



Inter American University of Puerto Rico
Office of the President

**INTERNAL REGULATIONS TO DEAL WITH COMPLAINTS ON THE USE
AND ABUSE OF DRUGS AND ALCOHOL ON THE PROPERTY
OF INTER AMERICAN UNIVERSITY OF PUERTO RICO**

NORMATIVE DOCUMENT G-0807-028R

NOTE: This Normative Document is available in Spanish and English. In the event of a conflict as to its interpretation, the Spanish version shall prevail.

Introduction

Circular Letter G-148-92 presented the institutional policy on the use and abuse of drugs and alcoholic beverages on University property, as approved by the Board of Trustees in 1991-1992. This policy continues in effect in the Institution. Nevertheless, the Regulation approved for the implementation of this policy, Normative Document G-0807-028, was revised to adjust it to the new approved legislation, the current administrative organization of the University System and to make it consistent with General Student Regulations.

Institutional Policy

Inter American University of Puerto Rico, as a university center with a Christian and ecumenical orientation, aims to provide to the members of its community an intellectual, social and moral environment that stimulates the full development of the individual and foments the study and search of truth in an atmosphere of tranquility and respect.

We understand that the illicit use of drugs and the abuse of alcohol are among the most serious problems affecting our society. This represents a serious threat to the attainment of our aspirations 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 atmosphere.

In view of this, Inter American University of Puerto Rico declares, as the policy of the Institution, its commitment to combat this social problem by maintaining a study and work environment free of drugs, alcoholic beverages and controlled substances. This commitment shall be put into effect through:

- a. The creation of an awareness among the University community of the harmful effects of the illicit use of drugs and the abuse of alcohol;

- b. The establishment of preventive measures that will help maintain a drug and alcohol free environment;
- c. The adoption of norms and regulations that will permit the Institution to deal with the cases of illicit use of drugs and the abuse of alcohol in an effective manner.

In harmony with the aforementioned objectives, the University declares that the production, distribution, possession or illicit use of drugs, controlled substances and alcoholic beverages on the property of any of the campuses and facilities of the Institution are strictly prohibited.

**INTERNAL REGULATIONS TO DEAL WITH COMPLAINTS ON THE USE
AND ABUSE OF DRUG AND ALCOHOL ON THE PROPERTY
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I. Legal Base

These regulations are adopted in accord with the authority conferred to the President by the Board of Trustees in the Bylaws of Inter American University of Puerto Rico. In addition, they are supported by the following federal and Puerto Rican laws:

- 1.1 Drug Free Workplace Act of 1988 (Public Law 100-690) passed on November 18, 1988. U.S.C.A. 701 and the following, as amended.
- 1.2 Drug Free Schools and Communities Act, amendment of 1989 (Public Law 101-226) passed on December 12, 1989, (24 LPRA).
- 1.3 The Regulations Adopted by the United States Department of Education to implement these laws, 34 CFR parts 85 and 86; 48 CFR sub-part 23.5.
- 1.4 Drug Free Workplace Act of 1988 (Public Law 100-690 approved November 18, 1988 and amended, 41 USC 701).
- 1.5 Drug Free Schools and Communities Act, of 1989 amendment (Public Law 101-226) approved December 12, 1989, (24 LPRA) and amended, 34 CFR 668,14).
- 1.6 Controlled Substances Law of Puerto Rico, Law Number 4 of June 23, 1971, as amended.
- 1.7 Law Number 59 of August 8, 1997, Regulates tests for detection of controlled substances in the private sector, by means of the establishment, on the part of the employer, of programs to detect the illegal use of controlled substances.
- 1.8 Law Number 143 of June 30, 1969, as amended, 13 L.P.R.A. 6001 and the following.
- 1.9 Law Number 80 of May 30, 1976, as amended, known as the Law of unwarranted dismissals.

II. Purpose

These regulations have the following purposes.

- 2.1 To create awareness in the university community on the harmful effects of the illicit use of drugs and abuse of alcohol.
- 2.2 To establish preventive measures that will help maintain a drug and alcohol free environment.
- 2.3 To adopt the norms and regulations that will permit the Institution to deal with cases of illicit use of drugs and the abuse of alcohol in an effective manner.

III. Applicability

The norms contained herein will be applicable to all employees, faculty members and students of the University and to independent contractors who offer services to the University. It is provided, however, that the consumption of alcoholic beverages in special activities previously authorized by the Chief Executive of the academic Unit will be allowed. This exception is not applicable to the student activities within the academic units.

These norms will be incorporated in the following Manuals and Regulations in the proper sections:

- 3.1 Faculty Handbook (full-time faculty)
- 3.2 Handbook for Non-Teaching Personnel
- 3.3 Part-time Faculty Handbook
- 3.4 General Student Regulations

IV. Definitions

For purposes of these Regulations, the terms below will be defined as follows:

- 4.1 Official activity of the University - Any activity, including those of recognized student organizations, in which the name of the University is used as sponsor and funds or property of the University are used, with prior authorization of the Board of Trustees, President of the University or a Chancellor or an officer delegated by him.
- 4.2 Alcohol or Alcoholic Beverages - All drinks for human consumption that contain alcohol, whether produced by fermentation or distillation, and whose production, distribution, sale or use are regulated by the Drinking Law of Puerto Rico, Law Number 143 of June 30, 1969, as amended, 13 L.P.R.A. 6001 and any following.
- 4.3 Marketing – this is understood as the illegal business transaction of buying, selling, giving, receiving, intervening in and utilizing narcotics and controlled substances under the ruling of legal prohibition.

- 4.4 Illegal marketing - This is when the person authorized to market or transport controlled substances, uses them illegally.
- 4.5 Illicit marketing - This is when the person does not have the appropriate authorization to market or transport controlled substances under the legal ruling of prohibition.
- 4.6 University community - The group of people that work or study at Inter American University of Puerto Rico.
- 4.7 Consumption - is understood as the sporadic or permanent use of controlled substances that are under legal prohibition, and which have the danger of addiction.
- 4.8 Independent contractor – Person or entity that:
 - 4.8.1 Operates a business within the structures or premises of the University.
 - 4.8.2 Constructs or remodels structures within the property of the University.
 - 4.8.3 Rents facilities of the University to hold private activities.
- 4.9 Convict – A person who legally, by means of the pronouncement of a judge, has been proven guilty of violating the Law of Controlled Substances by a Court of Justice within the jurisdiction of the Commonwealth of Puerto Rico or of the United States of America.
- 4.10 Drug - Any medicine or substance controlled by medical prescription.
- 4.11 Employee - Any person employed, with or without pay, or that receives a wage, pay, concession, salary or any other periodic remuneration from the University for the conduct of educational, administrative or maintenance tasks. It includes:
 - 4.11.1 Full-time and part-time professors.
 - 4.11.2 Temporary and provisional employees and employees hired for an unspecified time.
 - 4.11.3 Probationary and regular employees.
 - 4.11.4 Volunteers.
 - 4.11.5 Part-time and full-time employees.
- 4.12 Student - Any person registered in any of the courses or programs offered by the University.
- 4.13 Board – The Board of Trustees of Inter American University of Puerto Rico.
- 4.14 Defendant - Person charged with a violation to o these Regulations.
- 4.15 Possession – This is the material act of having controlled substances.
- 4.16 Illicit possession - When the person susceptible of committing a criminal act, carries out a fraudulent act in opposition to the prohibitions expressed in the Law, possession, holding or possession of controlled substances to which he gives an illegal use, or having authorization to possess them, he makes illegal use of them.

- 4.17 Prescription - An order issued by a doctor, dentist or veterinarian authorized to dispense controlled substances.
- 4.18 President - The President of the University.
- 4.19 Complaint – A written and signed allegation submitted to the designated official, regarding the possession, use, provision, distribution, manufacture, handling or any other activity related to drugs and controlled substances, or the use of alcohol by any employee, student or independent contractor of the University, its agent or employee, on the grounds or in the facilities of the University or in activities sponsored or controlled by the University outside its premises.
- 4.20 Chancellor/Dean of Professional Schools - The maximum administrative and academic authority in each academic unit. The activities that these regulations entrust to a Chancellor/Dean of Professional Schools may be carried out by an officer delegated by the Chancellor/Dean.
- 4.21 Controlled substances – All those in classifications I, II, III, and IV of Article 202 of the Law Number 4 of June 23, 1971, as amended, known as Law of Controlled Substances of Puerto Rico, as it may be amended, 24 L.P.R.A. 2101 and following ones, whose manufacture, distribution, sale, possession or use are not allowed under the dispositions of this Law; or any other legislation of the Commonwealth of Puerto Rico or of the United States of America, excepting the use of substances controlled by medical prescription or other authorized use by law.
- 4.22 Illicit traffic - This is the act of transferring or transporting narcotic and controlled substances, as well as prior or later acts, aimed at illicit commercial transactions of delivery of any controlled substance or substance under the legal prohibition ruling.
- 4.23 Institutional unit - The System Central Office, each Campus, the School of Law and the School of Optometry or any other dependency that belongs to or is used by the University as a place of work or study.
- 4.24 University – Inter American University of Puerto Rico and all its parts.
- 4.25 Drug use and alcohol abuse – This refers to the illegal drug use of controlled substances and the consumption of alcohol by an employee, student or independent contractor of the University or its employees on the grounds or in the facilities of the University or in activities sponsored or controlled by the University outside its premises.

V. Norms on the Use and Abuse of Drugs and Alcoholic Beverages

5.1 Prohibition of controlled substances

The manufacture, possession, consumption, sale or distribution of controlled substances in the premises of Inter American University of Puerto Rico or in its official activities, in or outside its premises, constitute a serious violation of these regulations that will entail

separate and special sanctions from any other penalty that may be imposed under any law applicable to 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 Inter American University of Puerto Rico or in its official activities, in or outside its premises, constitute a serious violation of these regulations that will entail separate and special sanctions from any other penalty that may be imposed under any law applicable to Puerto Rico.

5.3 Possession, consumption, sale or distribution of alcoholic beverages within the premises of the University

The possession, consumption, sale or distribution of alcoholic beverages within the premises of the University is prohibited. This includes the taking of alcoholic beverages into the classrooms, conference rooms, student centers, student residences, and sport or cultural facilities. It is provided, however, that the consumption of alcoholic beverages in special activities previously authorized by the Chief Executive of the Academic Unit will only be allowed. This exception is not applicable to the student activities within the academic units.

The person who authorizes the activity must make sure that an officer designated by him is present to see to it that the applicable regulation is faithfully complied with.

5.4 Possession, consumption, sale, or distribution of alcoholic beverages in official activities outside the premises of the University

The possession, consumption, sale or distribution of alcoholic beverages in official activities of the University to be held outside its premises, unless it is requested and has the previous authorization of the Board of Trustees, the President of the University, or a Chancellor, in harmony with Article 5. 3 of these regulations is prohibited.

5.5 Requests for authorization of the provision or consumption of alcoholic beverages within the premises or in some official activity outside the premises of the University

The authorization request will indicate:

- 5.5.1 Name of the person, group or organization.
- 5.5.2 In case of an organization, the purpose for which it was created.
- 5.5.3 Type of activity.
- 5.5.4 Date, hour and place where the activity is planned to be held.
- 5.5.5 Projected duration of the activity.
- 5.5.6 Name, address and telephone of the people requesting authorization.
- 5.5.7 A written commitment of the organization to comply with the norms established in these regulations.

The authorization request will point out that the persons requesting authorization commit themselves to personally make sure of compliance with Article 5 of these regulations.

Each unit of the University will identify the places within its premises where the presence of alcoholic beverages will be allowed. No activity, whose main purpose is the consumption of alcoholic beverages, will be authorized. Likewise, contests for the consumption of alcoholic beverages will not be permitted.

5.6 Prohibition of the advertising of alcoholic beverages

The advertisement of alcoholic beverages within the premises of the University is prohibited.

5.7 Student Residences

These regulations will apply rigorously to students living in student residences of the University. The introduction of controlled substances or alcoholic beverages inside the limits of these residences will be a serious violation of these regulations.

5.8 Procedures to be followed in case of conviction for violation of the provisions of these regulations

5.8.1 Student - Any student found guilty or declares himself guilty, before a Court of Justice, of a violation to the provisions of these regulations, occurring within the university premises or in an activity sponsored by the University, must notify it in writing to the Office of the Dean of Students of his institutional unit within five days following the date of the reading of the sentence.

5.8.2 Employees - Any employee found guilty or declares himself guilty, before a Court of Justice, of a violation to the provisions of these regulations occurring within the university premises or in an activity sponsored by the University, must notify it in writing to the Office of the Dean of Administration of his Institutional unit within five workdays following the date of the reading of the sentence.

5.8.3 Duties of the University

5.8.3.1 After receiving the notification to which this Article refers, or if by another form it receives official knowledge of the penal sentence, the University will decide within the next 10 calendar days if the student or employee is among those for which the federal regulation imposes on the University, the obligation to notify this sentence to some federal agency.

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 himself to a plan of treatment or rehabilitation before he is subjected to the applicable

disciplinary procedure required by the General Student Regulations or the Faculty Handbooks and the Non-teaching Personnel Manual, within 30 natural days counted from the receipt of the notification to which this Article refers or from the date the University receives official knowledge of the penal sentence. To these ends, the Institution will establish and start a program of orientation and counseling for these persons.

VI. Authorized Tests

The University may require the employees or employment candidates to submit themselves to tests for the detection of controlled substances in the following circumstances:

- 6.1 Individualized reasonable suspicion - an employee may be submitted to a drug test when at least two of the employee's supervisors (of which one must be the direct supervisor), determine that there is individualized reasonable suspicion that the employee is under the effects, the influence or is a user of controlled substances, independently of the fact that later such fact is established or not. The suspicion must be based on observable factors and objectives such as:
 - 6.1.1 Direct observation of use.
 - 6.1.2 Physical symptoms.
 - 6.1.3 Repeated pattern of abnormal conduct or erratic behavior in his work.
- 6.2 Follow-up Tests - the employees who enter a rehabilitation program may be subject to follow-up tests.

VII. Disciplinary Procedure

- 7.1 Students
 - 7.1.1 With regard to students, these regulations will consider a norm adopted from the General Student Regulations, therefore, all violation to these regulations will mean a violation to Chapter V, Article 1 of the General Student Regulations.
 - 7.1.2 Chapter V, Article 2 of the General Student Regulations illustrates as behavior subject to disciplinary sanctions the provisions in Article 1. For these behaviors, as well as how to deal with violations to these regulations In order to deal with the violations to these regulations, the disciplinary procedures related to students are adopted. These are established in Chapter V, Article 3 of the General Student Regulations.
 - 7.1.3 The following disciplinary sanctions to the violation of Section V of these regulations will be imposed:
 - 7.1.3.1 Reprimand.
 - 7.1.3.2 Probation for a defined time during which another violation of any norm will have suspension as a consequence.

7.1.3.3 Suspension from the University for a definite time. The violation of the terms of the suspension will entail an increase in the period of suspension or the definitive separation from the University.

7.1.3.4 Definitive separation from the University - the student, who incurs in any of the violations that these regulations define as serious, or who incurs in a second violation of any type to these regulations, will not be eligible for the first of the aforementioned sanctions. This provision will be subject to the final determination of the evaluation process in case the situation of the student merits the necessity of the Rehabilitation Program and Counseling, as established in these regulations.

7.2 Student Organizations

7.2.1 With regard to student organizations, these regulations will consider a norm adopted under protection of the General Student Regulations. Therefore, all violations to these regulations will mean a violation to Chapter III, Article 3 of the General Student Regulations.

7.2.2 The officer or the recognized organism will impose the following disciplinary penalties to student organizations:

7.2.2.1 Reprimand.

7.2.2.2 Probation for a definite time during which another violation of any norm will have as consequence suspension or separation. During this period the members of the organization must work in educational prevention activities assigned and supervised by personnel of the Prevention Program of the unit.

7.2.2.3 Suspension of some rights and benefits related to recognition. In this period the members of the student organization must work in a communitarian service program, under the supervision of the Prevention Program of the unit.

7.2.2.4 Suspension of accreditation for a defined time: a student organization which incurs in any of the violations that this regulation defined as serious, or that incur in a second violation of any type to these regulations, will not be eligible for re-accreditation unless its members develop or work in educational prevention activities, assigned, supervised and properly evidenced by the personnel of the Program Prevention of the unit.

7.2.2.5 The Juridical Advisor's Office will develop alternative methods of resolving conflict for those cases in which there is not agreement between the parties with respect to the dictated sanction, when a serious crime has not been committed.

7.3 Employees

7.3.1 With regard to employees, the violation to Section V of this regulation will entail the following disciplinary sanctions:

7.3.1.1 Oral reprimand.

- 7.3.1.2 Written reprimand.
 - 7.3.1.3 Suspension of employment and pay, for a definite term not to exceed six months. The violation of the terms of the suspension will entail an increase of the suspension period or the definitive separation from the University.
 - 7.3.1.4 Dismissal, with the consequent exclusion from serving the University, unless rehabilitation is formally determined, in harmony with the norms established by the System Human Resources Office for that purpose.
 - 7.3.1.5 The employee, who incurs in any of the violations of these regulations identified as serious, or who incurs in a second violation of any type to these regulations, will not be eligible for the first two aforementioned sanctions. This provision will be subject to the final determination of the evaluation process in case the situation of the employee merits the requirement of a rehabilitation and counseling program, as established in these regulations.
 - 7.3.1.6 The imposition of any disciplinary sanction must be preceded by the appropriate procedure, with the investigation of the facts and the due administrative process that the University, and the Law, in harmony with the fundamental purpose of the disciplinary action, which strives for the remedial action according to the best institutional interests.
 - 7.3.1.7 The Juridical Advisor's Office will develop alternative methods of resolving conflict for those cases in which there is no agreement between the parties with respect to the dictated sanction, when a serious crime has not been committed.
- 7.4 Possession with the intention of distribution or the distribution of controlled substances may entail:
- 7.4.1 Probation and the requirement that the employee or student enter a rehabilitation program, approved for such purpose by the federal or local government or another recognized agency. The breach of the probation will entail suspension for a definite time.
 - 7.4.2 Suspension from classes or employment for a definite time.
 - 7.4.3 Permanent separation, in case of students and dismissal in the case of professors and non-teaching personnel.
- Any one of these sanctions or a combination of these may be imposed. The University will notify the state and federal authorities for the appropriate action.
- 7.5 The use, possession or distribution of alcoholic beverages in any form in the teaching unit or on the grounds and buildings of the University may entail the following sanctions:
- 7.5.1 A written reprimand and a copy to the student.

7.5.2 Probation and the requirement that the employee or student enter a rehabilitation program, approved for such purpose by the federal or local government or another recognized agency. The breach of the probation will entail suspension for a definite time.

7.5.3 Suspension of classes or employment for a definite time.

Any one of these sanctions or a combination of these may be imposed. The University will notify to pertinent state authorities for the appropriate action in the cases of non-authorized distribution by the Department of the Treasury.

In cases of recidivism, in addition to the aforementioned sanctions, the permanent separation from classes or employment may be imposed.

VIII. Informal Procedure for Complaints

8.1 Right to Present a Complaint

8.1.1 Every employee or student will have the right to present a complaint concerning the violation of these Regulations. The complaint must be presented in writing within the jurisdictional time of 30 calendar days from the date that the act was incurred. The complaint should include a brief report of the alleged behavior incurred by the accused party and the provisions of the Regulations which were allegedly violated.

8.1.2 The complaint must be presented before the Chief Executive Officer of the Academic Unit and, in the case of Central Administration, before the Executive Vice President. These officials will form a Special Committee to carry out a confidential and objective investigation of the case. Said investigation must begin within a period of no more than 10 work days from the date the complaint was received. The periods of administrative recess will 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 equivalent and a Counselor.

8.2.2 In cases of professors and non teaching personnel - Dean of Studies, Dean of Administration, Director of Human Resources or their equivalents.

8.2.3 In cases of employees in the System Central Office - Executive Director of Human Resources, a Vice President and another member designated by the Executive Director of the Presidency.

8.2.4 In the three cases mentioned here, an expert who has knowledge and experience in this type of investigation, (forensic, chemical, biochemical or physiological methods) will form part of the Special Committee.

8.2.5 The Juridical Advisor's Office will prepare the protocol that must be followed to obtain and to preserve the blood, alcohol or drug tests that are required or are necessary to attend to the complaint.

8.3 Investigation

One of the members will be assigned by the President of the Committee to investigate the complaint and present his report to the Committee, no later than 30 calendar days from the date the investigation began. The periods of administrative recess will not count as part of these 30 days.

If after investigating the informal complaint, the Committee decides that sufficient grounds do not exist to substantiate the violation presented, it will be so informed in writing and it will be explained to the complainant through an appropriate dialog. For all purposes the case will be considered closed.

If the Committee determines that sufficient cause exists to believe that the accused party committed the violation presented, he will be given the opportunity to clear and defend himself at an informal hearing.

The tests and documentation assembled will be preserved until the case is solved or while the regulation in force requires it.

8.4 Informal Hearing

8.4.1 The Committee will summon the accused party within a period of not more than 10 workdays from the date sufficient grounds were determined. The notification will contain:

8.4.1.1 Date, hour and specific place where the informal hearing will be held. (The hearing will be held within a term of 20 calendar days, from the date of notification). The periods of administrative recess will not count as art of these 20 days.

8.4.1.2 Charged violations.

8.4.1.3 Date on which these violations incurred.

8.4.1.4 Right to express oneself and to present any oral and/or documentary evidence.

8.4.2 If the accused party does not appear on the date and hour specified for the informal hearing, the Committee will refer the case to the Chief Executive Officer of the Academic Unit or the Executive Vice President at Central Administration so that a formal hearing can be held.

8.4.3 After the informal hearing has been held, the Special Committee will determine whether or not the accused party committed the violations presented and will submit a report with its recommendations to the Chief Executive Officer of the

Academic Unit and, in the case of Central Administration, to the Executive Director of the Presidency within a period of no more than 20 calendar days.

- 8.4.4 If from the preliminary study and evaluation of the case the possibility may be deduced that the accused party needs to be referred for a medical, professional or specialized evaluation, the Committee will advise the accused party of the pertinent recommendations.
- 8.4.5 The preliminary study of the case includes the possibility of achieving behavior modification by the accused party. If the rehabilitation of the accused party is achieved as demonstrated by favorable changes in the behavior during a period of six months and confirmed by the Chief Executive Office of the Academic Unit or by the Executive Vice President in the case of Central Administration, the case will be closed

IX. Formal Procedure: Administrative Hearing

9.1 Request for an Administrative Hearing

If the Special Committee determines that the person committed the violations presented and he refuses to be referred for a medical, professional or specialized evaluation, the accused party will be entitled to petition an Administrative Hearing. The petition will be presented to the Chief Executive Officer of the Academic Unit or the Executive Director of the Presidency in the case of the Central Administration, within 10 work days from the notification date of the decision of the Special Committee.

9.2 Appointment of the Examining Officer

The Chief Executive Officer of the Academic Unit or the Director of the Juridical Advisor's Office of Central Administration will appoint an Examining Officer who will be a lawyer with vast professional experience. These officials will provide the Examining Officer with a copy of the complaint and of the petition for the Hearing. The Examining Officer will notify both parties of the day the Hearing will be held, allowing a reasonable amount of time to prepare for their defense, but no more than 20 days after the date of the notification of the Hearing.

9.3 Notification of the Administrative Hearing

The Examining Official will notify all the parties about the holding of the Formal Hearing. The notification will contain:

- 9.3.1 A brief report of the behavior in which allegedly the accused party incurred.
- 9.3.2 Date, hour and specific place where the Hearing will be held.
- 9.3.3 Violations presented.
- 9.3.4 Date on which the charged violations incurred.
- 9.3.5 Disciplinary sanctions applicable.
- 9.3.6 The right to be represented by a lawyer or any other person of his choosing, to question, cross-examine and to present oral and/or documentary proof.

9.4 Suspension of the Hearing

These norms are designed so that the procedure for attending to complaints can be carried out quickly and efficiently, but within a framework of justice and equality. For this reason, motions to suspend the proceedings will not be looked upon with favor.

9.4.1 If any of the parties is interested in suspending the stipulated Hearing, he must present a written petition to that effect to the Examining Officer, at least 5 workdays before the date stipulated for the Hearing. A copy of the petition must be sent to the other party.

9.4.2 Either party who has presented a petition to suspend a Hearing must appear before the Examining Officer on the date and hour stipulated for the Hearing unless he had previously received notification from the Examining Officer granting the suspension. If the petition for suspension has not been granted, the Examining Officer may conduct the Hearing.

9.5 Guarantees of the Hearing

In the Hearing, the Examining Officer will guarantee the following to all the parties:

9.5.1 The right to attend the Hearing alone, accompanied and/or represented by a lawyer or any other representative of his choosing.

9.5.2 The right to listen to all testimony and read all documentary evidence presented at the Hearing.

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

9.5.4 The right that all rulings made by the Examining Officer be written and based on the oral and documented evidence presented at the Hearing.

9.5.5 The right to present all testimony and documented evidence pertinent to the complaint.

9.6 Conducting the Hearing

9.6.1 All proceedings before the Examining Officer shall be recorded on magnetic tape or another available medium which will be delivered to the University for preservation and guardianship or to the person designated for that purpose. The Rules Concerning Evidence that regulates judicial and ordinary proceedings will be applied with flexibility.

9.6.2 The Examining Officer will begin the Hearing by giving a summary of the controversies involved in the complaint and explain the manner in which the Hearing will be conducted.

9.6.3 During the Hearing, the Examining Officer will have all the authority necessary to guarantee that the proceedings will be conducted in a respectable manner, including, without interpreting it as a limitation of their rights, the authority to order any party, his lawyer or representative, or a witness to maintain silent or to exclude from the Hearing any person who does not conduct himself in a decorous manner. The exercise of the powers granted here to the Examining Officer shall be interpreted and applied in such a way as to guarantee the due process of law to the parties involved.

9.7 Ruling of the Examining Officer

After the Hearing has been held, the Examining Officer will issue his ruling within the following 30 days, with his decisions regarding the acts that have been proven, the conclusions and the recommendations with regard to the penalties that should be imposed.

It will be the responsibility of the Examining Officer to send a certified copy of the ruling to the Executive Director of the Presidency, to the Chief Executive Officer of the Academic Unit and to the Director of Human Resources when it concerns an employee.

When the violations have been committed by a Chief Executive of an Academic Unit or by employees of Central Administration, the Executive Director of the Presidency will resolve the case, taking into consideration the ruling of the Examining Officer and will impose the appropriate penalties. He will notify the accused party by mail (return receipt requested) within twenty (20) calendar days after receiving the ruling of the Examining Officer. The periods of administrative recess will not count as part of these 20 days.

If the violations were committed by students, professors or administrative personnel of an Academic Unit, the Chief Executive Officer of the Academic Unit will resolve the case and impose the penalties in accordance with what has been stated in the previous paragraph.

X. Imposition of Disciplinary Sanctions and Appeal

10.1 Imposition

Disciplinary sanctions will be imposed in the following manner:

10.1.1 The Chief Executive Officer of the Academic Unit, in coordination with the Dean of Students, will impose the appropriate penalties when the violations have been incurred by students.

10.1.2 When the violations have been committed by non-teaching employees of the Academic Units, the Chief Executive Officer of the Academic Unit, in coordination with the Executive Director of Human Resources, will impose the sanctions.

10.1.3 When the violations have been incurred by personnel from Central Administration or by Chief Executives Officers of the Academic Units, the penalties will be

imposed by the Executive Director of the Presidency with the recommendation of the Executive Director of Human Resources

10.1.4 When the violations have been committed by professors, the penalties will be imposed by the Chief Executive Officer of the Academic Unit with the recommendation of Vice-president for Academic and Student Affairs and Systemic Planning and with the counsel of the Executive Director of Human Resources.

10.1.5 In cases of the deans and chief executive officers of the academic units, the President will choose the course of action to be taken.

10.2 Appeals

A defendant not in agreement with the decision may present a written appeal to the President, within next 10 workdays, without an extension, from the date he received a copy of the ruling.

The President will emit his decision within the next 20 work days, from the time the written appeal was received, which will become final and may not be appealed. If the President does not emit any decision by the end of the 20 day period, it will be understood that the appeal has been overruled and becomes final and may not be appealed.

XI. Conviction

11.1 Any employee or student, who has been convicted of violating the Law of Controlled Substances, whether state or federal, must notify his immediate supervisor within five (5) days from the date of conviction. A student must notify the Dean of Students.

11.2 The University will notify the pertinent federal agency concerning the conviction, within a period of no more than ten (10) days from the date of the conviction.

11.3 The University will impose the disciplinary action stipulated in the present proceedings within thirty (30) days from the time it learned of the conviction.

XII. General Provisions

12.1 Prevention

The Central Office of Human Resources of the University will establish a preventive plan at the institutional level, dealing with the harmful effects of the use of drugs and controlled substances and the abuse of alcohol. This plan will contain the programs that will be developed, geared to educating the university community regarding this matter. It will be the responsibility of the Chief Executive Officer of each Academic Unit to maintain a similar plan, in keeping with the institutional plan.

12.2 Interpretation

The provisions of these Regulations should be interpreted in the broadest manner possible in light of their purpose and the collection of norms of which they are composed and in agreement with the public policy contained in the Laws.

12.3 Materials not provided for

The matters or affairs not provided for in these Regulations and which are covered by the Laws referred to will be governed by the resolutions taken by the Board in accordance with the Laws referred to.

XIII. Severability

If any part or section of these regulations is declared null by a competent authority, such decision will not affect the rest.

XIV. Repeal or Amendment

These regulations amend Normative Document G-0807-028 and incorporate the policy of Circular Letter G-148-92, thereby substituting it. In addition, they repeal any other directives that may be in conflict with what is expressed herein. These Regulations may be amended or repealed by the President of the University.

XV. Effective Date

These Regulations will be in effect immediately after their approval and signing by the President.