

MAINE COMMUNITY COLLEGE SYSTEM

GENERAL ADMINISTRATION

Section 202

SUBJECT: SEXUAL HARASSMENT, SEXUAL ASSAULT AND CONSENSUAL RELATIONS

PURPOSE: To prevent sexual harassment, sexual assault and prohibit certain consensual sexual relationships

A. Sexual Harassment and Sexual Assault

Sexual harassment and/or assault of employees or students is a violation of state and federal law and a violation of this policy. Any employee or student who violates this policy or those laws will be subject to disciplinary action.

Sexual advances, requests for sexual favors, and other verbal or physical conduct or assaults of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or educational benefits;
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment, educational or living environment; and
4. A person of reasonable sensibilities would clearly have understood that the behavior or conduct was unwelcome, harmful or offensive.

It is the policy of the Maine Community College System to provide fair and impartial investigations, consistent with related MCCS procedures and guidance, that will protect the rights of the person(s) filing sexual harassment complaints, the person(s) complained against, and the Maine Community College System. College presidents are directed to take appropriate steps to distribute this policy statement and to inform students and employees of procedures for making complaints.

1. Individuals who believe that they have been victims of sexual harassment or have been accused of sexual harassment must contact their institution's Non-Discrimination Officer for information on their college's sexual harassment guidance procedure. Additionally, these individuals may also file a sexual harassment complaint with the Maine Human Rights Commission within 300 days of the alleged incident. Further information is

available from the Maine Human Rights Commission at State House Station 51, Augusta, Maine 04333, (207) 287-2326, and/or from the United States Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, Massachusetts 02110, tel. 617-289-0111, TTY/TTD 617-289-0063, and fax 617-289-0150.

B. Consensual Sexual Relations

Sexual relationships between employees and students or between certain employees within the MCCS that begin consensually can end acrimoniously. Such endings can and do subsequently lead to claims of unprofessional conduct, sexual harassment in violation of this policy, and/or a conflict of interest in violation of MCCS policy. Such claims, even if ultimately determined to be without merit, are often expensive and time-consuming for the MCCS, and difficult for the individuals involved. Accordingly, the MCCS prohibits consensual romantic or sexual relationships between employees when one employee supervises or otherwise has authority over the other employee, and between an employee and a student when the employee instructs, advises or otherwise has authority over the student. Employees who violate these prohibitions are subject to counseling and/or disciplinary action.

In addition, consensual romantic or sexual relationships between an employee and a student located on the same campus, even when the employee does not instruct, advise or otherwise have authority over the student, can give rise to the same claims described above. Consequently, the MCCS strongly discourages such relationships between an employee and a student located on the same campus.

REFERENCES: 5 M.R.S.A. §4551– §4632, 5 M.R.S.A. §4601–§4604, U.S.C. §2000e, et seq.

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: November 29, 2012, January 24, 2018