

## COMMITMENT TO NON-DISCRIMINATION & NON-HARASSMENT POLICY

### Summary and Overview

Since its inception over 40 years ago, the AUC culture has been one of inclusion, where all people are treated with kindness and respect, and in which the community acts to uphold the integrity of the medical profession. This document is designed as a reminder to AUC community members to think before you speak, send an email or text, or make a social media post, to ensure that your interaction reflects the AUC culture and commitment to non-discrimination and non-harassment.

AUC is committed to providing an education conducive to the personal and professional development of each individual and to maintaining an academic environment free of discrimination and harassment based on race, color, religion, national origin, sex, age, ancestry, disability, veteran status, sexual orientation, gender identity, pregnancy or parental status, gender, or political affiliation. This list is not exhaustive and is meant to ensure the fair and unprejudiced treatment of **all** collective groups of people and all individuals within those groups. To be clear, AUC is firmly **against** racial inequity and **for** social justice; for example, we wholeheartedly affirm that black lives matter. AUC will not tolerate, condone or allow discrimination or harassment, whether engaged in by fellow students, faculty members, or non-faculty colleagues.

### What is Discrimination?

For purposes of this policy, discrimination occurs when a person is treated less favorably based solely on the person being a member of a specific collective group. Put another way, discrimination involves taking detrimental action against an individual that is not based on that individual's abilities or merit but rather on prejudice of the collective group to which the person belongs. Specific types of discrimination may include, but are not limited to:

- Racism
- Sexism
- Sexual Orientation Discrimination
- Religious Discrimination
- Ethnicity Discrimination
- Ableism
- Gender Identity Discrimination
- Ageism

More information regarding different types of discrimination may be found in the attached appendix to this policy.

### What is Discriminatory Harassment?

Discriminatory harassment is unwelcome, offensive behavior toward a collective group or an individual member of such group that is severe or pervasive enough to create an environment that a reasonable person would consider hostile.

Examples of words or conduct that may constitute harassment that would violate this policy are:

- Verbal abuse, slurs, derogatory comments or insults about, directed at, or made in the presence of a collective group or individual member of such group. This could include telephone calls, emails, instant messages, social media posts, etc.
- Display or circulation of written materials, pictures, or other media that are degrading to a collective group or a member of such group.
- Criminal behavior such as damage to, trespass on, or unauthorized use of property, such as spraying or scratching of a motor vehicle, damage or theft of property, based upon discrimination and intended to intimidate or stigmatize.
- Physical contact or verbal threats interpersonal violence and intimidation based upon discrimination.
- Policies or procedures that restrict access to University resources based on membership in a collective group.

A Hostile Environment is one that is sufficiently intimidating, abusive or offensive that it interferes with or limits (i) a student's ability to participate in or benefit from the University's program or (ii) the normal operations and performance of an employee. The more severe the conduct, the less need there is for the complainant to show a repetitive series of incidents to prove a Hostile Environment, particularly if the Discriminatory Harassment is physical.

### What is Sexual Harassment?

**Sexual Harassment** is conduct on the basis of sex/gender that satisfies one or more of the following:

1. An employee of AUC conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to AUC's education Program or Activity; or
3. Sexual Assault or Dating Violence, Domestic Violence or Stalking:
  - Sexual Assault: A criminal offense classified as a forcible or nonforcible sexual act.
  - Dating Violence: Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
  - Domestic Violence: Includes crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a

spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

More information regarding Sexual Harassment Policies can be found in [AUC's Sex and Gender Based Misconduct Policy](#).

### **Whom to Contact if you Think you Have Been Discriminated Against or Harassed**

The Office of Student Affairs on the SXM campus and in clinical rotations is available to serve as a resource to any student or other member of the AUC community who has a discrimination or harassment inquiry or complaint. For the UK Track, please contact the Office of Academic Affairs. These administrators have information about the University's non-discrimination policy, rules and procedures (including information about confidentiality), as well as options available for the investigation and resolution of complaints. Individuals with a discrimination or harassment inquiry or complaint may be more comfortable speaking with someone of a specific gender and the administrators listed can assist in finding help of the preferred gender:

- Sint Maarten Campus – the Assistant Dean for Student Affairs ([StudentAffairs@aucmed.edu](mailto:StudentAffairs@aucmed.edu))
- UK Campus – the Associate Dean for Academic Affairs ([AcademicAffairsUK@aucmed.edu](mailto:AcademicAffairsUK@aucmed.edu))
- Clinical Site – the Associate Dean for Student Affairs ([StudentAffairs@aucmed.edu](mailto:StudentAffairs@aucmed.edu))

### **Confidentiality**

Confidentiality is an extremely important issue, particularly with regard to allegations involving Sexual Harassment. Administrators responsible for implementing this Policy will respect the privacy and confidentiality of individuals reporting or accused of any Discrimination and/or Harassment to the fullest extent possible. However, the University is obligated to investigate all allegations of sexual misconduct, including sexual harassment and any allegations that might be severe enough to constitute a Hostile Environment and thus confidentiality cannot be guaranteed unless a legally protected relationship exists.

Confidential consultations may be available from individuals who, by law, have special professional status, such as mental health counselors (including AUC Wellness Counselors), physicians, chaplains, ministers, and/or personal attorneys. In these cases, the level of confidentiality depends on what legal protections are held by specific persons receiving the information. Whichever person the complaining or accused parties elect to discuss their concerns with, the issue of confidentiality should be addressed with them before specific facts or identities are disclosed. For AUC, the confidential resource for a protected discussion of Sexual Harassment is the Director of Wellness Counseling ([SXMWWellness@aucmed.edu](mailto:SXMWWellness@aucmed.edu)).

Regarding Sexual Harassment, in order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting AUC resources. Colleagues who are made aware of a possible violation of this policy are required to contact their manager or one-up manager as well as the Title IX Coordinator or Sexual Misconduct Coordinator on their campus. All AUC colleagues are designated "mandatory reporters" will notify the Title IX Coordinator or Sexual Misconduct Coordinator of any complaints received.

SpeakUpAdtalem ("SpeakUp") is a reporting system managed by a third-party vendor (Convercent), which encourages members of the AUC community to come forward with questions or concerns, including allegations of sex and/or gender-based misconduct. Reports can be made anonymously, or reporters can provide their name and contact information. Colleagues are expected to ask legal, compliance and ethics questions and report suspected wrongdoing. Colleagues and students can utilize the SpeakUp program by contacting the third-party contractor Convercent by phone at 1-800-461-9330 (inside the U.S.), or online at [www.speakupadtalem.com](http://www.speakupadtalem.com). Those outside the U.S. may visit [www.speakupadtalem.com](http://www.speakupadtalem.com) for international dialing instructions.

### **Academic Freedom and Harassment**

AUC is committed to the principles of free inquiry and expression while respecting the rights of others. Vigorous discussion and debate are fundamental to this commitment, and this Policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Harassment, however, is neither protected expression nor the proper exercise of academic freedom. On the contrary, Harassment compromises the University's integrity, as well as its tradition of intellectual freedom.

Students are empowered to discuss concerns related to this topic with their faculty members without fear of retaliation. For verbal conduct to constitute Harassment in a higher education teaching context, the complainant(s) must show that:

- the behavior substantially interfered with the student's academic performance, class participation, or educational opportunity;
- the behavior would be regarded as offensive by a reasonable person in the same context; and
- the behavior was persistent, pervasive, and not relevant to the academic subject matter.

### **Retaliation of Any Kind Prohibited**

This Policy encourages students and employees to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of Discrimination or Harassment. Any act by a University employee or student of retaliation, reprisal, interference, restraint, penalty, discrimination, coercion or harassment -- overtly or covertly -- against a student or an employee for responsibly using this Policy and the University's Administrative Review and Grievance Procedures (ARGP) interferes with free expression and openness. Such acts violate this Policy and are grounds for prompt and appropriate disciplinary action.

### **Standard of Proof**

As with all AUC administrative review procedures, in order to substantiate Discrimination or Harassment, a complainant need only meet a "preponderance of the evidence" (also known as "more likely than not") standard of proof, not the "beyond a reasonable doubt" standard of proof that applies to criminal proceedings.

### **Abuse of this Policy**

Because of the nature of the allegations, corroborating evidence may be limited in complaints of Discrimination and/or Harassment. Lack of corroborating evidence should not discourage complainants reporting. However, complaints should not be frivolous, malicious, or intentionally dishonest. The University will take action to protect AUC students, faculty, and staff from such behavior. This may include action under the ARGP.

## APPENDIX TO NON-DISCRIMINATION & NON-HARRASSMENT

Below you will find definitions to the most common subtypes of discrimination. Occasionally, subtypes of discrimination may overlap, and a behavior may fall into multiple subtypes of discrimination.

### **What is Racism?**

Racism refers to prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial group, typically one that is a minority or marginalized. This includes the belief that different races possess distinct characteristics, abilities, or qualities, especially so as to distinguish them as inferior or superior to one another.

### **What is Ethnicity Discrimination?**

The term "ethnicity" refers to ethnic traits, backgrounds, allegiances or associations. Usually, ethnicity refers to a certain group of people that have racial, linguistic, religious and other traits in common. Ethnicity discrimination refers to prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular ethnic group.

### **What is Ableism?**

Ableism is the discrimination of and social prejudice against people with disabilities based on the belief that typical abilities are superior. Ableism is rooted in the assumption that disabled people require 'fixing' and defines people by their disability.

### **What is Sexism?**

Sexism refers to prejudice, stereotyping, or discrimination, typically against women, on the basis of sex/gender.

### **What is Sexual Orientation and Gender Identity Discrimination?**

For this policy, sexual orientation refers to the inherent or immutable enduring emotional, romantic, or sexual attraction to other people. Gender identity refers to an individual's innermost concept of self as male, female, a blend of both or neither. It is how an individual perceives their gender and what they call themselves. An individual's gender identity can be the same or different from their sex assigned at birth. Gender expression is the external appearance of an individual's gender identity, usually through behavior, clothing, haircut, or voice and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine. Transgender is an umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Sexual Orientation and Gender Identity Discrimination occurs when an individual is treated less favorably because of their sexual orientation, gender identity, gender expression, and/or transgender status.

### **What is Religious Discrimination?**

Religious discrimination involves treating a person unfavorably because of their religious belief.

### **What is Ageism?**

Ageism refers to prejudice or discrimination on the grounds of a person's age.