

AMERICAN UNIVERSITY SEXUAL HARASSMENT POLICY

(adapted from the Faculty Manual currently in force)

American University community values the individual's right to live, work, and study without fear of intimidation, coercion, or exploitation. Sexual harassment creates an environment, which is intolerable and incompatible with the mission and goals of the university. Sexual harassment is a form of discrimination and is illegal.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such harassment is personal. What may be perceived as sexual harassment by one person may not be so perceived by another. Sexual harassment can range from sexual humor and innuendo to physical threats and sexual assaults. It includes: direct or subtle pressure for sexual activity; physical aggression, such as pinching or patting; sexist jokes or remarks; obscene gestures or comments; unwelcome brushes or touches; inappropriate sexual innuendo; sexual assault.

This definition of sexual harassment is not meant to restrict academic freedom as described in Section 4 of the *Faculty Manual* and it applies to language, activities, and actions inappropriate to the content of a course or other academic activity.

The Sexual Harassment Project Team was established to assist in preventing and addressing problems of sexual harassment campus-wide; to provide information and education on sexual harassment and related university policies to members of the campus community; to serve as primary contacts for members of the community who believe they have experienced sexual harassment and wish to report it or wish further information; to refer reports of sexual harassment to the proper channels for investigation; and to develop and review materials regarding sexual harassment as required.

The university provides three options for reporting/assistance, any of which may be accessed. (1) information and referral, in which a person may meet confidentially with any member of the SHPT; (2) informal complaint, in which a person may want some form of action other than a formal grievance. Such a complaint is made to the dean of academic affairs if the complaint is against a faculty member, the executive director of Human Resources if the complaint is against a member of the staff, or the dean of students/Title IX officer if the complaint is against a student; (3) formal complaint, in which a formal charge of sexual harassment is initiated. The same contacts would be made as for an informal complaint.

1. Informal Complaint of Sexual Harassment made against a faculty member or an individual carrying out teaching responsibilities

In such cases, usually, the dean of academic affairs will meet individually with the complainant and respondent and any other parties that the dean deems appropriate in an attempt to come to an informal resolution.

2. Formal Complaint of Sexual Harassment made against a faculty member or an individual carrying out teaching responsibilities.

First, the dean of academic affairs or designee will conduct an inquiry to determine whether the charge appears to have merit. The dean will discuss the matter with the complainant and respondent and any other parties that the dean deems appropriate. This stage will be completed within three weeks of the receipt of the complaint by the dean of academic affairs, except when the university is not in fall and spring session.

Second, if the dean of academic affairs or designee concludes that there are sufficient grounds for the complaint, the dean will initiate a hearing in accordance with the Disciplinary Procedures of section 19e of the *Faculty Manual*.

If the dean of academic affairs or designee concludes that the complaint is not supported by sufficient evidence, the dean of academic affairs will submit recommendations in a report to the provost who may affirm, modify, or refer the case in accordance with the Disciplinary Procedures in section 19 of the *Faculty Manual*.

In either case, the provost's decision is final.

It should be noted that filing an informal or formal complaint of sexual harassment is a protected activity. 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.

All reports or complaints of sexual 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. All records are confidential with access only to individuals with a legitimate need to know.