



Interamerican University of Puerto Rico
President's Office

POLICY AGAINST SEXUAL HARASSMENT IN EMPLOYMENT AND ACADEMIA

Normative Document G-0306-022

I. Introduction

The Universidad Interamericana de Puerto Rico has the affirmative responsibility to prevent, discourage, and avoid sexual harassment. It also has the responsibility to take the necessary measures to achieve this purpose. The practice of sexual harassment in any of its manifestations violates the inviolability of the dignity of the human being and constitutes a clear discrimination against the person who suffers it.

mf For this reason, the University has a moral and legal obligation not to discriminate on the basis of sex and to take affirmative action to eliminate any practice that tends to be known as sexual harassment.

In keeping with the above, the University strongly prohibits this unlawful and discriminatory practice and will not tolerate such undesirable practices in employment and academia. The University has an affirmative duty to maintain a workplace free from sexual harassment and intimidation.

II. Legal Basis

The policy set forth herein was approved by the Board of Trustees of the Universidad Interamericana de Puerto Rico on February 24, 2006. It is in accordance with the Bylaws of the University, the Penal Code of Puerto Rico and other applicable federal and state laws.

The Constitution of the Commonwealth of Puerto Rico, in its Bill of Rights, establishes that the dignity of the human being is inviolable and that we are all equal before the law. It clearly states that no discrimination may be established on the basis of race, color, sex, birth, origin or social condition, or political or religious ideas.

In addition to the Bill of Rights, there are other laws in the country that guarantee the right not to discriminate against an employee on the basis of sex.

In federal law, discrimination on the basis of sex is prohibited by Section 703(a)(1) of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 200 et seq.). In this regard, sexual harassment is interpreted as a form of sex discrimination in the Guidelines on Sex Discrimination issued by the Equal Employment Opportunity Commission (EEOC), 29 C.F.R. 1604.11, as amended. In addition, in federal law, sexual harassment of students is prohibited under Title IX of the Elementary and Secondary Education Act of 1972, as amended (20 U.S.C. 1687).

Puerto Rican legislation regarding this type of discrimination is quite comprehensive. On April 22, 1988, Act No. 17 (29 L.P.R.A. 155) was approved to prohibit sexual harassment in the workplace. Article 10 of this Law imposes on every employer the duty to keep the workplace free of sexual harassment, which has the effect of creating an intimidating, hostile or offensive work or study environment, among other consequences.

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III. Scope

The policy contained herein shall be applicable to the entire University community including all supervisors, employees, faculty, and students of the University at all levels, provided that for purposes of this Article, those persons within the University's span of control shall be considered to be within the University's control. All such persons shall have a responsibility to observe this policy and shall be subject to investigation in cases of alleged sexual harassment as defined in this policy.

IV. Purpose

This document is intended to reaffirm the University's policy of keeping the institution free from sexual harassment and intimidation. This policy will promote the best interests of the University and help protect the reputation, integrity, rights and welfare of all University personnel. In addition, it brings the institutional policy on sexual harassment and intimidation in line with applicable federal and Puerto Rico legislation.

V. Definition of Sexual Harassment

Sexual harassment may adopt various manifestations of improper attitude or conduct, from sexual advances-direct or indirect-ranging from the most subtle and disguised acts of physical contact to simple or aggravated sexual aggression. It consists of any type of unwanted sexual approach, requests for sexual favors, and any other verbal or physical conduct of a sexual nature, when:

- 5.1 submitting to or refusing such conduct implicitly or explicitly becomes a term or condition of a person's employment or academic performance;
- 5.2 the submission or rejection of such conduct by the individual is used as a basis for making decisions regarding academic evaluation, employment, promotions, transfers, selection of training, evaluations or in the selection or granting of awards or benefits, etc.;
- 5.3 the conduct has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment, or substantially interferes with an individual's academic or work performance.

VI. Examples of Prohibited Conduct

Among the types of conduct that are considered unacceptable are the following

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- 6.1 Sexual acts , comments, jokes, posters.
- 6.2 Threats or requests or suggestions of a sexual nature where the harassed person believes that he or she will lose his or her job or be affected in his or her qualifications if he or she does not agree to the conduct desired by the harasser.
- 6.3 Pressure for the person being harassed to accompany the harasser to a specific undesired place (love date).
- 6.4 Attentions, unwanted and inappropriate compliments.
- 6.5 Pressure from supervisors or teachers for sexual favors in exchange for employment benefits, academic achievement or grades.
- 6.6 Conduct of a sexual nature at parties or social events when the party or event is sponsored or promoted by the University and the harassed person believes that he or she will lose employment or have his or her grades affected if he or she does not comply with these claims.
- 6.7 Physical assault for sexual purposes.
- 6.8 Propositions of a sexual nature.
- 6.9 A pattern of behavior intended to cause discomfort or humiliation, or both, that includes one or more of the following:
 - a. Comments of a sexual nature.

- b. *Sexually explicit statements*, questions, jokes or anecdotes.

6.1 O A pattern of conduct that creates discomfort or humiliation, or both, to a reasonable person to whom the conduct is directed that includes one or more of the following:

- a. Unnecessary physical approach (touching).
- b. *Patting*, hugging, rubbing body against the body of another person.
- c. Expressions of a sexual nature around a person's body or clothing.
- d. Expressions on activity sexual activity or speculation about previous sexual experiences.

6.11 Referring to Internet addresses with sexual content.

VII. Prohibition of Retaliation

Retaliation of any kind that adversely affects the employment or academic opportunities, terms and conditions of employment of any person is strictly prohibited:

- 7.1 has objected to the practices of any employee of this University that are contrary to established policy and regulation;
- 7.2 has filed a written complaint;
- 7.3 has testified, cooperated or in any way participated in a sexual harassment investigation, proceeding or hearing.

VIII. Preventive Measures

In order to comply with the institutional policy of preventing, discouraging and avoiding sexual harassment, Universidad Interamericana will take the following measures:

- 8.1 Implement the necessary methods to raise awareness of the scope of the law, as well as to publicize the prohibition of sexual harassment in employment and academia through the use of appropriate media and outreach.

- 8.2 Emphasis will be placed on publicizing the rights and protections afforded by law to applicants for employment and applicants for admission *as* students.
- 8.3 Establish an adequate and effective internal procedure to address complaints of sexual harassment, including the corresponding investigation and the holding of an administrative hearing when appropriate. Said hearing shall comply with the due process of law applicable to administrative law.

IX. Commitment of the University

- 9.1 The Inter-American University of Puerto Rico, *as a* private institution of higher education, of Christian and ecumenical origin and tradition, is committed to take the necessary measures to prevent, discourage and avoid sexual harassment in the workplace and in the academy. To this end, it complies with its legal and moral obligation to clearly and energetically state its institutional policy against sexual harassment.
- 9.2 As a complement to this institutional policy, the University is also required to establish an adequate and effective internal procedure to address complaints of sexual harassment. The University administration will be responsible for the preparation of the necessary regulatory documents for the effective implementation of this institutional policy.

X. Severability clause

Each section of this document may be separated from the others. Therefore, should any of them be invalidated, the remaining sections will not be affected and may be applied independently of those that have been invalidated.

XI. Other Matters

Any matter protected by law that is not included in this policy will be resolved by decisions made by the Universidad Interamericana de Puerto Rico, in accordance with the law, as indicated in Section II of this document.

XII. Repeal and Amendments

This policy supersedes Circular Letter G-134-92 and any other guideline that conflicts with the provisions herein. This policy may be repealed or amended by the Board of Trustees of the Universidad Interamericana de Puerto Rico, on its own initiative or *as a* result of a request from the President of the University.

XIII. Validity

This Policy shall be effective immediately.

XIV. Approval

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Chairman

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Date (D-M-A)

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