

## **Discrimination, Harassment and Sexual Misconduct Prevention Policy**

The Lebanese American University and all its affiliates (collectively “LAU”) is committed to pursuing excellence in its academic and professional endeavors, as well as believing in the intrinsic value of all individuals. LAU fosters an atmosphere of mutual respect among all members of its community, where each individual is judged solely on criteria related to academic or job performance. LAU is committed to the elimination of all forms of discrimination, harassment and sexual misconduct on its campuses or on any other University controlled area or event.

Fundamental to LAU’s mission is the preservation and encouragement of academic freedom. Promulgating this Policy should by no means be construed as inhibiting free speech, freedom of association, or the free communication of ideas.

### **POLICY STATEMENT**

LAU has a zero tolerance rule for acts of discrimination, harassment and sexual misconduct. LAU is an equal opportunity employer and does not permit discrimination due to race, color, religion, creed, gender, marital status, national origin, disability, age, sexual orientation, political affiliation or belief. LAU is committed to a working and learning environment where people can achieve their full potential.

This Policy:

- Supports an environment where it is clear that discrimination, harassment and sexual misconduct are unacceptable, thereby reducing the chance that discrimination, harassment and sexual misconduct will occur in the first instance;
- Applies to all LAU staff, faculty and students in connection with their roles, duties and responsibilities at LAU whether as an employee or a member of the student body;
- Provides procedures to notify LAU of potential discrimination, harassment and sexual misconduct so that LAU may take appropriate action to investigate and address any such prohibited actions; and
- Prohibits retaliation against persons notifying LAU of such prohibited actions.

Disciplinary action may be taken to deal with actions or behavior, intentional or unintentional, which results in a violation of this policy. In general, the procedures for review of complaints and discipline for a violation of this policy are addressed in this policy and other LAU policies relating to employee and student conduct. LAU may publish additional procedures in compliance with relevant laws and regulations.

## **CONDUCT SUBJECT TO THIS POLICY**

### **DISCRIMINATION**

Discrimination is treatment of a person less favorably than other persons based on age, race, color, religion, creed, gender (including pregnancy), sexual orientation, marital status, nationality, disability, political affiliation or any other basis protected by applicable law.

### **HARASSMENT**

Harassment is the making of any unwelcome advances or requests for favors or other conduct when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, a student's performance or participation in any campus activity; (ii) submission to or rejection of such conduct by an individual is used as the basis for decisions related to employment, academic performance or student activities; or (iii) such conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work, academic performance or participation in student life by creating an intimidating, hostile, or offensive work or campus environment. Harassment may take physical, verbal, visual forms, or online forms.

Harassment also includes behavior that demeans, humiliates, or embarrasses a person based on race, national or ethnic origin, color, religion, age, sex, marital status, family status, disability, or sexual orientation, and that a reasonable person should have known would be unwelcome. It includes actions such as touching and pushing, comments such as jokes and name-calling, displays such as posters and cartoons and disrespectful behavior commonly known as 'personal' harassment, such as making fun of personal circumstances or appearance, bullying (includes unmerited criticism, isolation, gossip, physical violence or violent gestures, public humiliation, or behavior that is intimidating or demeaning), and stalking.

### **SEXUAL MISCONDUCT**

Sexual misconduct is any form of Sexual Assault connected with forced sexual contact, including but not limited to rape. Force can be physical or emotional (there are four types of force: physical, threat, intimidation, coercion). Sexual Assault consists of Sexual Contact and/or Sexual Intercourse that occurs without Affirmative Consent. Sexual Contact is any intentional sexual touching, however slight with any object or body part performed by a person upon another person. Sexual Intercourse is any penetration, however slight with any object or body part performed by a person upon another person and is considered Rape if the action is taken without the affirmative consent of the other individual(s).

Affirmative Consent must be informed (knowing), voluntary (freely given), and active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity (contact or intercourse). Affirmative Consent cannot be gained by taking advantage of the incapacitation of another individual, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

Affirmative Consent cannot be obtained by force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion. Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon. Threats are words or actions that would compel a reasonable person to engage in unwanted activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm. Intimidation is an implied threat that menaces or causes reasonable fear in another individual, including the stalking of another individual. Coercion is the use of an unreasonable amount of pressure to gain access to something or someone. Coercion is more than an effort to convince, lure, or attract another person to have sex. When an individual is clear that they do not want to participate in a particular form of Sexual Contact or Sexual Intercourse, that they want to stop, or that they do not want to go beyond a certain sexual interaction, continued pressure can be coercive. Factors that may indicate coercion include the frequency, intensity and duration of the application of the pressure and the degree of isolation of the person being pressured.

## **RETALIATION**

LAU prohibits retaliation against any individual because he or she in good faith reports alleged incidents of discrimination, harassment or sexual misconduct, pursues a discrimination, harassment or sexual misconduct claim, or cooperates or participates in an investigation of such reports. Discipline, reprisal, intimidation, or other forms of retaliation in such situations is a serious violation of this policy and may result in disciplinary action, up to and including termination of employment or expulsion from the university.

## **RESPONSIBILITIES**

1. All staff, faculty and students:
  - Must attend education programs provided by LAU relating to discrimination, harassment and sexual misconduct.
  - Can prevent discrimination, harassment and sexual misconduct by being sensitive to the reactions and needs of others, and ensuring that their conduct does not cause offence;
  - Can discourage discrimination, harassment and sexual misconduct by others through making it clear that such conduct is unacceptable.
  
2. LAU is responsible for:
  - Providing an environment where it is clear that discrimination, harassment and sexual misconduct are not acceptable;
  - Taking action when it has clear notice that discrimination, harassment or sexual misconduct has taken or is taking place to stop the conduct, prevent its recurrence, and remedy its effects.
  - Ensuring that deans and chairpersons, vice presidents and directors are aware of their responsibilities under this policy, including trying to prevent or to report violations of this policy.

## **REPORTING ACTS OF DISCRIMINATION, HARASSMENT OR SEXUAL MISCONDUCT**

Any LAU staff, faculty or student who believes in good faith that he/she or someone else at LAU has been a victim of discrimination, harassment or any form of sexual misconduct should promptly notify LAU through one of the methods set out below. Notices should provide information as to the conduct, where it occurred and persons involved and, if reporting is not by the victim should explain how the person reporting has knowledge of the conduct. LAU will review such notice, initiate an investigation and take any measures, adjudicatory or otherwise, it determines appropriate in response to the notice. Further, LAU may advise certain staff and faculty with oversight of student well-being that their duties include a requirement to report instances of sexual misconduct relating to students promptly upon receiving such information.

The right to confidentiality shall be strictly adhered to at all stages, in so far as it does not interfere with LAU's legal obligation to investigate the allegations presented and to take the proper corrective action.

A failure to provide prompt notification or the reporting of information anonymously may hinder LAU's ability to act on the conduct for which a complaint is made.

## **PROCEDURES AND RESOLUTION OF COMPLAINTS**

The following steps should be taken when filing a complaint:

- When a student, a staff member, or a faculty member faces any form of harassment, s/he should notify (orally or in writing) LAU promptly as follows:

Conduct related to Students or Student Organizations: **VP, SDEM**

Conduct related to Faculty, Staff & Others: **VP, Human Resources**

Anonymous Reporting: Anyone can make an anonymous report of conduct prohibited under this Policy by contacting the Compliance Hotline at **01.786.456 ext. 4444**.

In case of a health or safety emergency, students, staff and faculty should contact **01.786.456 ext.1500 on the Beirut campus or 09.547.262 ext. 2500 on the Byblos campus** to address the emergency and reports under this policy should be made later.

- When a complaint is submitted, LAU may request a statement in writing signed by the complainant in order to proceed with further inquiry, particularly in matters relating to employment.
- Depending on the type of conduct and the persons affected, the complaint may be referred to an existing LAU procedure for resolution such as the [Grievance Policy](#) or the [Student Code of Conduct](#). Further, LAU may establish new procedures as necessary and, if needed, to comply with the U.S. Department of Education requirements, in order to investigate the claim.

LAU will promptly investigate all complaints. If LAU determines that the claim is substantiated, LAU will institute disciplinary proceedings against the offending party, which may result in a range of sanctions up to and including termination of University employment or expulsion. If LAU determines that the complaint was unsubstantiated, the University will take no corrective action.

The formal University decision shall be communicated to all involved parties as approved by the President. Appeals by either party may be initiated as per the applicable LAU policies.

### **TRAINING AND EDUCATION**

Leadership, education, training, awareness and intervention are the essential in preventing and eliminating acts of discrimination, harassment and sexual misconduct. It is the responsibility of every member of the LAU community to attend the training and awareness sessions required by LAU.

### **Effective Date**

The foregoing Discrimination, Harassment and Sexual Misconduct Prevention Policy of the Lebanese American University was amended by the Board of Trustees on September 7 & 8, 2017 and is effective as of September 8, 2017 This Policy was originally effective as of June 7, 2003, and was previously amended on March 9 & 10, 2006; and on March 15 & 16, 2013.