

POLICIES CONCERNING SEXUAL AND OTHER DISCRIMINATORY HARASSMENT

FOR INFORMATION ON INTERIM MEASURES BEING PUT IN PLACE FOR THE IMPLEMENTATION OF THIS POLICY PENDING THE RECRUITMENT OF THE OMBUDS AND TITLE IX COORDINATOR, VISIT THE [INSTITUTIONAL INTEGRITY](#) PAGE OF THE PROVOST'S OFFICE WEBSITE.

Table of Contents

[Section 1 - Introduction](#)

[Section 2 - Discriminatory Harassment](#)

[Section 3 - Sexual Harassment](#)

[Section 4 - Romantic and Family Relationships/Conflict of Interest](#)

[Section 5- Obligation to Report](#)

[Section 6 - Penalties](#)

[Section 7 - Definitions and Policies on Non-Retaliation, Good Faith/](#)

[Bad Faith Allegations, and Confidentiality](#)

- [1. Non-Retaliation](#)**
- [2. Good Faith/Bad Faith Allegations](#)**
- [3. Confidentiality](#)**

[Section 8 - Informal Complaints](#)

- [1. AUB Ombuds Office](#)**
- [2. Complaint Advisors](#)**

[Section 9 - Formal Complaints](#)

[Appendix I - Notice of Discriminatory Harassment Form](#)

[Back to Top](#)

(To download this policy in Word format, [click here](#))
For any comments, feedback, or query, please contact: policies@aub.edu.lb.
Last updated on: December 12, 2012

Section 1 - Introduction

The American University of Beirut has developed these Policies Concerning Sexual and Other Discriminatory Harassment in order to promote a safe and ethical work and academic environment in which members of the AUB community are free from discrimination and harassment of all kinds. For the purposes of this policy, the “AUB community” includes students, faculty, staff, administrators, trainees, alumni, visitors, recipients of health services, and medical center interns/residents located on campus and at AUBMC, AREC, or any other facility or program affiliated with the University. Also included are the dependents and domestic employees of faculty and staff dwelling on campus and at AREC.

[Back to Top](#)

Section 2 - Discriminatory Harassment

Discriminatory harassment contravenes AUB’s Principles of Ethical Conduct, and the right of all members of the AUB community to study and work in an environment characterized by dignity and mutual respect.

Discriminatory harassment is any conduct by a member of the AUB community, on or off campus or in cyberspace, which invokes a protected characteristic (see below) and has the intent or effect of unreasonably interfering with an individual’s or group’s educational or work performance; or of creating a hostile, intimidating, or offensive educational, work, or living environment. Conduct cannot be deemed hostile, intimidating, or offensive solely on the basis of the complainant’s subjective opinion. It requires objective confirmation.

Discriminatory harassment may occur between people of the same or opposite gender and between people of equivalent status. It is especially serious, however, when it involves abuse of power or authority, such as by a faculty or staff member over a student, subordinate, or patient receiving services at the medical center.

The University prohibits discriminatory harassment on the basis of race, color, religion, age, national or ethnic identity, gender or gender identity, marital status, disability, genetic predisposition or carrier status, alienage or citizenship status, political affiliation, or any other characteristic protected by law. Instances in which one person is discourteous or disrespectful toward another do not constitute discriminatory harassment unless one of these characteristics is invoked. However, improper or unfair treatment that reflects a serious and aggravated lack of civility may still form the basis of a formal grievance under the [University’s Grievance Policy](#).

Some examples of harassing behaviors are: verbal or written abuse or ridicule, including slurs and negative stereotyping; distasteful jokes and comments; the display or distribution of demeaning or offensive images; and threatening, intimidating, or hostile acts.

Discriminatory harassment does not include actions taken for a legitimate educational or administrative reason, such as constructive criticism provided in a performance review or a decision to move an employee’s work area or change his or her work assignments.

AUB endeavors to strike a proper balance between academic freedom and our community's right to study and work in a respectful environment. On some occasions, verbal utterances or written materials that could be interpreted as discriminatory or harassing may serve a necessary function in an academic, educational, or research context. Such expressions are protected forms of academic freedom so long as they are not abusive and do not contravene AUB's Policies Concerning Sexual and Other Discriminatory Harassment.

[Back to Top](#)

Section 3 - Sexual Harassment

Sexual harassment is a particular form of discriminatory harassment that diminishes the dignity of offenders and victims; damages their professional careers and educational experiences; and interferes with the University's ability to achieve its mission. As such, it contravenes every one of AUB's Principles of Ethical Conduct. The University does not tolerate sexual harassment by any member of the AUB community, whether on or off campus or in cyberspace.

The term sexual harassment includes many behaviors. Unwelcome sexual advances and verbal, physical, or other conduct of a sexual nature, including email and other written communications, are considered sexual harassment when a) submission to such conduct is made, implicitly or explicitly, a basis, term, or condition of a decision related to the administration of AUB's educational, admissions, or employment policies, scholarship and loan programs, or other university programs or activities, including the provision of health care services; or b) such conduct interferes with an individual or group's educational or work performance or creates a hostile, intimidating, or offensive educational, work, or living environment. For conduct to be deemed harassing under this policy, it must be perceived as hostile, intimidating, or offensive not only from the perspective of the complainant, but also from the perspective of an objective observer.

Sexual harassment may occur between people of the same or opposite gender and between people of equal or unequal status. It includes the abuse of power or authority by a faculty or staff member over a student, subordinate, or patient receiving services at the medical center, as well as sexual advances aimed at influencing the decisions of another.

Examples of sexually harassing conduct include, but are not limited to: repeated unwelcome flirtation, advances, or propositions; inappropriate and unnecessary physical proximity or contact; graphic comments about an individual's physical attributes or appearance; sexually degrading language used to describe an individual; display of sexually suggestive objects or images in the workplace; sexually-oriented messages or images sent by SMS or email; all forms of sexual stalking; and sexual violence or assault.

Sexual harassment does not require any intent to offend or intimidate. A joke, prank, or compliment may constitute or contribute to sexual harassment if a reasonable person would interpret the conduct in that way. In such cases, the offending party must cease the harassing activity as soon as the aggrieved party requests it.

In compliance with Title IX of the US Education Amendments of 1972, which prohibits sex discrimination in education and interprets sex discrimination as including sexual harassment

and sexual violence, the University maintains a Title IX coordinator in the Office of the Provost. Questions and complaints regarding sexual harassment, including sexual violence, may be directed to the Title IX coordinator upon his/her appointment. Interim measures are posted at

http://www.aub.edu.lb/provost/Academic-initiatives/Pages/Institutional_Integrity_Title-IX_Sexual_Non-Discriminatory_Harrasement-Policy.aspx

[Back to Top](#)

Section 4 - Romantic and Family Relationships/Conflicts of Interest

Certain supervisory relationships can give rise to an actual conflict of interest or the appearance of undue advantage or abuse of power. Such relationships may involve a) the relatives (children, parents, siblings, spouse, in-laws, or the children of these individuals) of a faculty or staff member; or b) a student or subordinate involved in a romantic relationship with a faculty or staff member.

The University does not normally allow the appointment of relatives (as defined above) to academic or non-academic positions in the same organizational unit (see the [Policy on Ethics Governing Appointment of Personnel](#)). In cases in which a faculty member teaches or supervises research conducted by a relative or romantic partner, or where a faculty or staff member supervises the work of a university employee who is also a romantic partner, AUB requires that the faculty or staff member disclose the connection to his or her superior. The superior must assign responsibility for evaluating the educational or employment performance of the student or subordinate to another faculty or staff member.

Consensual romantic relationships between faculty members and students or former students, and staff and subordinates, while not prohibited, are strongly discouraged. Faculty and staff are cautioned that initial consent to a relationship by a student or subordinate does not rule out a possible charge of discriminatory harassment, including sexual harassment, at a later date. Should a charge of discriminatory harassment, including sexual harassment, arise from such a relationship, the burden and cost of providing a defense falls on the faculty or staff member. Members of the faculty and staff should know that it is extraordinarily difficult to mount a defense in such instances.

[Back to Top](#)

Section 5- Obligation to Report

AUB is committed, and may be required by law, to take action if it learns of potential sexual or other discriminatory harassment, even if an individual does not wish to file a formal complaint. Academic and administrative unit heads have a special responsibility to act to stop such harassment in areas under their supervision. Failure by individuals in a supervisory role to report information they possess (either based on their own observation or a report to them) concerning potential discriminatory harassment covered by this policy shall be considered to be a violation of this policy.

[Back to Top](#)

Section 6 - Penalties

Penalties for violation of AUB's Policies Concerning Sexual and Other Discriminatory Harassment are stringent and may include termination of employment and expulsion from educational programs.

[Back to Top](#)

Section 7 - Definitions and Policies on Non-Retaliation, Good Faith/Bad Faith Allegations, and Confidentiality

1. Non-Retaliation

AUB prohibits retaliation against individuals who, in good faith, complain about, report, or assist others in reporting non-compliance with university policies, including its Policies Concerning Sexual and Other Discriminatory Harassment. AUB also prohibits retaliation against any person who provides evidence or otherwise participates in the investigation or resolution of a complaint or grievance. These prohibitions include complaints brought to law enforcement or governmental bodies or participation in related proceedings outside of the University.

Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or adverse actions affecting employment, education, or quality of life. It does not include petty slights or annoyances. Those who believe that they have experienced retaliatory action should visit the ombuds (see Section 8 below – AUB Ombuds Office) for guidance on how to proceed. Such an allegation may become part of an existing complaint or grievance or form the basis for a new one.

2. Good Faith/Bad Faith Allegations

Making a false complaint may lead to serious disciplinary action if the University determines that the complaint was filed in bad faith. A bad faith allegation is defined as a complaint made in reckless disregard for, or willful ignorance of, facts that would disprove it. An allegation made in good faith which is deemed to be unfounded after proper investigation cannot result in disciplinary action.

3. Confidentiality

In order to protect complainants, respondents, and witnesses, AUB shall endeavor to investigate potential violations of its policies, and particularly its Policies Concerning Sexual and Other Discriminatory Harassment, with sensitivity and due regard for the importance of maintaining confidentiality.

[Back to Top](#)

Section 8 - Informal Complaints

Members of the AUB community who believe that they are the subject of discrimination, sexual or other discriminatory harassment, or retaliation for complaining about, reporting, or assisting another in reporting related complaints have recourse to informal and/or formal avenues to address their concerns. Assistance in addressing concerns without resorting to a formal complaint is available through the AUB Ombuds Office and the Complaint Advisor Program.

1. AUB Ombuds Office

The AUB Ombuds Office was established as an independent, impartial, and confidential resource serving all members of the AUB community. It provides an informal environment where community members can seek assistance on any university-related concern or dispute that is not covered by a collective bargaining or syndicate agreement.

The confidential services offered by the AUB Ombuds Office complement other processes at AUB. The ombuds listens to individuals seeking assistance, provides information about university policies and procedures, and explains the informal and formal processes that the University has put in place to address individual concerns. Upon mutual agreement, the ombuds works as a facilitator or mediator in order to assist parties in reaching equitable and mutually acceptable resolutions that are consistent with AUB's Principles of Ethical Conduct, Non-Discrimination Policy, and Policies Concerning Sexual and Other Discriminatory Harassment. Alternatively, individuals wishing to discuss or address sensitive issues or to seek guidance on how to report actual or potential violations of the University's policies and procedures may do so anonymously. In sum, the AUB Ombuds Office promotes ethical principles and conduct; provides effective alternatives to formal procedures; and serves as a catalyst for the institution's continuous improvement.

While the Ombuds Office does not retain permanent records of confidential communications, it does keep statistics in order to analyze and report on trends and to recommend systemic changes in its periodic and annual reports to the president. The ombuds works with an advisory committee appointed by the president that provides support as needed in reaching out to various AUB constituencies.

Additional information concerning the AUB Ombuds Office may be accessed through its website once the office is established in Summer 2013.

2. Complaint Advisors

Complaint advisors are volunteers from various academic and administrative units across the University who are chosen by the ombuds, in consultation with the president and provost, and trained to assist complainants in deciding how to proceed to resolve a problem and to take confidential action (such as approaching the alleged offender or conducting mediation) on behalf of complainants at their request. As with the ombuds, no records are kept naming the parties involved; a monthly summary report is submitted

to the ombuds for the purpose of generating statistics on trends. Unlike the ombuds, advisors who learn of allegations which are so serious that they believe that action by the University is warranted can bring the issue to the president or provost. Advisors are otherwise bound to maintain confidentiality as strictly as possible.

[Back to Top](#)

Section 9 - Formal Complaints

The University has designed distinct processes to provide prompt, reliable, and impartial resolution of allegations of a) discrimination; and b) sexual and other discriminatory harassment.

Members of the AUB community who believe that they have been discriminated against, but not harassed, may file a grievance in accordance with the [University's Grievance Policy and Procedures](#), which provide different processes for faculty, staff, students, and third parties to address their concerns. All grievances alleging sex discrimination are routed to AUB's Title IX coordinator, who directs the implementation and administration of university policies and procedures on sex discrimination, sexual harassment, and sexual violence.

Members of the AUB community who believe they have been subjected to sexual or other discriminatory harassment may file a formal written complaint with the University's Title IX coordinator or with a designated receiving officer in the President's Office, who will log the complaint and deliver it to the Title IX coordinator. The University's [Procedures to Address Formal Allegations of Sexual and Other Discriminatory Harassment](#) provide more specific instructions on the filing of harassment complaints and on related procedures.

[Back to Top](#)

**APPENDIX I
NOTICE OF DISCRIMINATORY HARASSMENT FORM**

**AMERICAN UNIVERSITY OF BEIRUT
OFFICE OF THE PRESIDENT**

This form should be filed within 90 days of first experiencing the harassing behavior, although the deadline may be extended for individuals who initially opted for an informal process to resolve the situation. For complete information, please consult AUB's [Procedures to Address Formal Allegations of Sexual and Other Discriminatory Harassment](#).

When this form is completed and signed, it should be submitted in person by the complainant to the Title IX coordinator in the Provost's Office or to a designated receiving officer in the President's Office. Both offices are located on the 5th floor of College Hall. The form should be accompanied by a letter briefly describing the alleged harassment, as well as any informal efforts to resolve the problem, and copies of documentary evidence that may support the case.

Complainant Information

Complainant's name: _____

E-mail address: _____

Telephone number: _____
(Please provide your home number or AUB extension or mobile number)

University status: () Faculty () Staff () Student

Job title (if applicable): _____

Faculty and/or department: _____

Head of department's name: _____

Respondent Information

Respondent's name: _____

University status: () Faculty () Staff () Student () Other

Job title: _____
(If applicable)

Faculty and/or department: _____

Head of department's name: _____

If you are a student and the respondent is a student, would you like the investigative panel to be restricted to faculty and staff?

Yes

No

Not applicable

Signature of complainant

Date submitted

To Download this appendix in Word format, [click here](#).

To Download this appendix in PDF fillable format, [click here](#).

[Back to Top](#)