

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 last 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 an 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.

This policy is currently under review.

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.

What About “Consenting” Relationships?

University policy strongly discourages consenting romantic or sexual relationships between members of the University community when one person has power or authority over the other. The trust and respect that students have for faculty and other staff can make it difficult for them to freely reject sexual advances. Because faculty and staff have the power to give or withhold rewards such as praise, grades, and recommendations, this further limits the extent to which a sexual relationship between faculty or staff and students can be considered truly consensual. There are similar problems with an apparently consenting relationship between supervisor and employee. Even if a subordinate student or employee does not appear to object to a sexual relationship, this does not mean that the person welcomes the relationship. Moreover, someone else may claim that the participant in a consenting relationship received preferential treatment and may file a complaint of sex discrimination against the faculty member or supervisor.

Some students – such as RA’s and peer tutors – may also be in a position of apparent authority over other students and should be alert to the risks of consenting relationships.

Sexual relationships that may result in complaints of sexual harassment or sexual favoritism and that create a conflict of interest include, for example, those between:

- A faculty member and student who is enrolled in the faculty member’s course, who is enrolled in a program for which a course taught by the faculty member is a requirement, who is an advisee of the faculty member, or whose academic work is supervised by the faculty member;
- A faculty or staff member and student if the faculty or staff member is in a position to evaluate or otherwise influence the student’s education, employment, housing, or participation in athletics or any other University activity (staff members include, for example, graduate assistants, administrators, coaches, advisors, program directors, counselors, health center staff, and residential life staff);
- An employee and that person’s supervisor; a department chair and a faculty member in the same department; an administrator and a faculty or staff member in a department under that administrator’s direction;
- An untenured faculty member and a tenured faculty member who participates in peer recommendations about the untenured person.

If a faculty or staff member becomes sexually or romantically involved with a subordinate student or employee, the faculty or staff member must remove himself or herself from any decisions affecting the other person as soon as practicable. This is necessary to avoid a conflict of interest and the potential for sexual harassment or sexual favoritism. The faculty or staff member should speak with his or her supervisor about appropriate ways to transfer such responsibilities.

How Are Complaints Handled?

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 anyone with knowledge of an incident, should contact his or her supervisor, the campus Equal Opportunity Officer (if the alleged harasser is an employee), or Student Judicial 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 the 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 tolerated. 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 provides the maximum privacy and an opportunity for the earliest 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 harassment is an employee and a formal complaint is filed, an investigator external to the campus conducts the investigation under the procedure in 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 procedure 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. An 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/system/hr/eocp.php> 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 instead or in addition to file a grievance.

Remember, **the University’s goal is to prevent or, when necessary STOP sexual harassment on campus.** There are many resources directed toward these goals. The first step is yours –

SPEAK UP!

What Can You Do About Sexual Harassment?

As someone who has experienced or may experience sexual harassment—

Set your own boundaries. Say “NO” emphatically and clearly when you are asked to go places, do things, respond to questions, or engage in situations that make you uncomfortable. Do not worry about offending the other person or hurting his or her ego. Take care of yourself first.

Be aware of situations and people who may harm you. Don’t ignore others’ warnings about particular people or social settings. Acknowledge their concern for you and for themselves. Trust your own instincts about possible danger.

In an uncomfortable situation, be direct and honest, and remove yourself from the situation immediately. Regardless of your previous behavior or signals you may have given earlier, you have the absolute right to halt any sexual exchange at any time. Accept this right and act on it. If someone tells you to stop an encounter, listen to her or him and respect that request. Anything else is harassment.

Tell someone. Being quiet or stoic about sexual harassment lets it continue. Talk to other students or co-workers; you may not be the only one harassed by this person. Report the harassment to the appropriate University staff. Do not blame yourself and do not delay.

Keep records. Write down dates, places, times, witnesses, and the nature of the harassment – what was done and said and your response. Later it may be important for you to remember the details of incidents.

As a student, respect the rights and preferences of all members of the University community. Support another student who comes to you with a problem by encouraging her or him to report sexual harassment to appropriate University personnel. Be aware that sexual harassment complaints against students often involve excessive alcohol consumption. However, the use of alcohol or drugs does not excuse sexual harassment or diminish the seriousness of an incident.

As a faculty member, make sure you are aware of how classroom behavior and interaction with students may constitute, or be construed as, sexual harassment. Discuss the issue with your colleagues, perhaps your students.

As an employee, be sensitive to how others view what you say and do.

Who Must Report Sexual Harassment?

It is never easy to report sexual assault or sexual harassment. But 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.**

Federal law – Title IX of the Educational Amendments of 1972 – requires that **the following employees MUST report sexual harassment and sexual assault that they see or learn about: all faculty members, all supervisors and administrators, and all police officers, as well as staff who work in student affairs, residence halls, and athletic programs.**

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. In addition, it is essential that you promptly report the situation 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.
- Keep 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 would want a member of your family to be treated in the same way.

Where Can You Go For Help?

If you think that you are being sexually harassed, or if you have information about sexual harassment, seek help – the sooner the better. Report sexual harassment to your supervisor or Equal Opportunity Officer, or to the Student Conduct Officer if the alleged harasser is a student. In addition to the individuals listed here, you may talk with any faculty member, administrator, or staff person with whom you feel most comfortable, including your supervisor, the harasser’s supervisor, or your resident assistant. If you need personal help in dealing with the effects of sexual harassment, contact the campus counseling center (students) or employee assistance program (employees).

If you have questions or concerns about sexual harassment contact:

The University of Maine
Karen Kemble
Director of Equal Opportunity
North Stevens Hall
581-1226

University of Maine at Augusta
Sheri R. Stevens
Director of Equal Opportunity
Farmhouse
621-3110

University of Maine at Farmington
Kathleen Falco
Director of Human Resources and Finance
Merrill Hall
778-7280

University of Maine at Fort Kent
Human Resources Office
Cyr Hall
834-7544

University of Maine at Machias
Kimberly Page
Director of Human Resources
Powers Hall
255-1220

University of Maine at Presque Isle
Barbara DeVaney
Director of Equal Opportunity
South Hall, Room 205
768-9750

University of Southern Maine
Daryl McIlwain
Director of Equity and Compliance
209 Deering Avenue
Portland
780-5510

University of Maine System Office
Sally Dobres
Director of Equity and Diversity
16 Central Street
Bangor
973-3372

To report harassment by a student, contact:

The University of Maine
David Fiacco
Director of Student Judicial Affairs
Memorial Union
581-1409

University of Maine at Augusta
Laura Rodas
Coordinator of Community Standards & Mediation
Robinson Hall
621-3226

University of Maine at Farmington
Celeste Branham
Vice President for Student and Community Services
Merrill Hall
778-7087

University of Maine at Fort Kent
Ray Phinney
Associate Dean of Student Life and Development
Cyr Hall
834-7513

University of Maine at Machias
Melvin D. Adams III
Director of Student Life
Powers Hall
255-1305

University of Maine at Presque Isle
Jim Stepp
Interim Vice President of Student Affairs/Dean of Students
239 Preble Hall
768-9601 or 768-9615

University of Southern Maine
Joy Puffal
Deputy Title IX Coordinator
218 Sullivan Complex
Portland
780-5512

University College
Laura Rodas
Coordinator of Community Standards & Mediation
Robinson Hall
621-3226