

Note: This policy is under revision.

General Considerations

The American University of Armenia is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work together in an atmosphere free of all forms of harassment, including sexual. The University will not tolerate sexual harassment. This behavior is prohibited both by the law and by University policy. Retaliation toward an individual on the basis of her or his bringing a complaint of sexual harassment also is prohibited. The AUA community will take whatever steps are necessary to protect its faculty, staff, and students from sexual harassment and correct such behavior and, if appropriate, discipline persons whose behavior violates this policy

Definition

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment whenever one or more of the following conditions exists:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activity
- B. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.

Some illustrative examples:

- A lecturer makes a habit of touching or making sexually suggestive comments to a student
- A workspace has nude pin-up calendars and photographs or sexually suggestive objects
- An office party in the workplace includes the showing of pornographic movies
- A lecturer includes irrelevant sexually explicit slides in an audio-visual presentation
- Co-workers talk about sexual experiences or exchange sexual jokes in front of someone who is offended by them
- A co-worker makes persistent, rejected requests to date a colleague

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.

Potential complainants can include third parties as well as the direct complainant. A third party may perceive favoritism or bias occurring in the other relationship and thus feel that his or her own performance is not rated fairly.

If a consensual relationship exists prior to either party entering into an evaluative situation, it will be the responsibility of the individual with the power or status advantage to take whatever steps necessary to immediately remove him or herself from that evaluation. Failure to do so will lead to appropriate disciplinary action.

Procedures

An individual who believes he or she is experiencing sexual harassment is encouraged to deal directly with the alleged offender with the intent of communicating his or her distress and resolve that the situation will not be repeated. It is important to keep a record of all events or incidents that comprise the offending behavior and any subsequent communication about the behavior.

If the individual does not feel that this action would be appropriate or prefers not to handle it in this manner, he or she may take his or her concern or complaint to the AUA Sexual Harassment Advisor (or the Provost if that position is open). The purpose of doing so may be to ask for resolution, to obtain assistance with problem solving, to apprise the institution so that the institution may take appropriate measures, or all of the above.

The information received by the AUA Sexual Harassment Advisor will be kept confidential up to the legal constraints on the University. The information will not be shared with the rest of the community, and it will be treated with extreme respect and confidentiality. Legal obligations, however, compel any institution of higher learning to take appropriate action if/when allegations of sexual harassment are egregious enough to warrant such action. At all steps along the way, the complainant will be apprised and informed of the University's responsibilities.

Informal Complaints/Inquiries

Any member of the AUA community may approach the AUA Sexual Harassment Advisor to air concerns or questions without necessarily instituting formal procedures. The complainant will be told of his or her rights regarding procedures for handling complaints at this time.

A complainant may choose to:

- a) initiate a formal grievance;
- b) indicate that he or she does not want to initiate a formal grievance, but wants help in handling the case personally;
- c) ask for assistance from the University in resolving the case at an informal level. An informal resolution may include determining the most appropriate member of the AUA community to speak with the alleged offender about the complainant's concerns, and asking that the behavior immediately change or

stop.

Formal Complaints

A. Any member of the AUA community may approach the AUA Sexual Harassment Advisor to hear his or her formal complaint on sexual harassment. It shall be the role of the Advisor to listen to the complaint with sensitivity and discretion and assist the grievant in exploring options to resolve the situation.

B. If a formal complaint is made, it will be the responsibility of the grievant to lodge a complaint in writing with the AUA Sexual Harassment Advisor. Within 10 days of receiving the written complaint, the AUA Sexual Harassment Advisor will appoint a committee of two members to investigate the complaint. The Advisor chairs the committee.

The committee will function as follows:

1. It will conduct a confidential investigation of the complaint.
2. The committee will solicit information from the grievant as well as the accused individual(s).
3. The committee will make a written determination regarding the complaint no longer than 60 days after its appointment. If it is determined that no sexual harassment has occurred, the committee will notify all parties involved. In cases where it is determined that sexual harassment has occurred, the committee will review suitable sanctions with the AUA President.
4. If the grievant is not satisfied with the findings of the committee, he or she may file a grievance in writing to the AUA President within 30 days of the receipt of the committee's determination. If the President is named in the complaint, the grievance begins with the chair of the Board of Trustees.

AUA Sexual Harassment Advisor

The AUA Sexual Harassment Advisor shall

- a) Maintain appropriate records of informal inquiries and formal complaints while maintaining confidentiality of inquirers/complainants.
- b) Develop and monitor the implementation of an education program about AUA policies and procedures, as well as the legal and social context for such policies, for the entire AUA community. This program shall include the dissemination of the policy to new students, faculty, and staff.
- c) Include the policy as a part of the student, staff, and faculty manuals and the AUA catalog.