

Policy ACAB – HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of race, color, sex, sexual orientation, religion, ancestry or national origin, age, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, religion, ancestry or national origin, age, 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.

Sexual Harassment

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A.** Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's work environment or employee benefits;
- B.** Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C.** Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Any employee who engages in harassment or sexual harassment will be subject to disciplinary action, up to and including discharge.

All complaints of harassment will be investigated in accordance with the School Employee Discrimination and Harassment Complaint Procedure.

Work Related Harassment

The WBSAU Board recognizes the right of each employee to a working atmosphere which is free of intimidation, hostility and offensive conduct. Each school employee should be allowed and encouraged to perform at their highest potential without any type of retribution and/or verbal abuse from their peers.

This provision includes, but is not limited to, covering extracurricular school activities, volunteering, school property improvements, and employee initiated efforts intended to improve the quality of educational facilities and opportunities for students and/or school personnel.

Notice and Training

Each employee shall receive a copy of this policy and the School Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by using 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 unit complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

Legal Reference:

Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Americans with Disabilities Act (42 USC § 12101 et seq.)
Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.)
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)
Age Discrimination in Employment Act (29 USC § 623)
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553
26 MRSA §§ 806-807

Cross Reference:

ACAB-R - School Employee Discrimination and Harassment Complaint Procedure
AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD - Hazing

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