity, 5748 Boudreau Hall, Room 101, Orono, ME 04469-5754, 207.581.1226, TTY 711 (Maine Relay System).

ONLINE TRAINING RESOURCES

FOR FACULTY, STAFF, and STUDENT EMPLOYEES: Log into your MyCampusPortal—then click on the UMS Academy Icon and from there you can view the UMS Compliance Pathway for Employees AY 2020-2021. From there you can take the Sexual Harassment Prevention Training and the Title IX Training.

FOR STUDENTS: https://peportal.maine.edu/psp/PAPRD/EMPLOYEE/EMPL/h/?tab=PAPP_GUEST

To access the training today, please click on the "Sexual Assault Prevention Training" link.

Sources

University of South Florida (2010). *Effects of Sexual Harassment*. PDF file. August 19, 2020 <https://www.usf.edu/student-affairs/victim-advocacy/types-of-crimes/sexualharassment.pdf>