

**Equal Employment Opportunity,
Anti-Harassment & Non-Discrimination
2024 Education & Training
&
Responsible Employee/
Title IX Reporting Obligations**





Part 1:

**Equal Employment Opportunity,
Anti-Harassment & Non-Discrimination
Annual Education & Training**



WELCOME!

Thank you for taking the time to read this mandatory training presentation.

This information was crafted in collaboration with the Human Resources Department and Joy Pulsifer, Associate Dean of Students & Title IX Coordinator.

Objectives

Review Prohibited Conduct:
Unlawful Discrimination,
Harassment, and Retaliation

Increase awareness of
conduct that constitutes
unlawful discrimination and
harassment

Definition of Sexual
Harassment under Maine
State and Federal Law,
including examples

Learn Saint Joseph's College
of Maine responsibility for
prevention, investigation
and intervention

Review the complaint
process and legal
protections and external
remedies available

Protection Against
Retaliation



Anti-Harassment and Non-Discrimination

The College's commitment to non-discrimination and anti-harassment applies to all Saint Joseph's College ("the College") faculty, staff, students, College contractors, and visitors.

The College is committed to providing equitable and inclusive opportunities and an educational and work environment free from any discrimination or harassment of, or retaliation against any member of the College community on the basis of:

sex	race or traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles	color	religion, belief, or spirituality
national or ethnic origin	gender, gender identity and expression	sexual orientation age	disabilities
genetic information	pregnancy, childbirth, or related medical conditions	familial status	military status or protected veteran status
or any other characteristic protected by federal, state or local laws ("Protected Characteristics")			



Scope of the **4.01 *Equal Employment Opportunity, Anti-Harassment and Non-Discrimination Policy*** **(the “Policy”)**

- **Scope of Policy.** The Policy applies at all times when employees are: conducting any work for the College in any location (including working from home or elsewhere); being present on the College campus at any time (including during non-work hours); using any electronic communication systems, equipment, vehicle, or any other resources (whether they are College-provided or your own) even if such conduct occurs during non-work hours or off campus; and/or at College-sponsored events or gatherings
- By way of example, social media usage, calls, emails, and text messages by employees can constitute unlawful workplace harassment, even if these actions occur away from the workplace or outside of work hours
- The Policy is intended to describe the conduct that is required or expected of employees as well as the conduct that is prohibited in furtherance of the College’s commitment to providing a work environment that is free of unlawful discrimination or harassment
- **Any conduct that falls within any of the following prohibited conduct can be and should be reported to the College in accordance with the Policy**
- All employees will be required to attend yearly training

U.S. EEOC: Your Responsibilities as a Manager

Managers/Supervisors have five basic responsibilities under the federal discrimination laws:

Don't Discriminate

Any decisions managers/supervisors make about other employees, such as hiring, firing, scheduling, or assigning work tasks, should not be made because of a person's race, skin color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), genetic information or any other Protected Characteristic. Managers/supervisors also may not harass an employee for any of these reasons.

Report Discrimination

Managers/supervisors have a duty to bring any incidents of harassment, discrimination and/or retaliation to the attention of Human Resources. As a manager, you must act immediately to correct the situation.

Don't Punish Employees for Reporting Discrimination

Employees have a right to complain about treatment that they believe is illegal discrimination. You cannot punish employees, treat them differently, or harass them because they report discrimination or help someone else report discrimination, even if it turns out that the conduct was not illegal.

Grant Requests for Workplace Changes

Managers/supervisors may be asked to make changes to the workplace or to workplace rules because of a person's religious beliefs or disability. For example, a Jewish employee may ask to change her schedule to observe the Sabbath or an employee with a disability may ask to sit on a stool, rather than stand, while they works. Please reach out to Human Resources to coordinate accommodation requests.

Keep Employee Genetic and Medical Information Private

The laws enforced by EEOC strictly limit when Managers/Supervisors can ask an employee about their medical condition or genetic information. In general, Managers/Supervisors should not ask employees for this information. There are very limited exceptions to these rules. In addition, in general, the laws enforced by EEOC require that you keep an employee's [genetic information](#) and [medical information](#) private. This means that you should not discuss this information with others in the workplace, in most instances. There are very limited exceptions to the confidentiality requirements in the laws enforced by EEOC.



Prohibited Conduct: Unlawful Discrimination

- **Unlawful discrimination** refers to the denial of equal employment or educational opportunities based upon an individual's actual or perceived Protected Characteristic, including when the result of neutral job policies has a disproportionate effect on members of a particular Protected Characteristic.
- The College strictly prohibits unlawful discrimination regardless of whether it was intentional or unintentional



Prohibited Conduct: Unlawful Harassment

Unlawful harassment refers to verbal, written, visual, or physical conduct that denigrates or shows hostility or aversion toward an individual based on or motivated by the individual's actual or perceived Protected Characteristic and that:

- Has the purpose or effect of unreasonably interfering with an employee's work performance, or
- Has the purpose or effect of creating an intimidating, hostile, threatening, or offensive work environment



Unlawful Harassment

Examples of harassment include, but are not limited to:

- Conduct or comments that threaten physical violence
- Offensive, unsolicited remarks
- Unwelcome gestures or physical contact
- Display or circulation of written materials, items or pictures degrading to any person's Protected Characteristic
- Verbal abuse or insults about or directed to any student, employee, or other individual, or groups of students, employees or other individuals
- Repeated slurs or taunts in the guise of jokes, or disparaging references to others; negative references to employees, students, or other community members
- Racial slurs, symbols or gestures
- Inappropriate comments about the employee's body or physical condition, or work performance in connection with their pregnancy, or insinuations that the employee should take leave or will not return to work
- Unwelcome remarks or conduct based on the employee's religion or when an employee is required or coerced to abandon, alter, or adopt a religious practice as a condition of employment (this includes examples of antisemitism and Islamophobia, such as the use of hate symbols or inappropriate comments about the employee's religious faith)



Unlawful Harassment

- A broad range of unwelcome conduct can constitute unlawful harassment
- A perpetrator of unlawful harassment can be a superior, a co-worker, or even a non-employee including an independent contractor, vendor, or visitor
- Unlawful harassment may occur between any individuals, regardless of their sex, gender identity, or other protected status
- A single incident of inappropriate behavior may or may not rise to the level of unlawful harassment.



Legal Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination that violates ME Title 5. Sexual harassment refers to any unwelcome sexual attention, sexual advances, requests for sexual favors, verbal, visual or physical comments or conduct of a sexual nature, other offensive behavior of a sexual nature, or any unwelcome conduct which is directed at an individual because of that individual's sex, when:

Submission to such conduct is made either explicitly or implicitly as a **term or condition of an individual's employment or education; evaluation of academic work; or participation in any aspect of a College program or activity** or

Submission to or rejection of such conduct by an individual is **used as the basis for academic or employment decisions affecting that individual**, such as position, pay, promotion, training or assignment; or

Such conduct has the purpose or effect of **unreasonably interfering with an individual's academic or work performance or equal opportunity to participate in or benefit from College employment, programs, or activities, or creating an intimidating, hostile, humiliating, or sexually offensive work or academic environment** for the intended target of the sexual harassment or anyone else who sees or experiences the conduct

To meet the definition of sexual harassment, the conduct must generally be sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive work, academic, residential, or social environment.

Physical conduct	Verbal conduct	Visual or non-verbal conduct	Written conduct
Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements	Making or using derogatory comments, epithets, slurs, or humor	Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters in a public space or forum	Letters, notes, or electronic communications containing comments, words, or images described to the left
Unwanted sexual advances	Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes	Visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate	
Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and/or the status of being transgender	Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations		



Quid Pro Quo Conduct

Sexual harassment may also include what is commonly referred to as “quid pro quo” conduct, which means unwelcome sexual advances or propositions by a supervisor or person of authority toward a subordinate where the superior:

1. Expressly or impliedly conditions an offer of employment or academic benefit in exchange for sexual favors
2. Makes submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
3. Makes or threatens reprisals after a negative response to sexual advances



Bias Incidents

Harassment may also include bias incidents and hate crimes.

Bias Incident refers to any event of intolerance or prejudice, not involving violence or other criminal conduct, intended to threaten, offend, or intimidate another because of that individual's actual or perceived Protected Characteristics.





Hate Crimes

Hate Crime refers to the violence of intolerance and prejudice, intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or a group because of their race (including protective hairstyles), ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disabilities, or other Protected Characteristic.

Cyberstalking

Criminal threatening, intimidation and terrorizing; criminal use of explosives

Vandalism or other damage to property

Verbal abuse or insults; harassment

Arson

Stalking

Hate Mail

Physical assault

Reckless conduct



Reporting

Non-Gender Based Misconduct and other forms of Discrimination and Harassment:

- The College cannot address discrimination, harassment, and/or retaliation if it is unaware of conduct that violates the Policy
- All employees are strongly encouraged to promptly report to their supervisor, manager or Human Resources incidents of non-gender-based discrimination, harassment, and/or retaliation that come to their attention in the manner most comfortable to the individual (e.g., orally or in writing)
- Employees should not allow an incident of non-gender-based discrimination, harassment, and/or retaliation to continue by not reporting it
- Managers/Supervisors have an additional responsibility for reporting as described in the next slide
- Human Resources will process the complaint according to the procedures outlined in the Policy

Contact Human Resources at 207-893-7757 or humanresources@sjcme.edu

Manager/Supervisor Responsibilities: Reporting

- All managerial and supervisory employees are responsible for creating a working and academic environment free of hate, bias, harassment, discrimination, and/or sexual misconduct
- Should a supervisor or manager become aware of prohibited conduct, the manager or supervisor is required to promptly report in accordance with the reporting processes outlined in the Policy
- ***In addition to being subject to discipline for engaging in conduct that violates this policy, supervisors and managers will also be subject to discipline for failing to report suspected sexual harassment, other unlawful harassment, discrimination, or retaliation or otherwise knowingly allowing sexual harassment, other unlawful harassment, discrimination, or retaliation to continue***

Manager/Supervisor Responsibilities: Reporting

When handling harassment and discrimination complaints from your employee:

- Demonstrate your willingness to hear and objectively discuss complaints
- Inform the employee that you must report all complaints to Human Resources
- Tell the employee that confidentiality will be respected as much as possible but cannot be ensured in order to investigate fully and properly
- Do not object if an employee prefers to or actually does bypass the standard chain of command



Investigations

Investigation of Complaint:

- In the event that the College receives a complaint of harassment, discrimination or retaliation, or otherwise has reason to believe that harassment, discrimination or retaliation may have occurred, it will take steps to ensure the matter is thoroughly, promptly, and impartially investigated
- All employees are required to cooperate with investigations
- Prompt and proportionate corrective action will be taken if the College concludes that an employee has engaged in discriminatory or harassing conduct
- If the Respondent is found to be in violation of this Policy, prompt corrective action, up to and including termination of employment, will be recommended to the appropriate administrator

Manager/Supervisor Responsibilities: Investigations

- Cooperate with investigations
- Be available for interviews and provide as much information as possible
- Allow employees to be available for interviews

Once an investigation has been completed, if disciplinary action is to be taken, work with Human Resources to make sure that:

- The victim is not adversely affected
- The harassment and/or discrimination stops and does not recur



Confidentiality

- All information will be maintained on a confidential basis to the greatest extent possible
- Such information, however, may have to be disclosed to defend Saint Joseph's College in any employment related legal matters to which the information may be relevant and necessary
- Further, information may need to be disclosed to those officials and employees with a need to know in order to carry out the purpose and intent of the Policy



Informal Resolution Process

Participation in an Informal Resolution process is voluntary, and the Complainant or Respondent may at any time terminate the Informal Resolution process and proceed to a Formal Resolution.

- While the process may vary from case to case, an informal resolution generally includes:
 - a prompt review of the complaint
 - consideration of general informal strategies
 - identifying appropriate method(s) of separating the Complainant and Respondent and addressing the impact on Complainant of the reported conduct
 - a follow-up to determine if the action taken was successful in stopping the behavior



Formal Resolution Process

A Formal Resolution Process generally includes:

- A prompt review of the complaint
- Consideration of whether any interim actions are appropriate
- An investigation, which will include:
 - obtaining, reviewing, and preserving relevant documents, emails, or phone records
 - interviewing the parties involved
 - creating a confidential written record of the investigation
 - promptly notifying the Complainant and the Respondent of the final determination
 - implementing any corrective actions that are warranted based on the conduct



Safety Measures

- The College may choose to impose safety measures, such as a No Contact Order, at its discretion to ensure the safety of all parties, the safety of the broader college community, and/or the integrity of the resolution process
- All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a safety measure
- The College will take immediate and responsive action to enforce a previously implemented measure



Corrective Action

- If warranted by the investigation, disciplinary action, up to and including discharge of employment, may be taken against the employee found to have engaged in discrimination, harassment, and/or retaliation
- The College also recognizes that false accusations may have serious effects on innocent persons
- Making a false report or complaint, or knowingly providing false or intentionally misleading information during an investigation, may result in disciplinary action up to and including termination
- The College will also take appropriate corrective action to address discriminatory and harassing conduct by non-employees
- While the College will endeavor to promptly investigate and resolve a report involving non-employees, its ability to take action may be limited
- Where appropriate, however, the College will take steps necessary to protect the College community

Legal Protections and External Remedies:

Legal Recourse through the Maine Human Rights Commission

- Any employee who believes they have been subjected to discrimination or harassment may call or write the Maine Human Rights Commission to register a complaint
- The Commission may be contacted as follows:

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
Telephone: (207) 624-6290
<https://www.maine.gov/mhrc/>

- Any complaint must be filed with the Commission within 300 days of the act of discrimination or harassment
- Once the Commission has received a signed charge form, an investigation will be conducted, and a determination will be made by the Commission of whether or not there are reasonable grounds to believe discrimination or harassment occurred
- If the Commission determines that discrimination or harassment did occur, it will attempt to resolve the situation between the employee and the employer through informal means
- If informal means of resolution are unsuccessful, the Commission counsel may file a civil action on the employee's behalf in the Superior Court, seeking appropriate relief

Legal Recourse through the Equal Employment Opportunity Commission

U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
Telephone: 1-800-669-4000
<https://www.eeoc.gov/>

- Any employee may contact the EEOC by email, phone, letter, or office visit about a potential job discrimination issue
- After detailed information is provided about the job discrimination complaint, the EEOC will make an initial decision whether the complaint is covered by their laws
- If the complaint is covered, a questionnaire will need to be completed
- The EEOC will also provide counsel about the job discrimination complaint
- The employee can then decide whether or not to file a formal job discrimination complaint, called a "Charge of Discrimination," with the EEOC
- There are strict time limits for filing a job discrimination complaint with the EEOC
- In some cases, there are only 180 days to report discrimination
- Employees have 300 days if the complaint also is covered by a state or local anti-discrimination law.

Protection Against Retaliation

- **Retaliation** is any act of retribution or intimidation, direct or indirect, against individuals who, in good faith, assert their right to bring a complaint or participate in any part of the investigation related to a report
- Retaliation against an employee for or in connection with any good-faith report of unlawful discrimination or harassment based on a Protected Characteristic, or who cooperates with an investigation or resolution of a report, is strictly prohibited, and will in itself lead to disciplinary action, up to and including termination of employment
- An employee making a good-faith report of harassment or discrimination is entitled to protection from any form of retaliation in connection with such a report, even if the underlying allegations are later not proven to be a violation of College policy
- Employees who submit a report (either of harassment, discrimination or retaliation experienced or observed) or who provides information regarding a report will be protected from retaliation from coworkers and supervisors
- Individuals accused of unlawful discrimination or harassment, are warned that any form of retaliation taken against a person submitting a complaint or participating in an investigation of a complaint will be grounds for disciplinary action, up to and including, termination
- **Any form of retaliation should be reported to Human Resources.**
Contact Human Resources at # (207) 893-7757 or
humanresources@sjcme.edu

Manager/Supervisor Responsibilities: Retaliation

To avoid charges of retaliation:

- Document the reason for any adverse employment against an employee. Make sure that the documentation shows no discriminatory reason for the adverse action
- Do not take any adverse action against an employee who has complained of harassment or discrimination without discussing with and obtaining approval from Human Resources
- Do not engage in retaliation against an employee who complains of harassment or discrimination or participates in an investigation

Manager/Supervisor Responsibilities: Summary

Your responsibilities as supervisors/manager include:

- Complying with our policy and procedures
- Immediately reporting complaints you receive or incidents you witness to Human Resources
- Handling complaints from your employees in accordance with our policy and procedures
- Never retaliating against an employee who complains of harassment or discrimination
- Assisting with investigations and corrective action
- Ensuring that victims are not adversely affected
- Making sure that harassment and discrimination stops and does not recur
- Implementing equal employment practices within your department
- Attending yearly training, which will cover additional information and responsibilities
- *In addition to being subject to discipline for engaging in conduct that violates The Policy, supervisors and managers will also be subject to discipline for failing to report suspected sexual harassment, other unlawful harassment, discrimination, or retaliation or otherwise knowingly allowing sexual harassment, other unlawful harassment, discrimination, or retaliation to continue*

Summary

- It is important to prevent harassment and discrimination in our workplace because it harms us all
- It conflicts with our values that all employees are treated with respect and dignity
- All employees are strongly encouraged to promptly report to their supervisor, manager or Human Resources incidents of non-gender-based discrimination, harassment, and/or retaliation that come to their attention (e.g., race, religion, ethnicity, disability, veteran status, etc.) in the manner most comfortable to the individual (e.g., orally or in writing)
- Harassment and discrimination and retaliation against an employee who complains of harassment and discrimination are illegal under federal and state laws



Questions?

Your questions are important!

Please contact Human Resources:

- Email: humanresources@sjcme.edu
- Call Human Resources: 207-893-7757



Part 2:

Gender-Based Misconduct & Title IX Employee Reporting Obligations

What is Gender-Based Misconduct (GBM)?

- Harassment or discrimination based on gender identity of victim/survivor
- Title IX is a federal statute that prohibits discrimination based on gender
- All Title IX violations are also Gender-Based Misconduct violations
- All GBM violation are not Title IX violations; for example, violations that occur outside of the US are not Title IX violations under the current federal regulations, but they are GBM
- Violations types include:
 - Gender Discrimination
 - Quid Pro Quo Sexual Harassment
 - Hostile Environment Sexual Harassment
 - Sexual Violence such as sexual assault
 - Intimate Partner Violence (dating and domestic violence)
 - Stalking



Where Does our GBM Policy Apply?

- On-campus & Off-campus
 - This includes online, study abroad locations, and internship sites
- Put another way - everywhere so long as a student, faculty, or staff member is involved

Under Title IX - Once the College is Aware of GBM the College must...

1

Stop the
Harassment

2

Prevent it
From
Reoccurring

3

Remedy its
Effects



To make sure this happens, **all employees** (except our current confidential resources: counselors, medical staff, and personal trainers) are required, when they receive a disclosure of a GBM incident (regardless of when or where it took place), to share the disclosure with the Title IX Coordinator.



If You Think Someone Is About to Disclose

Before someone reveals information that they may wish to keep confidential, please make every effort to ensure that they understand:

- your obligation to report to the Title IX Coordinator
- the ability to share the information confidentially with a counselor in our Counseling Center



Employee Reporting Obligations

Respond	Respond with empathy
Refer	Refer them to resources
Report	Report what you know to the Title IX Coordinator



Do and Don'ts of Responding to Disclosures of GBM

Do:

- **Respond** - Acknowledge what they are going through, and how it can be hard to reach out for help
- **Refer** - Ask what you can do to help them right now and connect to resources
- **Report** - Tell them you will be sharing what they told you with the Title IX Coordinator

Don't:

- **Call Campus Safety/Police without the permission of the Victim** unless you are witnessing a crime in progress that requires emergency response to protect life or property (such as witnesses physical violence as it occurs)
- **Conduct your own investigation**
- Share with anyone other than the Title IX Coordinator and your supervisor (if needed)
- Make “at least...” statements
- Ask questions that start with “Why”
- Promise confidentiality



Title IX - What Should You Report?

Employees must report all **known** details about the reported incident

It is also helpful to know (if they shared with you):

- Whether the victim/complainant requested confidentiality and/or no action
- Whether other offices are reportedly involved
- How you left the matter with the victim/complainant



Title IX: What Happens After I Report?

After you report what you know, the Title IX Coordinator/Deputy will reach out to the person who reported to you to offer them resources and support and review their options to file a complaint with the school and/or the police.

A formal complaint is not required for someone to receive supportive measures and assistance.



Supportive Measure Options

- Connection to Counseling and/or Victim Advocacy Services
- Outreach to Faculty
- Outreach to Coach
- Outreach to Supervisor
- No Contact Order/Assistance seeking a Protection Order
- Assistance Reporting to the Police
- Change in Housing
- Accommodations in classes (remote/in-person, section change, incompletes, extensions, etc.)

Contact Resources

Human Resources

207-893-7757

humanresources@sjcme.edu

Title IX Office

207-893-6606

titleix@sjcme.edu



THANK YOU!!



**Saint
Joseph's
College
of Maine**