SISTEMA UNIVERSITARIO ANA G. MÉNDEZ

VICE PRESIDENCY OF HUMAN RESOURCES

POLICY AND PROTOCOL FOR THE PREVENTION AND MANAGEMENT OF SEXUAL HARASSMENT

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I. INTRODUCTION

It is the policy of Sistema Universitario Ana G. Méndez (SUAGM) to provide a fair, humane, and responsible work and learning environment that supports and rewards professional and educational improvement based on skill and performance for students, faculty, and all personnel. Considerations based on sex or sexual conduct limit and undermine the character and purpose of the University and its university community. This policy applies to all persons who perform an internship, carry out work for educational or training purposes, regardless of whether they receive compensation, as well as those aspiring to employment.

SUAGM prevents, discourages, avoids, and does not tolerate, in any way, sexual harassment, since like other types of discrimination, sexual harassment in the work or in the study environment is illegal and violates this policy, as well as local and federal provisions.

The regulations require that higher education institutions to:

- respond promptly to persons claiming to be victims of sexual harassment by offering support measures;
- follow a fair process to resolve allegations of sexual harassment when a complainant requests an investigation or SUAGM determines that an investigation is necessary;
- provide remedies to individuals who file a formal complaint of sexual harassment; and
- hold a hearing before an Examining Officer after the investigation is

concluded.

Sexual Harassment can occur as a manifestation of the exercise of power and exploitation towards a person and not necessarily to satisfy a sexual desire. Sexual harassment can occur in the context of an abuse of power by the harasser towards a less powerful person, leading him or her to an unwanted sexual activity and can also occur between peers, such as classmates or co-workers, as well as among people of the same or different sex. None of these behaviors is acceptable within the SUAGM academic and administrative community. No discriminatory conduct will be allowed and as soon as its manifestation is known, SUAGM will take immediate action, in an equitable manner for both parties, and will implement the corresponding measures.

SUAGM will have available for inspection a compilation of laws prohibiting sexual harassment at the Dean of Student Affairs Office, the Office of Human Resources, as well as on its website and institutional portal.

II. STATEMENT OF POLICY AND PROTOCOL ON SEXUAL HARASSMENT IN EMPLOYMENT

SUAGM has as its policy and affirmative duty to maintain a work and study environment free from sexual harassment and discrimination for the benefit of all its employees, supervisors, professors, students, visitors, including job candidates, as well as a person who performs an internship carrying out work for educational or training purposes regardless of whether he/she receives compensation, and visitors.

Sexual harassment is a form of sex discrimination against men or women in their work or study place.

Any member of the university community who engages in conduct constituting sexual harassment or discrimination will be found in open violation of SUAGM's norms and policies, as well as applicable federal and local laws, and will be exposed to disciplinary action that may result in separation, expulsion, or dismissal from SUAGM's institutions.

Sexual harassment of employees, students, job candidates, and visitors by superiors, other staff, co-workers, or job candidates and third parties is illegal and absolutely prohibited.

SUAGM has a continuing responsibility and obligation to maintain a work and study environment free from sexual harassment in compliance with applicable legislation. That duty is not limited to correcting past situations of harassment, but includes preventing, discouraging, and preventing them from occurring in the future. Through this Protocol, SUAGM undertakes the commitment of maintaining a work and study place free from sexual harassment and declares the channels to

prevent it, the process to follow for filing complaints, and the investigative procedure to determine the facts.

Any stalking, violence, or domestic violence complaint will be dealt with under the specific policies that have been enacted for handling such complaints.

III. LEGAL BASIS

This Policy and Protocol is adopted under various local and federal statutes. You may have access to each of the laws on the legal basis of this policy through the links provided. These websites may contain information provided by third parties or obtained through links to other Internet websites. SUAGM does not control or assume any responsibility for the information provided by third parties or for the content of other Internet websites to which we provide links. Furthermore, it does not intend to replace any laws or regulations.

Below is a detail of the legal basis of this Policy and Protocol:

1. **Section 1 of Article II 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 law and that no discrimination may be established on the basis of race, color, sex, birth, origin, or social condition, nor on political or religious ideas.
2. **Section 8 of Article II of the Constitution of the Commonwealth of Puerto Rico** establishes protection against attacks on the honor, reputation, and private or family life of all persons.
3. **Section 16 of Article II of the Constitution of the Commonwealth of Puerto Rico** recognizes the right of every worker to be protected against risks to health or personal integrity in his/her employment.
4. **Law No. 100 of June 30, 1959, as amended, known as the "Law Against Discrimination in Employment"**, protects employees and job applicants against discrimination based on sex, for being a victim or perceived as a victim of domestic violence, sexual assault, stalking, among other listed prohibited crimes.
5. **Law No. 16 of August 5, 1975, as amended, "Occupational Safety and Health Law"**, provides that each employer must provide each of its employees with a workplace free of recognized risks that are causing or may cause death or physical harm to the people it employs.
6. **Law No. 69 of 6 July 1985, as amended**, requires strict compliance with the constitutional guarantee that all persons shall not be discriminated against on grounds of sex, by prohibiting specific actions that promote discrimination, establishing responsibilities, and imposing penalties.
7. **Law No. 17 of April 22, 1988, as amended, known as the "Act to Prevent Sexual Harassment in Employment"**, prohibits sexual harassment in employment and places the responsibility on any employer

to clearly establish his/her policy against sexual harassment in employment and to ensure that employees can work safely and with dignity. Article 15 of Act No. 17 of April 22, 1988, as amended, requires the promulgation and implementation of a Protocol to Deal with Situations of Sexual Harassment in the Workplace or Employment.

8. **Law No. 284 of August 21, 1999, as amended, "Law Against Stalking in Puerto Rico"**, defines stalking as "a conduct by which surveillance is exercised over a person, unwanted verbal or written communications are sent to a person, written, verbal, or implied threats are made to a person, or a person is repeatedly harassed through words, gestures, or actions aimed at intimidating, threatening or persecuting the victim or members of his/her family", and establishes penalties for those who incur in this type of criminal conduct. It also lays down the procedure for issuing protection orders.
9. **Law No. 83 of July 29, 2019, "Law on Special Leave for Employees with Situations of Domestic or Gender Violence, Child Abuse, Sexual Harassment at Work, Sexual Assault, Lewd Acts or Stalking in its Serious Modality"**, grants up to fifteen (15) days without pay per year to employees so that they can address identified situations of violence and establishes the right to request reasonable accommodations or flexible working conditions for victims.
10. **Law No. 3 of January 4, 1998, as amended, "Law to Prohibit Sexual Harassment in Educational Institutions of Puerto Rico"**, protects the right of faculty, non-faculty, and students to interact in an environment that respects their right to human dignity.
11. **Law No. 146 of July 30, 2012, as amended, "Penal Code of Puerto Rico 2012"**, in its Article 135, criminalizes sexual harassment.
12. **At the federal level, Title VII of the Civil Rights Act of 1964, as amended**, prohibits discrimination on the basis of sex. The Sex Discrimination Guidelines, published by the Equal Employment Opportunity Commission (EEOC), establish sexual harassment as a form of sex discrimination and there are U.S. court decisions that have sanctioned this type of conduct as discriminatory.
13. **In the federal sphere, Title IX of the Federal Education Act, as amended,** provides that no person in the United States shall be excluded from participating in, denied benefits from, or subjected to discrimination in any program or activity receiving federal financial assistance because of the person's sex.

IV. SCOPE

The norms and procedures described in this policy apply to the entire university community including SUAGM officials, employees, professors, and students at all levels. In addition, it applies to a person who does an internship carrying out work for educational or training purposes regardless of whether he/she receives a compensation, job applicants, and visitors.

Any official, employee, professor, student, candidate for employment, person conducting an internship, or visitor who understands that he/she has been the victim of sexual harassment in employment; who has witnessed an act or who receives information of an act against another person, by any of the aforementioned persons, may file a complaint following the procedure established in this Protocol.

V. DEFINITIONS

1. **Employee:** Any person employed by SUAGM. Includes regular or undetermined-term, temporary or fixed-term, full-time, and part-time employees, employees on probationary period, and those who are subsidized with external funds or who perform in any other classification.

2. **Candidate for Employment:** Person identified as a result of a recruitment process in the SUAGM, and to whom is extended, even conditionally, an offer of employment.

3. **Title IX Coordinator:** Person designated by SUAGM with the responsibility of coordinating institutional efforts to comply with the obligations imposed under Title IX and its regulations. These responsibilities include investigations of complaints or complaints of discrimination based on sex in accordance with Title IX and applicable regulations. The Title IX Coordinator assists in promoting a safe work and study environment for students and employees.

4. **Severe Emotional Harm:** When, as a result of sexual harassment, the person repeatedly manifests one or more of the following characteristics: paralyzing fear, feelings of helplessness or hopelessness, feelings of frustration and failure, feelings of insecurity, powerlessness, isolation, low self-esteem, or other similar behavior that results from repeated acts or omissions.

5. **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 physical or emotional harm to his/her person, his/her property or another person, is forced to carry out an act contrary to his/her will.

6. **Investigation:** Process through which an impartial committee is delegated the power to investigate a specific fact or situation related to a complaint for allegations of sexual harassment acts. This committee will have the power to take declarations from the involved parties, witnesses, or anyone who has knowledge of the alleged facts. Likewise, it will have the power to collect

documents and any type of evidence related to the facts being evaluated, for the purpose of rendering a Report.

7. **Work or Study Place:** All areas and locations owned by SUAGM, leased or under the control of Universidad Ana G. Méndez, including, but not limited to, places where services are provided or products are handled, as well as parking lots, access roads within SUAGM grounds and localities, lockers, and storage areas. All areas and locations in which SUAGM representatives or agents, or any of its employees, study or carry out work, or that are assigned to SUAGM for its use and/or the use of any of its employees, students, professors, contractors, suppliers, visitors and/or lessors and lessees, as well as personal property located within said areas and localities. The foregoing includes, without limitation: classrooms, offices, sports facilities, libraries, conference rooms, corridors, restrooms, green areas, parking lots, cafeterias, bookstores, grounds, buildings, activities sponsored by the institution, structures and/or the movable and immovable property located within the UAGM and public areas within or immediately adjacent to, and accessible from, the university campus, as defined and in the context of the Clery Act.

8. **Complaint:** Verbal or written complaint about sexual harassment, which will be presented by an employee to the immediate supervisor, or to the Dean of Student Affairs, when the complainant is a student or, in any other case, to the Human Resources representative.

9. **Employer:** Refers to the Sistema Universitario Ana G. Méndez, Inc.

10. **Persecution or to Persecute:** Means keeping a person under surveillance, repeatedly harassing through words, gestures, or violent actions aimed at intimidating, threatening, or persecuting the victim or members of his/her family.

11. **Person:** Any natural or legal person.
12. **Supervisor:** Is any SUAGM employee who exercises some control at work and whose recommendations are considered for hiring, classification, dismissal, promotion, transfer, fixing of compensation, or on the schedule, place, or conditions of work, or on tasks or functions that an employee or group of employees performs or can perform or on any other terms or conditions of employment; any person who day to day carries out supervisory tasks. Any other person of equal or greater hierarchy when the immediate supervisor is part of the sexual harassment complaint.

13. **Visitor:** Any person who is not a SUAGM employee and who comes to provide or receive some service, accompany, or carry out any procedure in the SUAGM facilities.

VI. DEFINITION OF SEXUAL HARASSMENT IN EMPLOYMENT AND ITS MODALITIES

Sexual harassment is defined as any type of unwanted sexual approach, solicitation of sexual favors, sexual assault of any kind, violence, and any other verbal or physical conduct, of a sexual nature, that the employee or student must comply with in order to obtain a benefit of employment or studies, or whose conduct is objectively offensive, is serious enough to prevent equal access to education, has the purpose or effect of unreasonably interfering with the performance of the work or study of a person, thus creating an intimidating, hostile, or offensive environment. In addition, it constitutes an illegal and undesirable practice that hinders the work of the person and violates the constitutional principle that the dignity of the human being is inviolable.

Sexual harassment is a highly objectionable conduct, unrelated to the best interests of SUAGM because it is illegal, affects productivity, efficiency, harmony, satisfaction in the work or study environment, and the safety of everyone. This conduct is at odds with the invariable and prevailing SUAGM norm of providing equal employment opportunity without regard to discrimination

Sexual harassment arises when one or more of the following circumstances are present:

1. Submitting to such conduct, explicitly or implicitly, is a condition for employment or a requirement to obtain academic or employment benefits.

2. The rejection or acceptance of such conduct serves as the basis for decisions that affect the employee's terms and conditions, such as promotion, salary increase, dismissal, or in the case of a student, affects his or her academic condition or achievement.

3. Such conduct has the purpose or effect of unreasonably interfering with that person's work or study performance by creating a hostile, intimidating or offensive work or study environment.

Sexual harassment applies to situations in which the prohibited conduct occurs between persons of the same sex or between persons of the opposite sex. For purposes of this Policy and Protocol, the conduct described is prohibited regardless of the manner in which it is manifested between the sexes. Sexual harassment involves any type of approach or pressure of a sexual nature, whether physical, verbal or virtual, unwanted, that arises from the employment relationship and that, in turn, results in a hostile, tense and difficult environment to perform work or study functions. Sexual harassment can take many forms, which could cause serious emotional harm or intimidation.

Both the law and jurisprudence have recognized two forms of sexual harassment.

The first of these is the “give and take,” also known as the “*quid pro quo*.” An example of this modality is promising an employee or candidate for employment a modification in employment relations in exchange for accepting a sexual requirement of any kind or being denied the benefit if he or she refused to agree to such a request.

The second form of sexual harassment is the hostile environment. This is manifested when the victim of the harassment refuses the advances of the harasser and the latter creates an offensive, intimidating, abusive, or threatening work or study environment, severe enough to alter the conditions of employment or studies of the victim. In addition, it does not require that economic harm be produced or that psychological harm be proven by the victim. Nor does it have to be an explicitly sexual conduct, it is enough that harassment or unequal treatment is directed at the person solely on the basis of his or her sex. Following the example above, this type of harassment occurs, even if the supervisor does not threaten the employee or student to take a specific benefit from the job or class, if his/her authority figure is intimidating enough to create in the employee or student a real fear that this may happen. The hostile environment could be generated between co-workers or classmates with bad taste jokes, offenses, obscene and offensive signs, among others.

Sexual harassment can be expressed in different ways, whether verbal, physical or through telecommunication means or work tools. The more severe or serious the unwanted act, the less persistence might be required for it to constitute sexual harassment. Some examples of unwanted or unwelcome acts are:

1. Unwanted intentional physical contact of a sexual nature, including but not limited to: touching, pinching, stroking, kissing, squeezing, grabbing, patting, or brushing against the body.

2. Rape, sexual assault, sexual abuse, dating violence, domestic violence, or stalking (as defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act (VAWA, 34 U.S.C.§ 12291 (a)).

3. Advances, propositions, invitations to go out, or unwanted sexual comments: obscene or lewd gestures, sounds, insistent looks, comments, jokes, “innuendos” or comments about the sexuality or sexual experience of a member of the university community, or about sexual matters directed at, or in the presence of, another member of the university community who has indicated or demonstrated that he or she does not desire such conduct.

4. Requirement of unwanted sexual acts or favors.

5. Insults, obscene language of a sexual nature, ridicule and verbal “innuendos” that intimidate, offend, or harass a staff member or student or that reasonably interfere with his/her performance.

6. Electronic messages with sexual, offensive or intimidating content, to carry out any type of unwanted sexual approach.

7. Unwanted publications, loose sheets, photos, drawings, portraits, posters, calendars, objects, pornographic reading material or that suggest sexual activity or create an uncomfortable hostile environment for a member of the university community.

8. Attempts to perform sexual acts or sexual intercourse.

9. Exposure of genitals.

10. Sex relations.

11. Rape, sexual assault, sexual abuse, or attempts to commit these types of assaults.

12. Persecution

A complaining party is defined as an individual who is the alleged victim of conduct that could constitute sexual harassment. It is clarified that third parties outside the complaining party may submit a complaint. On his/her part, the defendant is the individual who has been denounced as the cause of conduct that could constitute sexual harassment.

To determine whether the alleged conduct constitutes sexual harassment, the totality of the circumstances in which the events occurred, based on the investigative process stipulated in this Protocol, shall be considered. The determination of the legality of an action shall be made on the basis of the facts of each particular case.

VII. GENERAL PROVISIONS

If you believe that you have been the victim of sexual harassment through conduct that subjectively annoys you, you must notify the harasser that his/her conduct is offensive, unwanted, and request that it not be repeated in the future.

Any person who engages in conduct constituting sexual harassment, whether a SUAGM faculty member, student, employee, or official, will be exposed to severe sanctions including dismissal, in employee situations, or expulsion from the institution, in the case of students.

If it happens that the sexual harassment comes from third parties who do not work or study at SUAGM, then SUAGM will take the corrective actions that are reasonably within its reach. Whenever this person is not under the control of the SUAGM, the designated human resources representative will notify the complaint to the office to which he/she offers services to channel accordingly and according

to the norms that apply to his/her organization.

SUAGM reiterates its commitment to maintain a work and study place free of all types of discrimination and sexual harassment, which will not be tolerated.

VIII. COMPLAINT PROCEDURE

To guide people who understand they have been subjected to sexual harassment, the following complaint process has been established to facilitate its processing, and to facilitate decision-making and immediate action:

1. Any administrative employee or member of the faculty who considers that he/she has been the subject of an action constituting sexual harassment must notify immediately the supervisor of the unit to which he/she is attached, who will immediately refer it to the assigned Human Resources representative in each institution, so that he/she can take immediate action in this regard. The administrative employee or faculty member may choose to submit his/her complaint directly to the Human Resources office, if he/she deems it appropriate.

   In the case of a student, he/she must notify the Dean of Student Affairs, who will notify the Title IX Coordinator. The Title IX Coordinator will be in charge of summoning and advising the students and of channeling any necessary adjustment in the class program, among others. In addition, he/she will coordinate with the Health and Safety Office, as well as the Quality of Life Office, the necessary services to implement the corresponding measures, and will carry out any other required procedure during the complaint's investigation process.

   In the case of visitors, the person who receives the complaint will refer it to the Human Resources Office.

   It is the duty and obligation of every employee and student to report any act of an unwanted sexual nature directed at him or her, or which he or she has witnessed in his or her work or study place, or of which he or she has received information.

2. The complaint may be presented verbally or in writing and must include the name and surname of the complaining party, who is the person filing the complaint, that of the defendant, who is the person against whom the complaint is filed, the identity of those witnesses who may have knowledge of the facts, and a list of facts with a specific expression of the date or dates of occurrence.

3. Anonymous complaints that include sufficient allegations to identify the

accused party and the facts that could constitute sexual harassment will be investigated. Rumors that are based on "real suspicion", which refers to repetitive allegations about one or more people and facts that could give rise to conduct that constitutes sexual harassment, will also be investigated on our own initiative.

4. If the complaint has been filed verbally, at this stage the list of facts that comprise the complaint must be formalized in writing.

5. Upon receipt of a complaint about alleged sexual harassment conduct, the Human Resources representative or the Dean of Student Affairs, as applicable, will promptly initiate a preliminary investigation focused on corroborating the existence of the alleged conduct or dismissing it, within an immediate and reasonable period that is estimated to be no longer than ten (10) business days.

6. Any complaint or investigation that for purposes of Title IX does not meet the definition of sexual harassment, as provided by law and regulation, or did not occur against a person in the United States in an educational program or activity of the institution shall be dismissed. In these cases, the complaint may be channeled under another regulation or institutional policy, depending on the facts outlined therein. This preliminary determination will be made by the Director of Human Resources or, in the case of students, by the Dean of Student Affairs, together with the Title IX Coordinator. However, the complaining party may bring another complaint against the same complaining party on the basis of new facts or allegations that arise.

7. Any dismissal of a complaint shall be notified in writing to the parties by the Director of Human Resources or the Dean of Student Affairs, as applicable.

8. The investigation shall be conducted rigorously irrespective of whether the harassment has ceased or whether the victim has submitted to or acceded to the sexual advances or invitations of a sexual nature referred to in the complaint.

9. If as a result of the preliminary investigation it is determined that the allegations meet the definition of sexual harassment, as provided by law and regulation, or occurred against a person in the United States in an educational program or activity of the institution, it will be formally referred to the formal investigation process.

10. When the complainant is an administrative employee, the Human Resources representative will refer the complaint to the Vice President of Human Resources who will appoint the committee to address the formal investigation of the complaint. In the case of a student, the Dean of Student Affairs will refer the complaint to the Chancellor for the appointment of said committee. When the complainant is a faculty member, the Human Resources representative

will refer the complaint to the Vice President of Human Resources who will appoint the Committee to address the formal investigation of the complaint.

11. Any formal investigation and resolution of a sexual harassment complaint shall be conducted by a committee composed of three (3) persons duly empowered and trained to deal with the matter, provided that the members of the Committee shall not be persons who are under the supervision or control of the alleged harasser. In the composition of this committee, a president will be appointed who will be in charge of leading the process.

12. If the defendant is a senior executive officer of SUAGM, such as board members or vice presidents, the complaint will be channeled through the Office of Human Resources, who may refer the matter to a Special Commissioner, external to the university community, for processing and decision. If the defendant is the Vice President of Human Resources, the complaint will be channeled through the Executive Vice President who may refer the matter to a Special Commissioner. The Special Commissioner's decision will be final and firm.

    The administrative processes that are conducted will be confidential as far as possible and all information collected in the investigation will be filed in a separate and independent file to the personnel or academic file.

13. The committee will conduct a fair and impartial investigation of any complaint that is filed, including collection of information, statements, and interviews with parties and witnesses.

14. The committee will initiate the investigation with the complainant's interview and will gather all available information.

    In those cases where the complainant or defendant is a minor, understood as a person under 21 years of age, the parents or guardians of the minor must be notified and given participation in the investigation, with an explanation of the process that will proceed upon the implementation of this policy.

15. After obtaining the evidence on the complaint and having interviewed the complainant, the committee will meet and interview the defendant, under the presumption that he/she is not responsible. The defendant will be notified of the complaint and will be given the opportunity to offer evidence about the event, including presenting witnesses to the committee that refute the facts alleged against him/her.

16. The defendant, in addition, will be given the opportunity, after the interview, to submit a written response to the allegations of the complaint within a period of no more than five (5) working days. In it, the defendant may inform the identity of the witnesses that he/she understands can offer information

regarding the alleged facts.

17. After the complainant and the defendant have been interviewed, the witnesses mentioned by them will be interviewed.

18. An employee who obstructs an investigation related to a sexual harassment complaint shall be in violation of the norms of conduct and may be punished in accordance with the relevant provisions.

19. If justified, on the basis of the facts alleged in the complaint and the preliminary evidence submitted, SUAGM can take provisional and prudent measures while the investigation of the complaint is completed, without implying that it adjudicates in favor of one or the other party the alleged facts. These measures may include the separation of the parties while the investigation is concluded, providing individualized services, which are reasonably available, non-punitive, non-disciplinary and which do not represent a burden, to the defendant, in order to ensure access to education, protect safety and/or deter sexual harassment towards the complainant. The institution is required to offer supportive measures and provide remedies to the complaining party if it is determined that the defendant party is responsible. In addition, as an interim measure, the complainant or the defendant may be reassigned to another work unit if this does not harm the complainant; suspend the defendant from employment and not salary while the investigation is concluded; or advance vacation leave to any of the parties concerned, as well as any other interim measure deemed appropriate and necessary. Provisional measures shall not be regarded as a sanction and may be rescinded, varied or made permanent, as required by each case.

20. The committee shall be responsible for objectively evaluating the complaint or grievance, as well as the defense, testimonies, documentary evidence, if any, presented by the parties and their witnesses. The process provides for an objective assessment of relevant evidence, including incriminating and exculpatory evidence, to arrive at a credible determination.

21. SUAGM will ensure that the employees participating in the investigation and/or adjudication of a formal sexual harassment complaint receive the training required by applicable Title IX regulations, including training in:

    a. the definition of sexual harassment,
    b. the scope of the university's educational program or activity,
    c. how to conduct an investigation and complaint process; and
    d. how to serve impartially avoiding prejudging facts, conflict of interest, and bias.

    The training will not be based on sexual stereotypes and will promote investigations and impartial adjudication of informal allegations of sexual harassment.

22. The investigation must be concluded and the report submitted within a period not exceeding thirty (30) calendar days after the complaint has been filed. It is clarified, that said term is a directive one and that it may vary for meritorious reasons.

23. The President of the Investigation Committee shall refer the report to the Examining Officer who shall be in charge of holding a hearing, in accordance with the procedure described below:

a) The President of the Investigative Committee shall summon the parties to the hearing, which shall be held within 30 calendar days of the conclusion of the investigation and the report referred to the Examining Officer. This hearing will be held at the campus or university center where the events alleged in the complaint occurred.

b) Ten (10) calendar days before the date of the hearing, the parties shall inform the Examining Officer of their intention to appear accompanied by an advisor of their selection, who may or may not be a lawyer, or, if requested in such term, one shall be provided by the SUAGM, at no cost to the party to whom he/she is assigned. In addition, they must provide the name and contact information of any witnesses who will testify during the hearing. Such witnesses are required to have participated in the investigative stage in order to testify at the hearing.

c) As provided under the provisions of Title IX, SUAGM shall appoint an Examining Officer. This Examining Officer may be SUAGM's legal advisor or any other person selected by the Institution. In those instances, in which the designated Examining Officer is not the legal advisor, the latter may appear for the purposes of ensuring that the processes provided for under this Protocol are complied with.

d) It is presumed that the defendant is not responsible for the alleged conduct throughout the investigation and hearing procedure.

e) During the investigation and hearing process, equal treatment shall be provided to the complaining and defendant party, free from prejudice or conflict of interest.

f) The Examining Officer may ask questions to the President of the Committee or to witnesses who have participated during the investigation and who have been requested by the parties to participate in the hearing.

g) The Examining Officer may ask questions to the parties, make determinations of relevance to the questions, and explain any decision to exclude any questions. The Examining Officer shall establish the norms of order and decorum to be followed at the hearing.

h) The hearing shall be recorded and the Examining Officer shall keep the audio or audiovisual recording or a transcript of the hearing and make it available for inspection at the request of the parties.

i) The Examining Officer will not allow questions to the complainant about prior sexual history unrelated to the facts alleged in the complaint.

j) The parties will not ask questions to the opposing party or witnesses, for which the participation of the advisors will be required. The formulation of the questions will be directed by the Examining Officer, advisors or legal representatives.

k) The Examining Officer will not permit the submission of evidence that has not been part of the investigative process.

l) The Examining Officer shall be responsible for objectively evaluating the relevant evidence, both incriminating and exculpatory, in order to arrive at a determination of responsibility by applying the standard of preponderance of the evidence. To this end, it will consider and without limitation: (a) the previous oral or written statements of a party or witness who has participated in the hearing, but not those of who have not participated in the process; (b) the file of the investigation of the complaint; (c) text messages, chats or emails that contain relevant information that support the evidence offered by a party or witness; and (d) audio or visuals that illustrate the incident object of the complaint.

24. After the hearing has been held and within a term of no more than thirty (30) days, the Examining Officer will issue his/her report with his/her final determination, which will be simultaneously notified to the parties within said term. Said Report will include the following:

- A summary of the allegations of sexual harassment.
- A description of the applied procedure, from the receipt of the complaint to the final determination specifying the notifications to the parties, interviews, visits to the place of the incident, method of receiving other evidence and what transpired at the hearing.
- The factual determinations that support the decision.
- The SUAGM policies that apply to the facts.
- The conclusions on each allegation.
- The determination of responsibility
- The remedies and disciplinary sanctions.
- The procedures available for an appeal.

In the case of a student, the information to be provided to the other parties will be subject to the restrictions imposed by the Family Educational Rights and Privacy Act (FERPA).

25. Neither SUAGM, nor its agents or representatives, shall retaliate against the complainant, defendant, witnesses or any person who has notified or cooperated with the investigation or hearing of the alleged event. It is considered an illegal act to retaliate against persons who complain of sexual harassment or who testify or assist in any investigation or proceeding related to a sexual harassment case.

26. If the complainant determines not to participate in the investigation, the hearing, or decides to withdraw from the investigation or hearing because he/she is dissatisfied with the process or for any other reason, the process will continue until its conclusion. The plaintiff's lack of interest may be taken into consideration, as well as all available evidence.

27. If after the end of the hearing it is determined that a SUAGM faculty member, student, officer or employee has engaged in conduct constituting sexual harassment, the remedial measures that comply with this policy and the norms adopted and promulgated by SUAGM will be applied, which will be recorded in the determination of the Examining Officer.

28. Likewise, if it is determined that the complainant was affected in his/her employment or study benefits, either by reduction of wages, demotion, or in the case of students, limitation of benefits or effect on grades, SUAGM will take corrective measures to restore to the complainant the corresponding benefits.

29. The Director of Human Resources or the Dean of Student Affairs, will follow up on any determination issued with the purpose of correcting the conduct or situation, verifying, in turn, that no reprisal is taken against the participants.

30. An employee, student or third party who files a complaint against another employee or student, knowing that the fact or conduct for which he or she is complaining is false, will be exposed to a civil suit by the affected person under the Puerto Rico Libel and Slander Act. In addition, he or she will be exposed to disciplinary sanctions in accordance with SUAGM regulations and handbooks.

31. The terms adopted in this Policy and Protocol are directives to enable the SUAGM to carry out the corresponding processes, but they may not be strictly complied with. Terms may vary depending on the particular circumstances and complexity of each case.

IX. PRESCRIPTIVE TERMS AND OTHER LEGAL REMEDIES

The party affected by the conduct prohibited in this Policy and Protocol may file a complaint for sexual harassment within a period of twelve (12) months from the

occurrence of the last act. If the affected party is not interested in beginning or continuing with the procedure set forth in this Protocol, he or she may file a complaint directly with the Anti-Discrimination Unit of the Department of Labor and Human Resources, the Equal Employment Opportunity Commission (EEOC), the Office of the Women's Affairs Office, in the case of a student with the Office of Civil Rights of the Department of Education, or through a lawsuit in court without exhausting the internal remedies set forth in this Protocol.

In the event that liability is found in a sexual harassment lawsuit filed in court, the employee or applicant for employment may receive a sum equal to twice the amount of damages caused by the act; or a minimum of ten thousand dollars ($10,000.00) at the discretion of the court, in cases where pecuniary damages could not be determined. In addition, the Court may order the employer to employ, promote or replace the employee in his/her employment, and to cease and desist from the act in question.

X. SPECIAL LEAVE FOR EMPLOYEES WITH ABUSE SITUATIONS

Law 83-2019, "Law on Special Leave for Employees with Situations of Domestic or Gender Violence, Child Abuse, Sexual Harassment in Employment, Sexual Assault, Lewd or Stalking Acts in its Serious Modality", grants employees the right to use up to fifteen (15) days without salary annually so that they can attend to identified situations of violence, among which is sexual harassment in employment. Within such context, the employee may use this special leave to: seek orientation and obtain a protective order or any court order; seek and obtain legal assistance; seek and obtain safe housing or space in a shelter; visit any clinic, hospital or medical appointment; seek orientation, find or benefit from any type of help or services; or any other assistance or procedures that may arise as a result of a situation of mistreatment. The days granted by this special license may be used in a fractional, flexible or intermittent manner.

The employee must notify his/her supervisor of his/her intention to take special leave at least two (2) business days prior to the day he/she will be absent from work. However, this notification may be made within a shorter period if the employee has a situation beyond his/her control that prevents him/her from complying with this term.

In addition, the employee may request in writing a reasonable accommodation or flexible working conditions that allow him/her to deal with the situation of sexual harassment in employment or other situations of mistreatment. Such accommodation shall be by agreement, as permitted by the employee's duties and responsibilities, which may include moving the employee from the physical location where he/she performs his/her duties, modifying assigned duties, modifying his/her entry, exit, lunch or rest times, or any other measure that may be established by agreement so that the employee can seek and obtain the help he/she needs to address the situation.

XI. APPEAL RESOURCE

If the complainant or the defendant are not in agreement with the determination of the Examiner Officer and resolution of the filed complaint, either one may file an appeal with the Chancellor of the Campus for which they work or study, within a period of five (5) working days from the notification of the resolution of the complaint. In those cases, in which the complainant or the defendant works for the Central Administration, the appeal will be filed with the Vice President of Human Resources, within the same period of five (5) working days from the notification of the resolution of the complaint.

The appeal resource will be evaluated by the Chancellor or the Vice President of Human Resources, as appropriate, who will have access to all the information collected during the investigation and will evaluate it, being able to ratify, amend, or revoke the actions previously taken. In the event that the Chancellor or the Vice President of Human Resources is not available, a representative of equal rank will be appointed who will hear the appeal as specified above.

In a term not exceeding thirty (30) business days, the Chancellor or Vice President of Human Resources or the appointed representative of equal rank, shall issue a final determination, which shall be notified to the appellant within the same term.

XII. PROVISIONS ON THE RETENTION OF INFORMATION

The information received during the investigation of a sexual harassment complaint will be kept in a separate file and will be confidential to the greatest extent possible, clarifying that some facts must be disclosed during the investigation and the interview of people who could provide information about the investigated event, as well as in the processing of any legal action that has been requested. Information protected by any legally recognized privilege may not be used unless the person having the privilege waives it.

It is provided by this Policy and Protocol that the reports, resolutions, transcripts, recordings, and any other evidence collected during the investigation will be retained in electronic form for a period of ten (10) years in a confidential and secure manner.

XIII. EXCEPTION

The provisions of this policy shall be interpreted with respect to each other and, if there is a declaration of invalidity of any of the provisions by a court or a competent agency, the remaining provisions shall remain valid and binding.

When the male gender is used in this policy, it should be understood that it is equally applicable to the female gender and vice versa.

XIV. SPECIALTY AND PRIORITY

This policy constitutes a special procedure to deal with any situation of harassment and will prevail over the handbooks and general regulations of SUAGM, providing that, for the situations contemplated herein, the processes are conducted in accordance with the provisions of this document.

XV. VALIDITY

This policy will be effective immediately and supersedes and repeals any other Sexual Harassment Policy prior to its effective date. However, the complaints that have been filed prior to the date of promulgation of this policy will continue to be addressed in accordance with the provisions of the policy that was in effect on the date they were filed.

XVI. PUBLICATION

The Vice President of Human Resources as well as the Dean of Student Affairs will provide the necessary information to all employees, faculty members and students related to this policy on sexual harassment where it is established the prohibited conduct and the procedure to be followed to address complaints related to it.

This Policy and Protocol, as well as materials to train employees on the provisions of Title IX, will be available on the Vice President of Human Resources website.

If you have any questions about this policy or the complaint process, you may contact a representative of the Office of Human Resources or the Dean of Student Affairs to discuss it.

This Policy and Protocol will be revised and amended as applicable legislation is amended. We are confident that all SUAGM employees and students will continue to act responsibly in order to maintain a cordial and non-discriminatory work and study environment.

XVII. APPROVALS

Victoria de Jesús de Jesús, Ed. D **June 2, 2025**
Vice President of Human Resources **Date**

José F. Méndez Méndez, DBA **June 2, 2025**
President **Date**

DISCLAIMER: For the purpose of protecting the identity of the signatures of our officers, the executive orders and policies posted on the electronic portal exclude them. Therefore, such executive orders and electronically published policies should be considered as approved and signed for all relevant purposes. If you have any questions related to this matter, you should refer them to the human resources personnel assigned to your campus.

In case of conflict or inconsistency as to the meaning of a word or phrase in the translation of this document into English, the Spanish version shall prevail.

Attachment A (page 1)

Sistema Universitario Ana G. Méndez

Sexual Harassment Complaint Form

Report Date (mm/dd/yyyy): _____ Request Date (mm/dd/yyyy): _____

Date and time the incident occurred: _____

Place where the incident occurred: _____

Office or Academic Unit: _____

Mark with an X:

Student ___ Faculty ____ Administrative ____ Visitor ____

Job Applicant ____ Person who is doing an internship ____ Other ____

Complainant Information:

Name and surnames: _____

Identification Number _____

Place of work or study: _____

Address: _____

_____

Email: _____

Contact Telephone: _____

Defendant Information:

Name and surnames: _____

Identification Number _____

Place of work or study: _____

Address: _____

_____

Attachment A (page 2)

Email: _____

Contact Telephone: _____

Witnesses Information

Name and surnames: _____

Contact telephone: _____

Email: _____

Address: _____

_____

Name and surnames: _____

Contact telephone: _____

Email: _____

Address: _____

_____

Name and surnames: _____

Contact telephone: _____

Email: _____

Address: _____

_____

Attachment A (page 3)

Narrative: Describe the incident that gives rise to this complaint. Include the date, time, and place when the events you report occurred.

Complainant:	**Human Resources Representative:**
Name: _____	Name: _____
Signature: _____	Signature: _____
By signing this formal complaint, the complaining party hereby certifies that the information provided herein is true.	

If you need additional space, please use the back of the Form.

Attachment B

REQUEST FOR SUSPENSION OF SEXUAL HARRASMENT COMPLAINT HEARING FORM

Unit: _____

Date of request: _____

Requester's Name: _____

Postal address: _____

_____

Identification Number: _____ Telephone: _____

Date and Time of Hearing: _____

Place of Hearing: _____

Case Filing Date: _____ Case Number: _____

Reason for Requesting Suspension:

_____
_____
_____
_____
_____

_____ _____
Requester's signature Date

OFFICIAL USE BY EXAMINING OFFICER

Accepted: _____ Denied: _____Date of claim: _____

_____ _____
Approval of Examining Officer Date