

## VIDEO SCRIPT

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|   | Script (verbatim)  | Associated Screen Shot |
|---|--|------------------------|
| 1 | <p>Welcome to Sexual Harassment Training for UMS Employees. Due to the subject matter of this program, you may find yourself feeling upset or overwhelmed. After learning the relevant laws and policies or hearing a case scenario, you may realize that you or someone close to you has experienced sexual harassment or sexual misconduct or it may activate potentially traumatic experiences and memories. If that occurs, you can always stop and come back to the program where you left off. You may also contact University counseling services or the Employee Assistance Program.</p> <p>The purpose of this training is to provide you with definitions of sexual harassment, introduce you to campus policies, remind you of mandatory reporting requirements, and provide information on how to file an internal or external complaint. This presentation is not legal advice. The examples and case scenarios offered here are for educational purposes only. If you are involved in a potential workplace sexual harassment situation, you should report</p> |                        |

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|   | <p>the incident to the Office of Equal Opportunity. Throughout this presentation, the Office of Equal Opportunity will be referred to as “EO.”</p> <p>Finally, if you would like a full transcript of this training, please contact EO.</p>  |  |
| 2 | <p>The UMS definition of sexual harassment is based in state and federal law. In addition to 5 other states, Maine has its own state laws specifically addressing sexual harassment. While there are other types of harassment and discrimination based on protected classes, this training is limited to sexual harassment.</p>   |  |
| 3 | <p>So what is the definition of sexual harassment under Title Nine? In May of 2020, The U.S. Department of Education released its Final Rule under Title Nine of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. The Final Rule which will carry the force and effect of law as of August 14, 2020, defines Title Nine sexual harassment as</p> |  |

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|   | <p>conduct on the basis of sex that satisfies one or more of the following:</p> <p>1.An employee of UMS conditioning the provision of an aid, benefit, or service of UMS on an individual’s participation in unwelcome sexual conduct (quid pro quo);</p> <p>2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UMS’s education program or activity; or</p> <p>3. Sexual assault, dating violence, domestic violence or stalking as defined in the Policy.</p> |  |
| 4 | <p>University Policy 402 uses the most thorough definition and covers state and federal law. Specific federal law definitions will be further discussed in the Title Nine training.</p> <p>University of Maine System Policy 402 on Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation defines sexual harassment</p>   |  |

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| <p>as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.</p> <p>Policy 402 prohibits two types of sexual harassment. One is Tangible Employment or Educational Action, which is referred to as Quid Pro Quo. Quid pro quo is a Latin term which means "this for that" or "something for something." An example of this might be a professor requiring sexual favors from a student in order to renew their graduate teaching assistantship for another semester; or if the student refuses, the professor elects to not renew the assistantship.</p> <p>The other type of sexual harassment that is prohibited is Hostile Environment. Sexual harassment that creates a hostile environment is based on sex and exists when the harassment is severe, pervasive or persistent and objectively offensive such that it denies or limits a person's ability to participate in or benefit from the University's programs services, opportunities or activities or unreasonably interferes with an individual's academic or work performance.</p> |  |
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|   | <p>An example of this is, if someone had to move their office, change a course they were teaching, or alter their daily routine because of the harassment. Sexual harassment also includes gender or sex discrimination. For example: “we don’t need any dumb men around here”; “women are stupid” or “dumb blonde.”</p>   |  |
| 5 | <p>Gender harassment is one of the most common forms of harassment in higher education. Imagine an iceberg. Think about coercion and sexual assault, the forms of sexual violence that make headlines as the only visible part of an iceberg, which is buoyed by gender discrimination and unwanted sexual attention that rarely enter the public consciousness. If institutional leadership turns a blind eye to any form of sexual harassment, it encourages all harassment to persist.</p> <p>An example of gender harassment which lies below the waterline of public consciousness is a female employee speaks up in a meeting about selecting the next speaker for a campus lecture series. She remarks that in the past decade only men had been invited, and she suggested they consider</p> |  |

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|   | <p>broadening the diversity of the speakers. A male colleague responds, “Well, this is a really prestigious lectureship.”</p> <p>Another example might be a highly successful young academic tells her mentorship committee about her accomplishments and plans for the next year. When she finished, a committee member says, “Wow, but aren’t you a mom?”</p> <p>These comments are harmful and not always in the sight of public consciousness.</p> |  |
| 6 | <p>According to University policy, sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape.</p>   |  |
| 7 | <p>According to University policy, dating violence is violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p>  |  |
| 8 | <p>According to University policy, domestic violence is a felony or misdemeanor crime of violence</p>  |  |

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|    | <ul style="list-style-type: none"> <li>a) by a current or former spouse or intimate partner of the victim;</li> <li>b) by a person with whom the victim shares a child in common;</li> <li>c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner or by someone who is similarly situated to a spouse of the victim, or</li> <li>d) by any other person against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws.</li> </ul> |  |
| 9  | <p>According to University policy, sexual misconduct includes, but is not limited to, nonconsensual image capturing of sexual activity presentation or unauthorized viewing of a nonconsensual videotaping of sexual activity or letting others watch you have sex without the knowledge or consent of your sexual partner.</p>  |  |
| 10 | <p>According to University policy, stalking is intentionally or knowingly engaging in a course of conduct, directed at or concerning a specific person that would cause a reasonable person to suffer serious inconvenience or emotional distress.</p>   |  |

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| 11 | <p>According to University Policy, consent is knowing, and voluntary, and clear agreement by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.</p> <p>Maine law provides further information about when consent is not adequate. You will hear more about consent in the Title IX training.</p> |  |
| 12 | <p>The University and state law prohibits retaliation against an individual for bringing a complaint, for assisting someone with a complaint, for attempting to stop a violation of this policy, or for participating in any manner in an investigation or resolution of a complaint.</p> <p>Some examples of retaliation are unjustified evaluation, termination or forced resignation, and removal or transfer of assignments.</p>  |  |



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|    | Retaliation claims are #1 in Maine Human Rights Commission complaints.   |  |
| 13 | <p>Let’s talk for a minute about consenting relationship guidelines. Why is this an issue? According to the University of Maine System Guidelines Regarding Consenting Relationships, entering into such a relationship with someone over whom you have authority is strongly discouraged by policy. Because romantic or sexual relationships between those with a professional power differential may result in complaints of quid pro quo or hostile environment sexual harassment.</p> <p>If you are in a consenting relationship, act promptly to eliminate the conflict of interest. You must contact your supervisor to disclose the relationship and to ensure any conflict of interest created by the relationship is addressed appropriately.</p> |  |
| 14 | All UMS employees including faculty, staff, and administrators are expected to report actual or suspected sexual harassment to appropriate officials immediately, though there are some limited exceptions.  |  |

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|    | <p>If you answer yes to ANY of these three questions, you must report:</p> <ol style="list-style-type: none"> <li>1) If the person reporting or complaining is a student, staff, faculty, volunteer, or vendor.</li> <li>2) If the person they are reporting or complaining about is a student, staff, faculty, volunteer, or vendor.</li> <li>3) If it happened on campus.</li> </ol> <p>In the unfortunate event that something happened to you, you do not have to tell the University. However, if you tell another person on campus, they may have to report. You can always call the Cigna Employee Assistance Program and they can help connect you to counseling services. You can also call the confidential community resources in your area. If you do want to report the incident to the University, please know that we will work to accommodate you, go over your options for reporting, and help connect you to resources.</p> |  |
| 15 | Imagine a graphic of two people talking at a table.   |  |

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|  | <p>Now let's look at what happens when you report an incident.</p> <p>In cases where you report a student issue, the Deputy Title IX Coordinator will email the student with some resources and offer to meet with them. Sometimes, when the matter is urgent, you may have walked the student over to the Student Life Office and they might meet with the student right away. Either way, rest assured that we want to help support the student in any way that we can. The student is never forced to share any information they don't feel comfortable sharing.</p> <p>It's important to know that the Deputy Title IX Coordinator is private, not confidential. This means that if they fear for the student's safety or the campus's safety, they may have to do something. However, they would always tell the student what they might have to do before doing it. Usually, this is a rare occurrence and it would likely involve connecting with campus safety or campus police or a confidential outside agency around safety planning for the campus or the individual.</p> |  |
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|    | <p>When you report about a staff, faculty, visitor, or vendor, the situation may be approached differently. Depending on the type of complaint filed, the Equal Opportunity Officer may provide information about University policy, start an interactive process, including possible accommodations that may be provided, relevant laws, suggest ways to handle the complaint either informally or formally, and provide referrals to counseling or other support services, as needed. If a Complainant does not wish to go forward with filing a formal complaint, the University will attempt to balance the wishes of the Complainant with the University’s responsibility to investigate serious allegations and take prompt corrective actions.</p> |  |
| 16 | <p>Supervisors and managers have a special responsibility under the law. An employer is responsible for making sure that there is no sexual harassment, and no hostile environment created. That is true whether they knew about incidents or should have known about incidents.</p> <p>Under the law, first, you want to make sure that if someone reports something</p>   |  |

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|    | <p>to you, you take immediate corrective action. You can limit your liability and the liability of your employer by taking immediate and corrective action. So, if someone comes to you and says, “this happened to me,” you need to take it very seriously.</p> <p>You can't say I think the employee was joking, or yeah, that employee says or does that to everyone.</p> <p>Second, know what to do. As we have already covered, UMS has a sexual harassment policy. When a supervisor becomes aware of sexual harassment, they must report the allegations to EO. If there is a complaint filed, don’t take sides, support everyone affected. You get to set the tone and that's one of the things you can do as a supervisor or manager, and why your role is so important. Know the law, know the internal policy, examine your own behavior and make sure that you include that as a regular part of your workplace discussions.</p> |  |
| 17 | Next, we will look at some examples of sexual harassment and case scenarios.   |  |

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| 18 | <p>Staring at someone in a suggestive way, for example, looking a person up and down;</p> <p>Restricting or hindering a person’s movements; or</p> <p>Making facial expressions, such as winking, throwing kisses, or licking lips.</p>   |  |
| 19 | <p>Let’s talk about a scenario in which Michael talks openly about his views on sex and sexuality. He dates a lot, and frequently relates the specific details of his adventures to his co-workers. Some co-workers laugh, others aren’t comfortable.</p> <p>Is this sexual harassment?</p> <ol style="list-style-type: none"> <li>1) No, Michael is entitled to talk about his views on sex and sexuality in the workplace.</li> <li>2) Yes, Michael’s comments are sexually oriented, repeated, and unwelcomed.</li> <li>3) Maybe, because some co-workers laughed and therefore it was not unwelcomed conduct.</li> </ol> <p>I will give you some time to think about the answer to this question.</p> |  |

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|    | <p><b>Hub do not read: GIVE THEM 5 seconds to think about it.</b></p> <p>The correct answer is number 2, yes. This is sexual harassment because Michael’s comments are sexually oriented, repeated, unwelcomed, and create a hostile work environment.</p>   |  |
| 20 | <p>In this scenario, Emily was a tenured faculty member, served on several committees, and was a Special Assistant to the Dean. After the Associate Provost supported Emily for a fellowship, he started making sexual advances, which she rejected. Finally, the Associate Provost told her, “It’s in your best interest to be nice to me,” but still she refused. He then took away Emily’s role as Special Assistant to the Dean and her committee work, but she retained her faculty position.</p> <p>Did Emily experience quid pro quo sexual harassment?</p> <ol style="list-style-type: none"> <li>1) No, because she lost status but not job benefits.</li> <li>2) Maybe, but only if the Associate Provost specifically threatened Emily’s title and committee work or</li> </ol> |  |

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|    | <p>3) Yes, because she lost her prestigious title and committee work.</p> <p><b>HUB: DO NOT READ, GIVE THEM 5 SECONDS</b></p> <p>The correct answer is number 3, yes, because she lost her prestigious title and committee work. There was a threat of ill-treatment and subsequent change of title and responsibilities because she did not consent to sexual advances. This is an example of quid pro quo sexual harassment.</p>  |  |
| 21 | <p>In this scenario, Mary, who works for an outside private IT vendor, has been going to the math department at a local university fairly often. They have just had a new system installed and it seems that the office manager, Stewart, can't seem to get it to work right. When he calls for service, Mary always request that she help Stewart. When she arrives, Mary flirts with him, tells him how handsome he is, places her hand on his shoulder or over his hand on the mouse, and makes offers of lunch or dinner date. Stewart asked her several times to stop the conduct, which she ignored. In fact, the last time she was there, Stewart left his office without Mary finishing the repairs, it was so uncomfortable. He talked to his supervisor about</p> |  |



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|    | <p>Mary’s conduct and requested he not be present if she was working in the department.</p> <p>Is this sexual harassment?</p> <p><b>DO NOT READ: Give them 5 seconds.</b></p> <p>Yes, this is sexual harassment. Mary’s conduct includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature, which was persistent and unreasonably interfered with Stewart’s work performance.</p> <p>Does Stewart’s supervisor have to report Mary’s conduct to EO, even though she is not an employee of the university? Think about that.</p> <p><b>DO NOT READ: Give them 5 seconds.</b></p> <p>If you said yes, you are correct. Stewart’s supervisor has a duty to report the allegation of sexual harassment to EO, even though Mary is not an employee of the university.</p> |  |
| 22 | Any employee, student, or third party with a concern about sexual discrimination, sexual assault, sexual harassment,   |  |

## VIDEO SCRIPT

If you build a video as part of your training, we highly recommend that you script it in advance. Benefits:

- Allows for smooth, professional audio. If the reader is professional, it supports them. If the reader is new to creating audio for videos, this sets them up for success
- Hoonuit’s platform will auto-transcribe (and translate into 10 languages) the audio of a video. Even with the most articulate readers, there can be errors in the initial transcription that need manual correction. It is far easier to refer back to the text than to have to listen to the audio in order to then type the correction
- Pre-scripting allows you to share your script with a group for input prior to production
- Pre-scripting allows you to easily review your training in the future; to consider easily where updates may need to be made. If you’ve organized your content into sections, text changes can be a simple edit/update

Below, we recommend typing in your planned text and, next to it, the associated screen view on the video.

|    |   |  |  |
|----|---|--|--|
|    | <p>stalking, dating violence, and domestic violence by an employee should contact the Office of Equal Opportunity or your campus Deputy Title IX Coordinator if the concern involves a student.</p> <p>A list of Title IX Coordinators for the individual UMS Campuses is available on the resources page.</p>  |  |  |
| 23 | <p>If you do not believe you are getting fair treatment, you have the right to go outside of the internal complaint procedure and go directly to the Maine Human Rights Commission.</p> <p>On this slide, there is information about how to contact them directly. When you file a complaint with the Maine Human Rights Commission, they will assign an investigator to your case. That investigator will do an investigation.</p> |  |  |

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|  |   |
|--|---|
|  | <p>They have to respond in a timely manner. Your employer has to respond in a timely manner. You do not need an attorney to go before the Maine Human Rights Commission.</p> <p>Further information regarding filing is available on the Maine Human Rights Commission's website.</p> <p>You have the right to go directly to the federal Equal Employment Opportunity Commission. They will ask you if you have gone through your state procedure. In the state of Maine, you have 300 days from the day of the incident to do your reporting. Further information regarding filing is available on the EEOC website.</p> <p>This concludes Sexual Harassment Training for UMS Employees. In the next training module, you will learn more about Title IX complaints and responses.</p> <p>Thank you for your attention.</p> |
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