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UMaine complying with sexual harassment laws

By Michael Reagan
Staff Writer

Editor's note: this is the second of a two-part series on sexual harassment

While cases of sexual harassment may be getting more subtler or cannot be prosecuted under state law, the University of Maine conduct system is trying to keep up with the changes.

Students who have been accused of violating section B16 of the student conduct code (sexual harassment) and are found innocent of the charge may be prosecuted under another section, according to Bill Kennedy, director of Judicial Affairs.

Section A4, the standard of conduct, is a section students have been found guilty of violating. Male students at UMaine have been informed enough about sexual harassment and sexual assault that they could be found guilty of violating the accepted standard of conduct, he said.

The case mentioned in the previous story which involved a male UMaine student re-

straining a female student was referred to the President's Conduct Committee by Kennedy. It is comprised of students, faculty, and staff.

"It was a case that lends itself for being heard by a student's peers," Kennedy said.

The student was found guilty of physical assault, alcohol involvement, and violating the code of conduct.

The student had committed similar offenses in the past and was under a suspended suspension when the incident occurred.

He was not found guilty of sexual assault, however.

The committee voted 5-0 to suspend the student and when it required the student to successfully undergo counseling for alcohol and proper forms of relating to women before he is to be readmitted to UMaine.

According to Kennedy, the department had 6 cases of varying degrees of sexual harassment in the 1989-90 school year and 12 cases in the 1988-89 school year.

He said his department has been dealing with cases of sexual harassment for the last 5 years.

Sue Estler, director of The Equal Oppor-

tunity Office, who refers cases to Kennedy, said she is dealing with more subtle forms of sexual harassment.

She said that a lot of complaints she gets deal with category three, which, in the words of the policy, is "interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment, educational, or living environment."

"That gets into a lot of issues including communication and perception," she said. "We are getting a lot more of those having to do with the climate."

She said this type occurs includes "peer harassment, offensive literature on walls, offensive language."

Also included in this are ambiguous situations where a student or employee is invited to some social function by a senior person. Because of the ambiguity of the situation the student or employee does not realize it is acceptable to refuse, according to Estler.

"It may not be a sexually explicit," she said, "but because of the power differential, there may be discomfort asking what the intent is."

Third persons may be affected by some romantic interest of a professor in a student, which deals with the second section of the policy.

For example, "you turn in comparable work and she gets a better grade than you do, so you're affected," Estler said.

The Board of Trustees have instituted a new policy that deals with problems involving employees of the UMaine system.

It says that faculty or staff should not engage in such relationships and prohibits the abuse of power.

People who come to the Equal Opportuni-

ty Office have several options in dealing with harassment. Estler said she finds out about a situation, what that person wants, and gives alternatives. As a result of such a discussion, the office may file a formal complaint or help mediate.

While the Office of Judicial Affairs has had more complaints of sexual harassment in the past few years, Kennedy attributes this to awareness about people being prosecuted for such offenses.

"Complainants are more comfortable coming forward with complaints because they know we're taking action," he said.

"And that's what education is all about," Kennedy added. "- removing fear and doubt."

William Lucy, associate dean of Student Activities, who works frequently with the Greek system, said the international Greek organizations "are very strongly opposed to sexual harassment."

"International organizations realize their futures depend on how true they are to their ideals... on treating people with respect with dignity," said Lucy.

The Greek Judicial Board may deal with some cases of sexual harassment or refers some of its cases to the Department of Public Safety or Judicial Affairs. It also has cases referred to it.

As offenses become less blatant than in the past, new problems arise, Estler said.

"In some ways, it's easier to deal with the overt kinds of behavior," she said. Problems such as the use of gender-biased language are more difficult issues, according to Estler.

"The subtler kinds of things that involve communication and come with the power differential are much harder because there's much more gray than black and white."