

AMERICAN UNIVERSITY DISCRIMINATION AND DISCRIMINATORY HARASSMENT POLICY *

(March 1999)

I. Non-Discrimination and Equal Opportunity Policy

American University provides equal opportunity for all qualified persons in its educational programs and activities. It also seeks to be a community in which freedom of expression and vigorous debate are valued and provided to all its members free of all forms of discrimination or harassment, including but not limited to exploitation, coercion, and intimidation. To achieve these goals, the university has adopted a policy prohibiting discrimination and discriminatory harassment on the basis of race, color, religion, national origin, sex*, age, sexual orientation, gender identity and expression, disability, and any other bases under federal or local laws (“Protected Bases”). The policy of non-discrimination and equal opportunity applies to every aspect of the operations and activities of the university, including admissions and employment. This policy is also consistent with the Equal Opportunity, Affirmative Action, and Non-Discrimination policy approved by the university Board of Trustees.

Non-discrimination and equal opportunity is not only a matter of university policy but it is also a matter of law. Discrimination and discriminatory harassment based on any of the Protected Bases above is a violation of federal and/or local law. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in educational institutions. Title IX of the Education Amendments of 1972* prohibits sex discrimination in education institutions. Title VII of the Civil Rights Act of 1964* and the D.C. Human Rights Act prohibit discrimination in employment and in general.

II. Discrimination and Discriminatory Harassment

The university respects the rights of its members to hold, vigorously defend, and express their ideas and opinions in an atmosphere of mutual respect, understanding, and sensitivity. Not every act that might be offensive to an individual or a group necessarily will be considered a violation of this policy.

However, the right to free expression does not excuse engaging in discrimination or discriminatory harassment. One of the most common types of discrimination and discriminatory harassment is based on race. The following definitions and examples also apply to discrimination and discriminatory harassment based on any of the other Protected Bases.

Racial discrimination occurs when one party treats an individual or group differently on the basis of race, color, or national origin without a legitimate, non-discriminatory reason so as to interfere with or limit the ability of that individual or group from participating in or benefiting from the services, activities, or privileges afforded to members of the university community.

Racial harassment occurs if a racially hostile environment has been created that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual or group

* *There is a separate policy for sexual harassment/discrimination*

from participating in or benefiting from the services, activities, or privileges afforded to members of the university community. Racially harassing conduct which could create a racially hostile environment includes, but is not limited to slurs, jokes, and other verbal, audio, written, computer generated, graphic or physical conduct.

Individuals or groups who engage in discrimination or discriminatory harassment, as defined by this policy, will be subject to disciplinary action up to and including termination from employment or dismissal from the university. Whether a specific act violates the policy will be determined with proper regard for all of the circumstances.

III. Discrimination / Discriminatory Harassment Grievance Procedures

A. **Informal Procedures / Mediation and Consultation**

American University is committed to the voluntary, expeditious, and informal settlement of discrimination disputes through discussion. Therefore, if you believe you are a victim of discrimination or discriminatory harassment, you are encouraged to use these informal procedures, which may include addressing the alleged harasser directly, whether in person, in writing, or in a facilitated meeting with an appropriate university official listed below. In any case, you should contact the following individuals or offices to report the offending conduct and to receive assistance or information on university policies. Also, if you are told of an incident involving discrimination or discriminatory harassment, you should notify the appropriate person listed below.

If the alleged harasser is:

Notify:

- | | |
|--|---|
| 1. student or student group | dean of students |
| 2. faculty member | dean of the faculty member's school/college |
| 3. dean | provost |
| 4. staff member | executive director of human resources |
| 5. executive director of human resources | vice president of finance and treasurer |
| 6. other (e.g. vendor, guests) | executive director of human resources |
| 7. vice president or provost | president |
| 8. president | chair of the board of trustees |

Assistance provided by the above individuals may include, when appropriate, mediation between the parties and referral to other offices for complaint resolution. Informal complaints should be written and may result in any outcome to which the parties agree. Informal procedures should be carried out expeditiously and should not exceed 30 days from the initial consultation.

B. **Formal Procedures**

If informal measures are not successful or if you prefer a formal procedure from the outset, you may file a written formal complaint with the appropriate university official or office designated below. The university retains the right to move directly to formal procedures if the circumstances are so serious that informal procedures are inappropriate. All formal complaints must be in writing and must be filed within one year of discovery of the alleged harassment to the appropriate individual or office listed below.

If the alleged harasser is:

1. student or student group
2. faculty member
or dean of the faculty member's school/college**
3. dean
4. staff member
5. executive director of human resources
6. other (e.g. vendor)
7. vice president or provost
8. president

Notify:

- dean of students*
- dean of academic affairs
- provost
- executive director of human resources
- vice president of finance and treasurer
- executive director of human resources
- president
- chair of the board of trustees

* Formal complaints in which a student or student group has been accused of discrimination or discriminatory harassment will be adjudicated by the Office of Judicial Affairs and Mediation Services using the procedures listed in the *Student Handbook*.

** In cases where a student's claim against a faculty member falls under the guidelines of the student academic grievance procedures, the case should be forwarded to the dean of academic affairs and the dean of the school or college responsible for the relevant course. The student academic grievance procedures will be followed as stated in *Academic Regulation 50.00.02*. The dean of academic affairs will act as a resource to the academic grievance committee should it wish to have assistance in addressing the discrimination or discriminatory harassment claims.

IV. Retaliation

Filing an informal or formal complaint of discrimination or discriminatory harassment is a protected activity under the law. Retaliation against anyone who files a complaint, who supports or assists an individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis of another complaint under this policy.

V. False or Frivolous Charges

This policy shall not be used to bring false or frivolous charges against students, faculty members, or other employees. Those bringing such charges may be subject to disciplinary action.

VI. Confidentiality

All reports or complaints of discrimination or discriminatory harassment will be kept confidential, except that individuals with a legitimate need to know will be informed of the complaint in order for the university to conduct a meaningful review of each complaint and for the purpose of determining whether the complaint is isolated, frequent, part of a pattern of practice, or pervasive.

VII. Records

Records of informal complaints of discrimination or discriminatory harassment are maintained as follows:

Complaints regarding:

1. students or student groups
2. faculty
3. deans
4. staff members
5. executive director of human resources
6. other (e.g. vendor)
7. vice presidents or provost
8. president

Records maintained by:

dean of students
dean of academic affairs
provost
executive director of human resources
vice president of finance and treasurer
executive director of human resources
president
chair of the board of trustees

After an informal intervention has concluded, the university official who handled the complaint will send all documentation concerning the complaint to the official listed above. This information will be filed under the respondent's name.

Records of formal complaints will be maintained in accordance with the hearing/grievance process under which the complaint was heard. In addition, the university official who handled the complaint in the formal process will send all documentation concerning the complaint to the official listed above.

Complaints against staff or faculty which result in a personnel action will also be part of the respondent's personnel record. Complaints against students which result in a disciplinary record will be part of the respondent's disciplinary record.

All records are confidential with access only to individuals with a legitimate need to know.

The university reserves the right to amend this policy without notice.