



Sexual Harassment Policy

Policy Statement

AUB Mediterraneo encourages a diverse student body and workforce, and is committed to the principle of equal opportunity in education and employment. Consistent with this commitment and with Cypriot, U.S., and other applicable laws, it is the policy of AUB Mediterraneo not to tolerate any kind of sexual misconduct and to provide those who feel they are victims of sexual harassment with mechanisms for seeking redress, as described further below.

Purpose

The aim of this policy is to promote a safe, respectful and ethical work and academic environment in which members of the AUB Mediterraneo community are free from any kind of sexual harassment.

Scope

University-Wide OR Departmental Specify Department(s):

Who Should Read this Policy Document?

All members of the AUB Mediterraneo community in addition to any other facility or program affiliated with the University.

Community members include:

- ♣ Officers
- ♣ Faculty
- ♣ Staff
- ♣ Academic Appointees
- ♣ Alumni
- ♣ Students
- ♣ Visiting Students
- ♣ Trainees
- ♣ Visitors
- ♣ Subcontractors
- ♣ Suppliers

Responsibilities

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, AUB Mediterraneo maintains an Equity/Title IX Coordinator in the Office of Diversity, Equity & Inclusion/Title IX and Title IX Deputies as needed.

Inquiries regarding discrimination and discriminatory harassment, including sexual harassment may be directed to the Equity/Title IX Coordinator, or by email at titleix@aubmed.ac.cy. The Office of Diversity, Equity & Inclusion/Title IX maintains a resource page on Non-Discrimination, Anti-Harassment, and Title IX at www.aubmed.ac.cy/titleix.

Jurisdiction and Statute of Limitations

1. Jurisdiction/Scope of applicability

The policy is applicable to all the AUB Mediterraneo community including: officers, faculty, staff, academic appointees, students, visiting students, alumni, trainees, visitors, contractors, subcontractors, suppliers, located on the AUB Mediterraneo campus, or any other facility or program affiliated with the University.

All aspects of this policy apply to situations in which both parties (the reporting party and the responding party) are members of the AUB Mediterraneo community.

This policy applies to sexual harassment misconduct that occurs:

- on-campus or
- off-campus when the conduct affects or could affect any of the party's ability to participate in an educational or work related program or activity.
- using any means of communication (including online, phone, email, social media, among others) when the conduct occurs in connection with a program or activity related to the University, or
- using the University's electronic communications system.

2. Recommended Timeframe for Reporting

In order to protect the AUB Mediterraneo community and to ensure that complaints can be effectively investigated, a complaint of sexual harassment should be submitted to the Office of Diversity, Equity & Inclusion/Title IX as soon as possible after the offending conduct has occurred. AUB Mediterraneo recommends submitting the complaint before three years have elapsed from the occurrence of the alleged conduct.

AUB Mediterraneo may deem it necessary, depending on the seriousness of the conduct alleged, to investigate incidents that occurred more than three years ago.

Prohibition of Sexual Harassment

1. Background

AUB Mediterraneo encourages a diverse student body and workforce, and is committed to the principle of equal opportunity in education and employment. Consistent with this commitment and with Cypriot, U.S., and other applicable laws, it is the policy of AUB Mediterraneo not to tolerate any kind of sexual misconduct (as described in the section below) and to provide those who feel they are victims of sexual harassment with mechanisms for seeking redress, as described further below.

AUB Mediterraneo works towards increasing awareness of such misconduct, eliminating its occurrence on campus, providing support for survivors, diligently investigating all reports of

sexual harassment, and dealing fairly and firmly with offenders. Creating a safe campus environment and a culture of respect is the shared responsibility of all members of the AUB Mediterraneo community, individually and collectively.

2. What is Sexual Harassment

Sexual Harassment is defined as an unwelcome conduct (verbal, physical, written, graphic, electronic, media or other) of a sexual nature, which is so severe or pervasive that it unreasonably interferes with a person's university employment, academic performance or participation in university programs or activities, or creates a working, learning, program, activity or living environment that a reasonable person would find intimidating, hostile or offensive.

Sexual harassment may occur in a single episode or represent persistent behavior.

Sexual harassment may occur between people of the same or different gender or of equivalent status. It is especially serious, however, when it involves abuse of power or authority, such as by a faculty or staff member over a student, faculty or staff member over subordinate.

Examples of conduct that could constitute sexual harassment include, but are not limited to:

- repeated unwelcome flirtation, advances, or propositions,
- inappropriate and unnecessary physical proximity or contact,
- graphic comments about an individual's physical attributes or appearance,
- sexually degrading language used to describe an individual,
- display of sexually suggestive objects, sounds, or images in the workplace,
- sexually-oriented messages or images sent by any means, including SMS, social media or email,
- threats or non-consensual disclosure of a person's sexual orientation,
- threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances,
- sexual exploitation, including non-consensual sharing or distribution of photography, video, or audio recording sexual conduct, nudity, or state of undress or non-consensual observing, photographing, or making any visual or audio recording of sexual conduct, nudity or state of undress,
- stalking, and
- sexual violence including dating or domestic violence, sexual assault, rape, or sexual battery or attempts to commit those acts.

3. Criteria of Sexual Harassment

For a conduct to be considered “sexual harassment”, it has to be **unwelcome** and has led to creating a **hostile environment**.

Hostile environment

A hostile environment is created when the conduct is:

- Severe, or
- Persistent or pervasive, and
- Objectively offensive, such that it: unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the institution’s education or employment programs.

Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person’s education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Unwelcome Conduct

Conduct is unwelcome if a person:

1. Did not invite it, and
2. Regarded the uninvited conduct as undesirable or offensive.

That a person welcomes communication and/or contact of sexual nature does not necessarily mean that person welcomes other similar conduct.

Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors.

The following types of information may be helpful in making that determination:

- statements by any witnesses to the alleged incident;
- information about the relative credibility of the parties and witnesses;
- the detail and consistency of each person’s account;
- the absence of corroborating information where it should logically exist;
- information that the Responding Party has been found to have harassed others;
- information that the Reporting Party has been found to have made false allegations against others;
- information about the Reporting Party’s reaction or behavior after the alleged incident; and
- information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, effective consent cannot be obtained from someone who is incapable of giving consent for any reason, including when the person is asleep, unconscious, physically helpless or otherwise incapacitated, including by alcohol or other drugs. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated and (1) the individual knew the other person was incapacitated or (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

Intent

Sexual harassment does NOT require intent to offend or intimidate. Thus, inappropriate conduct or communication (verbal, physical, written, graphic, electronic, media or other) meant as a joke or a prank can lead or contribute to harassment in violation of this policy.

All sexual harassment conducts should be reported to university officials who will provide informal and remedial responses.

4. Types of Sexual Harassment

Quid Pro Quo

"Quid Pro Quo" sexual harassment occurs when a person's submission to a sexually harassing conduct is implicitly or explicitly considered a basis for employment decisions, academic and performance evaluation, grades or advancement, or other decisions affecting participation in a University program or services.

Hostile Environment

"Hostile work environment" sexual harassment occurs when a person is subject to a sexually harassing conduct that is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

Prohibition against Retaliation

AUB Mediterraneo prohibits retaliation against individuals who, in good faith, complain about, report, or assist others in reporting non-compliance with the university policy concerning Sexual Harassment. AUB Mediterraneo also prohibits retaliation against any person who provides evidence or otherwise participates in the investigation or resolution of a complaint under this policy.

These prohibitions include complaints brought to law enforcement or governmental bodies or participation in related proceedings outside of the University.

Retaliation includes, but is not limited to, any action, statement or behavior that is designed to punish an individual for making a complaint or cooperating with an investigation, or to deter an individual from making or pursuing a complaint or participating in an investigation or the resolution of a complaint.

Retaliatory conduct may include, but is not limited to, threats, intimidation, reprisals, and/or adverse actions affecting employment, education, or quality of life. It does not include petty slights or annoyances.

Reports of non-compliance with university policies that are made in good faith, even if the allegations ultimately do not lead to a finding that a policy was violated, are not considered retaliation.

Allegations of retaliation, while a matter is pending pursuant to the Procedures for Addressing Discrimination and Discriminatory Harassment, including Sexual Harassment.; may be investigated separately through a new investigation, or folded into the pending investigation, based on the circumstances of the allegations.

Those who believe that they have experienced retaliatory action should inform the Equity/Title IX Coordinator for guidance on how to proceed. Such an allegation may become part of an existing complaint or form the basis for a new one.

Obligation to Report

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

1. Mandatory Reporters

AUB Mediterraneo has designated academic and administrative department/unit heads, non-academic staff, academic advisors, and protection officers, as responsible employees or “mandatory reporters”, and may designate others at its discretion.

These individuals are obligated to report actual or suspected sexual harassing conduct to the Equity/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 reporting party 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.

2. Confidential Resources

Confidential resources are offered by designated staff in the Counseling Center of the Office of Student Affairs at AUB Mediterraneo (i.e. psychologists and counselors) who are not required to report actual or suspected sexual harassment to appropriate university officials.

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 reporting party or others.

3. Statistical Reporting

AUB Mediterraneo offices may compile and provide non-identifying information for statistical reporting and monitoring of incidents and crimes on campus, which may serve to track pattern and respond with remedies (for the community and/or individuals) depending on what is shared.

Confidentiality

In order to protect reporting parties, responding parties, and witnesses, AUB Mediterraneo endeavors to investigate potential violations of its policies concerning Sexual Harassment with sensitivity and due regard for the importance of maintaining confidentiality. The University 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.

If a reporting party 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 reporting party may make this request to the Equity/Title IX Coordinator.

The University will consider the request and honor it whenever possible.

Considerations that are taken into account include: the reporting party's articulated concerns; the best interests of the University community; fair treatment of all involved individuals, including the responding party's right to have specific notice of the allegations if the University were to take action that affects the responding party; and the University's obligations to provide a safe and non-discriminatory environment for all students.

The Office of Diversity, Equity & Inclusion/Title IX will promptly notify the reporting party whether the University will be able to honor their request for anonymity.

In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where circumstances allow confidentiality to be honored, the University may offer interim supports and remedies to the reporting party and community but will otherwise not pursue formal action.

Interim Support/Measures

After a complaint is received, the University may impose timely, reasonable interim measures with the aim of protecting the Reporting and Responding Parties or others from any potential hostile or offensive environments. Interim measures can be imposed even before the determination that the conduct is in violation of the University policy.

Examples of Interim measures (among others) include:

- No Contact Order (NCO) between the Reporting and Responding Parties
- Interim suspension or 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
- Change in academic/thesis advisor
- Limiting participation in certain events, gatherings, or activities

The recipient must maintain as confidential any supportive measures provided to the reporting party or responding party, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The Equity/Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Interim measures should not be viewed as negative or final findings against any particular party. The Equity/Title IX Coordinator in coordination with other Responsible Employee shall maintain communication with the parties to ensure that concerns about safety or emotional and physical wellbeing are being addressed.

Reporting Violations of this Policy

Members of the AUB Mediterraneo community who believe that they have been subjected to any conduct in violation of this policy have recourse to informal and/or formal avenues to address their concerns following the Procedures for Addressing Discrimination and Discriminatory Harassment, including Sexual Harassment."

Amnesty Provision

AUB Mediterraneo encourages the reporting of sexual harassment misconducts by reporting parties and witnesses. AUB Mediterraneo pursues a policy of offering reporting parties 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 sexual 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.

Notice of Rights

Upon receiving a complaint of sexual harassment, whether from a third party or directly from the Reporting Party, the Equity/Title IX Coordinator or Title IX Deputy will provide the Reporting Party with an explanation of his or her rights, available options, interim measures and the resources available to assist him or her. Pursuant to the Procedures for Addressing Discrimination and Discriminatory Harassment, including Sexual Harassment, the Responding Party will also receive an explanation of his/her rights, along with information about the allegations constituting a potential violation of this policy, including sufficient details and time to prepare a response.

Witnesses participating in the investigation process will also be notified of their rights and of identity of the parties concerned in the investigation. Witnesses may be provided with the details as deemed necessary for the investigation.

Good Faith / Bad Faith Allegations / Deliberate Fabrication of Evidence

1. Good Faith Allegations

An allegation is made in good faith if the individual making it has an honest belief that the information provided in support of a complaint is true and has a reasonable basis to believe that there has been or may have been a violation of AUB Mediterraneo's policies or that there is a reasonable possibility that such a violation may occur in the near future.

2. Bad Faith Allegations

Individuals who make frivolous or false reports shall not be deemed to be acting in good faith. Providing information known to be false or misleading or making an allegation in bad faith may lead to serious disciplinary action. A bad faith allegation is one made in reckless disregard for, or willful ignorance of, facts that would disprove it or made with a view to personal gain.

3. Deliberate Fabrication of Evidence

If, at the conclusion of an investigation, it is determined that any of the parties or witness knowingly gave false or misleading information, it may be recommended that the individual be subjected to disciplinary action.

Disciplinary Actions

Disciplinary actions for violating AUB Mediterraneo's policies concerning Sexual Harassment are stringent and may reach up to the termination of employment and/or tenure and expulsion from educational programs depending on the conduct severity.

Definitions

Academic appointee: Academic appointee include Research assistants, postdoctoral fellows, and any other academic appointees as described in the bylaws of the faculties/schools.

Allegation: The term "allegation" refers to an accusation made by the reporting party about a violation of this policy that he or she suspects or believes has occurred.

Anonymous Complaints: Complaints may be made anonymously using any of the reporting options outlined in Procedures for Addressing Discrimination and Discriminatory Harassment, including Sexual Harassment. To make an anonymous complaint by any method above, do not provide any personally identifiable information (such as name, email, phone numbers) when making the complaint.

Complaint: A complaint is a formal notification, either orally or in writing, lodged with the Office of Diversity, Equity & Inclusion/Title IX alleging a violation under this Policy.

Dating Violence: The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed

toward a person with whom one is or has been in a social relationship of a romantic or sexually intimate nature that does not constitute domestic violence. The nature of the relationship between the Reporting Party and the Responding Party is determined by the length, type, and frequency of interaction between them, among other factors.

Domestic Violence: The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is considered as part of the Responding Party's family under the domestic or family violence laws of the US and Lebanon.

Faculty member: Faculty members include officers, faculty members in the ranks of professor, associate professor, assistant professor, professorial faculty members whose titles contain prefixes or suffixes, such as "research", "practice", "visiting" or "adjunct", emeritus professors, in addition to senior lecturers, lecturers, instructors, and any other faculty member as described in the bylaws of the faculties/schools.

Incapacitation: Incapacitation is the physical and/or mental inability to make informed, rational judgments and decisions. Someone is incapacitated if they are asleep or unconscious. Someone can also be incapacitated by alcohol or other substances, if those substances have impacted the person's physical and/or mental ability to make informed, rational judgments and decisions. It is important to note that a person is not considered incapacitated merely because he/she has been drinking or using drugs.

Interim Measures: The term "interim measures" means reasonably available and feasible measures, accommodations, or steps the University may take to protect the safety and well-being of members of the University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

Intimidation: The use of implied or overt threats that menace or cause reasonable fear to overcome an individual's freedom of will to choose whether to participate in sexual activity or provide affirmative consent. Affirmative consent obtained by intimidation is not valid.

Investigation Process: The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint and to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual harassment.

Officers: Officers include the president, rector, chief business officer, and deans.

Responding Party: The term "Responding Party" refers to the person who is the alleged perpetrator as identified by the complainant.

Reporting Party: The term "Reporting Party" refers to the person who brings forward the complaint about an alleged violation of the policy.

Retaliation: The term "Retaliation" is any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy.

Stalking: Repeated conduct directed at the Reporting Party (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.

Students: Students under this policy are all those enrolled full-time or part-time in any program at AUB Mediterraneo, and may be undergraduate, graduate, visiting, non-degree, postdoctoral fellow, and research assistant. A student's status as "student" ceases at the time the student graduates or otherwise separates from his or her educational program at AUB Mediterraneo.

Sexual Assault: Sexual assault includes rape, fondling, or statutory rape

Visitor: A visitor is an individual who have been granted by the Protection Office a "visitor's pass" to allow him/her to access the campus.

Appendices

Appendix I: "Notice of Sexual Harassment form"

NOTICE OF SEXUAL HARASSMENT

AMERICAN UNIVERSITY OF BEIRUT - MEDITERRANEO

OFFICE OF DIVERSITY, EQUITY & INCLUSION/TITLE IX

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

AUB Mediterraneo will deem a report timely as long as the Responding Party has not graduated or permanently left AUB Mediterraneo.

For complete information, please consult AUB Mediterraneo's Procedures for Addressing Discrimination and Discriminatory Harassment, including Sexual Harassment.

When this form is completed and signed, it should be submitted in person, via e-mail, internal mail, or mail by the reporting party to the Equity/Title IX Coordinator in the Office of Diversity, Equity & Inclusion/Title IX, or to a Title IX Deputy. Information describing the alleged 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.

Reporting Party Information

Reporting Party's name: _____

E-mail address: _____

Telephone number: _____

(Please provide your home number or AUB Mediterraneo extension or mobile number)

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

Job title (if applicable): _____

Faculty and/or department: _____

Head of department's name: _____

Responding Party Information

Responding Party's name: _____

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

Job title: _____

(If applicable)

Faculty and/or department: _____

Head of department's name: _____

Alleged incident(s)

Alleged incident type:

Sexual Harassment

Retaliation

Type of Sexual Harassment:

Alleged incident date:

Alleged incident place:

Description of alleged incident(s):

Signature of Reporting Party

Date submitted