WHAT IS SEXUAL HARASSMENT?

Sexual harassment is unwelcome sexual attention that is a form of illegal sex discrimination under federal and state law. It is usually repeated behavior, but could be one serious incident. Sexual harassment may be blatant, as in

- sexual assault
- stalking
- deliberate touching, pinching, caressing,
- attempts to fondle,
- pressure for dates or sex,
- requests for sex in exchange for grades or promotions.

Or sexual harassment may be more subtle – like staring, sexual jokes, or teasing, sexually demeaning remarks.

Although such forms of harassment may be unintentional, persistent or severe sexual behavior and words are harassing if the conduct unreasonably interferes with an individual’s work or academic performance or creates an intimidating, hostile, or offensive working or educational environment. When the harassing conduct is not sexual, but is based on someone’s gender, it can also contribute to creating a hostile environment.

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

How Does Academic Freedom Relate to Sexual Harassment?

Sexual harassment includes verbal conduct if it unreasonably interferes with an individual’s work or academic performance or creates an intimidating, hostile, or offensive work or educational environment. Verbal expression that is relevant to course subject matter is not regarded as sexual harassment. However, classroom language which is severe or pervasive and which is directed at an individual because of his or her sex may constitute sexual harassment and may violate University policy.

Academic freedom requires an environment in which all participants feel free to express their opinions. Sexual harassment hampers academic freedom. The University's policies and procedures for dealing with sexual harassment promote academic freedom while protecting the rights of all members of the University community.

Non-Discrimination Notice

The University of Maine does not discriminate on the grounds of race, color, religion, sex, sexual orientation, including transgender status and 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 N. Stevens Hall, Orono, ME 04469 at 207-581-1226 (voice), TTY 711 (Maine Relay System), equal.opportunity@maine.edu with questions or concerns.
What Kinds Of Behaviors May Lead To Complaints?

Not all of the following examples are severe or pervasive enough to be sexual harassment, but all of them involve problematic or questionable behavior that may lead to complaints.

- Rachel’s major requires an internship with a community agency. Her supervisor at the agency has been sending her sexually explicit e-mail with links to sexually graphic web sites. Rachel is nervous about continuing her weekly meetings with him.

- At June’s work-study job, her supervisor repeatedly makes jokes with sexual overtones. He promises her a promotion if she will work after hours in his apartment on a “special” project.

- In one of Karen’s classes, the professor frequently makes derogatory comments and jokes about women that have sexual overtones. Karen finds them so insulting that she is thinking about dropping the course.

- Jim, a custodian in the women’s residence hall, has a good relationship with the students. He likes to linger and chat with them and sometimes goes into their rooms to talk. One young woman, uncomfortable with Jim’s friendliness, is thinking of moving to a different hall.

- Robert is an older student with a 3.9 G.P.A. The graduate assistant teaching his lab section asked him to go out with her several times. Robert said no and made excuses. Now his papers are getting low grades. He is sure that it is in retaliation for his refusals.

- For some time, Vicki has listened sympathetically when her boss talks about his bad marriage. Now he wants her to listen over drinks after work. Vicki is uncomfortable and her boyfriend is jealous.

- Philip is a student who openly supports gay and lesbian rights. He was pushed to the ground by a group of other students and interrogated about his own sexual preferences while two students made blatant sexual gestures.

- Norma is in a tenure-track position. She begins dating John, a tenured professor in the department. After several months, Norma realizes that John is interested in a more serious relationship than she is. But she is worried about breaking off their relationship because John sits on the peer review committee that will consider her reappointment.

- A resident in Mary’s hall has been “coming on” to her; though she tries to ignore his behavior, it is getting worse. He stares at her, comments on her clothing and plays with her hair. Late one night he came to her door loudly asking to sleep with her, and wrote obscenities on her memo board when she refused. Mary’s friends are saying, “Watch out for him.”

What Is The University’s Policy?

The University of Maine System is committed to providing a positive education and work environment for all students and staff. Sexual harassment, whether intentional or not, undermines the quality of this climate and is against the law. The University has a legal and ethical responsibility to ensure that all students and employees can learn and work in an environment free of sexual harassment. The Board of Trustees has adopted this policy regarding sexual harassment:

Sexual harassment of either employees or students is a violation of federal and state laws. It is the policy of the University of Maine System that no member of the University System community may sexually harass another. In accordance with its policy of complying with non-discrimination laws, the University System will regard freedom from sexual harassment as an individual employee and student right which will be safeguarded as a matter of policy. Any employee or student will be subject to disciplinary action for violation of this policy.

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.

Consenting relationships may constitute sexual harassment under this policy. When a professional power differential exists between members of the University of Maine System and a romantic or sexual relationship develops, there is a potential for abuse of that power, even in relationships of apparent mutual consent. Faculty and staff members are strongly advised not to engage in such relationships. Further, the University System prohibits the abuse of power in romantic or sexual relationships.

To assure that power is not abused and to maintain an environment free of sexual harassment, a faculty or staff member must eliminate any current or potential conflict of interest by removing himself or herself from decisions affecting the other person in the relationship. Decisions affecting the other person include grading, evaluating, supervising, or otherwise influencing that person’s education, employment, housing, or participation in athletics or any other University System activity.

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

1. submission to such conduct is made either explicitly or implicitly a term or condition of individual’s employment or education;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
3. such conduct interferes with an individual’s academic or work performance or creates an intimidating, hostile or offensive employment, educational or living environment.

What Are The Effects Of Sexual Harassment?

People who are subjected to sexual harassment often feel powerless to stop the situation. Especially in this culture, where “no” is often heard as “yes,” verbal refusals are frequently ineffective. People may also fear retaliation if they say “no.”

People who experience sexual harassment often blame themselves. Others may also blame them for the problem, rather than holding the harasser responsible for the behavior.

All effects are harmful. Sexual harassment is not funny; it is degrading and upsetting. It is not “just the way things are.” People who feel harassed have dropped courses, changed majors, avoided advisors, even quit jobs or school.
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 he or she has experienced sexual harassment, and believes the incident was an inci-
dent, should contact his or her supervisor, the campus Equal Opportunity Officer (if the alleged harasser is an employee), or Student Conduct Officer (if the alleged harasser is a student) as soon as possible after the incident. Any supervisor who becomes aware of a problem must promptly contact the Equal Opportunity Officer or Student Conduct Officer. If the Equal Opportunity Officer or Student Conduct Officer has a substantial conflict of interest regarding either the complainant or the person accused, an alternate may be requested.

Complaints are handled as confidentially as possible to protect the rights of both the complainant and the person accused. Retaliation against anyone who makes a complaint or participates in a complaint process is not tolerat-
ed. The complainant and the person accused have certain rights to representation during the complaint process. The Equal Opportunity Officer or Student Conduct Officer discusses informal and formal options for resolving the problem. The goal of the informal process is to seek a resolution acceptable to everyone involved. Many concerns can be addressed through the informal process, which pro-

vides the maximum privacy and an opportunity for the ear-
liest possible resolution. If the complainant chooses or if a problem cannot be resolved informally, the complainant may request a formal investigation. When the person accused of sexual harass-
ment is an employee, the person making the complaint is filed, an investigator external to the campus conducts the investiga-
tion under the Equal Opportunity Complaint Procedure. When the person accused of sexual harassment is a student and a formal complaint is filed, the Student Conduct Officer conducts the investigation according to the proce-
dure in the Student Conduct Code.

When the person accused is an employee or a person from outside the University, the Investigations Coordinator conducts the investigation. The appropriate administrator then decides whether the complaint has been substantiated and what corrective action will be taken. When charges of sexual harassment are substantiated, severe discipline may result, up to and including termination for an employee or dismissal for a student.

The Equal Opportunity Complaint Procedure is available online at http://www.maine.edu/about-the-system/system-
office/human-resources/equal-opportunity-complaint-proce-
dure/index.html and in the Equal Opportunity, Human Resources, and Student Affairs Offices. All members of the University community are encouraged to use this procedure. Sexual harassment complaints may also be filed with the Maine Human Rights Commission, State House Station 51, Augusta ME 04333, (207) 624-6290 or with the U.S. Department of Education Office for Civil Rights, 5 Post Office Square, Boston, MA 02109, (617) 289-0111. Employees may choose in addition or in lieu of filing a grievance.

Remember, the University’s goal is to prevent or, when necessary, to contain sexual harassment on campus. There may be resources directed toward these goals. The first step is yours – SPEAK UP!

What About “Consenting” Relationships?

It is never easy to report sexual assault or sexual harassment. 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 Student Conduct Officer.

How Can I Avoid Behavior That May Be Seen As Harassing?

Here are some guidelines:

• Treat all co-workers and students with respect.
• Be careful about touching others.
• Consider that jokes, words, and gestures that have sexual connotations or demean or trivialize any person or group could offend others.
• Avoid compliments casual and impersonal.
• Leave sexually provocative pictures and language at home.

Ask yourself if:

• Others seem uncomfortable with your comments or behavior.
• It is behavior you would want to appear on the evening news;
• You should want a member of your family to be treated in the same way.

Who Must Report Sexual Harassment?

The University of Maine System has established that all employees are Title IX mandatory reporters. This means that all employees MUST report sexual harassment or sexual assault that 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 Student Conduct Officer as soon as possible after the incident. In addition, it pro-
tained that you promptly report the situation to the Equal Opportunity Officer or Student Conduct Officer.