



Inter American University of Puerto Rico
President's Office

**INTERNAL REGULATIONS FOR HANDLING COMPLAINTS REGARDING THE USE AND
ABUSE OF DRUGS AND ALCOHOLIC BEVERAGES ON THE INTER AMERICAN
UNIVERSITY OF PUERTO RICO PREMISES**

NORMATIVE DOCUMENT G-0807-028R

Introduction

Circular Letter G-148-92 set forth the institutional policy on the use and abuse of drugs and alcoholic beverages on university premises, as approved by the Board of Trustees in 1992. This policy is still in effect at the institution. However, the Regulation approved for the implementation of said policy, Normative Document G-0807-028, was revised to adapt it to the new legislation approved, to the current administrative organization of the University System and to make it consistent with the General Student Regulation.

Institutional Policy

The Inter American University of Puerto Rico, as a university center of Christian and ecumenical orientation, aspires to provide the members of its community with an intellectual, social, and moral environment that stimulates the maximum and full development of the individual and encourages study and the search for truth in a climate of peace and respect.

We understand that the illicit use of drugs and alcohol abuse is one of the problems that most affects our society. It represents a serious threat to the achievement of our aspiration since it diminishes the efficiency and productivity of our human resources, limits the capacity for learning in the academic environment and hinders the establishment of the desired climate.

In view of the above, the Inter American University of Puerto Rico declares, as a policy of this institution, the commitment to fight against this social problem by maintaining a study and work environment free of drugs, alcoholic beverages and controlled substances. This commitment is to be put into practice by means of:

- a. The awareness of the university community about the harmful effects of the illicit use of drugs and alcohol abuse.
- b. The establishment of preventive measures to help maintain a drug- and alcohol-free environment.

- c. The adoption of standards and rules that enable the institution to deal effectively with cases of illicit drug use and alcohol abuse.

For the above purposes, the University declares that: the illicit manufacture, distribution, possession, or use of drugs, controlled substances, and alcoholic beverages is strictly prohibited on the premises of any University campus or facility.

Internal Regulations for Handling Complaints Regarding the Use and Abuse of Drugs and Alcoholic Beverages on the Premises of the Inter American University of Puerto Rico

I. Legal base

These regulations are adopted in accordance with the authority conferred to the President by the Board of Trustees in the Bylaws of the Inter American University of Puerto Rico. It is further supported by the following federal and Puerto Rico laws:

- 1.1 Drug-Free Workplace Act of 1988, 41 U.S.C.A. 701 et seq. as amended.
- 1.2 Drug Free Schools and Communities Act of 1989, section 1213, 20 U.S.C.A 10011h and 10111, as amended.
- 1.3 The regulations adopted by the U.S. Department of Education to implement these laws, 34 CFR parts 85 and 86; 48 CFR subpart 23.5.
- 1.4 *Drug Free Workplace Act of 1988 (Public Law 100-690 passed November 18, 1988, and amended, 41 USC 701).*
- 1.5 *Drug Free Schools and Communities Act, amendment of 1989 (Public Law 101-226) passed on December 12, 1989, (24 LPRA) and amended, 34 CFR 668.14).*
- 1.6 Puerto Rico Controlled Substances Act, Act No. 4 of June 23, 1971, as amended.
- 1.7 Law No. 59 of August 8, 1997, regulates the testing for the detection of controlled substances in the private sector, through the establishment, by the employer, of programs to detect the illegal use of controlled substances.
- 1.8 Act No. 143 of June 30, 1969, as amended, 13 L .P.R.A. 6001 and following.

- 1.9 Act No. 80 of May 30, 1976, as amended, known as the Unjustified Dismissals Act.

II. Purpose

This Regulation has the following purposes:

- 2.1 Raise awareness in the university community about the harmful effects of illicit drug use and alcohol abuse.
- 2.2 Establish preventive measures to help maintain a drug- and alcohol-free environment.
- 2.3 Adopt policies and rules that enable the institution to deal effectively with cases of illicit drug use and alcohol abuse.

III. Scope

The rules contained herein shall be applicable to all employees, faculty, students of the University and independent contractors providing services to the University. Provided, however, that the consumption of alcoholic beverages shall only be permitted at special activities authorized in advance by the Chief Executive of the Institutional Unit. This exception is not applicable to student activities within the academic units.

These standards will be incorporated into the following Manuals and Regulations in the appropriate sections:

- 3.1 Full-time Faculty Handbook.
- 3.2 Policy Manual for Non-Teaching Personnel.
- 3.3 Part-time Faculty Handbook.
- 3.4 General Student Regulations.

IV. Definitions

As used in these regulations, the following terms mean:

- 4.1 Official University Activity - Any activity, including those of accredited student organizations, using the University's name as a sponsor and University funds or property, with the prior approval of the Board of Trustees, the President of the University, or a Chancellor or his or her designee.

- 4.2 Alcohol or alcoholic beverage - Any beverage for human consumption containing alcohol, whether produced by fermentation or distillation, and whose manufacture, supply, sale or use is regulated by the Puerto Rico Beverage Act, Act No. 143 of June 30, 1969, as amended, 13 L .P.R.A. 6001 et seq.
- 4.3 Commercialization - Means the illegal commercial transaction, purchase, sale, delivery, receipt, interaction and exploitation of narcotics and controlled substances under legal prohibition.
- 4.4 Illegitimate commercialization - It is when the active subject, being authorized to trade or transport-controlled substances, gives them an illegitimate USE.
- 4.5 Illegal commercialization - It is when the active subject does not have due authorization to trade or transport-controlled substances that are under legal prohibition regime.
- 4.6 University Community - The group of people who work or study at the Inter American University of Puerto Rico.
- 4.7 Consume - Consume means the sporadic or permanent use of controlled substances that are under the legal regime of prohibition, and that involves the danger of dependence.
- 4.8 Independent contractor - Individuals or entities that:
 - 4.8.1 Operate a business within the structures or premises of the University.
 - 4.8.2 Build or remodel structures on university property.
 - 4.8.3 They rent facilities from the University for private activities.
- 4.9 Convicted - A person who has been legally proven guilty of a violation of the Correlated Substances Act by a court of law within the jurisdiction of the Commonwealth of Puerto Rico or the United States of America.
- 4.10 Drugs - Any prescription drug or controlled substance.

- 4.11 Employee - Any person employed, with or without pay, or receiving a salary, wages, allowance, per diem, or any other periodic compensation from the University for the performance of teaching, administrative or maintenance duties:
 - 4.11.1 Full-time or part-time teachers.
 - 4.11.2 Temporary, "provisional" and indefinite-term employees.
 - 4.11.3 Probationary and regular employees.
 - 4.11.4 Volunteers.
 - 4.11.5 Part-time or full-time employees.
- 4.12 Student - Any person enrolled in any of the courses or programs offered by the University.
- 4.13 Board - Board of Trustees of the Inter American University of Puerto Rico.
- 4.14 Respondent - A person who is charged with a violation of these Rules.
- 4.15 Possession - The material act of possessing controlled substances.
- 4.16 Illegal possession - When the active subject susceptible of committing a crime, performs a fraudulent act contrary to the express prohibitions of the Law, of possession, storage, or possession of controlled substances to which an undue destination is given, or who, having authorization to possess, makes undue use of them.
- 4.17 Prescription - Means an order given by a physician, dentist, or veterinarian authorized to dispense controlled substances.
- 4.18 President - The President of the University.
- 4.19 Complaint - A signed, written allegation filed with the designated official of possession, use, disposal, distribution, manufacture, handling or any other activity involving drugs and controlled substances, or alcohol use by any University employee, student or independent contractor, their agent or employee, on university grounds or facilities or at University-sponsored or controlled activities off University premises.
- 4.20 Chancellor/Dean of Professional Schools - The highest administrative and academic authority in each academic unit. The actions that this regulation entrusts to a Chancellor/Dean of Professional Schools, may be carried out by an official delegated by him.

- 4.21 **Controlled Substances** - Are those in classifications I, **11, III, and IV** of Section 202 of Act No. 4 of June 23 , 1971, as amended, known as the Controlled Substances Act of Puerto Rico, as amended, 24 L .P.R.A. 2101 et seq., the manufacture, supply, sale, possession or use of which is not lawful under the provisions of said Act; or any other legislation of the Commonwealth of Puerto Rico or of the United States of America, except for the use of controlled substances by medical prescription or other use authorized by law.
- 4.22 **Illicit trafficking** - Is the act of transferring or transporting narcotics and controlled substances, as well as previous or subsequent acts, directed to illicit commercial transactions of delivery in any title of controlled substance or under the regime of legal prohibition.
- 4.23 **Institutional Unit** - The System's Central Office, each Campus, School of Law and School of Optometry or any other facility owned or used by the University as a place of work or study.
- 4.24 **University** - The Inter American University of Puerto Rico and all its dependencies.
- 4.25 **Drug Use and Alcohol Abuse** - Refers to the illegal use of drugs, controlled substances and alcohol consumption by any employee, student or independent contractor of the University or its employees on university grounds or facilities or at university sponsored or controlled activities off University premises.

V. Drug and alcoholic beverage use and abuse regulations

5.1 Prohibition of controlled substances

The manufacture, possession, consumption, sale, or distribution of controlled substances on the premises of the Inter American University of Puerto Rico or during its official activities, inside or outside its premises, constitutes a serious violation of this regulation that will entail separate and different sanctions. to any other penalty that may be imposed under any applicable law in Puerto Rico.

5.2 Prohibition of alcoholic beverages to minors

The possession, consumption, sale, or distribution of alcoholic beverages by or to persons under 18 years of age on the premises of the Inter American University of Puerto Rico or during its official activities, inside or outside its premises, constitutes a serious violation of these Regulations that will entail

sanctions separate and distinct from any other penalty that may be imposed under any law applicable to Puerto Rico.

5.3 Possession, consumption, sales, or distribution of alcoholic beverages on university premises

The possession, consumption, sale, or distribution of alcoholic beverages on university property is prohibited. This includes the introduction of alcoholic beverages inside classrooms, lecture halls, student centers, residence halls, and athletic or cultural facilities. It is provided, however, that the consumption of alcoholic beverages will only be allowed in special activities previously authorized by the Chief Executive of the Academic Unit. This exception does not apply to student activities within the academic units.

The person authorizing the activity shall ensure that a designated official is present to ensure full compliance with applicable regulations.

5.4 Possession, consumption, sale, or distribution of alcoholic beverages at official activities outside of university premises

The possession, consumption, sale, or distribution of alcoholic beverages at official activities of the University to be held outside its premises is prohibited, unless prior authorization is requested and granted by the Board of Trustees, the President of the University, or a Chancellor, in accordance with Article 5.3 of these Regulations.

5.5 Requests for authorization for the supply or consumption of alcoholic beverages on university premises or at any official activity off University premises

The request for authorization shall indicate:

5.5.1 Name of the person, group, or organization.

5.5.2 In the case of an entity, purpose for which it was created.

5.5.3 Type of activity.

5.5.4 Date, time, and place where the activity is planned to take place.

5.5.5 Projected duration of the activity.

5.5.6 Name, address, and telephone number of persons requesting authorization.

5.5.7 Written commitment of the organization to comply with the rules set forth in these regulations.

The application for authorization shall state that the persons requesting the authorization undertake to personally ensure compliance with Articles 5 of these Regulations.

Each unit of the University will identify the places within its premises where the presence of alcoholic beverages is permitted. The celebration of any activity whose main purpose is the consumption of alcoholic beverages will not be authorized, nor will alcoholic beverage consumption contests be permitted.

5.6 Prohibition of the promotion of alcoholic beverages

Alcoholic beverage advertisements are prohibited on university property.

5.7 Student residences

This regulation shall strictly apply to students housed in the University's residence halls. The introduction of controlled substances or alcoholic beverages within the confines of those residence halls will be a *serious* violation of this regulation.

5.8 Procedures to be followed in the event of conviction for violation of the provisions of these Regulations

5.8.1 Student - Any student who is found guilty or pleads guilty, before a Court of Justice, of a violation of the provisions of these Regulations, occurring within the university premises or at an activity sponsored by the University, shall notify in writing the Dean of Students of his/her institutional unit within five days from the date of the reading of the sentence.

5.8.2 Employees - Any employee who is found guilty or pleads guilty, in a court of law, of a violation of the provisions of these Regulations occurring on university premises or at a University-sponsored activity, shall notify the Dean of Administration of his/her institutional unit in writing within five working days from the date of sentencing.

5.8.3 Duty of the University

- 5.8.3.1 Upon receipt of the notice referred to in this Article, or if it otherwise acquires official knowledge of the criminal conviction, the University will decide within 10 calendar days whether the student or employee is one of those upon whom federal regulations require the University to notify a federal agency of the conviction.
- 5.8.3.2 The University begins the procedure with the evaluation of each case and the requirement to the student or employee to submit to a treatment or rehabilitation plan prior to the applicable disciplinary procedure, required by the General Student Regulations or by the Faculty Manuals and the Non-Faculty Personnel Manual, within 30 calendar days from the receipt of the notification referred to in this Article or from the time the University becomes officially aware of the criminal conviction. For such purposes, the institution will establish and will implement a rehabilitation program and counseling for these persons.

VI. Authorized tests

- The University may require employees or applicants for employment to submit to testing for controlled substances in the following circumstances:

- 6.1 Individualized reasonable suspicion - an employee may be subject to drug testing when at least two of the employee's supervisors (one of whom must be a direct supervisor), determine that there is individualized reasonable suspicion that the employee is under the influence or is a user of controlled substances, whether that fact is later established. The suspicion must be based on observable and objective factors such as:
 - 6.1.1 Direct observation of use.
 - 6.1.2 Physical symptoms.
 - 6.1.3 Repeated pattern of abnormal or erratic behavior in employment.

- 6.2 Follow-up testing - Employees entering a rehabilitation program may be subject to follow-up testing.

VII. Disciplinary proceedings

7.1 Students

- 7.1.1 As far as students are concerned, this Regulation shall be considered a rule adopted under the General Student Regulation, so that any violation of this Regulation shall mean a violation of Chapter V, Article 1 of the General Student Regulation.
- 7.1.2 Chapter V, Article 2 of the General Student Regulations typifies as conduct subject to disciplinary sanctions the provisions of Article 1. For these conducts, as well as to address violations to these Regulations, the disciplinary procedures related to students are adopted, which are established in Chapter V, Article 3 of the General Student Regulations.
- 7.1.3 The following disciplinary sanctions shall be imposed for violation of Section V of these Bylaws:
- 7.1.3.1 Admonishment.
 - 7.1.3.2 Probation for a defined period during which another violation of any rule will result in suspension.
 - 7.1.3.3 Suspension from the University for a definite period. Violation of the terms of the suspension will result in an increase of the suspension period or permanent separation from the University.
 - 7.1.3.4 Definitive separation from the University - The student who incurs in any of the violations that this Regulation classifies as serious, or who incurs in a second violation of any type of this Regulation, will not be eligible for the first of the above-mentioned sanctions. This provision shall be subject to the final determination of the evaluation process in case the student's situation warrants the requirement of a rehabilitation and counseling program, as established in these Regulations.

7.2 Student Organizations

- 7.2.1 As far as student organizations are concerned, this Regulation shall be considered a rule adopted under the General Student Regulations, therefore any violation of this Regulation shall be considered a violation of Chapter III, Article 3 of the General Student Regulations.
- 7.2.2 The accrediting official or body shall impose the following disciplinary sanctions on student organizations:
 - 7.2.2.1 Admonishment.
 - 7.2.2.2 Probation for a defined period during which another violation of any rule will result in suspension or separation. During this period members of the organization shall work on prevention education activities assigned and supervised by the unit's Prevention Program staff.
 - 7.2.2.3 Suspension of some rights and benefits related to recognition. During this period the members of the student organization must work in a community service program, under the supervision of the unit's Prevention Program.
 - 7.2.2.4 Suspension of accreditation for a defined period: a Student Organization that incurs in any of the violations listed in this Regulation as serious, or that incurs in a second violation of any kind of this Regulation, will not be eligible for re-accreditation unless its members develop or work in educational prevention activities assigned, supervised, and duly evidenced by the unit's Prevention Program staff.
 - 7.2.2.5 The Legal Counsel's Office will develop alternative dispute resolution methods for those cases in which there is no agreement between the parties regarding the sanction issued when no serious crime has been committed.

7.3 Employees

- 7.3.1 With respect to employees, violation of Section V of these Rules and Regulations shall result in the following disciplinary sanctions:
 - 7.3.1.1 Oral admonishment.
 - 7.3.1.2 Written warning.

- 7.3.1.3 Suspension from employment and salary, for a definite term not to exceed six months. Violation of the terms of the suspension will result in an increase of the suspension period or permanent separation from the University.
 - 7.3.1.4 Dismissal, with the consequent disqualification from serving the University, unless it is formally determined rehabilitation, in accordance with the rules established for this purpose by the Institutional Human Resources Office.
 - 7.3.1.5 An employee who incurs in any of the violations of this Regulation classified as serious, or who incurs in a second violation of any type of this Regulation, shall not be eligible for the first two sanctions mentioned above. This provision shall be subject to the final determination of the evaluation process in the event that the employee's situation warrants the requirement of a rehabilitation and counseling program, as established in this Regulation.
 - 7.3.1.6 The imposition of any disciplinary sanction must be preceded by the corresponding procedure, with the investigation of the facts and the administrative due process required by the University, and the Law, in harmony with the fundamental purpose of disciplinary action that seeks corrective action in the best institutional interests.
 - 7.3.1.7 The Legal Counsel's Office will develop alternative dispute resolution methods for those cases in which there is no agreement between the parties regarding the sanction issued when no serious crime has been committed.
- 7.4 Possession with intent to distribute or the distribution of controlled substances may entail:
- 7.4.1 Probation and require the employee or student to enter a rehabilitation program approved for such purposes by the federal, local government or other recognized agency. Failure to comply with the probation will result in suspension for a defined period.
 - 7.4.2 Suspension from classes or employment for a definite period.
 - 7.4.3 Permanent separation in the case of students and dismissal in the case of teachers and non-teaching staff.

Any one or a combination of these sanctions may be imposed. The University will notify state and federal authorities for appropriate action.

- 7.5 The use, possession, or distribution of alcoholic beverages in any form on campus or on university grounds and buildings may result in the following penalties:
 - 7.5.1 Written reprimand and copy to student.
 - 7.5.2 Probation and require the employee or student to enter a rehabilitation program approved for such purposes by the federal, local government or other recognized agency. Failure to comply with the probation will result in suspension for a defined period.
 - 7.5.3 Suspension from classes or employment for a definite period.

Any one or a combination of these sanctions may be imposed. The University will notify the appropriate state authorities for appropriate action in cases of unauthorized distribution by the Department of Revenue.

In cases of recidivism, in addition to the sanctions, permanent removal from class or employment may be imposed.

VIII. Informal complaint procedure

- 8.1 Right to file a complaint
 - 8.1.1 Any employee or student shall have the right to file a complaint regarding a violation of these Regulations. The complaint must be presented in writing within the jurisdictional term of 30 calendar days from the date on which the facts occurred. It must contain a concise statement of the conduct in which the complained party allegedly incurred, and the provisions of the regulations allegedly violated.
 - 8.1.2 The complaint shall be filed with the Chief Executive Officer of the Academic Unit and in the case of the System Central Office with the appropriate Vice President or Executive Director of the President's Office. These officers shall appoint a special committee to conduct a confidential and objective investigation of the case. Such investigation shall be initiated within a period not to exceed 10 working days from the date on which the complaint was received. Periods of administrative recess shall not count as part of these 10 days.

8.2 Special Committee

- 8.2.1 In cases of students - Dean of Studies, Dean of Administration, Dean of Students or their counterparts and a Counselor.
- 8.2.2 In the cases of faculty and non-teaching staff - Dean of Studies, Dean of Administration, Director of Human Resources, or their counterparts.
- 8.2.3 In cases of employees in the System Central Office - Executive Director of Human Resources, a Vice President and one other member designated by the Presiding Executive Director.
- 8.2.4 In the three cases mentioned here, the Special Committee will include an expert person with knowledge and experience in this type of investigation (forensic, chemical, biochemical, biochemical or physiological methods).
- 8.2.5 The Office of Legal Counsel will prepare the protocol to be followed to obtain and preserve the blood, alcohol or drug tests required or necessary to address the complaint.

8.3 Research

One of the members shall be designated by the Chairman of the Committee to investigate the complaint and report to the Board within 30 calendar days from the date the investigation begins. Periods of administrative recess shall not count as part of these 30 days.

If, after investigating the informal complaint, the committee determines that there is insufficient cause to prove the alleged violation, it shall so state in writing and explain to the complaining party through appropriate dialogue. For all purposes, this case shall be considered closed.

If the Camile believes that there is sufficient cause to believe that the respondent has committed the alleged violation, he/she shall provide the respondent with an opportunity for clarification and defense by holding an informal hearing.

The evidence and documentation collected shall be retained until the case is resolved or as long as the regulations in force so require.

8.4 Informal view

- 8.4.1 The Committee shall summon the complained party within 10 working days from the date on which sufficient cause is determined to exist. The notice shall contain:
- 8.4.1.1 Date, time, and specific place where the informal hearing will be held (the hearing will be held within 20 calendar days from the date of notification.) Periods of administrative recess shall not count as part of these 20 days.
 - 8.4.1.2 Violations charged.
 - 8.4.1.3 Date on which such violations occurred.
 - 8.4.1.4 The right to express themselves and to present any oral and/or documentary evidence.
- 8.4.2 If the complained party fails to appear at the date and time set for the informal hearing, the Committee shall refer the case to the Chief Executive Officer of the Academic Unit or the Executive Director of the Presidency at the System Central Office for a formal hearing.
- 8.4.3 Once the informal hearing has been held, the Special Committee will determine whether the respondent has committed the alleged violations and will submit a report with its recommendations to the Chief Executive Officer of the Academic Unit and, in the case of the System Central Office, to the Executive Director of the Presidency, within a period not to exceed 20 calendar days.
- 8.4.4 If the preliminary study and evaluation reveals the possibility that the respondent needs to be referred for medical, professional, or specialized evaluation, the Committee shall inform the respondent with the pertinent recommendations.
- 8.4.5 The preliminary case study includes the possibility of achieving modification of the respondent's behavior. If the rehabilitation of the complained party is achieved through favorable changes in such conduct during a period of six months, as verified by the Chief Executive Officer of the Academic Unit or by the Executive Director of the Presidency in the case of the System Central Office, the case will be closed.

IX. Formal procedure: Administrative Hearing

9.1 Request for Administrative Hearing

If the Special Committee determines that the person incurred in the alleged violations and refuses to be referred for medical, professional, or specialized evaluation, the complained party shall have the right to request an Administrative Hearing. The request shall be filed with the Chief Executive Officer of the Academic Unit and in the case of the System Central Office, with the Executive Director of the President's Office, within 10 working days of the date of notification of the Special Committee's determination.

9.2 Appointment of the Examining Officer

The Chief Executive Officer of the Academic Unit or the Director of the Office of General Counsel at System Headquarters shall designate an Examining Officer who shall be an attorney with extensive professional experience. The Chief Executive Officer of the Unit and the Executive Director of the Presidency will provide the Reviewing Officer with a copy of the complaint and the request for the Hearing. The Hearing Officer shall notify the parties of the date on which the Hearing will be held, granting them a reasonable period for their defense, not to exceed 20 calendar days, from the date of the notification thereof.

9.3 Notification of Administrative Hearing

The Hearing Officer shall notify all parties of the Formal Hearing. The notice shall contain:

- 9.3.1 Concise account of the conduct in which the defendant allegedly incurred.
- 9.3.2 Date, time, and specific place where the Hearing will be held.
- 9.3.3 Violations charged.
- 9.3.4 Date on which the alleged violations occurred.
- 9.3.5 Applicable disciplinary sanctions.
- 9.3.6 The right to be represented by counsel or any other person of his or her choice, to question, cross-examine and present oral and/or documentary evidence.

9.4 View Suspension

It is the intention of these rules that the procedure for handling complaints be conducted in a prompt and efficient manner, but within a framework of fairness and equity. Therefore, motions to stay proceedings will not be favored.

9.4.1 If either party is interested in adjourning the scheduled Hearing, it must file a written request to that effect with the Examining Officer at least five working days before the scheduled date of the Hearing. A copy of such request shall be sent to the other party.

9.4.2 Any party who has requested the suspension of a Hearing must appear before the Examining Officer on the date and at the time indicated for the holding of the Hearing, unless he has previously received notice from the Examining Officer granting the requested suspension. If the requested suspension is not granted, the Hearing may be held by the Examining Officer.

9.5 Warranties on Sight

At the Hearing to be held, the Examining Officer shall assure all parties of the following:

9.5.1 The right to attend the Hearing alone, accompanied and/or represented by an attorney or any other representative of your choice.

9.5.2 The right to hear any witness evidence and read any documentary evidence presented at the hearing.

9.5.3 The right to examine and cross-examine witnesses and to rebut the evidence presented.

9.5.4 The right to have all determinations made by the Examining Officer be in writing and based on the oral and documentary evidence presented at the Hearing.

9.5.5 Right to hear any witness evidence and read any documentary evidence presented at the Hearing.

9.6 View Conduction

9.6.1 All proceedings before the Official Examiner will be recorded on tape or other available media that will be delivered for preservation and custody to the University or

to the person designated by it for that purpose. The Rules of Evidence governing judicial and ordinary proceedings shall be applied flexibly.

9.6.2 The Hearing Officer shall begin the Hearing by summarizing the controversies involved in the complaint and explaining the manner in which the Hearing will be conducted.

9.6.3 During the Hearing, the Hearing Officer shall have all authority necessary to ensure that the proceeding is conducted in a decorous manner, including, but not limited to, the authority to order a party, its attorney or representative, or a witness to remain silent, or to exclude from the hearing any person who fails to conduct himself or herself in a decorous manner. The exercise of the powers granted herein to the Hearing Officer shall be interpreted and applied in such a manner as to afford the parties due process of law and administrative due process.

9.7 Resolution of the Examining Officer

After the Hearing, the Examining Officer shall issue his decision, within 30 days thereafter, with his findings of fact, conclusions of law and recommendations as to the sanctions to be imposed.

It shall be the responsibility of the Examining Officer to send a certified copy of the Resolution to the Executive Director of the Presidency, to the Chief Executive of the Academic Unit and to the Executive Director of Human Resources, in the case of an employee.

When the violations have been incurred by Chief Executives of the Academic Units and employees of the System's Central Office, the Executive Director of the Presidency shall resolve the case taking into consideration the Resolution of the Examining Officer and impose the corresponding sanctions. The Executive Director shall notify the complained party with acknowledgment of receipt, within 20 calendar days of receipt of the Resolution of the Examining Officer. Periods of administrative recess shall not count as part of these 20 days.

If the violations come from students, professors and non-teaching employees of the Academic Units, the Chief Executive of the Unit shall resolve and impose the sanctions as set forth in the preceding paragraph.

X. Imposition of Disciplinary Sanctions and Appeal

10.1 Imposition

Disciplinary sanctions shall be imposed as follows:

- 10.1.1 The Chief Executive of the Academic Unit, in coordination with the Dean of Students, will impose appropriate sanctions when violations have been incurred by students.
- 10.1.2 When violations have been incurred by non-instructional employees of the Academic Units, the Chief Executive Officer of the Academic Unit in coordination with the Executive Director of Human Resources will impose sanctions.
- 10.1.3 When violations have been incurred by System Central Office personnel and Chief Executives of the Academic Units, sanctions will be imposed by the Executive Director of the Presidency upon the recommendation of the Executive Director of Human Resources.
- 10.1.4 When violations have been incurred by faculty, sanctions will be imposed by the Chief Academic Unit Executive with the recommendation of the Vice President for Academic Affairs, Student Affairs and Systemic Planning and the advice of the Executive Director of Human Resources.
- 10.1.5 In cases of deans and chief executives of teaching units, the President shall choose the course of action to be followed.

10.2 Appeal

A respondent who does not agree with the decision may file an appeal to the President within the following days
10 working days, non-extendable, after receiving a copy of the Resolution.

The President shall issue his decision within 20 working days of receipt of the appeal, which decision shall be final and not subject to appeal. If the President does not issue a decision within the 20 working day period, it shall be understood that the appeal is declared **inadmissible**, becoming final and unappealable.

XI. Convictions

- 11.1 Any employee or student who has been convicted of a violation of the Controlled Substances Act, state or federal, must notify his or her immediate supervisor within five days of the conviction. The student must notify the Dean of Students.
- 11.2 The University will report the guilty plea to the appropriate federal agency within 10 days of the guilty plea.
- 11.3 The University shall, within 30 days of learning of the conviction, impose the disciplinary sanctions set forth in this procedure.

XII. General Provisions

12.1 Prevention

The Central Human Resources Office of the University will establish a preventive plan at the institutional level, on the harmful effect of the use of drugs, controlled substances, and alcohol abuse. This plan will contain the programs that will be developed oriented to educate the university community on the matter. It will be the responsibility of the Chief Executive of each unit to maintain a similar plan, in accordance with the institutional plan.

12.2 Interpretation

The provisions of these Regulations shall be interpreted as broadly as possible in the light of the purposes of these Regulations and of the set of rules of which they are composed and in harmony with the policy contained in the Laws.

12.3 Unforeseen Matter

In matters or matters not provided for by this and that remain within the coverage of the laws, the resolutions adopted by the Board in harmony with the aforementioned laws shall govern.

XIII. Separability

If any part or section of these Regulations is declared null and void by a competent authority, such decision shall not affect the remaining parts.

XIV. Repeal or amendment

This Regulation amends Normative Document G-0807-028 and incorporates the Policy of Circular Letter G-148-92, substituting it; and also repeals any other guidelines that are in conflict with the provisions herein. This document may be amended or repealed by the President of the University.

XV. Validity

These Rules and Regulations shall be effective immediately upon approval and signature by the President.

XVI. Approval



Manuel J. Fernós, Ledo.
President

1/1/0

Date (D-M-Y)

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