



DATE: June 18, 2019

TO: All Spectrum Generations Employees and Volunteers

FROM: Sharon Cleveland, Director of Human Resources

SUBJECT: **ANNUAL NOTICE: SEXUAL HARASSMENT AND THE LAW**

1. **SEXUAL HARASSMENT IS ILLEGAL**

- Sexual harassment in employment is illegal under federal and state law.
- It is illegal for any employee to sexually harass any other employee.
- It is illegal for any employee to have to tolerate sexual harassment by any person while the employee is doing his or her job.
- Sexual harassment is also against Spectrum Generations policy.
- Employees who engage in sexual harassment at Spectrum Generations are subject to discipline, up to and including discharge.

2. **THE LEGAL DEFINITION OF SEXUAL HARASSMENT** (state and federal)

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

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

DESCRIPTION AND EXAMPLES OF SEXUAL HARASSMENT

There are two kinds of sexual harassment: "quid pro quo" and "hostile environment".

Quid Pro Quo: Quid pro quo sexual harassment occurs when your treatment as an employee (benefits, evaluations, promotions, raises, etc.) is linked to your willingness to comply with a supervisor's unwelcome verbal or physical conduct of a sexual nature.

Hostile Environment: Hostile environment sexual harassment occurs when an employee is exposed to unwelcome conduct of a sexual nature that interferes with his or her work or creates an offensive work environment.

Examples of sexual harassment include unwelcome or offensive touching such as hugs, kisses, and other touches; verbal conduct, such as requests for sexual favors, vulgar remarks, or suggestive comments or jokes; non-verbal conduct, such as whistling, leering, or suggestive or lewd gestures; visual displays, such as distribution or displaying of sexually oriented calendars, posters, postcards, and jokes; or practical jokes or horseplay of a vulgar or sexual nature in the workplace. Conduct or speech is unwelcome if it

would be judged unwelcome by a reasonable woman, if she is the recipient, or a reasonable man, if he is the recipient. Men as well as women may be victims of sexual harassment.

HOW TO COMPLAIN ABOUT SEXUAL HARASSMENT

Spectrum Generations cannot rectify situations of sexual harassment if it is unaware of the offensive conduct. If you believe that you or another person may have suffered sexual harassment, you should report it directly to your supervisor or the Director of Human Resources.

Spectrum Generations will carefully and promptly investigate your complaint as confidentially as possible. In no case will the person or persons you allege to have harassed you be responsible for carrying out this investigation. You will be notified of the results of the investigation. If sexual harassment is found to have taken place, appropriate remedial action will be taken. You will not be retaliated against for reporting sexual harassment. Retaliation is illegal and violates Spectrum Generations policy.

Supervisors and Managers are required to immediately notify the Director of Human Resources of any and all complaints to help evaluate the complainant's safety, confidentiality and comfort level during the investigation.

THE MAINE HUMAN RIGHTS COMMISSION COMPLAINT PROCESS

We encourage all employees to use the internal complaint process first so that we can learn about and correct any instances of sexual harassment as soon as possible. You do have the right, however, to file a complaint with the Maine Human Rights Commission (MHRC) if you believe you have been sexually harassed. It must be filed with MHRC within six months of when the harassment occurred.

The MHRC will assign a field officer to investigate your complaint. The MHRC will provide an opportunity for the employer to address the charges, and will also attempt to get the parties to reach a mutually acceptable settlement of the matter. If these efforts fail, the Commission may file a lawsuit on your behalf. If no reasonable grounds to believe that sexual harassment has occurred are found, the Commission will dismiss the complaint. The employee may file a lawsuit in court seeking relief for sexual harassment. The charge and the evidence collected during this investigation may become a matter of public record if a lawsuit is later filed.

The Maine Human Rights Commission may be contacted at:
State House Station 51, Augusta, Maine 04333 telephone # 207-624-6290

YOU MAY COMPLAIN WITHOUT FEAR OF REPRISAL

The Maine Human Rights Act makes it illegal to punish or penalize any person for reporting sexual harassment or other discrimination to the Maine Human Rights Commission or the employer. In other words, retaliation for reporting sexual harassment is illegal.

IF YOU HAVE FURTHER QUESTIONS

Should you have questions or need further information about sexual harassment, contact your supervisor, or the Director of Human Resources.

Signature: _____ Date: _____