

# PROCEDURES TO ADDRESS FORMAL ALLEGATIONS OF SEXUAL AND OTHER DISCRIMINATORY HARASSMENT

*FOR INFORMATION ON INTERIM MEASURES BEING PUT IN PLACE FOR THE IMPLEMENTATION OF THESE PROCEDURES 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 - General Applicability of Procedures](#)

[Section 2 - How to Make a Formal Allegation of Discriminatory Harassment](#)

[Section 3 - What Happens Next?](#)

1. [Interim Measures and Other Support](#)
2. [The Investigative Panel Is Convened](#)
3. [The Panel Conducts a Thorough Investigation](#)
4. [The Panel Reports Back to the President](#)
5. [The President Takes Necessary Action](#)
6. [Prevention and Remediation](#)

[Back to Top](#)

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

These Procedures to Address Formal Allegations of Sexual and Other Discriminatory Harassment (“Procedures”) are designed to support the implementation of the American University of Beirut’s Policies Concerning Sexual and Other Discriminatory Harassment. In the event of a conflict between these Procedures and those policies, the policies will take precedence.

## **Section 1 - General Applicability of Procedures**

Due to the sensitive nature of allegations of sexual and other discriminatory harassment, AUB maintains these distinct Procedures for addressing such allegations. Complaints of discrimination, or harassment which is not discriminatory in nature, may be made in accordance with the [University’s Grievance Procedures](#). Assistance in determining the exact nature of the complaint and the appropriate procedure to be followed may be obtained from the university ombuds, who provides confidential advice and some mediation services, or the Title IX coordinator, who directs the implementation and administration of AUB’s policies and procedures on sex discrimination, sexual harassment, and sexual violence.

AUB maintains informal processes and a formal procedure for the resolution of discriminatory harassment allegations, and complainants may pursue either or both options. Individuals who wish to file a formal [Notice of Discriminatory Harassment](#) without recourse to the University’s informal resolution processes should do so within 90 days of first experiencing the harassing behavior. Individuals who initially opt for an informal process may end their participation in that process at any time and file a formal Notice. In cases in which the informal process has extended beyond the 90-day deadline, complainants should file a formal Notice within 20 days of ending their participation in the informal process. Individuals accused of discriminatory harassment may also request a formal investigation if the other party has not done so; however, they must do so within 30 days of first being informed of the allegation(s).

[Back to Top](#)

## **Section 2 - How to Make a Formal Allegation of Discriminatory Harassment**

Individuals wishing to make a formal allegation of discriminatory harassment must prepare and submit the following documents:

1. A signed copy of the University’s [Notice of Discriminatory Harassment](#) form;
2. A letter briefly describing the offensive act(s) as well as informal efforts (if any) to resolve the problem; and
3. Copies of any documentation that may support the complaint.

The [Notice of Discriminatory Harassment](#) form is available online or through the AUB Ombuds Office. Both, the ombuds and the Title IX coordinator, are ready to assist individuals in completing the form or in writing the supporting letter.

The Notice of Discriminatory Harassment form and supporting documents may be submitted directly to the Title IX coordinator in the Provost's Office or to a designated receiving officer in the President's Office, who will log the complaint and deliver it to the Title IX coordinator. Both offices are located on the 5th floor of College Hall. The AUB Ombuds Office is not permitted to accept formal notice on behalf of the University.

All formal allegations of discriminatory harassment as defined in the University's Policies Concerning Sexual and Other Discriminatory Harassment are reviewed by an investigative panel selected by the president in consultation with the Title IX coordinator. The University may also choose to investigate third party allegations of discriminatory harassment. In such cases, the president may direct the Title IX coordinator to convene an investigative panel or to proceed in another way deemed appropriate under the circumstances.

The president may designate the provost to fulfill the functions of the president set forth in these Procedures. However, all final decisions concerning action to be taken, including disciplinary measures, must be approved by the president.

[Back to Top](#)

### **Section 3 - What Happens Next?**

#### **1. Interim Measures and Other Support**

The University is deeply committed to protecting the health and safety of all members of the AUB community. Upon receipt of information concerning formal or informal allegations of sexual or other discriminatory harassment, and particularly when such allegations involve threats of violence, physical assault, or possible self-harm, the University may take immediate interim measures pending an investigation. Examples of such interim measures include, in the case of students, alternative accommodations in the dorms, or, in the case of employees, alternative reporting or work space arrangements. In extreme cases, appropriate referrals may be made to law enforcement.

Pending the resolution of any allegation of sexual or other discriminatory harassment, the Title IX coordinator will endeavor to inform the parties to the complaint of the available counseling, medical, academic, and other support services provided through the University, including those of the AUB Ombuds Office.

#### **2. The Investigative Panel Is Convened**

Upon receipt of a formal allegation of sexual or other discriminatory harassment, the president, in consultation with the Title IX coordinator, will promptly appoint an investigative panel consisting of three voting members and, possibly, a non-voting graduate student. The Title IX coordinator serves as the panel's non-voting chair. Panel members are drawn, as appropriate, from a standing pool of 12-15 candidates (faculty, staff, and PhD students) of both genders who have been trained to conduct an inquiry into allegations of sexual or other discriminatory harassment. As a general rule, the panel's composition reflects the status of the respondent, that is, the person accused of harassing

behavior. However, if a student complains of being harassed by another student, he or she may request that the panel's voting members be restricted to faculty and staff.

During the first meeting of the panel, the Title IX coordinator provides panel members with the full text of the complaint and any supporting documentation. At this point, voting panelists must disqualify themselves if they discover that they have prior knowledge of the complaint or its circumstances or if there is a real or perceived conflict of interest. Should a member of the panel withdraw, a new panelist is chosen by the president, in consultation with the Title IX coordinator, and the panel reconvenes as soon as possible. During this meeting, the Title IX coordinator will stress the need for confidentiality regarding all of the panel's proceedings.

### **3. The Panel Conducts a Thorough Investigation**

The task of the investigative panel is to do its best to determine the facts, including whether it is more likely than not that the harassing conduct occurred as alleged, and to report its findings to the president. The task of the Title IX coordinator is to ensure compliance with the University's relevant policies and procedures.

The Title IX coordinator is responsible for notifying the respondent of the allegation at an initial interview; arranging a second interview should either the panel or respondent deem one necessary; and ensuring that the respondent has such time as the panel deems adequate to prepare a written response before the panel concludes its deliberations.

Early in the process, the Title IX coordinator is also responsible for providing the complainant and the respondent with an estimated timetable for the completion of the panel's work and for providing timely updates should circumstances change.

In conducting its investigation, the panel may a) request information and documents that it deems relevant; b) interview the complainant and respondent; c) interview members of the AUB community who may shed light on the matter; and d) take, in conjunction with the Title IX coordinator and the president of the University, any further action that it considers necessary to conclude its deliberations. At the conclusion of the investigation, the panel may make any recommendations that it deems appropriate when reporting its findings to the president.

All participants in the proceedings are expected, and should be instructed, to maintain confidentiality. Failing to participate and/or cooperate in an investigation, providing false information, or breaching confidentiality may result in disciplinary action.

The panel will provide reasonable parity with respect to the procedural conduct of the investigation: for example, if the respondent is permitted to present character witnesses, the complainant will be so permitted as well.

Although the complainant and respondent are expected to represent themselves during interviews, they may each be accompanied by a member of the AUB community who is not a family member or a member of the legal profession so long as this does not delay the proceedings. Their companions may only address the panel if invited to do so as witnesses.

Proceedings of the investigative panel will not be recorded or minuted, although individual members may take notes during interviews.

At any point in its deliberations, the panel may recommend or request an interim action or resolution, such as moving a student to another course section.

#### **4. The Panel Reports Back to the President**

The duration of the investigative process will vary depending on the number and complexity of the allegations. In all cases, the investigative panel is charged with completing its work as expeditiously as possible, consistent with the need to conduct its work carefully. The Title IX coordinator should submit the panel's report to the president as soon as possible and, in most cases, no more than 45 days after the panel's first meeting. If the panel needs more time to conclude its work, the Title IX coordinator must provide the president with a progress letter and rationale for the extension.

The panel's report should contain a brief summary of its findings and the conclusion that it is a) more likely than not that discriminatory harassment occurred; b) more likely than not that discriminatory harassment did not occur; or c) that the panel cannot determine whether or not discriminatory harassment occurred. The report must include numerical vote results. If either the complainant or respondent notified the panel of a witness to the events under investigation, and the panel failed to interview the witness, the report must offer a full explanation for the omission. Should the panel conclude that discriminatory harassment did occur, it may recommend particular forms of remedial and/or disciplinary action. When conveying the report to the president, the Title IX coordinator may append a letter which also recommends particular forms of remedial and/or disciplinary action. However, the recommendations of the panel and coordinator are neither mandatory nor binding on the president.

The report should be accompanied by an appendix containing all documents and materials collected for the investigation, including any notes made during interviews. The report, letter, and appendix are retained by the President's Office.

#### **5. The President Takes Necessary Action**

The president reviews the report of the panel and determines the appropriate action, including disciplinary action to be taken. The president notifies both the complainant and respondent in writing of the panel's conclusions as to whether or not discriminatory harassment occurred, and notifies the respondent and the Title IX coordinator in writing of any disciplinary or other remedial action to be taken. The president may disclose to the complainant information about sanctions imposed.

The decision of the president is final.

The penalties for violating the University's policies prohibiting sexual and other discriminatory harassment are stringent and may include termination of employment and expulsion from AUB programs.

## **6. Prevention and Remediation**

In addition to any disciplinary or remedial measures taken, the University may, upon completion of each investigation, identify any additional measures that may be reasonably taken to prevent future instances of discriminatory harassment, such as targeted training of faculty, staff, or students. In most cases, implementation of such measures will be the responsibility of the Title IX coordinator.

[Back to Top](#)