Inter American University of Puerto Rico  
President’s Office

POLICY AGAINST SEXUAL HARRASSMENT  
IN WORK PLACE AND ACADEMIA

Normative Document G-0306-022

I. Introduction

The Inter American University of Puerto Rico has the affirmative responsibility of preventing, discouraging, and avoiding sexual harassment. It also has the responsibility of taking the necessary measures to achieve this objective. The practice of sexual harassment in any of its modalities infringes upon the inviolability of human dignity and constitutes clear discrimination against the persons who suffers it.

For this reason, the University has the moral and legal obligation of not discriminating for reason of sex and taking the affirmative action to eliminate any practice inclined towards the modality known as sexual harassment.

In harmony with the prior, the University energetically prohibits this illegal discriminatory practice and thus, will not tolerate this undesirable practice in the work place and in the academia. The University has the affirmative obligation of maintaining a place free of sexual harassment and intimidation.

II. Legal Bases

The policy here formulated, was approved by the Board of Syndics of the Inter American University of Puerto Rico on February 24, 2006. It is in conformity with the Universities Statute, the Puerto Rico Penal Code, and other applicable federal and state laws.

The Constitution of the Commonwealth of Puerto Rico, in its Human Rights Act, establishes human dignity as an inviolable right; and that we are all equal in presence of the Law. It clearly states that you cannot discriminate for reason of race, color, sex, birth, origin or social condition, nor political or religious ideas.

In addition to the Human Rights Act, in our Islands legal ambit, there are other laws that guarantee the right of non discrimination towards any employee for reason of sex.
In federal legislation, discrimination for reason of sex is prohibited under Section 703 (a) (1) of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 200 et seq.). For this reason, sexual harassment is interpreted as a modality of discrimination for reason of sex in the Guidelines regarding Sexual discrimination published by the Equal Employment Opportunity Commission (EEOC), 29 C.F.R. 1604.11, as amended. Additionally, sexual harassment against students is prohibited in federal legislation under Title IX of the Elementary and Secondary Education Act of 1972, as amended (20 U.S.C. 1687).

Puerto Rico’s legislation is very broad regarding this type of discrimination. Law Number 17 was approved on April 22, 1988 with the intent of prohibiting sexual harassment in the work place. Article 10 of this law imposes employers the obligation of maintaining a work place free of sexual harassment, which has the effect of creating an intimidating, hostile, or offensive work or study environment, among other consequences.

III. Scope

The policy here enclosed will be applicable to all the university community, including supervisors, employees, professors, and university students at all levels; discloses that for the means of this article, all persons that are under the control of the university shall be considered. All these persons will have the responsibility of observing the policy and will be subjected to investigation in alleged cases of sexual harassment as defined in this policy.

IV. Purpose

The purpose of this document is to reiterate the policy of the University of maintaining an Institution free of sexual harassment and intimidation. This policy promotes the Universities best interest and helps protect its reputation, integrity; as well as, the rights and well being of all University personnel. In addition, it harmonizes the institutional policy with regard to the issue in reference, with the applicable federal and Puerto Rico legislation.

V. Sexual Harassment Definition

Sexual harassment may adopt diverse attitude and inappropriate conduct manifestations; these can vary from sexual insinuations – direct and indirect- to the most subtle actions and disguised physical contact, to a simple or serious sexual aggression. It consists of any undesired sexual nearness, sexual favors, requirements, and any other verbal or physical conduct of sexual nature, when:
5.1 the submission or refusal of such conduct, implicitly or explicitly, translates into a term or condition for a person's employment or academic performance;

5.2 the submission or refusal of such conduct by part of the person is used as grounds for making decisions about academic evaluation, employment, promotions, transfers, training selection, evaluations, or in the selection and awarding of prices or benefits, etc.;

5.3 the conduct has the purpose or effect of creating an intimidating, hostile, or offensive work or academia environment, or it substantially interferes with the academic and work performance of the person.

VI. Examples of Prohibited Conduct

Among the types of conducts that are considered unacceptable, are the following:

6.1 Actions, comments, jokes, posters of sexual character.

6.2 Threats or request or suggestions of sexual sort in which the harassed person believes that he may lose his job or his qualifications may be affected, if he does not agree with the desired conduct of the person harassing.

6.3 Pressures with the intention that the harass person accompanies the harasser to an undesired specific place (Date).

6.4 Undesired and inappropriate attentions, flirtatious.

6.5 Pressures from supervisors or professors requesting sexual favors in exchange of employment benefits, academic or qualification performance.

6.6 Sexual nature conduct in parties or social events when the party or social event has been sponsored by the University and the harassed person believes he will lose his job or his qualifications will be affected if he does not agree with the request.

6.7 Physical attack with sexual purpose.

6.8 Sexually nature propositions.

6.9 Conduct pattern intended to cause discomfort or humiliation, or both, that included one or more of the following:

a. Sexually natured comments.
b. Sexually explicit statements, questions, jokes, or anecdotes.

6.10 Conduct Pattern that creates discomfort or humiliation, or both, to a reasonable person towards which the conduct is directed to, and includes one or more of the following:

a. Unnecessary physical closeness (Touch).

b. Patting, hugs, graze a body against someone else’s body.

c. Sexually natured expressions regarding a person’s body or clothes.

d. Expressions related to sexual activities or speculations regarding previous sexual experiences.

6.11 Referral to internet addresses of sexual content.

VII. Prohibited Retaliation

Definitely prohibits undertaking any retaliation actions that adversely affect employment or academic opportunities, terms, and conditions of any person that:

7.1 have been exposed to practices by part of any University employee that is contrary to the established policy and regulations;

7.2 have submitted a written complaints;

7.3 has testified, cooperated, or in any manner participated in an investigation, procedure, or hearing regarding sexual harassment.

VIII. Prevention Measures

With the firm intent of complying with the institutional policy of preventing, discouraging, and avoiding sexual harassment, the Inter American University will take the following measures:

8.1 Implement the necessary methods to generate awareness of the scope of the law, as well as, publicize the sexual harassment prohibition in the work place and the academia, using the correspondent communication and broadcast methods.

8.2 Emphasis in the publicity of the rights and the protection conferred by the Law to candidates’ for employment and students requesting admission.
8.3 Establish an adequate and effective internal procedure to see sexual harassment complaints including the corresponding investigation, and holding an administrative hearing when proper. The hearing will comply with the due process of law applied to administrative ruling.

IX. University Commitment

9.1 The Inter American University of Puerto Rico, as a Private Higher Education Institution, of Christian and ecumenical origin and tradition, pledges to take the necessary measures to prevent, discourage, and avoid sexual harassment in the work place and the academia. In this manner, it complies with its legal and moral obligation of exposing clearly and energetically its institutional policy against sexual harassment.

9.2 As a complement to such institutional policy, the University also has the obligation of establishing an adequate and effective internal procedure to see sexual harassment complaints. The administration and the University will be responsible of the preparation of the necessary normative documents for the effective implementation of this institutional policy.

X. Terminating Clause

Each section of this document may be separated from the others. For this reason, in the case that one section is invalidated, the remaining sections will be unaffected, and theses may be applied independently from those invalidated.

XI. Other Affairs

Any affair protected by Law that is not included in this policy will be resolved by decisions undertaken by the Inter American University of Puerto Rico, in accordance with the Law, as indicated in Section II of this document.

XII. Abolishment and Amendments

This Policy abolishes Document G-134-92 and any other directive that is in conflict with the hereby expressed. This policy can be abolished or amended by the Board of Syndics of the Inter American University of Puerto Rico by proper initiative, or as a result of a petition from the President of the University.
XIII. Effectiveness

This Policy enters immediately in effect.

Approval

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Manuel J. Fernos  Date