



Inter American University of Puerto Rico
President's Office

**PROTOCOL FOR THE MANAGEMENT OF DOMESTIC
VIOLENCE SITUATIONS AFFECTING STUDENTS IN
THE
ACADEMIC UNITS IN THE SYSTEM**

POLICY DOCUMENT E-0208-001

Introduction

Domestic violence is a serious social and public health problem that affects thousands of victims and families in Puerto Rico. It is one of the most critical manifestations of the effects of inequality in relations between men and women.

Domestic violence is destructive and undermines both the esteem and the integral development of individuals. Abuse in any of its manifestations should not be part of any relationship.

In fact, Law 54 of August 15, 1989, defines in Puerto Rico domestic violence as:

"An ongoing pattern of conduct of physical force or psychological violence, intimidation or persecution against a person by a spouse, former spouse, a person with whom he or she cohabits or has cohabited, with whom he or she maintains or has maintained a consensual relationship, or a person with whom a daughter or son has been procreated, to cause physical harm to his or her person, his or her property or the person of another, to cause serious emotional harm."

Domestic violence is a pattern of coercive *and* assaultive behaviors in which a person attempts to exert control over the thoughts, beliefs or behavior of a partner, friends or significant other. It is a cycle of abuse that includes but is not limited to physical/sexual abuse, threats, intimidation, isolation, and economic abuse.

Domestic violence is a problem that concerns us all and that transcends ethnic and cultural barriers, social classes, ideologies, and sexual orientation. Anyone can be abused or be a victim of domestic violence

It is the duty of all of us to play a more active role in promoting equitable, mature interpersonal relationships in the pursuit of peace.

I. Purpose

Inter American University of Puerto Rico, as an institution that believes in faithful compliance with the law and that bases its values on Christianity, is committed to just causes and is determined to take the necessary measures to guarantee a safe place of study for all its students.

Therefore, in compliance with Law 217 of September 29, 2006, and in recognition of the need to support the public policy of zero tolerance for domestic violence in Puerto Rico, it has decided to implement this Protocol for Handling Domestic Violence Situations in academic units.

This Protocol provides uniformity in the measures and procedures to be followed when a student at the University is a victim of domestic violence.

By means of these preventive and effective security measures, we will achieve an adequate management of cases that may involve elements of danger to the study environment.

Legal base

- 2.1 **Article I, Section 1 of the Constitution of the Commonwealth of Puerto Rico**, provides that the dignity of the human being is inviolable, that all persons are equal before the laws, and prohibits any discrimination based on sex, among others.
- 2.2 **Article I, Section 16 of the Constitution of the Commonwealth of Puerto Rico**, recognizes the right of every working person to be protected from risks to his or her health or integrity in his or her work.
- 2.3 **The Domestic Violence Prevention and Intervention Act, Act No. 54 of August 15, 1989, as amended**, establishes the public policy of the Commonwealth of Puerto Rico with respect to domestic violence and recognizes that it is one of the most complex and serious problems confronting society and is strongly repudiated. It also recognizes that domestic violence is a manifestation of gender inequality that particularly affects women. The Act provides legal, civil, and criminal remedies for persons who are subjected to acts constituting domestic violence.

- 2.4 **The Puerto Rico Anti-Stalking Act, Act No. 284 of August 24, 1999**, as amended, defines stalking as a "conduct by means of which surveillance is exercised over a certain person, unwanted verbal or written communications are sent to a certain person, acts of vandalism are made directed to a certain person, harassment is repeatedly made by means of words, gestures or actions aimed at intimidating, threatening or persecuting the victim or members of his family". The Stalking Law provides for a protection order like the one provided by Law No. 54, previously mentioned. The process to obtain it is the same and the form to file the application may be requested at the court.
- 2.5 **Act No. 542 of September 30, 2004**, amends Act No. 54, and provides that when the Court so understands or when it issues a protection or stalking order, it shall immediately order the promoted party to deliver to the Puerto Rico Police for its custody, any firearm belonging to the promoted party and on which he/she has been issued a license to own or possess, or for contribution, or for target shooting, hunting or any other type, as the case may be. The order for the surrender of any firearm shall be enforced compulsorily. Likewise, upon the issuance of said Order by a Court, said ruling shall have the effect of suspending the corresponding license even if it is part of the professional performance of the accused. Said restriction shall apply at least for the same period during which the Order is issued.
- 2.6 **Federal Firearms Prohibition, 18 U.S.C. 922 (9)(8). U.S.C. 922(g)(9).** *The Violence Against Women Act of 1994 (VAWA)* is federal legislation that provides legal protections for battered women. It prohibits a person against whom an order of protection has been issued and any person who has been convicted of a misdemeanor crime of domestic violence from possessing firearms **and** ammunition. However, there are "official use" exceptions to these prohibitions. The federal statute is retroactive, so it applies to convictions that occurred before the law went into effect.

III. Scope

This normative document will be in force in all academic units of the System and in all activities sponsored by the University as part of the educational program.

IV. Definitions

- 4.1 **Couple Relationship** - Means the relationship between spouses (husband and wife), former spouses, persons who cohabit or have cohabited, those who have or have had an intimate consensual relationship, those who have procreated a son or daughter with each other, and those who have or have had a dating relationship.
- 4.2 **Cohabit** - Means to sustain a consensual relationship like that of spouses.
- 4.3 **A person who engages in acts of domestic violence** Person who uses physical force or psychological violence, intimidation, or persecution against his or her partner.
- 4.4 **Place of study** - Any space in which a student is located within an academic unit. When it is a building or physical structure it includes surrounding spaces, such as landscaping and parking.
- 4.5 **Pursuit or pursuing** - Means keeping a person under constant or frequent surveillance with presence in the immediate or relatively close vicinity of the person's home, residence, school, work, or other places frequented by that person or in the vehicle in which the person is found, in such a way as to instill fear or apprehension in the mind of the average person.
- 4.6 **Serious Emotional Harm** - Means and arises when, as a result of domestic violence, the person who is the target of the conduct recurrently manifests one or more of the following characteristics: paralyzing fear, feelings of insecurity, dis-validity, isolation, weakened self-esteem or other similar behavior, when it is the product of repeated acts or omissions.
- 4.7 **Intimidation** - Means any action or word that, manifested on a recurring basis, has the effect of exerting moral pressure on the spirit of a person, who for fear of suffering some physical or emotional damage to his person, his property, or the person of another, is forced to carry out an act contrary to his will.
- 4.8 **Protective Order** - Means any order issued in writing under the seal of a court, in which measures are issued to a person who incurs in acts of domestic violence to refrain from incurring or carrying out the same.

-
- 4.9 **Surviving Victim** - Any person who has been subjected to acts constituting domestic violence.
 - 4.10 **Domestic violence** - The use of physical force, psychological or sexual violence, intimidation, or persecution against a person by an intimate partner to cause physical harm to that person, to his or her property, to third parties, or to cause serious emotional harm.
 - 4.11 **Psychological violence** - Means a pattern of constant conduct exercised in dishonor, discredit or contempt for personal value, unreasonable limitation to access and management of common property, blackmail, constant surveillance, isolation, deprivation of access to food or adequate rest, threats to deprive of the custody of the sons or daughters, or destruction of objects valued by the person, except those that belong exclusively to the offender.
 - 4.12 **Student** - Any person officially enrolled at the University in courses that are part of the academic programs.
 - 4.13 **Academic Unit** - All operational units of the UIPR that offer academic programs.
 - 4.14 **Dean of Students** - Refers to the highest-ranking official in charge of student affairs and services in the unit.

V. Dissemination and training plan

To publicize the established Institutional Policy, the Dean of Students will publish through electronic media and bulletin boards the document Guidelines, Norms, and Protocol for the Management of Domestic Violence Situations Affecting Students in their Place of Study. In addition, training will be coordinated for the personnel designated to handle situations or cases of domestic violence in the place of study and all students will be oriented on this matter.

VI. Responsibility of the Legal Counsel's Office

- 6.1 Design training aimed at the different sectors of the university community on protocol and other related topics.
- 6.2 Advise the Deans of Students or their counterparts regarding the proper handling of domestic violence situations or cases in the units.

- 6.3 Carry out the necessary legal actions related to the cases presented, on behalf of the University.
- 6.4 Advise *and* issue legal opinions to the Chief Executives *and* Deans of Students on the handling of cases *and* their possible implications, given the different actions taken in each case.

VII. Responsibility of the Dean of Students at the Unit

- 7.1 Publish, in a visible place, the institutional policy on domestic violence *and* keep the forms available.
- 7.2 Coordinate orientations for incoming students.
- 7.3 Coordinate training for personnel on the implementation of the protocol.

VIII. Institutional Security Plan

The University has an institutional security plan that will serve as a support measure for efforts to provide a safe environment or place of study and that protects in cases of situations of possible violence. Some of the strategies that are used or will be used in most of the System's units are identified below:

SECURITY MEASURES	IMPLANTATION
1. Maintain a registration of visitors.	Current
2. Maintain access control at the main entrances to each site or unit	Current
3. Maintain a daily log, on each shift each of the University Guard, of incidents or situations in the "News Book."	Current
4. Provide adequate lighting in the parking areas or more solitary areas within the premises.	Current
5. Provide security personnel in various shifts: day and night	Current
6. Constant monitoring of the main areas, through surveillance systems <i>and electronic recording</i>	Current in some units
7. Preventive rounds in motor vehicles and on foot.	Current
8. Preventive verification of the situation in dangerous areas.	Current
9. Assignment of a phone number to call in case of emergency or "Hot Line" in the unit.	Current in some units
10. Agreements with the police of Puerto Rico for preventative patrol near the university premises.	Current in some units

IX. Case management plan

Procedure

When a student voluntarily comes to the Dean of Students to expose a situation of domestic violence that may affect his/her academic performance or when a member of the university community identifies that a situation of this type could affect the unit and makes a referral to the Dean of Students, the situation will be handled in the following manner:

- 9.1 The Dean of Students will meet or summon the person involved and both parties will sign the Confidentiality and Consent Agreement prior to the interview.
- 9.2 An initial interview will be conducted, and the form established for this purpose will be filled out.
- 9.3 If there is an order of protection, a copy should be kept in the file that will be opened on the case. This copy should be provided to the Security Office.
- 9.4 The case will be evaluated, and it will be determined if it merits consultation with the corresponding university authorities.
- 9.5 If necessary, the Dean of Students or his/her representative, in coordination with the Director of the University Guard or his/her counterpart, together with the person involved will prepare a **Personal Safety Plan** (See Annex F) that should consider the following factors:
 - 9.5.1 Situations of risk in which the victim finds himself/herself
 - 9.5.2 Dangerousness of the aggressor
 - 9.5.3 Exposure of minors to abuse
 - 9.5.4 Economic and shelter needs of the victim and her children
 - 9.5.5 Threats by the aggressor to family or friends of the victim
 - 9.5.6 Risks to students, employees, or visitors to the unit

-
- 9.6 The people in the areas affected or involved in the situation will be informed of the recommendations in the case and the safety plan prepared.
 - 9.7 If there is no protection order and if deemed necessary, one will be requested through the Legal Counsel's Office.
 - 9.8 Refer the victim/survivor to appropriate agencies or domestic violence organizations for support services (Referral Authorization Sheet to be completed)
 - 9.9 The situation will be followed up as necessary.
 - 9.1 The following forms will be used in case management.
 - Annex B - Confidentiality and consent agreement Annex C -
Initial interview
 - Appendix D - Incident Report and Domestic Violence Situation Appendix E
- Authorization for Referral
 - Annex F - Personal safety plan

X. Personal safety plan

The University, through the Dean of Students, will prepare for each student affected by acts of domestic violence, a personal safety plan according to the elements of violence and risk. Taking into account the available resources, a plan will be designed within 72 hours after the incident is reported.

Some short-term suggestions are:

- 10.1 Offer protection to the affected person until the parking lot or provide a place near the security officer on a temporary basis.
- 10.2 Locate the person in a safer place within the study area; do not be near doors or windows, place physical barriers that make difficult access to the victim.

- 10.3 Consider the "carpool" so that the person does not travel alone to and from home. Offer guidance on alternate routes to follow or lodging.
- 10.4 Identify agencies to contact, such as the Puerto Rico Police, courts, shelters, and others.
- 10.5 Obtain a photograph of the offender to be part of the Personal Safety Plan and to enable the Security Office Staff to identify this person.
- 10.6 Retain as evidence facsimiles, e-mails, and letters sent to the victim if threats are involved.
- 10.7 Others.

Other provisions

- 11.1 Inter American University of Puerto Rico is not responsible for any damage, act or omission caused by the professionals to whom the students have been referred.
- 11.2 If the student rejects the Dean of Students' recommendations or fails to respond to outside assistance sought and as a result exhibits conduct that adversely affects his/her place of study, the student will be subject to appropriate disciplinary action.
- 11.3 The Dean of Students will maintain the strictest standards of confidentiality in the assistance provided to the student. A separate file will be prepared for each student receiving services. Such files will be archived and maintained under strict security measures. The only person who will have access to the file will be the Dean of Students or any other person whose functions so require.
- 11.4 The University will take the necessary measures to ensure the confidentiality of communications and information received from the student while providing services to prevent and intervene with victims of domestic violence. All communications will be privileged and will be protected by the privilege of confidentiality established in the Rules of Evidence of Puerto Rico.
- 11.5 The participation of the student will be voluntary and, once the student freely accepts the services, the student will sign the consent form; the

student will choose the professional resources, public or private, that he/she considers necessary to solve his/her problem.

- 11.6 Among other resources, the University will use the *Resource Directory* provided by the Office of the Women's Advocate to provide the assistance the student needs.
- 11.7 The Dean of Students will obtain the student's written consent to disclose or request information related to the situation that is present, under the conditions set forth above.
- 11.8 Inter American University of Puerto Rico reserves the right to deviate from the steps established in this Protocol, depending on the circumstances of each case, and this does not create a cause of action against the institution.

XII. Separability

The provisions of these rules are separable from each other, so that the declaration of nullity of any of them will not affect the others, which may be applicable independently of those declared null and void.

XIII. Repeal and amendments

This policy document may be amended or repealed by the president of the university.

XIV. Validity

This policy document shall be effective immediately upon approval and signature by the president.

XV. Approval

President

Fecha (D-M-A)

ymc

Annex

es

INTER AMERICAN UNIVERSITY OF PUERTO RICO
CENTRAL OFFICE OF THE SYSTEM

ANNEXES

PROTOCOL **FOR** THE MANAGEMENT OF DOMESTIC
VIOLENCE SITUATIONS AFFECTING STUDENTS IN
THE UNITS
ACADEMIC UNITS IN THE SYSTEM

Table of Contents

Annexes:

Annex A - Institutional policy on compliance with the Protocol on handling situations of domestic violence in the workplace

Annex B - Confidentiality *and* consent agreement

Annex C - Initial interview

Annex D - Incident *and* domestic violence situation

Annex T - Authorization for referral
he

Annex F - Security plan

APPENDIX A

INSTITUTIONAL POLICY ON COMPLIANCE WITH THE PROTOCOL ON HANDLING SITUATIONS OF DOMESTIC VIOLENCE IN THE ACADEMIC UNITS

The Inter American University of Puerto Rico is committed to the public policy of the Government of the Commonwealth of Puerto Rico of not tolerating and repudiating, in the most energetic manner, all acts of domestic violence against women or men. No act of domestic violence shall be permitted because it constitutes an aggression and a criminal act against the student and because it threatens the integrity and physical, mental, spiritual, and moral health and esteem of the victim/survivor. In addition, under no circumstances accept that no victim/survivor of domestic violence will be discriminated against.

In accordance with this policy and in compliance with Law 217 of 2006, the University will adopt the necessary guidelines, protocols, and regulations to guarantee the education, prevention, or correct handling of situations of domestic violence in the academic units.

Our institution recognizes its obligation to prevent or eliminate those acts of domestic violence such as: harassing, intimidating, or threatening a person in the academic units by using regular mail, e-mail, fax, telephone or by going personally or sending third parties; persecuting, physically assaulting before entering, during or upon leaving the academic units.

This policy seeks to guarantee its students a safe study area in order to carry out not only their curricular activities, but also for the physical safety and mental tranquility of its students. In accordance with the provisions of applicable local and federal legislation and regulations, it has a moral and legal commitment to all students who are facing the consequences of acts of domestic violence, to support and assist them in seeking resources and remedies that are necessary to address and overcome the situation.

It will not be permitted, on the part of any member of the university community, any type of conduct that in its intention and/or effect, results in an unfavorable action towards a student because he/she is facing a situation of domestic violence. The Inter American University of Puerto Rico invites the entire university community to join this effort and to report any situation or incident of domestic violence as soon as possible.

The Dean of Students will ensure compliance with this policy. Doubts, suggestions, inquiries, or complaints related to compliance with this policy will be addressed to the Dean of Students
the policy should be addressed in writing to the Vice President for Academic, Student Affairs, and Systemic Planning.

This statement will be disseminated internally through electronic media and by posting a copy of the document for all to see on the bulletin board. All incoming students will be made aware of the existence of the Protocol on Handling Domestic Violence Situations at the University and copies will be available for handout upon request.

APPENDIX B

CONFIDENTIALITY AND CONSENT AGREEMENT

It is hereby agreed between _____

and _____ ^{university} the following:
_{Student}

1. The information provided by _____ _{student} will be kept in strict confidence in a secure location under the custody of the Dean of Students.
2. Information provided by the student will not be shared, except by court order or for security reasons, with law enforcement, security, or other personnel. The information will be provided with the prior knowledge *and* authorization of _____ _{Student}.
3. The plan of security *and* the services established in conjunction with the _____ _{student} will be part of the confidential information.
4. _____ _{student} authorizes that the designated person at the University with whom the information has been shared may arrange services with private organizations *and* public agencies relevant to the case, provided *that* the student is informed accordingly.

Student's name

Name of designated person

Department or Program

Position

Student's signature

Signature of designated person

Date

Date

APPENDIX C

INITIAL INTERVIEW

I. Sociodemographic Data

1. Name		
2. Department or Program:		
3. Immediate Supervisor:		
4. Mailing Address:		
5. Work Area:		
6. Physical Address:		
7. Phone:	Cellular:	Other:
8. Age:		
9. The student has minors in his or her custody:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Ages J		

10. Special conditions for students: ()

Physical disability

Mentally handicapped

Pregnant

Immigrant

Other _____

11. Referred by: () Faculty

Fellow student

Self-initiated

Was cited

Other _____

ATTACHMENT D

Domestic violence incident and situation

A. Incident occurred at the place of study or situation presented by the student:

At the time of the interview the affected person has a protection order in place covering the school:

- () Yes (Request a copy of the same and include in the file) () No

Was a confidentiality and consent agreement completed and signed between the student and the university?

- () Yes (If yes, please include it) () No

B. Information about the aggressor¹:

1. Full name:
2. Nickname if any:
3. Age:
4. Occupation:
5. Address where you currently reside:
7. Place of study <i>and</i> schedule:
8. Relationship with victimizer:

¹ Remember that a photo of the offender may be requested.

9. Possesses firearm(s) () Yes () No
10. He has a license for the possession or contribution of weapons:
11. Automobile owned make/ year/ color/ license plate:
12. Previous protection orders against you:

Student's name

Name of designated person

Department or Program

Position

Student's signature

Signature of designated person

Date

Date

REFERRAL AUTHORIZATION¹

I _____ of _____ years of age,
and neighbor of _____ authorize
_____ of the Inter American University of Puerto Rico
to share information with _____.

I hereby certify that I have been duly informed about the steps to be taken *and*
the relevance of such management with respect to my situation has been explained to me.

Student's name

Name of designated person

Department or Program

Position

Student's signature

Signature of designated person

Date

Date

¹ A form must be completed for each referral.

SECURITY PLAN

A. A Confidentiality Agreement between _____
student
 and _____
university

() Yes (If yes, include it) () No

B. Actions to be taken

ACTIONS TO BE TAKEN	PERSON RESPONSIBLE

C. Coordination of services

Was the referral authorization signed?) Yes (If yes, please include it)
 () No

Was it agreed to coordinate the following support services?

TIPO DE SERVICIOS	INSTITUCIÓN
✓ Psycho-social orientation	
Orientation, legal advice by OPM ¹	
Application for a protection order	
Others	

D. Follow-up notes

 Student's signature

 Name of designated person

 Date

 Signature of designated person

¹ Office of the Women's Advocate.