

# MAINE MARITIME ACADEMY

A College of Engineering, Management, Science, and Transportation

## MEMORANDUM

To: All MMA Employees  
From: Dr. William J. Brennan, President  
Date: October 6, 2016  
**Subj: Policy on Workplace Harassment**

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Attached is a copy of the State of Maine's Policy Statement against Harassment, in compliance with the Maine Human Rights Commission Statute. A copy of this policy is being distributed to each employee, and is referenced in all three collective bargaining contracts as well as the MMA Policy on Sexual Harassment and Consensual Relations (201) and the Procedure for Discrimination, Harassment, Sexual Harassment and Affirmative Action Complaints (201.1).

The policy is self-explanatory. The Academy will adhere to all provisions of federal and state laws, and will not tolerate any act of harassment. Harassment/discrimination includes any type of physical or verbal conduct which shows hostility toward a person because of that person's race, color, religion, gender, national origin, age, disability, sexual orientation, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act. As public employees, and as members of our community, it is important that we all conform to this policy. In particular, we must take care to treat all of our co-workers and our students the same, regardless of their age, gender, color, religion, disability, or national origin. Because of the differences in our values and backgrounds, we want to ensure that employees are in a position to recognize any behavior that constitutes harassment. Our goal is to have, and maintain, a dignified, professional and comfortable work atmosphere for all employees. Likewise, we must maintain a professional and safe learning atmosphere for students. We believe that the avoidance of any action that could constitute sexual, retaliatory, or any other type of harassment, is essential toward that goal. Policies relating to harassment, sexual misconduct, equal opportunity and complaint procedures are located on the business portal (<https://mymma.mma.edu/Pages/MMA-Policies.aspx>). While this policy is written to focus on harassment within the workplace; as our workplace is a learning environment for students, and in accordance with Title IX, special care must be taken to avoid any type of harassment or discrimination against students. Furthermore, employees are prohibited from engaging in sexual relations with students, unless the couple were in a legally recognized relationship, such as marriage or domestic partnership, prior to the student's enrollment at the Academy.

You are encouraged to speak with the Director of Human Resources, Carrie Margrave (at extension 0265) if you have any questions about the attached policy, or if you have any concerns about harassment in your work environment. **Supervisors are required by law to report any incidents of harassment to Human Resources. Any incidents involving a student must be reported immediately to the Title IX Coordinator:** Elizabeth True, Vice President for Student Affairs and Enrollment Management (extension 0159).

# Office of the Attorney General Policy

## Statement against Harassment

### *I. General Policy Statement*

The Maine Office of the Attorney General recognizes the dignity of the individual employee and the right of employees to work in an environment that is free of intimidation and harassment. Such intimidation or harassment based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, marital status, or genetic information is a violation of State policy. Because such harassment seriously undermines the integrity of the work place and adversely affects employee morale, it is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary action up to and including discharge. Harassment based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or genetic information may also constitute illegal employment discrimination.

Examples of harassment related to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, marital status, or genetic information include the following, which may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments, or contact;
- Threats;
- Offensive jokes;
- Subjecting employees to ridicule, slurs, or derogatory actions;
- Basing employment decisions or practices on submission to such harassment;
- Refusal to cooperate with employees in performing work assignments;
- Inequitable disciplinary actions and work assignments.

Further examples of sexual harassment include: behavior that is verbal and sexual in nature - such as comments about a person's looks, personal inquiries, sexual jokes, use of derogatory sexual stereotypes, uttering sexually suggestive sounds, writing sexual notes, use of State computer equipment to send, receive and/or download material of a sexual nature; **non-verbal sexual behavior**- such as looking someone up and down, staring or leering at someone's body, deliberate blocking of a person's path, displaying sexual visuals, making sexual gestures; or **physical** - such as pinching, grabbing, sexual assault or any physical contact of a sexual nature.

**As a matter of State policy, any behavior of a sexual nature in the workplace is considered unprofessional regardless of whether it constitutes illegal sexual harassment. Similarly, any conduct that degrades, ridicules or otherwise draws unwanted attention to any employee or other person having dealings with the Office on the basis of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin,**

**whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, marital status, or genetic information is considered unprofessional regardless of whether it constitutes unlawful harassment. Such unprofessional conduct will not be tolerated in the work place because it undermines morale, interferes with performance and demeans its victims. Each employee is personally responsible for compliance with this policy.**

**As part of their supervisory responsibilities, supervisors are required to actively prevent or stop inappropriate, unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment.** If they become aware of any such conduct occurring through personal observation or information from another party, they must consult with the Office's EEO Coordinator and take immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is required regardless of whether a complaint is made or the conduct appears to be unwelcome. Even if the person providing information requests that no action be taken, the supervisor must contact the EEO Coordinator. Managers and supervisors who fail to fulfill their obligations under this policy will be subject to disciplinary action, up to and including discharge.

## ***II. 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 an 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 unreasonably 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.

## **III. Applicability**

This policy applies to:

- Co-workers and supervisors
- Outside parties having dealings with the Office (i.e., customers, vendors, contractors)
- Interactions between individuals of the same sex as well as of the opposite sex
- Interactions in the workplace during work hours as well as outside activities related to the workplace (i.e., parties, trips, conferences)

#### ***IV. Complaint Process***

The Office of the Attorney General is committed to preventing harassment prohibited by this policy through education and dissemination of information as well as employee accountability. Such harassment may be reported by any employee, regardless of whether that employee is the recipient of the harassment, a witness or otherwise becomes aware of harassment prohibited by this policy.

Internal complaints may be filed by contacting any of the following individuals:

- Immediate supervisor or any supervisor/manager in the chain of command
- Office EEO Coordinator
- Office Human Resource Manager
- State EEO Coordinator

Although every attempt will be made to resolve complaints at the lowest possible level, if an investigation is warranted, it will be conducted promptly and with as much confidentiality as possible, respecting the rights of all parties involved. All employees are expected to cooperate in any departmental investigation of harassment.

In addition to initiating the internal complaint procedure, employees covered by collective bargaining agreements may file a grievance through the applicable grievance procedure. A discrimination complaint alleging harassment on the basis of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or genetic information may also be submitted to the Maine Human Rights Commission at any time within 300 days of the alleged discriminatory incident. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is used. In those instances where the prior workers' compensation claim or right is made against the State of Maine, the complaint may be submitted to the Maine Workers' Compensation Board.

For more information, contact:

- Maine Human Rights Commission: 207/624-6050, 207/624-6064 (TTY)
- State EEO Coordinator: 207/287-4651, 207/287-4537 (TTY)
- Office EEO Coordinator: 207/626-8838, 1-800-577-6690 (TTY)

#### ***V. Retaliation***

Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assisting in an investigation is a violation of State policy. Any discriminatory action against any individual because the individual has opposed a practice that would be a violation of the Maine Human Rights Act, Title VII, the Americans with Disabilities Act, or the Age Discrimination in Employment Act or because the individual has made a charge, testified or assisted in any

investigation, proceeding or hearing under the Maine Human Rights Act, Title VII, the Americans with Disabilities Act or the Age Discrimination in Employment Act is illegal. A complainant is protected from retaliation regardless of the merits of the original complaint. Retaliation should be reported in the same manner as described above for complaints of harassment and will be promptly investigated. Such retaliatory conduct will be grounds for disciplinary action.

Assistant Attorney General Christina Moylan, the Office's EEO Coordinator, is responsible for handling complaints and providing technical assistance to staff regarding these issues. She may be contacted at 207/626-8838 (TTY: 1-888-577-6690).

Laurel Shippee, the State EEO Coordinator in the Bureau of Human Resources, is also available as a resource to any state employee or supervisor. She may be reached at 207/287-4651 (TTY: 1-888-577-6690).

Reissued: October 9, 2013

JANET T. MILLS  
ATTORNEY GENERAL