



**AMERICAN  
UNIVERSITY  
OF BEIRUT**

# **PROCEDURES TO ADDRESS ALLEGATIONS OF TITLE IX HARASSMENT**

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## I. PROCEDURES STATEMENT

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AUB is committed to the principle of equal opportunity in education and employment. Consistent with this commitment and with its policies not to tolerate discrimination and discriminatory harassment, the University has adopted a [Non-Discrimination and Anti-Discriminatory Harassment Policy](#) (“Non-Discrimination Policy”) and [Sexual Harassment Policy](#), as well as an Equal Employment Opportunity Policy and Policy Against Discrimination and Discriminatory Harassment applicable to employees at the Debs Center in New York City (the “Debs Center EEO Policy”). AUB's Medical Center also maintains a policy, “Sexual Harassment of Patients” [2007], that addresses allegations of discriminatory and sexual harassment of recipients of health services. Possible violations of these policies will ordinarily be investigated and adjudicated in accordance with the [Procedures to Address Allegations of Discrimination, Discriminatory Harassment, and Sexual Harassment](#) (“AUB Procedures”), the AUBMC Policy regarding Sexual Harassment of Patients, or the Debs Center EEO Policy, as applicable.

However, in accordance with US law, formal complaints of certain types of sex-based harassment against an individual who is present in the United States when the harassment occurs, referred to in these Procedures to Address Allegations of Title IX Harassment (“Title IX Procedures”) as “Title IX Harassment,” must be resolved in accordance with procedures mandated by the US Department of Education (“USDOE”). These Title IX Procedures will apply to, and only to, AUB’s resolution of Formal Complaints of Title IX Harassment (as defined further below).

## II. PURPOSE

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AUB prohibits “Title IX Harassment,” as the term is defined below. These Title IX Procedures have been adopted to comply with regulations enacted by the USDOE, and apply only where a “Formal Complaint” of “Title IX Harassment” has been made.

It is important to note that “Title IX Harassment” is only a subset of the type of conduct prohibited by AUB policies such as the Non-Discrimination Policy, the Sexual Harassment Policy, and the Debs Center EEO Policy. AUB takes seriously any violations of its policies prohibiting discrimination and sexual harassment, and conduct that does not qualify as Title IX Harassment may still violate other policies. AUB encourages all instances of discrimination or discriminatory harassment including sexual harassment, whether or not qualifying as Title IX Harassment, to be reported in accordance with the appropriate policy. These Title IX Procedures dictate only that certain mechanisms will be used to resolve “Formal Complaints” (defined below) of Title IX Harassment as required by USDOE regulations when the Title IX Harassment occurred against an individual who is present in the United States at the time it occurred, and do not indicate or dictate in any way that the Title IX Harassment is necessarily more or less serious than other types of prohibited harassment, or subject to greater or lesser sanctions.

## III. SCOPE

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University-Wide  OR Departmental

Specify Department(s): Debs Center in New York City

## IV. WHO SHOULD READ THIS POLICY DOCUMENT?

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All members of the AUB Community, including the Debs Center in New York, and any other facility or program affiliated with the University.

## V. RESPONSIBILITIES

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Consistent 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, and in accordance with USDOE Regulations, AUB has designated a Title IX Coordinator in the Office of the President, and maintains Title IX Deputies, as needed. Currently, the Title IX Coordinator is Mitra Tauk. Ms. Tauk's contact information is as follows:

Office of the President-College Hall- Room 425  
Telephone number: 961 1 350000      Extension: 2514  
Email: mt12@aub.edu.lb

Inquiries regarding discrimination and discriminatory harassment, including sexual harassment (whether or not qualifying as Title IX Harassment), may be directed to the Title IX Coordinator, or by email to [titleix@aub.edu.lb](mailto:titleix@aub.edu.lb). The Office of the President maintains a resource page on Non-Discrimination, Anti-Harassment, and Title IX at [www.aub.edu.lb/titleix](http://www.aub.edu.lb/titleix).

## VI. DEFINITIONS

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The following definitions will apply to terms used in these Title IX Procedures:

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute Title IX Harassment.

**Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Harassment against a Respondent and requesting that AUB investigate the allegation of Title IX Harassment.

**Parties** means, collectively, the Complainant and the Respondent.

**Party** means, individually, either the Complainant or the Respondent.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Harassment.

**Title IX Harassment** includes only the following types of misconduct:

- A member of the AUB Community conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to AUB's education program or activities, including employment at AUB;
- "Sexual assault," defined to include, "forcible sex offenses," i.e., "any sexual act directed against another person, without the consent of the victim including instances

where the victim is incapable of giving consent,” and “non-forcible sex offenses,” i.e., “unlawful, nonforcible sexual intercourse” such as statutory rape and incest, but excluding prostitution.

- “Dating Violence,” defined as, “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim”;
- “Domestic Violence,” defined as, “felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of [New York, or other applicable jurisdiction], or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of [New York, or other applicable jurisdiction]”; and
- “Stalking,” defined as, “engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others or (B) suffer substantial emotional distress.

In addition, to qualify as Title IX Harassment for purposes of the Title IX Procedures, the Complainant:

- (1) must have been physically present in the United States when the alleged misconduct occurred; and
- (2) must be participating or attempting to participate in an AUB program or activity (which includes, but is not limited to, being employed by AUB) at the time of the alleged misconduct.

## **VII. REPORTING TITLE IX HARASSMENT**

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Individuals who are aware of an instance of potential Title IX Harassment should make a report to the Title IX Coordinator in person, by mail, by telephone, online, or by email, including outside of normal business hours. At all times in its responses to complaints, AUB will treat Complainants and Respondents equitably.

### **Obligation to Report**

AUB is committed, and may be required by law, to take action if it learns of potential Title IX 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 Title IX 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 Title IX Harassment covered by this policy shall be considered to be a violation of this policy and is subject to disciplinary action.

### **Mandatory Reporters**

AUB has designated academic and administrative department/unit heads, managerial level staff, academic advisors, protection officers, and residence hall staff/monitors, as responsible employees or “mandatory reporters”, and may designate others at its discretion.

These individuals are obligated to report actual or suspected Title IX harassing conduct to the Title IX Coordinator, unless they are a “confidential” resource as described below.

Mandatory reporters are not required to report incidents communicated in climate surveys, classroom writing assignments or discussions, human subjects research, or focus groups, unless the complainant clearly indicates they wish a report to be made. Even if a formal process is not initiated, remedial steps may be taken as the result of such disclosures.

### **Confidential Resources**

Confidential resources are offered by designated staff at AUB and AUBMC who are not required to report actual or suspected sexual harassment to appropriate university officials. Confidential resources include:

- i. On campus counselors in the Counseling Center of the Office of Student Affairs and AUB Medical Center counselors.
- ii. Healthcare providers at the University Health Services (UHS) and at the AUB Medical Center.

Confidentiality may nevertheless be limited in cases of suspected abuse of a minor, in the event of an external investigation or prosecution, and in the event of imminent danger to the complainant or others.

## **VIII. AMNESTY PROVISIONS**

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AUB encourages the reporting of Title IX Harassment by Complainants and witnesses. AUB pursues a policy of offering Complainants and witnesses amnesty from minor policy violations related to the incident.

A student (including an eyewitness), acting in good faith, who reports an incident of Title IX Harassment under this policy (or to law enforcement), or who participates in the investigation of a report, will not be subject to subsequent disciplinary action for violation of the Student Code of Conduct related to the consumption of alcohol on campus, when the conduct occurred at or near the time of the reported incident, whether the related policy violation is intentional or accidental. This does not apply to such breaches of the Student Code of Conduct that occur with the intention of facilitating or participating in the violation of this policy.

## **IX. PRELIMINARY PROCEDURES**

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Upon receiving a report of Title IX Harassment other than a Formal Complaint—whether from the Complainant or a third-party (in the latter case, the alleged victim will still be referred to as the “Complainant”)—the Title IX Coordinator will promptly take the following steps:

- Contact the Complainant to discuss the availability of Supportive Measures, and consider the Complainant’s wishes with respect to Supportive Measures;
- Explain to the Complainant the process for filing a Formal Complaint;

- Explain that Supportive Measures are available whether or not the Complainant files a Formal Complaint; and
- Consider whether Interim Measures are appropriate, make a recommendation to the University President, who will decide whether Interim Measures are appropriate, and implement any such measures as directed by the President.

If the Complainant declines to file a Formal Complaint—including after a third party makes a complaint—the Title IX Coordinator may sign a Formal Complaint on behalf of the Complainant, if it is not clearly unreasonable to do so under the particular circumstances. This will ordinarily occur only where the alleged misconduct involves sexual violence, actual or perceived serious threat, or risk of harm to any of the Parties or to the AUB community. In the event that the Title IX Coordinator signs a Formal Complaint, the victim of the alleged misconduct will be considered the Complainant, and this Policy will apply in the same manner as if the alleged target of the alleged Title IX Harassment had made the initial report.

If a Formal Complaint is submitted, the Title IX Coordinator will promptly take the following steps:

- Issue a written notice to both Parties of the Formal Complaint;
- Notify both Parties of the availability of Supportive Measures, and consider their respective wishes with respect to Supportive Measures;
- Consider or re-evaluate whether Interim Measures are appropriate, make a recommendation to the University President, who will decide whether Interim Measures are appropriate, and implement any such measures as directed by the President.
- Discuss with the Parties the availability of Informal Resolution.

**Interim Measures:** If Interim Measures are implemented, they are subject to amendment throughout the resolution process depending on the evolution of or changes in the circumstances of each Formal Complaint. Interim Measures do not indicate a presumption that any policy has been violated and should not be viewed as punitive, negative, or suggesting final findings against a party. The Title IX Coordinator, in coordination with other responsible employee(s), shall maintain communication with the Parties to ensure that concerns about safety or emotional and physical wellbeing are being addressed.

Any Party subject to Interim Measures, along with personnel charged with implementing such measures, must maintain the confidentiality of any Interim Measures provided to any of the Parties involved, to the extent that maintaining such confidentiality would not impair the ability of the institution to implement the Interim Measures.

**Notice of Formal Complaint:** The written notice of a Formal Complaint will contain the following information, as required by Title IX:

- Sufficient details, based upon information known to the Title IX Coordinator at the time, regarding the allegations to allow the Complaint to respond, including the identities of the Parties and (if known) the conduct allegedly constituting Title IX Harassment and the date and location of the alleged incident.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

- A statement that both Parties may have an advisor of their choice, who may be, but is not required to be, an attorney, present at all meetings, interviews, and hearings during the grievance process, and may inspect and review evidence; and
- That knowingly making materially false statements or knowingly submitted materially false information is prohibited.

## **X. DISMISSAL OF A FORMAL COMPLAINT PRIOR TO INVESTIGATION**

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Before taking additional steps, the Title IX Coordinator will evaluate the Formal Complaint and will dismiss it—solely for purposes of resolution under the Title IX Procedures—if the conduct alleged in the Formal Complaint would not constitute Title IX Harassment even if proved. If a Formal Complaint is subject to dismissal for this reason, the Title IX Coordinator will also determine whether the allegations fall within another AUB policy prohibiting discrimination or harassment. If they do, the Title IX Coordinator will treat the Formal Complaint as having been submitted under the applicable policy, and similar sanctions and remedies may be available.

The Title IX Coordinator may also dismiss a Formal Complaint at this stage if:

- The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint (or does not wish to pursue the Formal Complaint, if it was submitted by a third party);
- The Respondent is no longer enrolled at or employed by AUB; or
- The specific circumstances prevent AUB from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint, they will promptly and simultaneously notify the Parties in writing of the dismissal and the reasons for the dismissal. Depending on the reason for, and circumstances surrounding, the dismissal, the allegations may still be investigated in accordance with, and the Respondent may still face discipline, under other AUB policies.

## **XI. INTERIM MEASURES AND SUPPORTIVE MEASURES**

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### **Interim Measures**

Interim Measures are temporary measures that may be implemented by the Title IX Coordinator to protect the Complainant, Respondent, and others from any potential hostile or offensive environment during the investigation and resolution of alleged violation of the Title IX Harassment Policy.

Examples of Interim measures (among others) include:

- No Contact Order (NCO) between the Complainant and Respondent
- Emergency removals (defined below)
- Leaves of absence
- Temporary exclusion from areas of campus
- Temporary assignment of an employee to a different unit/department

- Removal from or relocation to another residence hall
- Changes in academic/course schedules or in work schedules
- Change in academic/thesis advisor
- Limiting participation in certain events, gatherings, or activities

Emergency removals mean removing the Respondent from AUB's education program or activity on an emergency basis, provided that AUB undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Supportive Measures**

Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to AUB's education programs or activities (including employment at the Debs Center) without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or AUB's educational or workplace environment, or deter Title IX Harassment.

Supportive Measures may include counseling, extensions of deadlines or other course or employment-related adjustments, modifications of work or class schedules, campus or job-site escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## **XII. EXTERNAL RESOURCES OF LAW ENFORCEMENT**

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Depending on the nature of the misconduct involved, Parties may choose or be advised to also pursue their complaints with the police or other external relevant law enforcement agencies. When law enforcement is involved, the University may nevertheless seek to resolve Formal Complaints of Title IX Harassment in accordance with these Title IX Procedures.

The Title IX Coordinator may contact, when needed and applicable, any law enforcement agency that is conducting its own investigation to inform them that an institutional investigation is also in progress. In certain cases, the University may briefly delay its investigation when criminal charges are being investigated, but will ordinarily not do so for more than fifteen (15) working days, except to comply with a reasonable request of law enforcement or a court order.

The Title IX Coordinator may also request copies of related police/law enforcement reports related to the Formal Complaint.

## **XIII. CONFIDENTIALITY**

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In order to protect Parties and witnesses, AUB endeavors to investigate allegations of Title IX Harassment with sensitivity and due regard for the importance of maintaining

confidentiality. However, in line with the new regulations, the University will not prevent Parties from

discussing the allegations with others (with the exception of no-contact orders that prevent communication with another Party) or from gathering evidence.

AUB will maintain the confidentiality of the complaint and privacy of the persons involved to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law, including subject to the procedures set forth below. Accordingly, Parties, witnesses, advisors, and any other person participating in the investigation process shall maintain the confidentiality of the information obtained throughout the complaint resolution process, subject to any exceptions provided elsewhere in this Policy.

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want formal resolution to be pursued, the Complainant may make this request to the Title IX Coordinator.

The Title IX Coordinator will consider the request and honor it whenever possible. Considerations that are taken into account include: the Complainant's articulated concerns; the best interests of the AUB Community; fair treatment of all involved individuals, including the Respondent's right to have specific notice of the allegations if AUB were to take action that affects the Respondent; and AUB's obligations to provide a safe and non-discriminatory environment for all students, staff, and faculty.

The Complainant will promptly notify the Complainant whether the University will be able to honor their request for anonymity. However, a Respondent may not be disciplined for Title IX Harassment if the Complainant remains anonymous. In cases indicating pattern, predation, threat, weapons and/or violence, AUB will likely be unable to honor a request for anonymity.

Information about Confidential Resources for parties who wish to have confidential discussions with trained health professionals is available in the Non-Discrimination Policy (see page 6) and in the Sexual Harassment Policy (see page 7-8).

## **XIV. RESOLUTION PROCESSES**

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The Title IX Coordinator is responsible at all times for ensuring a prompt, fair, and impartial investigation and resolution of complaints allegations of Title IX Harassment.

### **I. Informal Resolution**

If (and only if) a Formal Complaint has been filed, the Title IX Coordinator will consider whether Information Resolution may be appropriate, as opposed to utilizing the procedures described in the following sections. Informal Resolution is voluntary and available only where the Title IX Coordinator, the Complainant, and Respondent all agree to Informal Resolution. Information Resolution is never available to resolve allegations that an AUB faculty member or employee engaged in Title IX Harassment with respect to a student.

Informal Resolution is usually inappropriate when the alleged misconduct involves sexual violence, actual or perceived serious threat, or risk of harm to any of the parties or to the University community.

Since the Informal Resolution process is voluntary, the Complainant, Respondent Party, and Title IX Coordinator may each decide to end the Informal Resolution process at any time before its completion, including if the Title IX Coordinator determines that any AUB Community members' safety is at risk. In that case, the Complaint will be resolved through Formal Resolution. However, once a Complaint has been resolved through Informal Resolution, the result becomes binding, the case will be closed, and a complaint about the same alleged incidents will not be accepted, including under another AUB policy prohibiting harassment. If an Informal Resolution process is terminated in favor of Formal Resolution, the information obtained during Informal Resolution may be used in a subsequent Resolution.

The Informal Resolution process is considered an effective and expeditious means to address a Formal Complaint. Informal Resolutions are accomplished by the Title IX Coordinator with the assistance of other offices/units/departments on Campus, in the Medical Center, and at the Debs Center.

Informal Resolutions may require undergoing a mediation or abbreviated investigation to reach an appropriate finding, outcome and/or a resolution agreement. Outcomes of an Informal Resolution process may involve sanctions when both parties agree to the sanctions. Other outcomes may include appropriate remedial measures, such as no contact orders, permanent assignment of an employee to a different unit/department, and changes in academic/course schedules, among others.

The Title IX Coordinator will keep records of the Informal Resolution finding and of the outcome/resolution reached. In certain cases, Informal Resolutions may result in a written resolution agreement that both parties approve and sign.

Sanctions or remedial measures related to an Informal Resolution that are implemented through the Human Resources Departments (on Campus or at the Medical center) or through the Office of Student Affairs or through other offices shall be communicated to the Title IX Office.

Failure to abide by the resolution outcome/resolution may result in sanctions.

Prior to the commencement of any Informal Resolution process, the Title IX Coordinator will provide the Parties with a written notice disclosing:

- the allegations contained in the Formal Complaint;
- the requirements of the Informal Resolution process;
- that any signed agreement reached at the end of the Informal Resolution is binding and precludes a subsequent complaint arising from the same incidents;
- that any Party has the right to withdraw from the Informal Resolution process at any time before an Informal Resolution agreement is signed and resume the grievance process with respect to the Formal Complaint; and
- that records created in connection with the Informal Resolution process must be preserved and, in limited circumstances, shared in accordance with applicable law.

The Informal Resolution process will not begin until both Parties submit a signed acknowledgment that they reviewed and understand the foregoing notice, and agree to participate in Informal Resolution. No Party will be required by AUB to agree to Informal Resolution as a continued condition of employment or participation in any other AUB educational program or activity.

Failure to abide by the outcome of the Informal Resolution process may result in additional sanctions.

## **II. Formal Resolution**

### **1. Investigation**

Unless the Parties have agreed to the Informal Resolution, all Formal Complaints will be investigated by the Title IX Coordinator or their designee with appropriate training to conduct investigations (the "Investigator"). During the investigation, the Complainant and the Respondent will have an equal and meaningful opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. The Investigator will gather facts and information through interviews (of the Parties involved and witnesses), supporting documents provided by the Parties and witnesses, and by collection other types of evidence including documentary, demonstrative, digital, direct, and circumstantial evidence. Interviews conducted by the Investigator will be audio recorded by the Investigator for the Investigator's own use. Interviewed parties must be informed about the recording of the interviews and their consent should be sought. If an interviewee refuses to have the interview recorded, the Investigator must take notes during the interview, and then prepare an interview summary. If the interviewee consents, an interview summary will be prepared based upon the recording.

Written interview summaries conducted by the Investigator will be provided for review by the concerned interviewees. Parties and witnesses may not make their own recordings or copies of interview summaries provided for review.

Both Parties will be permitted the opportunity to be accompanied to any meeting or interview between the Party and the Investigator during the investigation by the advisor of their choice, who may be, but is not required to be, an attorney. A Party's advisor will not be permitted to speak or otherwise participate during meetings or interviews; except during hearings as explained below. The foregoing restriction applies equally to advisors for both Parties.

Both Parties will receive written notice of the date, time, location, participants, and purpose of all interviews and meetings with sufficient time for the Party to prepare to participate (typically at least 48 hours). Additionally, prior to the completion of the investigation, the Investigator will provide both Parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. Prior to the completion of the investigation, the Investigator will send to each Party and the Party's advisor, if any, the evidence in an electronic format or a hard copy for the purpose of their inspection and review. The Parties will have 10 working days after receiving the evidence to respond. All responses must be submitted in writing to the Investigator.

Once the period to respond has expired, the Investigator, considering the evidence and any written responses of the Parties, will draft an Investigative Report, a document that summarizes all relevant evidence. Generally, the Investigative Report will be completed within 90 working days of receipt of the Formal Complaint, except that the Title IX Coordinator may extend the timeline if there is good cause to do so. The Investigator will send each Party and the Parties' advisors (if any) the Investigative Report at least 30 working days prior to a hearing (discussed in the next section). The Parties and/or their advisors may submit a written response to the Investigator and the Hearing Officer no later than 15 working days prior to the hearing. The Parties may also submit supplemental witness statements as part of their written response if they believe that the Investigator omitted, or mischaracterized, relevant facts. Supplemental written statements must be signed by the person making the statement.

## 2. Hearing

Once the Investigative Report has been submitted and the Parties have been afforded an opportunity to respond in writing, a live hearing will be held before a single Hearing Officer trained to conduct Title IX Harassment hearings and designated by the Title IX Coordinator. The Hearing Officer will not be the Title IX Coordinator or an Investigator involved in the investigation of the Formal Complaint. The Parties will receive written notice of the hearing date at least ten working days before the hearing. The live hearing will ordinarily be held within 30 working days of the issuance of the Investigative Report, unless an extension is granted for good cause. At the request of either Party, the hearing will be conducted with the Parties located in separate rooms with live video feeds allowing the Hearing Officer and the Parties to simultaneously see and hear the Party or witness answering questions.

No later than ten working days prior to the hearing date, the Parties must submit the name of any witness that they plan to call to provide live, direct examination testimony at the hearing, excluding the Parties themselves. No later than five working days prior to the hearing date, the Parties must submit the names of any witness that they plan to cross examine, including any witness whose statement is included in the Investigative Report or in a supplemental witness statement that the other Party does not intend to call as a witness, but excluding the Parties themselves. Within two working days of the hearing, the Hearing Officer may request in writing, copying both Parties, that a witness identified in the Investigative Report, or who provided a supplemental witness statement, but not identified as a live witness by either party, appear at the hearing to provide live testimony. Live testimony is explained further below.

Both Parties may have an advisor of their choice, who may be, but is not required to be, an attorney, present at the hearing. If a Party does not have an advisor present at the live hearing, AUB will provide that Party (at no charge) with an advisor. Advisors may speak during live hearings only when examining witnesses or when addressed by the Hearing Officer, and may not make arguments to the Hearing Officer, including with respect to the relevance of evidence or questions, except with respect to sexual history questions, as explained below.

At the hearing, the Investigative Report, as well as any evidence collected by the Investigator or submitted by the parties, including supplemental witness statements, will automatically be admitted as evidence. The Hearing Officer will explain this to the Parties at the beginning of the hearing, and inquire as to whether the Parties wish to call any witnesses, including for cross-examination. With the exception of the Parties themselves, only witnesses identified by the parties in advance of the hearing may provide live testimony. If the parties decline to call witnesses, the Hearing Officer will render a decision based solely upon the Investigative Report, as well as any evidence collected by the Investigator or submitted by the parties, including supplemental witness statements.

Only the Party's advisor may ask questions of witness; Parties may never personally question witnesses. No Party or witness for a Party shall be required to give direct examination testimony, and any Party may instead choose to rely on written accounts in the Investigative Report and supplemental witness statements. If a Party or witness does not testify, the opposing Party will nevertheless have the right to cross-examine that Party or witness, provided that the opposing Party has provided notice of their intent to do so. While no witness or Party may be compelled to submit to direct or cross-examination at a live hearing, any previous statement of a witness who refuses to submit to cross-examination following a request for cross-examination—including accounts of interviews in the Investigative Report, supplemental witness statements, and direct examination

testimony—must be disregarded by the Hearing Officer. However, the Hearing Officer may not draw an inference that the Respondent is or is not responsible for a Title IX Harassment Policy violation based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Following cross-examination, any Party, regardless of whether they gave direct examination testimony at the live hearing, may choose to provide redirect examination testimony. Re-cross examination testimony will be permitted only at the discretion of the Hearing Officer if they believe that it is appropriate under the circumstances because new, material facts were elicited on re-direct examination. The Hearing Officer may ask questions of any witness called to testify.

Only relevant cross-examination and other questions may be asked of a Party or witness. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Before a Party or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. With the exception of questions related to the sexual predisposition or prior sexual behavior of any Party or witness, no objections will be permitted, and no one present, including advisors for either Party, may make arguments as to the relevance of evidence.

All live hearings will be audio recorded by the Hearing Officer. Live hearings will also be video recorded if both Parties request video recording. No Party or witness may make their own recording. The Hearing Officer's recording will simultaneously be made available to the Parties within three (3) working days of the conclusion of the hearing. The Parties may not share these recordings with any person other than their advisor, unless shared pursuant to a lawful subpoena or court order. Any other dissemination of the recordings is prohibited.

### **3. Decision and Sanctions**

In reaching a decision, the Hearing Officer will conduct an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and will not make credibility determinations based on a person's status as a Complainant, Respondent, or witness (i.e., they will not consider Complainants to be generally more trustworthy than Respondents, or vice versa). In determining whether the Respondent engaged in Title IX Harassment, the Hearing Officer will apply a preponderance of the evidence standard (i.e., whether it is more likely than not that the Respondent committed a violation). Within ten working (10) days of the hearing (unless good cause exists for a brief extension), the Hearing Officer will simultaneously issue a written decision to the Parties. The written decision will include:

- Identification of the allegations potentially constituting Title IX Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Title IX Harassment Policy to the particular facts (e.g., why conduct does or does not qualify as Stalking);
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on

the Respondent, and whether remedies designed to restore or preserve equal access to the AUB's education program or activity, including employment, ("Remedial Measures") will be provided by AUB to the Complainant; and

- Procedures and permissible bases for the Complainant and Respondent to appeal.

If the Hearing Officer finds that the Respondent engaged in Title IX Harassment, the Hearing Officer may impose sanctions, discussed below. If the Respondent is a tenured faculty member, a recommendation for the commencement of tenure termination proceedings (if the finding of responsibility is upheld following an appeal, if any) will be referred to the Provost and any further proceedings will be conducted in accordance with AUB's Policy and Procedures for the Termination of a Tenure Appointment.

The Hearing Officer may also provide for Remedial Measures such as referrals to counseling and/or community service, if such Remedial Measures do not threaten the safety of the AUB Community, and are likely to allow (taking into account the safety of the AUB community as a whole) the Respondent to develop insight about responsibility for their behavior, learn about the impact of the behavior on the Complainant and the AUB Community, and identify how to prevent or change the behavior.

The Hearing Officer will also provide a copy of the written decision, with the Investigative Report and a copy of all evidence provided to the Parties, to the Title IX Coordinator. In the event that the Respondent was found not responsible for violations of the Title IX Harassment Policy, the Title IX Coordinator will review the foregoing materials and determine whether the Respondent may be separately subject to discipline under another AUB Policy, including the Anti-Discrimination Policy, the Sexual Harassment Policy, and the Debs Center EEO Policy. For example, if the Hearing Officer determines that the alleged conduct was not Title IX Harassment because while it did occur, it was insufficiently severe to qualify as Title IX Harassment, the Respondent may nevertheless have violated the Sexual Harassment Policy or the Debs Center EEO Policy, and may face sanctions.

#### **4. Appeals**

The Parties may appeal only (1) a determination regarding responsibility (not the applicable sanctions) (2) the Title IX Coordinator's dismissal of a Formal Complaint or any allegations contained in a Formal Complaint (but not a decision not to dismiss a Formal Complaint or any allegations contained in a Formal Complaint); and (3) the sanctions imposed by the Hearing Officer Both Parties may file an appeal. With respect to the first two appealable decisions, appeals are permitted only on one of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator(s), Hearing Officer, or other decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and

With respect to appeals of sanctions, in addition to the above-listed reasons, both Parties may also appeal on the ground that the sanctions imposed were inappropriate under the circumstances.

No other grounds may be raised in an appeal. For example, appeals arguing only that the Hearing Officer improperly weighed the evidence or reached an incorrect decision are not permitted. However, if, after the Respondent is found responsible for Title IX Harassment, the Complainant believes that the Remedial Measures implemented by the Hearing Officer are insufficient to preserve or restore their equal access to AUB's educational programs and activities (including employment), the Complainant may request that the Title IX Coordinator work with them to select and effectively implement additional Remedial Measures designed to restore or preserve such access. Such a request shall not be considered an appeal, and the Title IX Coordinator may not implement additional punitive measures or sanctions against the Respondent (absent a successful sanctions appeal to the University President by the Complainant).

Appeals must be in writing, and submitted to the University President within 10 working days of the date that the Hearing Officer issued a written decision, unless good cause exists for an extension. Parties must also submit a copy of all appeals to the Title IX Coordinator for tracking purposes. Upon receipt of an appeal, the Title IX Coordinator will direct the Hearing Officer to provide the President with a copy of the written decision, the Investigative Report, a copy of all evidence provided to the Parties, and a recording of the hearing. Appeals must clearly state one or more of the three permissible bases for the appeal. The President will promptly provide the other Party with a copy of the appeal submission, and allow the other Party 10 working days to respond, unless good cause exists for an extension. No additional appeal submissions will be accepted.

The President will issue a written decision with 10 working days of receiving the responsive submission from the non-appealing Party (unless there is good cause for an extension). The written decision will describe the result of the appeal and the rationale for the result, and will be simultaneously provided to both Parties. The President's decision is final, and no further appeals are permitted.

## **5. Notification of outcome**

Once the resolution of a Formal Complaint becomes final—either because no Party appealed or because the President decided an appeal—for any Party who is a not a student, a copy of the Hearing Officer's decision and (if applicable) the President's written appeal decision should be sent to:

- The Title IX Coordinator, and
- The Human Resources Department (Campus or Medical Center), and
- The provost, if the concerned party is a faculty member, and
- The dean of the relevant Faculty, or
- The director of the relevant unit.

For any Party who is a student, a copy of the hearing officer's decision and (if applicable) the President's written appeal decision should be sent to:

- The Title IX Coordinator, and
- The dean of the Faculty where the student is enrolled, and
- The dean of students.

The information provided to the aforementioned individuals should be kept confidential.

## **XV. CONFLICTS OF INTEREST**

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The Title IX Coordinator, the Investigator, the Hearing Officer, and any other decision-maker will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If any such individual has such a conflict of interest or bias, they shall promptly recuse themselves, and will be replaced by someone with appropriate training who does not have such a conflict of interest or bias.

## **XVI. WITNESSES AND EVIDENCE**

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Throughout the Formal Complaint resolution process, AUB will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding the privilege has waived it. Further, AUB will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the Party provides written consent for such access, consideration, disclosure, or use.

Both the Complainant and Respondent will be given the chance to provide names of potential witnesses to the Investigator. The Investigator will interview witnesses whom they believe will be helpful to its investigation, and/or request from them either an oral or written statement. Witnesses may also be asked to submit supporting evidence and documentation.

Witnesses may include individuals from within or outside the AUB community.

If either the Complainant or Respondent notified the Investigator of a witness to the events under investigation, and the Investigator chooses not to or could not interview the witness, the Investigative Report must include an explanation of the reason the interview(s) did not occur.

## **XVII. EVIDENTIARY BURDEN**

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AUB will apply a preponderance of the evidence, or "more likely than not," standard when determining whether a violation of the Non-Discrimination and Anti-Discriminatory Harassment Policy and/or the Sexual Harassment Policy has occurred.

## **XVIII. SANCTIONS AND REMEDIES**

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Remedies and sanctions are imposed with the primary purpose of maintaining a safe and respectful environment conducive to learning, working and living.

### **I. Sanctions**

Sanctions may be imposed by the Hearing Officer after finding, by a preponderance of the evidence, that the Respondent committed Title IX Harassment. Such sanctions are stringent and may reach up to the termination of employment and/or tenure and

expulsion from educational programs, depending on the misconduct severity. Lesser sanctions such as suspension and written reprimand may also be implemented.

Sanctions are determined by the Hearing Officer based on the number and severity of the alleged violation(s), whether the violations involved violence, the overall circumstances of the violations, the impact on the Respondent and the University Community, whether the Respondent has accepted responsibility for the misconduct, and whether the Respondent has a history of misconduct.

The determination of the sanctions also depends on whether the circumstances reveal a pattern of perpetration and/or suggest an increased risk of future acts of harm, violence, or threat to the safety of the University Community.

Sanctions may be issued individually, or a combination of sanctions may be imposed.

## **II. University-wide Remedies**

In addition to any imposed sanctions, the University may, upon completion of each investigation, identify additional measures that may be reasonably taken to prevent future instances of discrimination or discriminatory harassment, such as increased monitoring or supervision of locations or activities where alleged incidents occurred, targeted training of faculty, staff, or students, or revision of existing policies.

Various departments will share responsibility over implementation of such measures, as applicable, including the Title IX Office, the Human Resources Departments of the Campus and Medical Center, among others.

## **XIX. FALSE STATEMENTS**

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Appropriate disciplinary action will also be taken against any person who knowingly and willfully makes a materially false allegation or materially false statement concerning an allegation of Title IX Harassment. No disciplinary action will be taken against any person who makes an allegation or statement in good faith believing it to be true, even if it turns out to be untrue.

## **XX. RETALIATION PROHIBITED**

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Neither AUB nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege granted under these Title IX Procedures or Title IX itself, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing described in these Title IX Procedures. Prohibited retaliation may include filing a complaint against an individual under this or another AUB policy.

## **XXI. RECORDKEEPING**

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The investigative file compiled during the investigation process described above is maintained by the Title IX Coordinator at the President's Office. This file generally contains a description of the alleged violation, supporting report with exhibits, and official case-related correspondence.

Specifically, AUB will maintain for a period of seven (7) years, records of:

- each Title IX Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to AUB's education programs or activity (including employment at the Debs Center);
- any appeal and the result therefrom;
- any Informal Resolution and the result therefrom; and
- information about Supportive Measures provided or a written explanation of why none were provided, as well as a written statement explaining why AUB's response to a complaint was reasonable.

AUB will endeavor to limit access to these documents to the greatest extent permitted by law. Requests to disclose the investigative file or any part thereof will be addressed by the Title IX Coordinator in accordance with applicable US and Lebanese law, including FERPA.

AUB will also maintain for seven (7) years, and make available on its website, materials used to train Title IX Coordinators and designees, Hearing Officers, and anyone else who facilitates resolution of a complaint, and will make these materials available upon request for inspection by members of the public.

## **XXII. RELATED POLICY DOCUMENTS**

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- Equal Employment Opportunity Policy and Policy Against Discrimination and Discriminatory Harassment applicable to employees at the Debs Center in New York City
- Non-Discrimination Policy
- Sexual Harassment Policy
- Sexual Harassment of Patients (AUB-MC)
- Grievance Policy and Procedures
- Principles of Ethical Conduct
- Procedures to Address Allegations of Discrimination, Discriminatory Harassment, and Sexual Harassment
- Responsibilities of Students and Faculty Members in Relation to Academic Integrity  
Student Code of Conduct

## **XXIII. APPENDICES**

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Appendix I: "Notice of Title IX Harassment"

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# APPENDIX I

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## NOTICE OF TITLE IX HARASSMENT

### AMERICAN UNIVERSITY OF BEIRUT

#### OFFICE OF THE PRESIDENT

To promote timely and effective review, AUB encourages Complainants to file this form as soon as possible, after the alleged prohibited Title IX Harassment, as defined in the Procedures to Address Allegations of Title IX Harassment policy. A delay in reporting may affect AUB's ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. It may also affect AUB's ability to take disciplinary action against a student, faculty member, staff, or other member of the AUB community who engaged in prohibited conduct.

When this form is completed and signed, it should be submitted in person, via e-mail, internal mail, or mail by the Complainant to the Title IX Coordinator in the Office of the President, located on the 4<sup>th</sup> floor of College Hall, or to a Title IX Deputy. Information describing the alleged Title IX Harassment, as well as any informal efforts to resolve the problem, and copies of documentary evidence that may support the case may be provided with the form or during the intake process after the form has been submitted.

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#### 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 ( ) Other: \_\_\_\_\_

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: \_\_\_\_\_

**Alleged incident(s)**

Title IX Harassment related to:

\_\_\_\_\_

Alleged incident date:

\_\_\_\_\_

Alleged incident place:

\_\_\_\_\_

Description of alleged incidents:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By completing this form, it is my intention that AUB investigate the allegation of Title IX Harassment made herein.

\_\_\_\_\_

Signature of Complainant

\_\_\_\_\_

Date submitted