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SUBJECT: HARASSMENT AND SEXUAL HARASSMENT	
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JURISDICTION:	RSU 73

Policy: Harassment and Sexual Harassment

Regional School Unit 73 recognizes the right of each school community member (i.e., employees including coaches and substitutes, students, and volunteers) to work in an atmosphere, which is free of harassment. In order to ensure such an atmosphere, school community members are not to engage in harassment of any nature. Acts of harassment based upon race, color, national or ethnic origin, religion, gender, sexual orientation, marital status, age, or disability are a violation of this policy and may constitute illegal discrimination under state and federal laws.

Definition.

Harassment may take many forms but essentially consists of behavior which is unacceptable to and diminishes the dignity of the recipient(s) and which creates an intimidating, hostile or offensive workplace environment for that individual.

Harassment may involve single, sporadic or continuing acts of intimidation, coercion, bullying, verbal or physical abuse, or the creation and/or maintenance of an offensive working environment for others. Harassment relating to another's sex, sexual orientation, religion, race or disability is all included within this definition. Appendix 1 provides further details on types of personal harassment.

Harassment/sexual harassment by school employees (including coaches and substitutes), is considered grounds for disciplinary action, up to and including discharge. Harassment/sexual harassment by students is considered grounds for disciplinary action, up to and including expulsion. Harassment/sexual harassment by persons other than school employees or students is considered grounds for appropriate sanctions to be determined by the Superintendent/designee.

School community members should be advised of the importance of informing the harasser that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. School community members who believe that they are victims of harassment should report such occurrences to the administrator or Affirmative Action Officer who shall implement outlined procedures and advise the person who has allegedly been harassed of the various options available to the person: Human Rights Commission complaint (State House Station #51, Augusta, ME 04333-0051, Tel. 624-6050), Title IX civil action, or formal request for discipline by the Superintendent and/or School Board. There are no reprisals for using the policy and filing a complaint of harassment.

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Appropriate information regarding harassment and recourse shall be posted in a prominent and accessible location in each school. School employees, (including coaches and substitutes) students and parents (this is not intended to be a complete list) will be informed of this policy through handbooks and other means selected by the school administration. Education and training shall take place regularly. Newly hired employees will be trained during the new employee orientation. All staff will be trained annually.

APPENDIX 1**TYPES OF PERSONAL HARASSMENT****1. Sexual harassment.**

Sexual harassment is a form of sex discrimination and involves unwanted and unwelcome attention of a sexual nature. This may be physical or verbal or involve the denigration of an individual on sexual grounds or by sexual means. Some examples of sexual harassment are:

- indecent assault
- deliberate physical contact to which the individual has not consented or had the opportunity to object to
- offensive or derogatory language alluding to a person's private life or sexual behavior or orientation by innuendo, jokes or remarks
- provocative suggestions
- pressing an individual to accept unwelcome invitations
- the display of suggestive or pornographic material
- unwelcome repeated telephone calls, letters or emails

These examples should not be seen as exhaustive: any unwelcome behavior of a sexual nature which creates an intimidating, hostile or offensive environment for the recipient may be regarded as sexual harassment.

2. Racial harassment.

Racial harassment is any behavior, deliberate or otherwise, relating to race, color, ethnic or national origin directed at an individual or group, which is found to be offensive or objectionable to the recipient and which creates an intimidating, hostile or offensive environment. Some examples include:

- physical attack
- verbal abuse, threats, derogatory name-calling, racist insults and jokes
- ridicule of an individual on racial or cultural grounds
- exclusion from normal workplace interactions or social events
- unfair allocation of work and/or responsibilities
- racist graffiti/insignia or display of racist material
- inciting others to commit any of the above

3. Bullying

Bullying in the workplace damages individuals' health and lives and also undermines productivity and effective work relationships. Bullying can occur when a superior uses the opportunity of position to intimidate a subordinate, in peer relationships or, in rare cases, may affect someone in a superior position. Bullying can be broadly defined as behavior which consistently undermines another's confidence, reducing feelings of self-esteem and self-worth. Such behavior may be deliberate, as in a planned campaign, or may

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arise out of the bully's own immaturity, lack of inter-personal skills and poor self-confidence. It is generally psychological, rarely though sometimes physical, and may also be exacerbated by the bully's own susceptibility and reaction to stress. Workplace bullying consists of the abuse of power and the regular use of inappropriate behaviors at the expense of another individual. Some examples of these behaviors include:

- physical or verbal abuse, including threats
- psychological intimidation, humiliation, excessive and/or unreasonable criticism
- unjustifiable removal of areas of responsibility
- ostracism /exclusion
- malicious lies
- setting unreasonable and unrealistic goals/targets
- “academic bullying”: *i.e.* asserting a position of intellectual superiority in an aggressive, abusive or offensive manner; threats of academic failure; public sarcasm and humiliation

Note:

Legitimate and constructive criticism of a staff member’s performance or behavior at work will not be considered to be bullying or harassment. The School District will not condone bullying under the guise of “strong management” but, conversely, regards an assertive management style as acceptable provided that staff are treated with respect and dignity.

4. Other forms of harassment

The following are further examples of specific types of harassment but, once again, should not be considered an exhaustive list:

- homophobic harassment, *i.e.* harassment directed at homosexual persons or groups on the grounds of their sexual orientation (applying equally to homosexual men or women)
- harassment in respect of a recipient’s disability or impairment
- repeated taunting in respect of personal traits or appearance, practical jokes or invasions of privacy, any or all of which may cause physical or psychological distress

Legal Reference: Title IX of 1972 Educational Amendments Act
Title VI and Title VII of 1964 Civil Rights Act
5 MRSA &&4602; 4681 et seq. & 4551
20 MRSA &6553

Cross Reference: AC Non Discrimination/Equal Opportunity and Affirmative Action
AC-R Non Discrimination/Equal Opportunity and Harassment -Complaint Procedures
ACAD - Hazing
JICIA -Weapons, Violence and School Safety

Adopted: April 13, 2017