

1. PURPOSE

The University promotes its educational goals and preserves the human rights of each of its members, notably by safeguarding freedom from discrimination on the grounds of sex, race, color, religion, national origin, age, disability, sexual orientation or gender identity. These values are affirmed by French law and Article 10, which ban expressions that incite discrimination, that propagate the idea of a superior race, and that spread hatred against specific groups.

AUP prohibits discriminatory behavior and seeks to foster a climate free from discrimination through coordinated education and prevention programs, clear policies, and a prompt and accessible grievance procedure. This policy provides the AUP community with clear standards, definitions, and descriptions of prohibited conduct. It also identifies resources and support for the AUP community and outlines the grievance process.

2. WHO IS AFFECTED BY THIS POLICY?

All AUP community members including students, faculty, staff, and trustees. Vendors, independent contractors, visitors and others who conduct business with AUP or on AUP property must comply with this policy. All AUP community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the AUP community have a responsibility to adhere to AUP policies and French law.

3. LEGAL CONTEXT OR REGULATORY BODY

AUP employees and students are governed by the French *Code Civil* and *Code Pénal*. Employees are also subject to the French *Code du Travail* and AUP's *Règlement Intérieur*. See the annex of this policy for more information.

4. POLICY STATEMENT

AUP is committed to providing a campus community that celebrates diversity and inclusivity and that stands against discrimination. We take complaints of discrimination very seriously and address them with transparency, respect, fairness, and empathy. All members of the community can expect to be treated with respect and granted fair and equal access to University resources and opportunities regardless of sex; marital status; veteran status; ancestry; pregnancy; physical appearance; economic situation; surname; place of residence; state of health; loss of autonomy; disability; genetic characteristics; morals; sexual orientation; gender identity; age; political opinions; union activities; ability to express oneself in a language other than French; membership or non-membership, true or supposed, to an ethnic group, a nation, a race, or religion; or having survived, refused, or testified against hazing or sexual misconduct.

AUP rejects racism and discrimination wherever it occurs. AUP is equally committed to ensuring that all members of the AUP community feel comfortable reporting incidents of discrimination, to treating every individual involved with dignity and respect, to providing compassionate resources to those who need them and to conducting a fair and transparent investigation into any complaints.

AUP prohibits discriminatory behavior that includes, but is not limited to: singling out or targeting persons for different or adverse treatment based on their sex, race, color, religion, national origin, age, disability, sexual orientation or gender identity; the use of inappropriate racial comments or slurs; humiliation of a student or employee because of his or her sexual orientation or gender identity; the use of derogatory terms that focus on a student's disability or the perception that the student has a disability; and failing to provide reasonable accommodations for qualified individuals with disabilities or serious medical conditions.

Procedures for filing discrimination complaints on the basis of sex, including sexual harassment and sexual assault, are addressed in detail in policy [HR014EN - Sexual and Moral Misconduct](#).

Definitions

Discrimination: conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment because of their sex, race, color, religion, national origin, age, disability, sexual orientation or gender identity.

Harassment: verbal or physical conduct that is directed at an individual or group because of sex, race, color, religion, national origin, age, disability, sexual orientation or gender identity when such conduct is sufficiently severe or pervasive so as to have

the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic, work or social environment.

In addition, the French Criminal Code stipulates the following:

- Public abuse: committed against a person or group of persons due to their origin or true or assumed affiliation or non-affiliation with a specific ethnic group, nation, race or religion, is punishable by a year in prison and a fine of 45,000 euros. The same acts, committed in a private context, are punishable by the fine stipulated for fifth class misdemeanors.
- Written or reiterated threats of committing a crime or misdemeanor against another person are punishable by six months in prison and fine of 7,500 euros.
- Reiterated malicious telephone calls, the reiterated sending of malicious messages electronically, or the use of intrusive noise aimed at disturbing the tranquility of others are punishable by one year in prison and a fine of 15,000 euros.
- Harassing others using repeated remarks or conduct aimed at or resulting in a deterioration of working conditions which may undermine one's rights and dignity, alter physical or mental health or compromise one's professional future, is punishable by two years in prison and a fine of 30,000 euros.

See the annex at the end of this policy for details on French criminal and labor law.

Privacy & Confidentiality

AUP is committed to maintaining the privacy of all individuals involved in a report of discrimination. Information related to a report of misconduct will be shared only with those AUP employees who "need to know" in order to assist in the review and/or investigation and resolution of the complaint.

Reporting

As outlined in the Resources section of this policy, resources on and off campus are available to individuals not wishing to make a report to AUP or simply wishing to review options in a confidential setting. If good faith and reasonable efforts do not result in an informal resolution for concerns of discriminatory behavior, the following formal complaint process may be enacted.

AUP recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. To the greatest extent possible, AUP will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination. It is important to note that anyone who deliberately makes a false report may be held criminally liable for false denunciation.

- **Complaints of Students Against Other Students**

Students may choose to file a formal complaint directly with the Dean of Student Development. The Dean will convene the Conduct Board to investigate the case (see Investigation below).

- **Complaints of Students Against Employees**

Students may choose to file a formal complaint against an employee with the vice president in whose area that employee works (see Investigation below).

- **Complaints of Employees Against Students**

Employees may choose to file a formal complaint against a student with the Dean of Student Development. The Dean will convene the Conduct Board to investigate the case (see Investigation below). All concerns of academic integrity should be referred to the Honor Board (see [AUP Policy AA014EN – Academic Integrity](#))

- **Complaints of Employees Against Other Employees**

Employees may choose to file a formal complaint against other Employees with the Director of Human Resources (see Investigation below). Complaints against the Director of Human Resources should be filed with the Chief of Staff to the President.

Investigation

AUP promptly and thoroughly reviews and responds to all reports of discrimination. AUP responds to all reports in a fair, consistent manner that treats each individual with dignity and respect. AUP approaches each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

Complaints filed by students against other students. Composed of two staff members appointed by the Dean of Student Development; one faculty member appointed by Faculty Senate; and two students appointed by the Student Government

Association, the Conduct Board convenes to investigate the complaint. After hearing all evidence and meeting with all parties concerned, the Conduct Board presents a recommendation to the Dean of Student Development no later than three weeks after the complaint is filed. The Dean in turn conveys this decision in writing to the complainant and the responder. Students may appeal this decision within five class days as outlined in Section VI of [AUP Policy SS008EN - Student Responsibilities](#).

Complaints filed by students against employees. For formal complaints against employees, the vice president to whom the complaint was addressed will consult with the Director of AUP Human Resources, to investigate the complaint and determine what disciplinary action, if any, is appropriate.

Complaints filed by employees against students. Composed of two staff members appointed by the Dean of Student Development; one faculty member appointed by Faculty Senate; and two students appointed by the Student Government Association, the Conduct Board convenes to investigate the complaint. After hearing all evidence and meeting with all parties concerned, the Conduct Board presents a decision to the Dean of Student Development no later than three weeks after the complaint is filed. The Dean in turn conveys this decision in writing to the complainant and the responder. Student and staff or faculty may appeal this decision within five class days as outlined in Section VI of [AUP Policy SS008EN – Student Responsibilities](#).

Complaints filed by employees against other employees. The Director of Human Resources will investigate the complaint and determine disciplinary action if appropriate. In the event a formal complaint is filed against the Director of Human Resources, the President's Chief of Staff will convene the Leadership Team to investigate further and take appropriate disciplinary action.

Should allegations of discrimination be found to be true, disciplinary action will be initiated. For additional information about sanctions that may be imposed on students found in violation of the AUP policy on discrimination and for more on the judicial procedure and the Conduct Board, please see Policy SS008EN – Student Responsibilities. The Director of Human Resources will present findings from any investigations and recommended sanctions for employees to the Leadership Team.

Resources

AUP is committed to treating all individuals with dignity, care and respect. Any individual affected by discriminatory behavior will have access to counsel and support through the following AUP resources:

Support and Advocacy

- AUP's Diversity Council: supports a culture of ever-greater diversity, equity, and inclusion at AUP. It functions as an advisory council and recommending body to the President and Provost, as a liaison to departments across the University, and as an advocate for all members of the AUP community who feel they have experienced bias or discrimination on any basis as defined by law. Write to diversitycouncil@aup.edu.
- AUP Guidance Counselors: meet confidentially with a guidance counselor for advice, support and referrals to outside resources. <https://www.aup.edu/student-life/support/health-wellness/guidance-counseling>
- Off-Campus Therapists See the AUP Health & Wellness Office website for more information.
- Clinical Psychologist, Trauma Specialist: Rosemary Bourgault (7 rue Saint-Senoche, 75017 Paris) 01 47 20 40 11 / 06 13 50 82 60 rosemarie.bourgault@wanadoo.fr

Formal Complaints

- Director of Human Resources: 01 40 62 06 63
- Dean of Student Development: 01 40 62 06 30
- Associate Dean of Academic Affairs: 01 40 62 08 23
- Chief of Staff to the President: 01 40 62 06 59

For a more comprehensive list of resources, please contact an AUP Guidance Counselor or the Diversity Council.

5. RESPONSIBILITIES

Dean of Student Development: Responsible for undertaking appropriate investigations of all reported concerns or complaints pertaining to inappropriate or prohibited behavior by a student. Responsible for taking appropriate disciplinary actions if a student has committed an act of discrimination.

Director of Human Resources: Responsible for undertaking appropriate investigations of all reported concerns or complaints pertaining to inappropriate or prohibited behavior by an employee. Responsible for taking appropriate disciplinary actions if an employee has committed an act of discrimination.

All persons affected by this policy are responsible for ensuring that it is properly applied. The University as a legal entity is legally responsible for non-observance. The University as a legal entity and/or an individual is criminally liable for non-observance.

6. DEFINITIONS

AUP:	The American University of Paris.
Complainant:	The individual who believes him/herself to have been the subject of discrimination.
Respondent:	The individual who has been accused of discrimination.
Third party:	Any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.
Employee:	Any person who is linked to The American University of Paris by an employment contract.
Legal entity:	The corporation "The American University of Paris, Inc." and the Association Etrangère "The American University of Paris".

7. APPROVALS & HISTORY

January 21, 2021	Approved by the Leadership Team, Diversity Council, Director of Human Resources and Dean of Student Development.
February 2021	Links to relevant French Labor and Penal Codes added to Annex. Definitions and Responsibilities from archived policy HR002EN added.
November 2024	Next review.

8. ISSUING OFFICE AND CONTACT

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Paragraphs 2 and 3 of Article 33 of the Law of July 29,1881

Abuse committed *[in discourse, screams or threats made in public premises or meetings, either in the form of written printed documents, drawings, engravings, paintings, emblems, images or any other written medium, words or imagery sold or distributed, placed on sale or exhibited in public places or meetings, either on placards or posters exposed to public view, or by any electronic means of communication to the public]* against a person or a group of persons due to their origin or their

affiliation or non-affiliation with an ethnic group, a nation, a race or a religion, is punishable by one year in prison and a fine of € 45,000.

Abuse committed under the same conditions against a person or a group of persons due to their gender, their sexual orientation or gender identity or their handicap incurs the same sanctions as those provided for above.

Article R.625-8-1 of the Criminal Code

Non-public abuse toward a person or a group of persons due to their true or assumed origin or affiliation or non-affiliation with an ethnic group, a nation, a supposed race or religion is punishable by the fine charged for 5th class misdemeanors [€ 1,500].

The same punishment is incurred for non-public insult committed against a person or group of persons due to their gender, their sexual orientation or gender identity, or their handicap.

Article 226-1 of the Criminal Code

The deliberate interference with the privacy of others, using any means whatsoever, is punishable by one year in prison and a fine of € 45,000:

1. By recording or transmitting of words pronounced in private or confidentially without the author's permission:
2. By recording or transmitting a person's image while in a private place without their consent.

When such acts are carried out openly with no objection on the part of the persons concerned, although they have had the opportunity to object, their consent is presumed.

Article 222-17 of the Criminal Code

The threat of committing a crime or a misdemeanor against a person, which, if attempted, warrants a punishment, is punishable by six months in prison and a fine of € 7,500 when it is either reiterated or materialized in writing, in an image or in any other manner.

The punishment is raised to three years in prison and a fine of € 45,000 in the event of a death threat.

Article 222-16 of the Criminal Code

Reiterated malicious phone calls, the reiterated sending of malicious emails or the use of intrusive noise aimed at disturbing the tranquility of others are punishable by one year in prison and a fine of € 15,000.

Article 222-33-2 of the Criminal Code

The harassment of others by means of repeated remarks or conduct aimed at or resulting in a deterioration in working conditions liable to undermine their rights and dignity, to alter their physical or mental health or compromise their professional future, is punishable by two years in prison and a fine of € 30,000.

Article 434-1 of the Criminal Code

The failure on the part of anyone who is aware of a crime which can be prevented or the effects of which can be limited, or the perpetrators of which may commit new crimes which could be prevented, to inform the judicial or administrative authorities, is punishable by three years in prison and a fine of € 45,000.

The following constitute exceptions to the foregoing, except in the case of crimes committed against minors:

1° the direct relatives and their spouses, as well as the brothers and sisters and their spouses, of the perpetrator of the crime;

2° the spouse of the perpetrator or the accomplice of the crime, or the person known to live with them in a marital manner.

Article 226-10 of the Criminal Code

The accusation, by any means, of a specific person for a deed which is liable to judicial, administrative or disciplinary sanctions, which one knows to be totally or partially false, when it is addressed either to an officer of the court or of the administrative or judiciary police, or to an authority with the power to follow-up thereon or to refer to the competent authority, or to their superiors or to the employer of the accused person, is punishable by five years in prison and a fine of € 45,000.

The false nature of the deed reported is the result of the decision, which has become final, to acquit, release or dismiss the case, stating that the deed was not committed or that it was not chargeable to the accused person.

In all other cases, the court trying the case against the accuser appreciates the relevance of the accusations he has made.

Article L.1152-1 of the Labor Code

No employee shall sustain repeated acts of moral harassment aimed at or resulting in a deterioration of their working conditions likely to undermine their rights and dignity, alter their physical or mental health or compromise their professional future.

Article L1152-2 of the Labor Code

No employee, person in training or in an internship shall be sanctioned, laid-off or directly or indirectly discriminated against, in particular in terms of his remuneration, training, reclassification, assignment, qualification, classification, professional promotion, transfer, contract renewal for having sustained or refused to sustain repeated moral harassment or for having witnessed or reported such harassment.

Article L1152-3 of the Labor Code

Any breach of an employment contract occurring in disregard of the provisions of Articles L.1152-1 and L.1152-2 and any contrary provision or act is void.

Article L1152-4 of the Labor Code

The employer shall take all necessary measures with a view to preventing moral harassment. The persons mentioned in Article L.1152-2 are informed by any means of the content of Article 222-33-2 of the Criminal Code.

Article L1152-5 of the Labor Code

Any employee who has committed moral harassment is liable to disciplinary action.



Article L1152-6 of the Labor Code

A mediation procedure can be implemented by anyone in the company who considers that they have been a victim of moral harassment, or by the person at issue.

The choice of the mediator is made by agreement of the parties.

The mediator enquires as to the status of the relations between the parties. They attempt to conciliate them and submit proposals to them which they record in writing with a view to putting an end to the harassment;

When conciliation fails, the mediator informs the parties of the possible sanctions incurred and the procedural guarantees provided in favor of the victim.

Article L1142-1 of the Labor Code

Subject to the particular provisions of this Code, no one shall:

1. mention or include reference in a job offer to the gender or family status of the candidate sought. This prohibition applies for all forms of advertising to fill a position regardless of the features of the envisaged employment contract;
2. refuse to hire a person, pronounce a transfer, cancel or refuse to renew an employee's employment contract based on their gender, family status or pregnancy;
3. take into consideration gender or pregnancy [for] any measure, in particular in the domain of remuneration, training, assignment, qualification, classification, professional promotion or transfer.

Article L1142-2 of the Labor Code

When one's gender meets an essential, determinant professional requirement and inasmuch as the purpose is legitimate and the requirement proportionate, the prohibitions stipulated in Article L1142-1 do not apply.

A decree of the Council of State determines, with the approval of the national employer and employee representative organizations, the list of the jobs and professional activities for which being of a given gender constitutes a determinant condition. This list is updated periodically.

Article L1142-2-1

No one must sustain sexist actions, which are defined as any actions linked to a person's gender, aimed at or resulting in an undermining of their dignity or the creation of an intimidating, hostile, degrading, humiliating or offensive environment.

Article L.1142-3 of the Labor Code

Any clause in a contract or a collective wage agreement or an employment contract which reserves the benefit of any measure whatsoever, for one or several employees, in consideration of their gender, is invalid.

However, these provisions do not apply when the purpose of this clause is the application of provisions pertaining to:

1. the protection of pregnancy and maternity, provided under Articles L. 1225-1 to L.1225-28;
2. the pre or post-natal employment prohibition, provided in Articles L. 1225-29;
3. nursing, provided for in Articles L.1225-30 to L. 1225-33;
4. the resignation of an employee in a state of medically established pregnancy, provided under Article L.1225-34;
5. paternal leave and the welcoming of the child, provided under Articles L. 1225-35 and L.1225-36;
6. adoption leave, provided under Articles L. 1225-37 to L. 1225-45.



Article L1142-4 of the Labor Code

The provisions of Articles L. 1142-1 and L. 1142-3 do not constitute an obstacle to the intervention of temporary measures taken in the sole favor of women, aimed at establishing equal opportunities between women and men, in particular by remedying cases of true inequality which impact women's opportunities;

These measures are the result:

1. Either of regulatory provisions made in the domains of recruitment, training, promotion, organization and working conditions;
2. Or of stipulations in extended branch agreements or extended collective wage agreements;
3. Or of the application of the plan for professional equality between women and men.

Article L1142-5 of the Labor Code

It is incumbent upon the employer to take into account the objectives in the domain of professional equality between women and men in a corporate environment and the measures permitting the attainment thereof:

1. In companies with no union representatives;
2. In companies which are not subject to the obligation to negotiate pursuant to Articles L.2232-21 and L.2232-24;
3. In companies which are not covered by an agreement or extended branch agreement concerning equal wages for women and men.

Article L.1142-6 of the Labor Code

In the workplace as well as in the premises or at the door of the premise where recruitment takes place, the persons mentioned in Article L.1132-1 are informed by any means of the contents of Articles 225-1 to 225-4 of the Criminal Code.

- [Labor code articles L3221-1 to L3221-7](#)
- [Labor code article R3221-2](#)
- [Labor code article L1142-6](#)
- [Penal code articles 225-1 to 225-4](#)