



HARASSMENT OR INTIMIDATION    HARASSING LANGUAGE OR GESTURES    VERBAL OR PHYSICAL THREATS

# ERASE HARASSMENT IN OUR COMMUNITY



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## WHAT YOU NEED TO KNOW

### ERASE HARASSMENT IN OUR COMMUNITY

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It exists. It will continue to exist unless we do something about it. The University of Maine System will not tolerate harassment by ANYONE in our community.

This brochure provides information to increase awareness about discriminatory and non-discriminatory harassment. It:

- Identifies discriminatory harassment and how it differs from non-discriminatory harassment
- Describes what to do about harassment and who must report it
- Explains where to get help if you believe you may be experiencing harassment

The University of Maine System is committed to providing an educational and work environment that recognizes and respects the dignity of all students, faculty, and staff. Harassment of any form undermines this important commitment and is not acceptable within the University community.

Words and actions can damage morale, motivation, and community. The pain inflicted might be intentional or accidental, but if it sufficiently serious enough to deny or limit a student or employee's ability to participate in or benefit from the University's programs or employment, it is inappropriate and may violate University policy.

We must be sensitive to the harmful effects of behavior. We can express our opinions and voice even strong disagreement without using statements or actions that harass others.

Balancing individual and group rights and responsibilities and promoting respect, civility, and a sense of community are sensitive matters that require attention by each student, faculty, and staff member at our universities.



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## UMS POLICIES

### **UMS Board of Trustees Equal Opportunity Policy (401):**

“In complying with the letter and spirit of applicable laws and pursuing its own goals of diversity, the University of Maine System shall 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 University will regard freedom from discrimination and discriminatory harassment as an individual employee and student right which will be safeguarded as a matter of policy”.

### **UMS Board of Trustees Sexual Harassment Policy (402):**

The University of Maine System (“the University”) is committed to providing a safe environment that 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.

### **UMS Board of Trustees Campus Violence Policy (414):**

The University will not tolerate acts of violence against or by any member of the University community. Campus violence is any physical assault, or threatening or harassing verbal or physical behavior occurring on University premises, in University facilities, or while conducting University business.



## ERASE HARASSMENT IN OUR COMMUNITY

# WHAT IS HARASSMENT?

Harassment is unwelcome behavior that is sufficiently serious enough to deny or limit a student or employee's ability to participate in or benefit from the University's programs or employment. Harassing behavior may be verbal, written, physical, or graphic (including on-line postings and messages). All types of harassment are prohibited by University policies.

Discriminatory harassment occurs when the harassment is directed toward an individual based on protected class status, including race, color, religion, sex, sexual orientation, transgender status, gender expression, age, national origin, citizenship status, genetic information, or veteran status. Discriminatory harassment is also prohibited by both state and federal law. More information about discriminatory harassment based on sex is provided in the UMS Sexual Harassment brochure.

Non-discriminatory harassment is harassment that is not based on a protected class. Examples of non-discriminatory harassment include harassing a student for being a member of a conservative campus club or harassing an employee who is new to the department. All forms of harassment constitute misconduct when committed by an employee and a violation of the Student Conduct Code when committed by a student.

Discriminatory harassment is also a violation of the University's Equal Opportunity and Sexual Harassment policies and the Student Conduct Code, and non-discriminatory harassment may be a violation of the Campus Violence Policy.

Not every unpleasant interaction, offensive comment, or disagreement constitutes harassment. Harassment occurs when unwelcome behavior is sufficiently serious enough to deny or limit a student or employee's ability to participate in or benefit from the University's programs or employment. However, even if the conduct does not meet the narrow definition of harassment under University policies or the law, it may be misconduct in the workplace or the educational environment and could lead to corrective or disciplinary action.



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## WHAT YOU CAN DO ABOUT HARASSMENT

### **If you are a student or employee who experiences or witnesses harassment:**

**SPEAK UP.** If someone's behavior makes you uncomfortable, say so clearly and without delay. Tell the person that the behavior is unwanted and that it needs to stop. You are not required to talk with the person directly, but that is often the simplest and most effective way to get the behavior to stop.

**KEEP RECORDS.** Write down what happened. Include names, dates, times, witnesses, and a description of what the person did or said as well as your response.

**TELL SOMEONE.** Being quiet or stoic about the behavior allows it to continue. If you need assistance approaching the person whose behavior is harassing or if the behavior is severe, talk to your supervisor, advisor, or another University official. If the person you believe is harassing you is your supervisor or advisor, go to someone else. Each campus has designated resources listed in this brochure where you can find someone to listen to your experience and guide you.

### **If you are an employee:**

You have a responsibility to take action when you become aware of any form of harassment by reporting it to the appropriate office. Under state and federal law you also have a legal responsibility to report sexual harassment.

If someone reports harassing behavior to you, listen carefully and encourage the person to contact the campus resource office listed in this brochure. If the person does not wish to initiate contact or if you witness harassing behavior directed toward a student or employee, it is essential that YOU advise the applicable campus office. There are different resource offices depending on whether the alleged harassment is discriminatory or non-discriminatory and on whether the alleged harasser is an employee, a student, or someone from outside the University.

### **If you are a faculty member:**

Be aware of classroom behavior and interactions with students that may constitute or be perceived as harassment. Be aware of how interactions with other faculty may cross the line between energetic discussion and harassment that creates a hostile environment.

If a student engages in harassing conduct in your class, you have a responsibility to take action to intervene effectively. Contact the Dean of Student's office to report the situation and get assistance in addressing it.



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## HOW TO REPORT HARASSMENT AND GET HELP

For all situations alleging that a student has engaged in discriminatory or non-discriminatory harassment, contact the campus Dean of Students office. The reported conduct will be handled as provided in the Student Conduct Code, available [online](#).

## DISCRIMINATORY HARASSMENT BY AN EMPLOYEE OR THIRD PARTY

Copies of the Equal Opportunity Complaint Procedure are available in the Equal Opportunity, Human Resources, and Student Affairs Offices. Complaints may be filed [online](#).

All members of the University community are encouraged to use this procedure when the alleged harasser is an employee or third party. Sexual harassment complaints may also be filed by students or employees with the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333, (207) 624.6290 or with the U.S. Dept. 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.

Staff in the HR or Student Affairs office will discuss with you both informal and formal options for resolving the problem. The goal of the informal process is to assist you in resolving the matter in a way that is acceptable to everyone. If the problem cannot be resolved informally and the person with whom you have a problem is an employee, you may file a formal complaint [online](#).

## WHAT IS A HOSTILE ENVIRONMENT?

**A hostile environment is created when unwelcome behavior is sufficiently serious enough to deny or limit a student or employee's ability to participate in or benefit from the University's programs or employment.**

**SERIOUS:** Conduct does not necessarily have to be repeated to constitute harassment. If sufficiently serious, single or isolated incidents can create a hostile environment. While there is no definition of what constitutes "serious" behavior, seriousness may be determined by whether the behavior is physically threatening or harmful as opposed to being merely offensive. A series of lesser incidents may also have a cumulative effect over time of creating a hostile environment.



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## HOW TO REPORT HARASSMENT AND GET HELP

The University of Maine System's Office of Equal Opportunity can help you with filing a formal complaint.

A formal complaint will be investigated by the University Of Maine System's Office of Equal Opportunity. The University of Maine System investigator will talk with individuals, gather documents, and determine whether discriminatory harassment, a violation of other University policy, or other misconduct has occurred.

## NON-DISCRIMINATORY HARASSMENT BY AN EMPLOYEE OR THIRD PARTY

Report concerns or complaints about non-discriminatory harassment by an employee or third party (an individual who is neither an employee nor student) to the campus Human Resources Office. Both formal and informal processes are available to respond to complaints of non-discriminatory harassment.

## REPORTING REQUIREMENTS UNDER TITLE IX

Federal law — Title IX of the Educational Amendments Act of 1972 — prohibits sex discrimination, including sexual harassment and sexual assault, in educational institutions.

THE UNIVERSITY OF MAINE SYSTEM HAS ESTABLISHED THAT ALL EMPLOYEES ARE TITLE IX MANDATORY REPORTERS. THIS MEANS THAT ALL EMPLOYEES MUST REPORT SEXUAL HARASSMENT, SEX DISCRIMINATION, AND SEXUAL ASSAULT THAT THEY WITNESS OR RECEIVE INFORMATION ABOUT.

RETALIATION AGAINST ANYONE FOR MAKING A COMPLAINT, REPORTING ALLEGED HARASSMENT, OR PARTICIPATING IN AN INVESTIGATION OF ALLEGED HARASSMENT IS A VIOLATION OF UNIVERSITY POLICY AND THE LAW AND WILL NOT BE TOLERATED.

# FREEDOM OF SPEECH

Freedom of speech is of paramount value to our University. The constitutional rights of all members of the University community to express themselves must be protected, not punished. Great care must be taken not to inhibit open discussion, debate, and expression of personal opinion, particularly in the classroom.

As students, faculty, and staff and as an educational institution, we can individually and collectively use "more speech" to prevent and respond to offensive protected speech by others.

## WE CAN:

- Promptly and clearly speak out against offensive words and actions when they occur.
- Be models of the type of civil, respectful behavior that is expected of everyone in the University.
- Resolve disputes in a constructive manner through discourse, mediation, and education.

Actively work to promote a campus climate and work environment that is inclusive and welcoming to all persons. However, freedom of speech is not a shield behind which a person can harass others. "Fighting words" - words that would provoke a reasonable person to respond with violence - may constitute harassment and are not protected free speech. Neither is slander or libel.

When verbal conduct is sufficiently serious enough to deny or limit a student or employee's ability to participate in or benefit from the University's programs or employment, it is harassment.

This brochure was developed by the System Office of Human Resources and the UM Equal Opportunity Office, in collaboration with Indigenous Resistance Against Tribal Extinction (IRATE). Parts of this brochure are adapted with permission from a publication by Oregon State University.

### Non-Discrimination Notice

The University of Maine 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's status in employment, education, and all other programs and activities. Please contact the Director, Equal Opportunity, 101 North Stevens Hall, Orono, ME 04469 at 207-581-1226 (voice), TTY 711 (Maine Relay System), [equal.opportunity@maine.edu](mailto:equal.opportunity@maine.edu) with questions or concerns.

