

ANTI-PSYCHOLOGICAL AND ANTI-SEXUAL HARASSMENT POLICY

The French text of this Policy was approved by the University Board on February 23, 2022

Preamble

Saint Joseph University of Beirut (USJ),
Committed to the principles of the University Charter and in particular to the protection of human freedom against any oppression;
Concerned with combating all forms of psychological or sexual harassment among members of the University community and promoting a work environment respectful of the dignity of each person; Considering Law no. 2015 issued on December 30, 2020 “criminalizing sexual harassment and rehabilitating its victims”, and the Violence and Harassment Convention (C190) adopted by the International Labour Organization (ILO) on June 21, 2019,

Adopts the following text:

1. Scope of Application

The present text shall apply to all members of the University community, in particular to teachers, students and staff members, as well as to third parties (contractors, visitors, etc.) involved with the University. It shall also apply to educational, social, or other activities organized by the University outside its premises.

2. Definition of Harassment

Psychological harassment denotes repeated abusive conduct that manifests itself in particular through behavior, coercion, bullying, words, actions, gestures and writings with the purpose or effect of violating the dignity or the physical and psychological integrity of an individual, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual harassment denotes any pressure or threat made with the purpose of eliciting an act of a sexual nature, as well as any form of unwanted verbal, non-verbal, or physical behavior of a sexual nature, with the purpose or effect of violating the dignity of the person, in particular when such behavior creates an intimidating, hostile, degrading, humiliating or offensive environment.

For instance, the following behaviors qualify as sexual harassment:

- Unwanted and repeated sexual advances
- Unwanted pressing sexual intimacy
- Intrusive and repetitive questions or confidences about privacy
- Repeated remarks on looks and clothing that are uncomfortable
- Offensive comments about someone’s sexual orientation
- Comments or threats of a sexual nature
- Unwanted physical advances, fondling and kisses
- Acts of voyeurism or exhibitionism
- Threats of reprisal to punish a person who refuses to comply with sexual advances

3. Protective Measures Available to Victims of Harassment


Any member of the University community who identifies themselves as a victim of harassment may confide in a confidential counsellor, refer the matter to the Counselling Unit, or file a complaint directly with the Complaints Commission.

The alleged victim may request that their identity be withheld. Protection of anonymity does not constitute an impediment to provisional measures or to sanctions being ordered against the harasser in accordance with the provisions of this text.

4. Confidential Counsellors

A confidential counsellor shall be appointed by the Rector for each campus and by the Dean or Director for each institution to serve as a liaison for victims of harassment.

Any member of the University community who identifies themselves as a victim of harassment may confide in the confidential counsellor of their choice. The latter must inform the victim of the psychological, medical, or legal support and assistance measures implemented by the University, as well as of the possibility of addressing the Counselling Unit and, if necessary, of filing a complaint with the Complaints Commission.



When the confidential counsellor is apprised of facts that are likely to endanger the physical or psychological integrity of the alleged victim or any other member of the University community, they must notify the Rector, or any other person designated by the Rector, for this purpose.

5. Counselling Unit

5.1 Membership of the Counselling Unit

The Counselling Unit shall consist of six members appointed by the Rector and approved by the University Board.

Members of the Counselling Unit and their contact information must be made public to all members of the University community and must be published on the University's website.

5.2 Mandate

The mandate of the members of the Counselling Unit is three years. This mandate can be renewed twice. Should a member of the Counselling Unit resign, they shall be succeeded within one month from the date of acceptance of the resignation by the Rector.

5.3 Referral to the Counselling Unit

Any member of the University community who identifies themselves as a victim of harassment may request to be heard by one or more members of the Counselling Unit. They are free to choose the person or persons in whom they wish to confide.

The meeting may be held on the premises of the University, over the phone, or via videoconference, as chosen by the alleged victim.

5.4 Duties of the Counselling Unit

The Counselling Unit is responsible for listening and guiding alleged victims of harassment.

Members of the Counselling Unit who are approached with a matter of harassment must inform the victim of the psychological, medical, or legal support and assistance measures implemented by the University. They must inform the alleged victim of the possibility of filing a complaint with the Complaints Commission.

5.5 Duty to Notify the Rector

When the alleged victim of harassment does not wish to refer the matter to the Complaints Commission and when the Counselling Unit is informed of facts that are likely to endanger their physical or psychological integrity or that of any other member of the University community, they must notify the Rector, or any other person designated by the Rector for this purpose.

6. Complaints Commission

6.1 Membership of the Complaints Commission

The Complaints Commission shall consist of six members appointed by the Rector and approved by the University Board. It shall be chaired by a legal expert.

An alternate member is also appointed by the Rector and approved by the University Board.


6.2 Mandate


The mandate of the members of the Complaints Commission is three years. This mandate can be renewed twice.

Should a member of the Complaints Commission resign, they shall be succeeded within one month from the date of acceptance of the resignation by the Rector.

6.3 Recusal of Commission Members

Any member of the Complaints Commission may be requested to recuse themselves for any of the following reasons:

- If the member or the member's spouse is related to one of the parties to the proceedings or the party's spouse;
 - If the member or the member's spouse is in a dependent relationship with any of the parties;
 - If there has been a lawsuit between the Commission member, their spouse or their relatives, or direct descendants, and one of the parties to the proceedings, their spouse, or their relatives, or direct descendants;
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The request for recusal shall be made by the person filing the complaint or by the person against whom the complaint is filed to the Rector. In the event of recusal, the duties of the recused member shall be undertaken by the alternate member.

6.4 Duties of the Commission

The Complaints Commission shall be responsible for investigating complaints submitted to it by the victims and files transferred to it by the Rector and for issuing appropriate sanctions, if necessary, against the harasser.

6.5 Referral to the Commission

a- Referral by the alleged victim

Any person who is a victim of harassment may file a complaint with the Complaints Commission. No time limit is set for filing a complaint.

The complaint must state:

- The name of the alleged harasser;
- The name of the alleged victim, provided the victim does not object to the disclosure of their identity;
- The date(s) and place(s) as well as the description of the allegations qualifying as harassment;
- The names of witnesses;
- Any other relevant information.

b. Referral by the Rector

The Commission may also be notified by the Rector when he is informed of conclusive evidence of considerable magnitude, when the alleged victim does not wish to file a complaint and when the allegations are of such a nature as to endanger the victim themselves or other members of the University community. In this case, the Rector shall provide the Commission with all the information at his disposal and shall ask it to investigate the case.

6.6 Notice to the Parties

The Complaints Commission shall inform the victim and the alleged harasser of their rights under this Policy and of the procedures for the conduct of the proceedings.

6.7 Provisional Measures

The Complaints Commission may advise the Rector to take provisional measures against the alleged harasser until a non-appealable decision is made on the allegations.

In particular, the Rector may provisionally prohibit the alleged harasser from entering the University or temporarily suspend them from their duties.

6.8 Investigation

When referred by the victim or by the Rector as provided in Article 6.5 hereof, the Complaints Commission shall:


- Obtain a full statement from the author of the complaint and listen to them unless they object;
- Inform the person against whom the complaint is filed, of the nature of the complaint and proceed to hear the person.

The Commission may also ask to hear any member of the University community whose testimony would be useful for the investigation of the complaint or the proceedings and collect all relevant documents from the relevant departments or institutions.

6.9 Right of Defense

Any member of the University community who is heard by the Complaints Commission shall have the right to be represented before the Commission by any person of their choice or by an attorney.

The Commission shall ensure that the adversarial principle is respected throughout the proceedings. It shall also ensure that the parties have access to the various elements of the file and can communicate their observations on the matter before the investigation report is drafted.



6.10 Investigation Report

At the end of the various hearings conducted by the Commission and the collection of testimony and evidence necessary for the investigation of the complaint or the file transferred by the Rector, the Chairperson of the Commission shall issue an investigation report stating:

- The subject of the complaint or the elements of the file transferred by the Rector;
- The statements and observations made by the parties to the proceedings and by all persons heard by the Commission;
- The measures introduced in the course of the investigation;
- The evidence collected by the Commission.

This report is communicated by the Chairperson to all members of the Commission.

6.11 Decision of the Complaints Commission

Upon receipt of the investigation report and within a time limit set by the Chairperson, the Complaints Committee will convene to rule on the classification of the facts and, if applicable, on the sanctions to be ordered in accordance with Article 6.12 hereunder.

The sanctions ordered by the Commission shall be passed by an absolute majority of its members.

When the Commission considers that the allegations do not qualify as harassment, the complaint shall be dismissed.

The decision of the Complaints Commission shall be rendered within a maximum of thirty days from the date on which the complaint was filed.

6.12 Disciplinary Sanctions

The Complaints Commission may order the following disciplinary sanctions:

- a. Censure;
- b. Public censure;
- c. Temporary or permanent exclusion from the University.

7. Appeal Against the Decision of the Complaints Commission

The decision of the Complaints Committee may be appealed to the Disciplinary Board of the University within seven working days from the date of notification of the decision to the parties involved. The Disciplinary Board must render its decision within fifteen days from the date of the appeal.

8. Protection of Persons

Any person shall have the right to avail themselves of the provisions hereof without fear of reprisal or retaliation. No discriminatory measure, no infringement of rights pertaining, in particular, to salary, promotion, transfer, or contract renewal may be taken against a member of the University community who has refused to be subjected directly or indirectly to acts of harassment or who has testified in good faith to such acts or has reported them.

9. Confidentiality

Members of the Counselling Unit and the Complaints Commission, as well as confidential counsellors and all individuals involved in proceedings, must take all reasonable precautions to protect the confidentiality and privacy of the parties involved, as well as that of all documents relating to complaints, including minutes of interviews or hearings and investigation reports.

Members of the Counselling Unit and of the Complaints Commission

Counselling Unit

- **Camille MOITEL (ISO)**
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Complaints Commission

- **Chucris SADER (President of the Commission - Jurist)**
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- **Jad HABIB (family doctor, member of the USJ-HDF Ethics Board)**
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Confidential Counsellors

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