

STUDENT DISCRIMINATION AND HARASSMENT

Harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Sanford School Committee policy and may constitute illegal discrimination under state and federal laws.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

The term “sexual orientation” under state law means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.” The term “gender identity” under state law means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”

A. Harassment

Harassment includes but is not limited to verbal abuse and other offensive conduct based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse, and or bullying behavior are is also addressed in the Sanford School Committee Policy JICIA – Weapons, Violence and School Safety and JICK - Bullying.

B. Sexual Harassment

Sexual Harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws, differ, as described below.

Sexual Harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student’s education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

C. Title IX Sexual Harassment

Under the Federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

1. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual’s participation in unwelcome sexual conduct;

2. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to the school unit’s education programs and activities; or
3. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

D. Sexual Harassment Under Maine Law

Under Maine law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
2. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
3. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.

E. Reports and Complaints of Harassment or Sexual Harassment

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and aid any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference: Americans with Disabilities Act (42 USC §12101 et seq., as amended; 28 CFR § 35.107)
Section 504 Of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 CFR § 104.7)
Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et Seq.; 34 CFR § 106.8)
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000 (d))
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHR/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross References: File: ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
File: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
File: ACAD-Hazing
File: JFCK – Student Use of Cellular Telephones and Other Electronic Devices
File: JICIA – Weapons, Violence, and School Safety
File: JICK - Bullying

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