



## The American University of Kurdistan Sexual Harassment Policy

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### CONTENT

- I. INTRODUCTION
- II. ROLES AND RESPONSIBILITIES
- III. POLICY STATEMENT
- IV. POLICY PRINCIPLES
- V. DEFINITIONS
- VI. RESPONSIBILITIES
- VII. RETALIATION
- VIII. CRIMINAL OFFENCES
- IX. COMPLAINTS PROCEDURES
- X. SANCTIONS AND DISCIPLINARY MEASURES
- XI. SEXUAL HARASSMENT PREVENTION TRAINING
- XII. CONFIDENTIALITY
- XIII. POLICY HISTORY

### I. INTRODUCTION

- A. Authority:** The Board of Trustees (herein referred to as “Board”) at The American University of Kurdistan (herein referred to as “AUK” or “University”) is authorized to establish rules and regulations to govern and operate the University and its programs.
- B. Purpose:** The purpose of this Policy is to define harassment, including sexual harassment, designate different offices and actors responsible for enforcing this Policy, and to outline procedures for filing complaints, investigating sexual harassment claims and issuing appropriate disciplinary measures in the case of violations.
- C. Scope:** This Policy applies to all AUK’s faculty, staff, and students while on campus and while representing AUK off-campus. Faculty, staff, and students are prohibited from harassing others both on and off the AUK’s premises and during or outside of the operational hours. AUK will not tolerate harassment from non-AUK employees and guests while on the University’s campus

including, but not limited to, partners, investors, contractors, casual workers, suppliers, and everyone interacting with AUK are covered by this Policy.

## II. ROLES AND RESPONSIBILITIES

- A. **Responsible Executive:** Vice President for Administration and Finance
- B. **Responsible Administrator:** Legal Counsel
- C. **Responsible Office:** Legal Office
- D. **Policy Contact:** Legal Counsel

## III. POLICY STATEMENT

AUK is committed to providing a safe environment for all its faculty, staff, and students free from harassment. AUK will operate a zero tolerance policy for any form of harassment on campus, treat all incidents seriously and promptly investigate all allegations of sexual harassment. All complaints of harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

AUK will report incidents of sexual harassment to local authorities in cases where the act of harassment constitutes a criminal offense and reporting is mandatory in accordance with the applicable laws.

## IV. POLICY PRINCIPLES

The guiding principles of this Policy are to:

- a. Provide a safe working and educational environment free from harassment;
- b. Promote respect amongst all people at AUK;
- c. Encourage fair and equitable treatment of all people at AUK;
- d. Ensure faculty, staff, and students have redress against harassment; and
- e. Inform faculty, staff, and students they may be personally liable if allegations of harassment are substantiated against them.

## V. DEFINITIONS

### A. Harassment

AUK prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy. Harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, student, or any person working for or on behalf of AUK. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this Policy:

1. Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, appearance, disability, gender identity or expression, marital status, or other protected status.
2. Non-verbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, shows hostility, or disrespect toward an individual due to their national origin, race, color, religion, age, gender, sexual orientation, appearance, disability, marital status or other protected status.

## **B. Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated, and/or intimidated. Sexual harassment can involve one or more incidents and actions and may be physical, verbal, or non-verbal. Examples of behaviors which constitute sexual harassment include, but are not limited to:

### **1. Physical conduct may include:**

- a. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
- b. Rape, sexual battery, molestation or attempts to commit these assaults.

### **2. Verbal conduct may include:**

- a. Comments on an employee's or student's appearance, age, private life, etc.
- b. Sexual comments, stories, and jokes
- c. Sexual advances
- d. Repeated and unwanted social invitations for dates or physical intimacy
- e. Insults based on the sex of the employee or student
- f. Sending sexually explicit messages (by phone, email, or social media).

### **3. Non-verbal conduct may include:**

- a. Display of sexually explicit or suggestive material
- b. Sexually-suggestive gestures
- c. Whistling
- d. Leering

### **1. *Quid Pro Quo* Harassment**

This type of harassment occurs where a faculty or staff member undertakes or attempts to influence the process of employment, promotion, training, admissions, discipline, dismissal, salary or other benefits of an employee, student, or job applicant, in exchange for sexual favors.

### **2. Sexual Favoritism**

Sexual favoritism occurs where a faculty or staff member who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees or students who do not submit themselves to any sexual advances are denied promotions, merit rating, or salary increases, or any other benefits.

### **3. Victim of Sexual Harassment**

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. AUK recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

### **4. Place of Harassment**

Unlawful sexual harassment is not limited to the physical campus of AUK. All sexual harassment is prohibited whether it takes place on the AUK's premises or outside, including at social events, business trips, training sessions or conferences when the AUK attendee is functioning as a representative of the University. Also, calls, texts, emails, and social media usage by faculty, staff, and students and directed at another member of the AUK community can constitute unlawful harassment, even if they occur away from the AUK's premises or not during the normal AUK's operational hours.

## **VI. RESPONSIBILITIES**

### **A. Responsibilities of the Office of Human Resources/Student Affairs at AUK**

The Office of Human Resources is in charge when the incident involves faculty and staff members, whereas the Student Affairs office is responsible when the incident involves students. These offices recognize their obligations under this Policy to take reasonable and proportionate measures to eliminate all forms of harassment from AUK's premises and protect the rights of victims. Each office is committed to:

1. Ensuring that there are clear processes in place for raising grievances and complaints;
2. Taking action when the office is made aware of any behavior which could constitute sexual harassment, even if no complaint has been lodged;
3. Monitoring the implementation of this Policy;
4. Identifying potential risk factors and taking prompt, reasonable action to minimize those risks; and
5. Ensuring information and training to support the effective implementation of this Policy is accessible.

### **B. Responsibilities of Deans, Directors, and Managers:**

1. Modelling appropriate behavior;
2. Monitoring the educational and working environment to ensure, as far as practicable, that acceptable standards of conduct are maintained at all times and that sexual harassment is not tolerated;
3. Promoting awareness of the Policy and the complaints procedures with respect to sexual harassment;
4. Treating complaints which may constitute sexual harassment seriously and taking immediate action; and
5. Treating complaints of harassment with appropriate sensitivity and confidentiality.

**C. Responsibilities of all Faculty, Staff, and Students:**

1. Comply with this Policy, Employee Code of Conduct Policy, and Student Code of Conduct Policy;
2. Report incidents of harassment they have experienced or witnessed;
3. Participate in trainings provided by the Office of Human Resources and/or Student Affairs;
4. Model appropriate behavior;
5. Treat any complaints of sexual harassment with appropriate confidentiality; and
6. Ensure that a person is not victimized for making or being involved in a complaint of sexual harassment.

**D. Responsibilities of the Legal Counsel**

The Legal Counsel is the point of contact for employees and students experiencing harassment. The responsibilities of the Legal Counsel are to:

1. Be familiar with this Policy including the procedures for dealing with allegations of harassment;
2. Act as a point of contact for a person considering making a complaint about sexual harassment;
3. Provide the person with information about complaints procedures;
4. Understand that the role of the Legal Counsel does not extend to investigation, conciliation, making a judgment about what constitutes harassment; and
5. Participate in any training related to carrying out these responsibilities.

**VII. RETALIATION**

All faculty, staff, and students covered by this Policy shall not be subject to adverse action including being discharged, disciplined, discriminated against, or otherwise subject to an adverse employment or educational measures because the employee or the student reports an incident harassment, provides information, or otherwise assists in any investigation of a harassment complaint. AUK has a zero-tolerance policy for such retaliation against anyone including students who, in good faith complain or provide information about suspected harassment. Any faculty, staff, or student who retaliates against anyone involved in a harassment investigation will be subjected to disciplinary action.

**VIII. CRIMINAL OFFENCES**

- a. Some types of harassment may also be unlawful under the Criminal Law. These include indecent exposure, stalking, sexual assault, and obscene or threatening communications, such as phone calls, letters, emails, text messages, and posts on social networking sites. Faculty, staff, and students who believe they have been the victim of a criminal offense are encouraged to report the incident to the local authorities as well as report the matter to their direct supervisor or department, or in the case of students, the Office of Student Affairs.
- b. AUK has a responsibility to deal with allegations of sexual harassment even when the local authorities are involved. This is to determine the appropriate action to be taken at AUK against the harasser if found to be guilty.
- c. Per the Iraqi Law of Criminal Procedure, AUK reserves its right to report the sexual activity/behavior to the local authorities when the sexual activity/behavior constitutes a criminal offense pursuant to the Iraqi Criminal Law.

## IX. COMPLAINTS PROCEDURES

Victims of sexual harassment may want to resolve the matter in different ways. Some may be satisfied with an informal resolution and for the matter to stop; others may expect more formal outcomes. Also, reports of sexual harassment may be made verbally or in writing. However, all faculty, staff, and students are encouraged to report in writing.

### A. Informal Complaints Mechanism

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. AUK also recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee, a student and his/her faculty, a male and a female), and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach the harasser, then s/he can approach the Office of Human Resources or Student Affairs Office to discuss the situation and procedures to follow. The Legal Counsel is responsible for receiving complaints. When the complaint is received, the Legal Counsel will:

1. Immediately record the dates, times and facts of the incident(s);
2. Ascertain the views of the victim as to what outcome s/he wants;
3. Ensure that the victim understands the procedures for dealing with the complaint;
4. Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if s/he is not satisfied with the outcome;
5. Ensure that the victim knows that they can lodge the complaint outside of AUK through the relevant legal framework;
6. Give an opportunity to the alleged harasser to respond to the complaint;
7. Ensure that the alleged harasser understands the complaints mechanism;
8. Facilitate discussion between both parties to achieve an informal resolution;
9. Keep a confidential record of all discussions; and
10. Follow up to ensure that the behavior has stopped.

### B. Formal Complaints Mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The Legal Counsel will lead the investigation along with the Director of Human Resources/Director of Student Affairs. Alternatively, a committee of three members can be formed in accordance with this Policy to investigate the allegations of sexual harassment. The person carrying out the investigation will:

1. Interview the victim and the alleged harasser separately;
2. Interview other relevant third parties separately;
3. Decide whether or not the incident(s) of sexual harassment took place;
4. Produce a report detailing the investigations, findings, and any recommendations;
5. If the harassment took place, decide what the appropriate remedy for the victim;
6. Follow up to ensure that the recommendations are implemented;
7. Keep a record of all actions taken;
8. Ensure that the all records concerning the matter are kept confidential; and

9. Ensure that the process is done as quickly as possible and in any event within [10] ten days of the complaint being made.

## **X. SANCTIONS AND DISCIPLINARY MEASURES**

Anyone who has been found to have harassed against another person under the terms of this Policy is liable to any of the following sanctions:

- A. verbal or written warning
- B. adverse performance evaluation
- C. transfer to a different department or unit
- D. demotion
- E. suspension
- F. dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial.

## **XI. SEXUAL HARASSMENT PREVENTION TRAINING**

Sexual Harassment Prevention Training is designed to increase participants' awareness of harassment, including sexual harassment, to prevent future incidents, change workplace culture, and educate faculty, staff and students on what constitutes harassment and what to do should harassment occur. The Sexual Harassment Prevention Training will be conducted every semester, and all faculty, staff, and students are required to successfully pass the training. The Office of Human Resources will organize such trainings.

## **XII. CONFIDENTIALITY**

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in an informal or formal complaint is kept as confidential as possible. All information pertaining to a sexual harassment complaint or investigation is maintained in secure files.

## **XIII. POLICY HISTORY**

- a. **Approved by:** Board of Trustees
- b. **Adopted:** June 6, 2022