



## Non-Discrimination and Anti-Discriminatory Harassment Policy

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### 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 discrimination or discriminatory harassment and to provide those who feel they are victims of discrimination or discriminatory harassment with mechanisms for seeking redress, as described further below.

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### 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 discrimination and discriminatory harassment of all kinds, excluding sexual harassment, which is addressed in a separate policy: "Sexual Harassment Policy".

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### Scope

University-Wide  OR Departmental  Specify Department(s):

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### Who Should Read this Policy Document?

All members of the AUB Mediterraneo, 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

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## Responsibilities

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Consistent with Title IX of the US Education Amendments of 1972, which prohibits sex discrimination in education, 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 may be directed to the Equity/Title IX Coordinator, or by email at [titleix@aubmed.ac.cy](mailto: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](http://www.aubmed.ac.cy/titleix).

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## Jurisdiction and Statute of Limitations

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### 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 discriminatory and discriminatory 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 discrimination or discriminatory 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.

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## Prohibition against Discrimination and Discriminatory Harassment

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### 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 discrimination or discriminatory harassment and to provide those who feel they are victims of discrimination or discriminatory harassment with mechanisms for seeking redress, as described further below.

AUB Mediterraneo works towards increasing awareness of such misconduct, eliminate its occurrence on campus, providing support for survivors, diligently investigating all reports of discrimination and discriminatory harassing misconduct, and deal 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. Discrimination**

AUB Mediterraneo prohibits discrimination against any member of the AUB Mediterraneo community on the basis of any “Protected Characteristics” (listed below) or any other legally protected characteristic under applicable U.S. and Cypriot law, to the fullest extent permitted by Cypriot law.

### **Protected Characteristics**

Protected Characteristics include: race, color, religion, age, national or ethnic identity, sex, gender or gender identity, sexual orientation, pregnancy, marital status, disability, genetic predisposition or carrier status, alienage or citizenship status, and political affiliation. Specific definitions of the above terms are provided in the “definitions” section below.

This prohibition against discrimination and discriminatory harassment applies to all of AUB Mediterraneo activities, including, but not limited to, the administration of its educational, admissions, and employment policies; recruitment, hiring, compensation, assignment, training, promotion, performance evaluation, discipline and discharge; and other university programs and activities.

## **3. Discriminatory Harassment**

AUB Mediterraneo also prohibits conduct that constitutes harassment and that shows hostility or aversion toward an individual or group on the basis of their “Protected Characteristics” or any other legally protected characteristic under applicable U.S. and Cypriot law, to the fullest extent permitted by Cypriot law.

For purposes of this policy, “harassment” refers to conduct that has the intent or effect of:

- unreasonably interfering with an individual’s or group’s educational or work performance; or
- creating a subjectively and objectively hostile, intimidating, or offensive educational, work, or living environment.

To assess whether the alleged conduct has created a hostile environment, the University considers all relevant evidence, weighs a variety of factors, and evaluates the conduct at issue from both a subjective and objective perspective. The University will examine the totality of the circumstances surrounding the conduct, including its nature, pervasiveness, severity, the relationship between the parties and the context in which the conduct occurred and whether it unreasonably interfered with, limited, or deprived a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University’s education or employment programs and/or activities.

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.

Discriminatory harassment may occur between people 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.

#### **4. Non-Discriminatory Conduct**

As part of its commitment to its mission, AUB Mediterraneo believes deeply in and encourages freedom of thought and expression and seeks to foster tolerance and respect for diversity and dialogue. Accordingly, actions or statements (oral or written) that serve a necessary function in an academic, educational, or research context or that are relevant and appropriately related to course subject matter, academic debate or academic research do not violate this policy; so long as they do not have the intent or effect of unreasonably interfering with an individual's or group's educational or work performance; or of creating a subjectively and objectively hostile, intimidating, or offensive educational, work, or living environment.

Instances in which one person is discourteous or disrespectful toward another, or in which adverse actions are taken for a legitimate educational or employment reason (e.g., providing constructive criticism or changing a work location) do not constitute discriminatory harassment unless the conduct was because of a Protected Characteristic.

In addition, conduct that does not rise to the level of harassment may still violate AUB Mediterraneo's Principles of Ethical Conduct or the Student Code of Conduct. Even conduct that does not violate an AUB Mediterraneo policy may be inappropriate and any inappropriate conduct should be addressed by the unit/department head/chair, dean, or supervisor.

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#### **Prohibition against Retaliation**

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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 Non-Discrimination and Anti-Discriminatory 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.

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## **Obligation to Report**

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AUB Mediterraneo is committed, and may be required by law, to take action if it learns of potential discrimination or discriminatory 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 discrimination and discriminatory 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 discrimination and discriminatory 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 discriminatory and discriminatory harassing conduct to the Title IX 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 discrimination or 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.

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## **Confidentiality**

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In order to protect reporting parties, responding parties, and witnesses, AUB Mediterraneo endeavors to investigate potential violations of its policies concerning Discrimination and Discriminatory 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.

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## **Interim Support/Measures**

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After a complaint is received, the University may impose timely, reasonable interim measures with the aim of protecting the Parties (Reporting and Responding) 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
- 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

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.

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### **Reporting Violations of this Policy**

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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.

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### **Amnesty Provisions**

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AUB Mediterraneo encourages the reporting of discriminatory and discriminatory harassment misconducts by reporting parties and witnesses. AUB Mediterraneo pursues a policy of offering reporting parties and witnesses acting in good faith amnesty from minor policy violations related to the incident.

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### **Notice of Rights**

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Upon receiving a complaint of discrimination or discriminatory harassment misconduct, 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.

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### **Good Faith / Bad Faith Allegations / Deliberate Fabrication of Evidence**

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#### **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.

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### Disciplinary Actions

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Disciplinary actions for violating AUB Mediterraneo's policies concerning Discrimination and Discriminatory 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.

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### Definitions

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**Academic appointee:** 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.

**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.

**Hostile Environment:** A "hostile environment" results from unwelcome and discriminatory conduct that is so sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs



and/or activities. The environment can be the result of acts committed by any individual or individuals, including any member of the University community.

**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 discrimination and/or harassment.

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

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

**Responding Party:** The term “Responding Party” refers to the person who is the alleged perpetrator as identified by the reporting party.

**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.

**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.

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## Definitions of Protected Characteristics

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**Age:** The number of years from the date of a person's birth.

**Alienage or Citizenship status::** Alienage or citizenship status means the immigration status or citizenship status of a person recognized under the custom or law as being a legal member of a sovereign state or belonging to a nation

**Color:** An individual's skin pigmentation, complexion, shade, or tone.

**Disability:** A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Gender:** An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.

**Gender Identity:** The Gender with which an individual identifies, regardless of what Gender was assigned at birth.

**Genetic predisposition:** Sometimes also called genetic susceptibility, is an increased likelihood of developing a particular disease based on a person's genetic makeup. A genetic predisposition results from specific genetic variations that are often inherited from a parent.

**Carrier Status:** is a person or other organism that has inherited a recessive allele for a genetic trait or mutation but usually does not display that trait or show symptoms of the disease.

**Marital Status:** Civil status, or marital status, are the distinct options that describe a person's relationship with a significant other. Married, single, divorced, and widowed are examples of civil status.

**Pregnancy:** Pregnancy is the condition of being pregnant or expecting a baby.

**National or ethnic identity:** An individual's actual or perceived country or ethnicity of origin.

**Political affiliation:** To have a close or official connection with a certain political party.

**Race:** An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.

**Religion:** Religion refers to all aspects of religious observance and practice, including a lack of religion.

**Sex:** An individual's biological status of male or female, including pregnancy. Conduct of a sexual nature is by definition based on Sex as a Protected Status.

**Sexual orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

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## Appendices

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Appendix I: "Notice of Discrimination/Discriminatory Harassment form"

**NOTICE OF DISCRIMINATION/DISCRIMINATORY 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.

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.

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**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:

Discrimination

Discriminatory Harassment

Retaliation

Discrimination/ Discriminatory Harassment related to:

\_\_\_\_\_

Alleged incident date:

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Alleged incident place:

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Description of alleged incidents:

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Signature of Reporting Party

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Date submitted