

**American University of Beirut
Final Minutes of the University Senate
Meeting of Friday, May 3, 2019**

Present: M. Abiad, H. Abou Araj, A. Abu-Alfa, I. Baalbaki, T. Bazi, J. Chaaban, M. Chaaya (replacing I. Nuwayhid), A. Chalak, L. Daouk, H. Diab, N. Dumit, S. El Fakhani, H. El Rassy, N. El-Cheikh, W. El-Hajj, M. Farah, C. Fugate, M. Harajli, C. Harb, A. Harutyunyan, S. Harvey, E. Hitti, S. Isber, M. Jurdi , K. Kabalan, S. Kanj-Sharara, F. Khuri, H. Muller, T. Nizameddin, I. Nuwayhid, A. Olabi (replacing R. Mohtar), G. Saad, N. Saliba, M. Sayegh, E. Shammass, F. Talih

Absent: E. Al-Chaer, N. Ghanem*, H. Huijjer*, N. Melhem*, R. Mohtar*(replaced by A. Olabi), I. Nuwayhid*(replaced by M. Chaaya), S. Sadek*, R. Sharara*, A. Shihadeh*

(* = regrets notified before meeting)

The meeting was called to order at 2:00 p.m.

1) University Budget Presentation-Discussion

CFO Wickens gave a presentation to the Senate about the budget for fiscal year 2020 (July 1, 2019-June 30, 2020). The presentation covered the two components of the budget:

- The Capital Budget which tackles major buildings and infrastructure projects, for instance, the Mikati library and Residence 37 which will host the FAS Dean's office and the Asfari Institute for Civil Society and Citizenship. A senator asked if there are any plans for FAFS. The provost noted that FAFS is part of the Science Complex project.
- The Operating Budget. This part included information regarding income and expenditures and projected changes (increases/decreases) in the various components of this budget. No changes in tuition increase levels or in the yearly salary/increase pool are envisaged for the coming fiscal year. Some general/global figures numbers related to salaries and benefits were presented.

A question and answer session followed the presentation in which a number of senators requested clarifications regarding some of the items presented. Many senators indicated that the budget lacks any salary adjustment targeting FAS faculty members, specifically after a letter regarding the issue was shared with the BoT. The senators urged the president to treat this matter as top priority and allocate budget for the salary adjustment by saving on some of other budget items. The president noted that the administration has been addressing the FAS salaries issue for few years now, and promised to look closely into the senators' requests before the budget is presented to the BoT. A senator asked whether financial aid is increasing. EVP Sayegh indicated that a big portion of the operating budget goes to financial aid and this budget is being increased every year. A senator requested to include in the budget presentation of next year, comparison data with previous years and clear breakdown in several expenditure categories, such as salaries/benefits for administrators, faculty and staff.

2) Revision of Sexual Harassment Policy & Non-Discrimination and Anti-Discrimination Harassment Policy

Equity/Title IX Coordinator M. Tauk presented the policy, then started addressing the concerns of the FM senators, which are summarized as follows:

- The new policy now includes within its "recipients of health services including AUBMC patients" and essentially places reviews of complaints by patients under the Title IX structure/governance. However, patients should be treated differently especially if the

patient has no affiliation with AUB keeping in mind the patient's privacy and the confidentiality of the medical records.

- There are already policy and procedures at AUBMC that govern sexual harassment of patients and other patient related complaints.
- Does Title IX regulation cover patient complaints related to discrimination in medical care and sexual harassment in medical encounters?
- The absence of Subject matter expertise when deciding on medical related cases.
- Patient privacy: investigations require patient chart reviews to assess allegations in view of clinical situation. Channeling to Title IX and non-clinical body may constitute violation of patient privacy and rights to confidentiality.

Mrs. Tauk replied by saying that she consulted with the Association of Title IX Administrators (ATIXA) and US Legal office regarding the posed concerns. ATIXA's recommendation was to have a unified policy for all stakeholders where patient's privacy is preserved and investigations are carried by trained professional that include subject matter experts when needed. The US Legal Office final recommendations were as follows:

- It is not as necessary to change AUB's existing practice of extending its nondiscrimination and anti-harassment policy to patients.
- From a U.S. legal perspective, Title IX is not applicable to patients, thus it is also not strictly necessary for AUB's general nondiscrimination policy and general sexual harassment policy to cover patients who do not otherwise have a relationship with AUB; patients could be addressed in a separate policy.
- However, unless there is a Lebanese law reason to limit the scope of the policy that applies to patients, for consistency reasons (and ease of enforcement/ updating) it seems preferable to have a single policy prohibiting discrimination and harassment and address concerns that are specific to patients solely in the procedure for resolving complaints.

FM senators voiced again their concerns that patients' complaints do not and should not go to Title IX and this was confirmed by benchmarks from many universities. Also, if the investigation requires the access to medical records, this is subject to legal laws and should be vetted by legal. Some senators noted that a unified policy should govern all cases related to Sexual Harassment, while others argued that this is true for all stakeholders except for patients unrelated to AUB. Concerns about alignment with laws related to Lebanese professional organizations (Lebanese Order of Physicians and Lebanese Order of Nursing) were also voiced. Furthermore, the FM senators stated that while they are not opposed to a unified policy, the one being presented already has elements of a procedure that track patients through the Title IX process within the "reporting" section.

A motion was made to *approve the policy while differentiating between the procedures that govern patients as opposed to other stakeholders*. A suggestion was made and approved to amend the policy to state that: *AUB unrelated patient complaints will follow the latest AUBMC procedures on Sexual Harassment*. **Vote 2018-34. The motion with the amendment passed by a vote of (13, 3, 6)**

There was also an understanding that the policy can be later amended to address any discrepancy with existing policies.

3) Role of the newly created Public Affairs Committee

This item was postponed to another meeting.

The meeting was adjourned at 5:30 pm.

(Minutes recorded by W. El-Hajj, Secretary of the Senate)