

**WHAT EVERY SUPERVISOR NEEDS TO KNOW
ABOUT
DISCRIMINATORY HARASSMENT
AND
DISABILITY ACCOMMODATIONS**

**in the
University of Maine System**

Managers and supervisors play a critical role in creating a positive, respectful work environment for employees and limiting the University's liability for discrimination. Make sure you understand your responsibility for responding to acts and complaints of discriminatory harassment and requests for disability-related accommodations. For additional information and assistance, or to schedule an informational session, contact the Equal Opportunity Director.

DISCRIMINATORY HARASSMENT

Sexual harassment and harassment based on race, ethnicity, disability, sexual orientation, age, or religion are not tolerated in the University of Maine System. They violate University policy and federal and state law. Retaliation against anyone for reporting a concern about discriminatory harassment is strictly prohibited. **A supervisor who becomes aware of possible discriminatory harassment must report it promptly to the Equal Opportunity Director.**

Sexual harassment is:

- A form of sex discrimination
- Unwelcome verbal, physical, or visual conduct that is sexual in nature and severe or pervasive
- Linked to job rewards or punishments, or creates a hostile or intimidating environment
- Determined by the impact on the person harassed, not the intent of the harasser

Other types of discriminatory harassment:

- Are forms of illegal discrimination based on a person's race, ethnicity, disability, age, religion, or sexual orientation
- Include severe or pervasive verbal or physical conduct based on a person's protected characteristic
- Create a hostile or intimidating environment
- Are determined by the impact on the person harassed, not the intent of the harasser

If you observe or hear about potential harassment:

DO

- Take it seriously
- Immediately contact the Equal Opportunity Director
- Provide support for both complainant and respondent

DON'T

- Ignore or trivialize the behavior
- Blame the victim
- Try to handle it alone
- Rush to judgment about whether it did or didn't happen

A supervisor who sexually harasses an employee could be held personally liable under state law and is subject to discipline by the University. If a supervisor knows or should have known about discriminatory harassment but fails to report it, the University may be liable even if the person harassed does not complain.

Self-protection strategies for you and your employees:

To check whether your own or your employees' conduct may be problematic, ask yourself and your employees:

- Would I do or say this if my spouse/partner were here?
- How would I feel if someone did or said this to my spouse/partner, child, or someone else I care about?
- How would I feel if a story about this appeared on the front page of the newspaper?

Avoid references to employees' and students' physical appearance. Some people appreciate an occasional compliment, but most aren't comfortable when the only comments they get are about their physical attributes.

Avoid references to employees' and students' age, race, ethnicity, religion, disability, or sexual orientation.

Avoid comments, jokes, and innuendo about sex, sexual orientation, race, ethnic groups, and other protected groups.

Give thought to contacts with students and employees outside of work. Hold meetings in appropriate settings, and avoid situations that could be misinterpreted.

Be conscious that well intended actions may be misinterpreted and personal limits on appropriate behavior vary considerably. Miscommunication and confusion may easily contaminate interactions between women and men, people of different racial or ethnic groups, and younger and older employees.

ACCOMMODATING EMPLOYEES WITH A DISABILITY

The University provides reasonable accommodations to qualified job applicants and employees with a disability. Employees asking for an accommodation need not use any particular words and are encouraged to talk directly with their supervisor. Supervisors need to be able to recognize when an accommodation is being requested. Examples of accommodation requests include:

- “I need time off/a reduced schedule for medical treatment.”
- “My doctor told me not to lift more than 25 pounds anymore.”
- “I’m having difficulty hearing other people on phone calls.”
- “I’m having severe asthma attacks due to the air quality in my building.”
- “I have had a lot of trouble concentrating at work, and my doctor said I should ask for a private, quiet office.”

Non-discrimination on the basis of disability and reasonable accommodations are required by University policy and federal and state law. A **disability** is a physical or mental impairment that substantially limits a major life activity (such as seeing, walking, or working); significantly impairs physical or mental health for six months or more; requires special education, vocational rehabilitation or related services; or is on a list of health conditions established by State law. Employees and applicants with a disability are entitled to reasonable accommodations that will enable them to perform their job or apply for a job. A **reasonable accommodation** is any change in the work environment or the way a job is customarily done that enables an employee or applicant with a disability to have equal employment opportunities.

The attitude and responsiveness of supervisors often determine, more than physical barriers, whether an employee with a disability feels that s/he is being treated fairly. When an employee asks for an accommodation, promptly meet with the employee to discuss the request and identify possible accommodations together. Then consult with the Equal Opportunity Director for guidance in responding to the request. **A supervisor must not ignore, delay, or inappropriately deny an employee’s request for an accommodation.**

In some situations OHR requests medical documentation to confirm the disability, its impact on the employee’s work, and appropriate accommodations. The Office of Human Resources determines whether an employee is eligible for an accommodation. OHR then works with the supervisor and employee to identify an effective accommodation.