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Sexual Harassment in the Classroom and the Workplace

UMS Human Resources

University of Maine Office of Equal Opportunity

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SEXUAL HARASSMENT

IN THE CLASSROOM AND THE WORKPLACE

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Sexual harassment can include: sexual assault, stalking, deliberate touching, pinching, caressing, attempts to fondle, pressure for dates or sex, and requests for sex in exchange for grades or promotions. There are two types of sexual harassment: quid pro quo and hostile environment.

Tangible Employment or Educational Action (quid pro quo): This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a University program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by the University.

Hostile Environment: Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:

- Is subjectively and objectively offensive; and
- Is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment.

A hostile environment can be created by anyone involved in a University program or activity, such as an administrator, faculty or staff member, student, or campus guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a sexual assault, can be sufficient.

Sexual harassment often occurs in situations where one person has power or authority over another, but it can also occur between equals. Individuals of any sex can be sexually harassed. Sexual harassment can also occur between members of the same sex.

WHERE CAN YOU GO FOR HELP?

<https://www.maine.edu/title-ix/>

To file a Complaint online:

https://cm.maxient.com/reportingform.php?UnivofMaineSystem&layout_id=1

If you have questions or concerns about sexual harassment, contact the UMS Title IX Coordinator or the Human Resources (HR) Deputy Title IX Coordinator below:

University of Maine System
Campuses: UMS, UM, UMM, USM
Title IX Coordinator—Liz Lavoie
5754 N. Stevens Hall, Room 101
207.581.5866
titleix@maine.edu

HR Deputy Title IX Coordinator—Amie Parker
Campuses: UMA & UMF
207.592.3618
amie.parker@maine.edu

HR Deputy Title IX Coordinator—Alyssa Anaya
Campus: UMFK, Maine Law
207.581.5857
alyssa.anaya@maine.edu

TO REPORT HARASSMENT BY A STUDENT

If you wish to report sexual harassment by a student please contact the UMS Title IX Coordinator or the Student Affairs (SA) Deputy Title IX Coordinator below:

University of Maine System
Title IX Coordinator—Liz Lavoie
5754 N. Stevens Hall, Room 101
207.581.5866
titleix@maine.edu

SA Deputy Title IX Coordinator—Heather Hogan
Campus: UM & UMM
207.581.1406
heather.hogan@maine.edu

SA Deputy Title IX Coordinator—Laura Rodas
Campus: UMA
207.621.3226
laura.rodas@maine.edu

SA Deputy Title IX Coordinator—Hope Shore
Campus: UMF
207.778.7188
hope.shore@maine.edu

SA Deputy Title IX Coordinator—Vicki Daigle
Campus: UMFK
207.834.7513
vicki.daigle1@maine.edu

SA Deputy Title IX Coordinator—Sarah Coyer
Campus: UMPI
207.768.9518
sarah.coyer@maine.edu

SA Deputy Title IX Coordinator—Sarah Holmes
Campus: USM & Maine Law
207.780.5767
sarah.e.holmes1@maine.edu

TITLE IX

TITLE IX SEXUAL HARASSMENT

The **Title IX regulations** define **Sexual Harassment** (also includes **sexual assault, dating violence, domestic violence, and stalking**) as conduct on the basis of sex that must satisfy one or more of the following:

- A University employee conditions the provision of an aid, benefit, or service of UMS on an individual's participating in unwelcome sexual conduct; or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a UMS education program or activity;

Title IX jurisdiction applies when the alleged sexual harassment occurs within the context of the University's "education program or activity" which includes all of the operations of the University, and locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

THE VIOLENCE AGAINST WOMEN ACT & TITLE IX

The 2013 reauthorization of the Violence Against Women Act included new obligations for colleges and universities. These changes include:

- Reporting any incident of domestic violence, dating violence, and stalking; in which the incident occurs on campus or on property that the campus has substantial control over.
- Notification of student discipline procedures; including notification of purported victims of their rights.
- Adopt policies to address and prevent campus sexual violence; provide educational options about campus sexual violence; train staff who handle these cases.

WHAT TO DO ABOUT (ALL TYPES OF) 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 their ego. Take care of yourself.

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 them 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 coworkers; you may not be the only one harassed by this person.

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 details of incidents.

KNOW THAT YOU ARE PROTECTED FROM RETALIATION. You are protected from anyone retaliating against you for reporting the incident, filing a formal complaint, or participating in the investigation.

Title IX vs. Clery Act

Title IX

- ## Title IX
- Applies to all grades in K-12 and institutions of higher education
 - Applies to incidents of sexual harassment that limits a person's ability to participate in an educational program or activity
 - The incident has to occur on campus or off campus where the institution had control and context over the respondent
 - Schools can (and UMS DOES) require that "responsible employees" must report any incident to the Title IX Coordinator or the Deputy Title IX Coordinator

Clery Act

- ## Clery Act
- Applies only to institutions of higher education
 - Schools are required to report certain crime statistics for crimes that occur on campus, public property adjacent to campus, or property controlled or owned by the University
 - Campus Security Authorities (CSA's) are required to report a crime when they become aware of it
 - Clery requires schools to publish an annual report on crime and fire statistics on their websites



"Definitions belong to the definers, not the defined."

~Toni Morrison

EFFECTS OF SEXUAL HARASSMENT

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

Those who experience sexual harassment may 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, and even quit jobs or school.

Physiological effects can really make you sick. People who have experienced sexual harassment have experienced headaches, tiredness, weight gain or loss, digestive problems, and sleep disorders, among other physical symptoms.

Psychological effects can be just as harmful as physiological ones. A person can feel anger, fear, shame, self-doubt, guilt, depression, and embarrassment and other strong emotions.

Career related effects can be just as upsetting and harmful. Some people may call in sick or not show up; receive poor job performance reviews; drop courses; stop participating in activities; leave their job or school.

EXAMPLES OF BEHAVIOR THAT LEAD TO COMPLAINTS

Not all of the following examples are severe or pervasive enough to deny or limit an individual's ability to participate in or, benefit from the University's program based on sex to be considered sexual harassment. All of them involve problematic or questionable behavior.

- Devon's major requires an internship with a community agency. The supervisor at the agency has been sending sexually explicit email with links to sexually graphic web sites. Devon is nervous about continuing her weekly meetings with the supervisor.
- Koda, a custodian in the residence hall, has a good relationship with students. Koda likes to linger and chat with them and sometimes goes into their rooms to talk. One student is uncomfortable with Koda's friendliness and is thinking of moving to a different hall.
- For some time, Charlie has listened sympathetically when their boss talks about their bad marriage. Now Charlie's boss wants them to listen over drinks after work. Charlie is uncomfortable and so is Charlie's partner.
- In a first year class, the professor frequently makes jokes that are derogatory about men and the jokes often have sexual overtones. One student is thinking about dropping the course due to this.
- DJ is an older student in a lab class. The teaching assistant for the lab has repeatedly asked DJ to go out. DJ said no and made an excuse. Now DJ is getting low grades.

UNIVERSITY OF MAINE SYSTEM POLICY ON SEXUAL ASSAULT

The University of Maine System ("the University") is committed to providing a safe environment which promotes the dignity and worth of each member of the community. In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University does not discriminate on the basis of sex in employment, education, and all other programs and activities. The University will not tolerate sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in any form. All conduct of this nature is considered a violation of this policy.

The University will respond promptly and effectively to complaints and reports of violations of this policy. The University has an obligation to address incidents of sexual harassment that it knows or should know about, even when a complaint or report is not filed. The University will take steps to end and prevent recurrence of violations and to correct their discriminatory effects on the complainant and others. In responding to all complaints and reports, the University will act to ensure the safety of students, guests, and employees while complying with state and federal laws and provisions of applicable collective bargaining agreements and employee handbooks.

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.

For Policy information: <https://www.maine.edu/board-of-trustees/policy-manual/section-402/>

FILING A COMPLAINT

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 they have experienced sexual harassment by a University employee or third party, and anyone with knowledge of an incident, should contact their supervisor, the campus Equal Opportunity Officer or Title IX Coordinator as soon as possible after the incident.

When the responding party is an employee and a formal complaint is filed, an investigator external to the campus conducts the investigation under the Equal Opportunity Complaint Procedure. When the responding party is a student and a formal complaint is filed, a Title IX team member conducts the investigation according to applicable procedures.

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

You can file a report by contacting the UMS Title IX Coordinator or the Deputy Title IX Coordinator on your campus. You may also fill out the online reporting form: https://cm.maxient.com/reportingform.php?UnivofMaineSystem&layout_id=1

External Complaints

Sexual harassment complaints may also be filed externally with the Maine Human Rights Commission, State House Station 51, Augusta ME 04333, (207) 624-6290 or;

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.

ALL UNIVERSITY EMPLOYEES ARE MANDATORY REPORTERS*

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 community 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 Title IX Coordinator for their campus.*

The University of Maine System has established that **ALL** employees are mandatory reporters. This means that all employees **MUST** report sexual harassment or sexual assault 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 Title IX Coordinator as soon as possible. In addition, it is essential that you promptly report the situation to the Equal Opportunity Officer or the Deputy Title IX Coordinator.

*Licensed clinicians, student health center providers and athletic trainers are not mandated to report while acting in their clinical capacity.



"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." ~Maya Angelou

SUPPORT RESOURCES & MEASURES

For Emergency Services, please dial 911.

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the individual requests the disclosure and signs a consent or waiver form.

Following is contact information for important, confidential off-campus resources:

Sexual Assault Hotline Help:
1.800.871.7741

Statewide Domestic Abuse Hotline:
1.866.834.4357

For members of our deaf community:
1.800.437.1220

To access counseling, contact the Cigna Employee Assistance Program (EAP). Cigna EAP provides up to 6 visits to a licensed clinician at no cost to the employee. For further details please contact the UMS EMPLOYEE ASSISTANCE PROGRAM by contacting CIGNA at 1.877.622.4327

NOTE: Off-campus counselors and advocates are not required to disclose information to the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors).

Supportive measures will be offered to those who reaches out to the UMS Title IX Coordinator or to the Deputy Title IX Coordinator on their campus to report or file a complaint about sexual harassment.

SUPPORT RESOURCES

An individual can receive supportive measures even if they do not want to file a formal complaint.

Additional and individualized supportive measures can be provided through the Title IX Coordinator or the Deputy Title IX Coordinator.

Our Title IX Team is committed to ensuring all people have access to supportive services and resources that they may need.

NONDISCRIMINATION NOTICE

The University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information or veteran status in employment, education, and all other programs and activities. The following person has been designated to handle inquiries regarding nondiscrimination policies:

Director of Equal Opportunity
101 North Stevens Hall
Orono, ME 04469-5754
207-592-3618
TTY 711 (Maine Relay System)

ONLINE TRAINING RESOURCES

FOR FACULTY, STAFF, and STUDENT EMPLOYEES: Log into your MyCampusPortal—then click on the UMS Academy Icon and from there you can view the UMS Compliance Pathway for Employees AY 2021-2022. From there you can take the Sexual Harassment Prevention Training and the Title IX Training.

FOR STUDENTS: https://peportal.maine.edu/psp/PAPRD/EMPLOYEE/EMPL/h/?tab=PAPP_GUEST

To access the training today, please click on the "Sexual Assault Prevention Training" link.

FOR VOLUNTEERS: <https://learningcloud.infobase.com/pathways/552?cn=umaine>

Sources

University of South Florida (2010). *Effects of Sexual Harassment*. PDF file. August 19, 2020 <https://www.usf.edu/student-affairs/victim-advocacy/types-of-crimes/sexualharassment.pdf>