

## 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

- deliberate touching, pinching, caressing,
- attempts to fondle or kiss,
- 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 a reasonable person would find them intimidating, hostile, or offensive, or if they unreasonably interfere with a person's academic or work performance. 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 that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating 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 hostile and derogatory 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 no person is exploited or coerced. Sexual harassment hampers academic freedom. The University's policies and procedures for dealing with sexual harassment ensure academic freedom while protecting the rights of all members of the University community.

### Non-Discrimination Notice

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System shall not discriminate on the grounds of race, color, religion, sex, sexual orientation including transgender status or gender expression, national origin or citizenship status, age, disability, or veterans status in employment, education, and all other areas of the University. The University provides reasonable accommodations to qualified individuals with disabilities upon request. Questions and complaints about discrimination in any area of the University should be directed to the campus Equal Opportunity Director.



OHR, 2007

This brochure is available in alternate format upon request.

## 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.

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 has the purpose or effect of interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment, educational or living environment.

## What Are The Effects Of Sexual Harassment?

**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 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 websites. 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."

**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.

## 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 should promptly contact the Equal Opportunity Officer. If the Equal Opportunity 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 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 a student and a formal complaint is filed, the Student Judicial 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.

Under certain circumstances, the campus findings and decisions about a complaint can be appealed to the Equal Opportunity Director for the University System.

Copies of the Equal Opportunity Complaint Procedure are available at your campus library (on reserve), in the Equal Opportunity, Human Resources, and Student Affairs Offices, and on the web at [www.maine.edu/eocp.html](http://www.maine.edu/eocp.html). 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) 624-6050. 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.

**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 a supervisor** you have a special, legal responsibility to stop sexual harassment. The University could be liable, and you could be found personally liable by a court or government agency, if you sexually harass someone. In the University, supervisors include department chairs and directors, administrators, and any other person who is responsible for the work of another employee, including a student employee. Employers may be legally responsible if they knew or should have known about sexual harassment. 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 other campus complaint advisor as soon as possible. In addition, it is essential that you promptly report the situation to the Equal Opportunity Officer.

**As an employee** report any harassment you become aware of, and be sensitive to how others view what you say and do.

## 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.
- Avoid jokes, words, and gestures that have sexual connotations or demean or trivialize any person or group.
- 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.

**When in doubt don’t do or say it!**

## 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  
Vice President for Administration  
Farmhouse  
621-3110

**University of Maine at Farmington**  
Valerie Huebner  
EEO/AA Director  
Merrill Hall  
778-7258

**University of Maine at Fort Kent**  
Tamara Mitchell  
Executive Director of Human Resources/EEO Coordinator  
Cyr Hall  
834-7533

**University of Maine at Machias**  
Brac Brady  
Equal Opportunity Officer  
11 A Reynolds Ctr.  
255-1290

**University of Maine at Presque Isle**  
Barbara DeVaney  
EEO/AA Director  
South Hall  
768-9750

**University of Southern Maine**  
Kathleen Roberts  
Exec. Dir., Office of Diversity and Equity  
732 Law Bldg.  
Portland  
780-5094  
TTY: 866-783-6461

**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**  
Kathleen Dexter  
Dean of Students  
Robinson Hall  
621-3153

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

**University of Maine at Fort Kent**  
Scott Voisine  
Director of Student Services  
Cyr Hall  
834-7513

**University of Maine at Machias**  
Kimberly Page  
Director of Student Life  
Dorward Hall  
255-1305

**University of Maine at Presque Isle**  
Jim Stepp  
Director of Residence Life  
Emerson Annex  
768-9560

**University of Southern Maine**  
Stephen Nelson  
Assist. to the Vice Pres. for Community Standards  
Upton Hall  
780-5247  
TTY: 866-783-6461

**University College Outreach**  
Chris LeGore  
Director of Distance Education  
Bennett Katz Library  
621-3155