

EMPLOYEE DISCRIMINATION AND HARASSMENT

Any and all discrimination and harassment is prohibited by the Ellsworth School Committee (ESC).

Discrimination

Discrimination includes but is not limited to an unjust distinction based on race, color, sex, religion or ancestry, national origin, age, or disability.

Harassment

Harassment includes but is not limited to verbal abuse, threats, physical assault and/or battery based on race, color, sex, religion, ancestry or national origin, age, or disability. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation are also illegal.

Sexual Harassment

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an Ellsworth School Department (ESD) employee's work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Any ESD employee who engages in discrimination and/or harassment will be subject to disciplinary action, up to and including discharge.

All complaints of discrimination and/or harassment will be investigated in accordance with the ESD Employee Discrimination and Harassment Complaint Procedure (ACAB-R).

Notice and Training

Annually, each ESD employee shall receive a copy of this policy and the ESD Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy. All newly hired ESD employees shall be provided training about sexual harassment in accordance with Maine law.

The Superintendent is responsible for ensuring that the ESD complies with all legal requirements for posting, notification and training of employees regarding discrimination and harassment.

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 §§ 4602; 4681 et seq.
20 MRSA § 6553
26 MRSA §§ 806-807

Cross Reference: ACAB-R – Employee Discrimination and Harassment Complaint Procedure
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing

Adopted: **December 1991**

Revised: **April 16, 2002** (per MSMA revision)
November 9, 2004
October 2, 2006 (formatting, grammar only)