POLICY AGAINST DISCRIMINATION AND HARASSMENT

General Principles

The American University of Beirut (“AUB” or “University”) strives to maintain a work and academic environment which is free from discrimination and harassment of all kinds, and in which all members of the University community treat one another with respect.

The University prohibits discrimination or harassment of any kind by or against any student, faculty member, administrator or staff member, American University of Beirut Medical Center (“AUBMC”) resident, or any applicant for employment or enrollment at the University. The University will investigate all allegations of discrimination or harassment. If the University concludes that this policy has been violated, the offender will be subject to disciplinary action, up to and including termination of employment or expulsion from the University.

It is also the policy of AUB to provide equal employment opportunity to all candidates for academic and non academic employment, regardless of their gender, race, religion, color, national origin, disability, marital status, age, creed, citizenship, or veteran status, except as required by Lebanese law concerning employment. Such policy shall apply to all terms and conditions of employment including, but not limited to, recruitment, selection, promotion, up-grading, demotion, transfer, lay-off, termination, rates of pay or other forms of compensation, benefits, and selection for training. The AUBMC Policy Against Discrimination and Harassment is equally applicable to AUBMC residents.

Although residents are not employees of AUB or AUBMC, all references to employees in this policy shall, for the purpose of the interpretation of this policy, be construed to include residents, except where the context otherwise provides. Likewise, student and academic references shall also be construed to include residents.

Definitions

1. Discrimination

For purposes of this policy, discrimination occurs when a person's gender, race, religion, color, national origin, disability, marital status, age, creed, citizenship, or veteran status, except as required by Lebanese law concerning employment, becomes, implicitly or explicitly, the basis for any decision concerning a term or condition of his or her employment, including, but not limited to, hiring, compensation, assignment, training, promotion, discipline, or discharge. Discrimination under this policy also includes other forms of judgment, punitive action, or variation in standard of service on the part of a University faculty member, administrator, staff,
AUBMC resident, member of the University community, or an applicant for employment or enrollment at the University.

The University shall treat all employees in a spirit of equity. Salary and benefits are established for various positions irrespective of the gender, race, religion, color, national origin, disability, marital status, age, creed, citizenship or veteran status. The University shall not terminate the service of any employee during her pregnancy, nor deprive her of paid maternity leave. Termination, as expressed herein, does not include expiration of contracts concluded for a specific period of time.

The University shall not discriminate amongst its employees on the basis of sex in respect of benefits of leave, children's education, medical care, and pension, provided, however, that such benefits do not duplicate benefits to which the employee or the employee's dependents are entitled as a spouse or dependent of another University employee.

2. Harassment

For purposes of this policy, harassment encompasses any conduct, whether of a sexual nature or conduct based on gender, race, religion, color, national origin, physical or mental disability, marital status, age, creed, citizenship or veteran status that is unwelcome by the recipient and that could lead or contribute to creating a hostile, intimidating, or offensive work or academic environment, unreasonably interfering with the work performance of the aggrieved party or otherwise adversely affecting his/her employment opportunities.

Examples of prohibited conduct are:

a. Ethnic slurs;
b. Distribution of racially or sexually offensive e-mails, pictures, or jokes;
c. Intimidating or hostile acts directed to persons of a particular gender or religion; or
d. Threatening or abusive conduct directed at a person because of his or her national origin.

The policy covers both, conduct by one person toward another person of different status and authority, and conduct toward another person in the same status: student toward student, faculty member toward faculty member of the same or different rank, employee toward another employee of the same or different grade or rank. This conduct need not and should not be tolerated by the aggrieved party. The policy also covers incidents that occur off campus between members of the University community.

Harassment does not require any intent to offend. Thus, inappropriate conduct meant as a joke, a prank, or even a compliment can lead or contribute to harassment.
3. Sexual Harassment

This is a particular type of discriminatory harassment. Sexual harassment consists of unwelcome sexual advances and verbal, physical, or other conduct of a sexual nature, when:

A. Submission to such conduct is made, explicitly or implicitly, a term or condition of a person's employment, a person's academic status, or a person's participation in a University program or activity.

B. Submission to, or rejection of, such conduct is used as the basis for any decision affecting a person's employment, academic status, or participation in a University program or activity.

C. Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance, or of creating an intimidating, hostile, or offensive work or academic environment.

The University prohibits conduct that constitutes or that could lead or contribute to sexual harassment. Examples of such conduct are:

a. Unwelcome sexual flirtations, advances, or propositions;
b. Inappropriate touching of an individual's body;
c. Graphic verbal comments about an individual’s body or appearance;
d. Sexually degrading words used to describe an individual;
e. The display in the workplace of sexually suggestive objects or images;
f. Sexually orientated messages or pictures sent via email; and
g. Stalking and physical assault.

Additional rules apply to individuals with supervisory authority at the University. No one with a supervisory role is at any time to:

i. Threaten or imply that an individual’s submission to or rejection of a sexual advance will, in any way, influence any decision regarding that individual’s employment, performance evaluation, advancement, compensation, assignment, discipline, discharge, or any other term or condition of employment; or

ii. Make any employment decision concerning any individual on such a basis.

The policy also prohibits sexual advances by subordinates aimed at influencing the judgments and decisions of superiors.
Sexual harassment does not require any intent to offend or intimidate. Thus, inappropriate conduct that is meant as a joke, a prank, or even a compliment can lead or contribute to sexual harassment.

If the aggrieved party requests that the inappropriate conduct cease, that request must be honored. While a verbal request is sufficient, a written request is preferable. All University employees and students are expected to refrain from activity, on or off campus, of the type described above.

Sexual harassment is particularly pernicious and may require great tact and sensitivity in determining whether it has occurred and in bringing about its cessation.

**Procedures**

1. **Recruitment in the US**

   As required by US law, all advertisements and announcements of jobs placed by or on behalf of the University shall indicate that AUB is an equal opportunity employer. No sex preference shall be expressed, unless sex is a bona fide occupational qualification for the position. AUB shall utilize recruitment sources and advertising media which reach women and minority groups. The director of personnel shall submit to the president an annual report on US personnel employed by AUB, showing their distribution between minority and majority groups and between men and women.

2. **Responsibility to Report**

   Any person who is subjected to, or becomes aware of, conduct of a type prohibited by this policy is urged and expected to report it.

3. **What to Report**

   Any inappropriate conduct under this policy should be reported, regardless of the offender's position in the University, and should also be reported even if the offender is not employed by the University (for example, the offender may be a vendor or a contractor).

4. **To Whom to Report**

   Any person subject to, or aware of, any conduct of the type described in this policy is urged and expected to report the relevant facts promptly to one of the following persons: reports should be made to the reporting person's department chairperson, dean, director, supervisor, or the director of personnel, and, in the case of AUBMC residents, to the Program Director and/or
Designated Institutional Official. In considering with whom to speak, the person reporting may bypass the chain of command and may choose the person whom he or she feels most comfortable contacting under the circumstances.

5. **When to Report**

Prompt reporting is very important so that the University can take action to stop the conduct, if the allegation is substantiated, before it is repeated.

6. **Conduct of Investigations**

Prompt, fair, and impartial consideration shall be given to all complaints under this policy. The deans, administrative heads of departments, or other senior persons to whom the allegation is reported will investigate promptly and thoroughly. The investigation shall confirm facts and/or resolve disputed allegations. If the matter cannot be resolved at that level, it may be referred to the University Committee on Discrimination and Harassment. The investigating official shall forward such requests immediately to the chair of the committee. In conducting its investigations, the University will strive to keep the identity of persons making reports as confidential as possible.

In every case where an allegation of discrimination or harassment has been investigated, the investigator shall provide the persons involved with a written summary of the investigation and its resolution, and a copy shall be provided to the University Committee on Discrimination and Harassment.

7. **Disciplinary Action**

Individuals found to have violated this policy may be subject to disciplinary action, up to and including termination or expulsion.

8. **Retaliatory Action**

It is against University policy for retaliatory action to be taken against a person for having, in good faith, reported inappropriate conduct under this policy. In the event someone believes they have suffered retaliation for having made such a report, the matter should be brought to the attention of one of the persons listed in the portion of the procedures, section of the policy that is entitled "To Whom to Report."
9. False Accusations or Statements

False or malicious charges are as harmful as the alleged actions themselves. Allegations which, upon investigation, are found to be deliberately false will be considered violations of this policy, and persons who maliciously lie to cover up or conceal an act sanctioned by the policy will be subject to the same disciplinary measures as apply for other violations of the policy.

The University Committee on Discrimination and Harassment

The president shall appoint a University Committee on Discrimination and Harassment. The composition of the committee will reflect the diversity of the University community, students, staff, and faculty.

The chair of the Committee will be appointed by the president for two years. The chair must have had at least one year’s experience on the Committee prior to being appointed chair. The president will serve as chair during the first year of the Committee's existence.

Upon nomination to the panel, each new member will be required to pledge, in writing, to uphold the confidentiality of the committee's work, as provided in this policy.

Upon appointment, each new member will receive training in the subjects of discrimination and harassment and will be given reading materials, including case studies. New members will also be required to read the University Policy Against Discrimination and Harassment and demonstrate clear understanding of the sensitivities involved, as well as the proper procedures to be followed.

Membership on the University Committee on Discrimination and Harassment is for three years. Members may be re-appointed at the discretion of the president.

The president shall appoint one of the committee members as chair. The chair will receive requests to conduct an investigation directly from the president or from persons dissatisfied with other attempts to resolve disputes and will convene meetings as necessary to conduct the Committee's business in a timely and efficient manner. The Committee will decide how best to conduct its inquiries and shall have a reasonable right to review University records and meet with employees. The Committee will recommend any remedial and disciplinary action to the president, whose decision shall be final.
Additional Readings

I - Sexual Harassment: What to Do If It Happens to You?

You can help make AUB a campus free from sexual harassment by confronting it and/or reporting it when it occurs. If you feel you are being sexually harassed:

1. **Say No Firmly**: do not smile or apologize. Be direct. Make it clear that the harassment is unwelcome and unacceptable. If you do not feel you can confront the harasser, then seek help.

2. **Keep a Record of What Occurred**: include date and time, place, witnesses, direct quotes, and describe the behavior. Save notes or letters sent to you. Keep the log and correspondence in a safe place.

3. **Take Action**: talk to the person involved if you feel you can. You might want to explain why you were offended by what took place. You might want to bring someone to support you. Remember, you have a right to feel the way you do. If you do not feel comfortable confronting the person directly, write to them. You can say what is on your mind without the need for further discussion. Your letter should state the situation as you see it, describe your feelings and the damage you think has been done, and say what you would like to happen next. Keep a copy of the letter. If you do not feel comfortable confronting the person, or if you confront the person and the situation occurs again, it is time to seek help.

4. **Tell Someone**: even if you are unsure whether what you have experienced is sexual harassment or gender discrimination, inform the designated official. That person can offer advice and assistance in resolving the problem. Resolution is often achieved through informal mediation.

II - Myths and Facts About Sexual Harassment

1. **Myth**: Sexual harassment only happens to a few people.

   **Fact**: Even in countries with strict laws against sexual harassment, surveys show that as many as 30 percent of female students experience some form of sexual harassment. Studies have shown that sexual harassment is a problem for working women as well.

2. **Myth**: Only young women are sexually harassed.
**Fact:** No. It can happen to older students returning to college, just as easily as it can to young students and to older employees as well as younger ones. It can also happen to men.

3. **Myth:** If a person ignores sexual harassment, it will go away.

**Fact:** Generally, harassers do not stop on their own. Silence acts as encouragement. Although the victim may not want to offend the harasser or may wonder whether the actions have been misconstrued, it is important to call attention to inappropriate behavior or language.

4. **Myth:** Most charges of sexual harassment are false. Women use such stories as a way of “getting back” at men with whom they are angry.

**Fact:** Charges of discrimination, including sexual harassment, are not made lightly. They usually involve some risk and unpleasantness. Women have nothing to gain from making false charges. But victims of harassment owe it to possible future victims of the harasser to discuss the problem with someone.

5. **Myth:** Sexual harassment is harmless. Those who object to it have no sense of humor.

**Fact:** Sexual harassment is demeaning. It undermines respect and trust and can threaten educational and employment success.

### III - Some Suggestions to Avoid Engaging in Gender Discrimination

1. Avoid demeaning humor or comments that belittle people.

2. Avoid as much as possible using generic masculine terms to refer to people of both sexes.

3. When giving examples, try to avoid sexual stereotypes, such as making all authority figures men and all subordinates women.

4. Avoid making general statements about women or men which are derogatory or stereotypical.

5. Refrain from using terms of endearment such as “honey” or “habibi”.

6. Try to monitor your behavior towards men and women in the classroom:
a. Do you habitually recognize and call on men more often than women in class discussions or vice versa?

b. Do you interrupt female students more often than males or allow others in class to do so, or vice versa?

c. Do you listen more attentively and respond more extensively to comments made by men than to those made by women, or vice versa?

d. Do you label women who ask probing or challenging questions as “aggressive” or “troublemakers”, but reserve judgement of men who do the same, or vice versa?

e. Do you encourage thoughtful exchanges with students by allowing sufficient response time to your questions, or vice versa?

IV - Consensual Relationships Guidelines

1. Inappropriate Consensual Relationships

   AUB strongly discourages consenting romantic or sexual relationships between members of the University community when one person has power or authority over the other. Such relationships can easily create the appearance of a conflict of interest and readily engender claims of sexual harassment or sexual favoritism.

   Student respect for, and trust in, faculty and other staff greatly restrict their freedom to reject sexual advances. The power of faculty and other staff to give or withhold rewards such as praise, grades, and recommendations further limits the extent to which a sexual relationship between faculty or staff and students can be considered consensual.

   There are similar problems with an apparently consenting relationship between supervisors and employees. Even if a subordinate does not appear to object to participation in a sexual relationship, this does not mean that the individual welcomes the relationship. Moreover, a third party may claim that the participant in a consenting relationship received preferential treatment.

2. Examples of Inappropriate Consensual Relationships

   Sexual relationships that may result in complaints of sexual harassment or sexual favoritism and that create a conflict of interest include, but are not limited to, those between:
a. A faculty member and a student who is enrolled in the faculty member’s course, who is enrolled in a program for which the course taught by the faculty member is a requirement, who is an advisee of the faculty member, or whose academic work is being supervised by the faculty member.

b. A faculty or staff member and a student, if the faculty or staff member is in a position to evaluate or otherwise influence the student’s education, employment, or participation in athletics or any other University activity (staff members include, for example, administrators, coaches, advisors, program directors, and counselors).

c. An employee and that person’s supervisor, a department chair and a faculty member in the same department, an administrator and a faculty or staff member in a department under that administrator’s direction.

d. A tenured faculty member and an untenured faculty member, if the tenured faculty member participates in recommendations about the untenured person.

3. How to Avoid the Appearance of Impropriety

When it becomes apparent that one of the conditions outlined above exists, University personnel should evaluate the situation and remove themselves from any decisions affecting the other person in order to avoid a conflict of interest and the potential for allegations of sexual harassment or sexual favoritism. If this is not practical or possible, the faculty or staff member should consult his or her supervisor about appropriate ways to transfer such responsibilities.