

Sexual Harassment of Employees

The Maine Educational Center for the Deaf and Hard of Hearing/Governor Baxter School for the Deaf (MECDHH/GBSD) recognizes the dignity of the individual employee and the right of employees to work in an environment which is free of intimidation and harassment. Such intimidation or harassment based on sex, race, sexual orientation, color, religion, national origin, age, physical or mental disability is not only a violation of State and MECDHH/GBSD's policy, but also constitutes illegal employment discrimination. Because sexual harassment seriously undermines the integrity of the workplace and adversely affects employee moral, it is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary action up to and including discharge.

Definitions

"Sexual harassment" is defined as unwelcome sexual conduct that is a term or condition of employment. Unwelcome sexual conduct is sexual harassment when submission to such conduct is expressly or implicitly made a term or condition of employment.

"Quid pro quo" harassment occurs when submission or rejection of such conduct is used as the basis for employment decisions affecting such individual, such as promotions in exchange for sexual favors, or an unfavorable change of duties in response to rejected sexual advances.

"Hostile Work Environment". Unwelcome sexual conduct which unreasonable interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment also constitutes illegal sexual harassment. Conduct which is not sexual in nature may still create a sexually hostile work environment if it is based on the victim's gender. Such conduct may include excluding or isolating employees, tampering with belongings or equipment, or physical or verbal abuse based on gender.

As a matter of State and MECDHH/GBSD policy, any behavior of a sexual nature in the workplace is considered unprofessional regardless of whether it constitutes illegal sexual harassment. Public service demands of each of us the highest standards of honesty, impartiality, and conduct in the performance of our duties. Each employee, therefore, is personally responsible for compliance with this policy.

Complaint Process

All complaints of harassment will be investigated in accordance with the Administrative Procedures established in writing by the Executive Director.

Notice and Training

Annually, each employee shall receive a copy of this policy and established Administrative Procedures to review and sign. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

The Executive Director is responsible for ensuring that MECDHH/GBSD complies with all legal requirements for posting, notification and training of employees regarding the implementation of this policy.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Americans with Disabilities Act (42 USC § 12101 et seq.)
Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.)
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)
Age Discrimination in Employment Act (29 USC § 623)
5 MRSA § 4681 et seq.
20-A MRSA § 6553
26 MRSA §§ 806-807
5 MRSA § 4551, et seq.
5 MRSA § 4602

Cross Reference: AC Affirmative Action and Section 504 Plan

This policy replaces previous ACAA (June 12, 1997) and ACC-R2 (April 16, 1998) policies.

Adopted: February 17, 2000

Amended and Adopted: April 1, 2010

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