



Carlos Albizu University Policy against Sexual Harassment and Discrimination by Directors and Supervisors, Teaching and Non-teaching personnel, Students and Non-employed persons by the Institution

Miami Campus

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I. Introduction

Carlos Albizu University (hereinafter referred as "UNIVERSITY") holds a firm commitment against sexual harassment and discrimination in its campuses and in activities related to the UNIVERSITY. In compliance with Title VII of the Civil Rights Act of 1964, of the United States; Civil Rights Act of the State of Florida of 1992; as well as any other state or federal act or policy that applies, the UNIVERSITY establishes the following policy against Sexual Harassment and Discrimination by Directors and Supervisors, Teaching and Non-teaching personnel, Students and Non-employed persons by the Institution

II. Definitions

1. **Stalking:** is defined as undesired attention that is repetitive or obsessive, directed towards an individual or group, that is alarming, causes fear or considerable emotional anguish.
2. **Sexual Advances:** inappropriate conduct of sexual nature, as sexual insinuations, asking for sexual favors, or other verbal, non-verbal or physical conduct of sexual nature.
3. **Hostile Environment:** conduct that constitutes sexual harassment that is so severe and persistent, that affects the capacity of a student or employee to participate in equal conditions in academic activities or in the terms and conditions of employment.
4. **Consent:** the free and voluntary expression of will to carry out an action or act.
5. **Title IX Institutional Coordinator:** is the official that has the responsibility of ensuring the fulfillment of the dispositions of Title IX of the Education Amendments Act. Title IX Institutional Coordinator works and advises the Title IX Auxiliary Coordinators.
6. **Discrimination:** is defined as an adverse action in representation of someone, or offering a benefit, employment opportunity, education or participation in institutional activities to a member of the UNIVERSITY, or a particular group based on race, color, religion, age, language, social condition, Veteran status or national origin, or sexual orientation, gender identity or any other classification protected by law.
7. **Employee:** any person employed by the UNIVERSITY, in a teaching or non-teaching position, that is part or not part of the part time, half-time or full-time faculty, in any campus of the institution, regardless of the hierarchy or position they occupy.
8. **Student:** any person that is enrolled in any course or program the UNIVERSITY offers.
9. **Adult Student:** enrolled student which is 18 years old or older.
10. **Non-employed Person:** includes visitors, patients/clients or other person not employed by the UNIVERSITY, that visits the institution, receives services and/or participates in the activities made by the UNIVERSITY, whether in or outside the campuses.

11. **Sexual Harassment:** is defined as unwanted and inappropriate sexual innuendos, soliciting of sexual favors and other verbal or physical conduct of a sexual nature, whether it be explicit or implicit, when such conduct has the purpose or effect: (a) to intimidate, threat , unreasonably interfere with the performance of that individual's studies or when it creates an intimidating, hostile or offensive environment for studying; (b) when the yielding or rejection of such conduct or undesired advances from the person, becomes the basis for any decision regarding any aspect related to the studies of that person; (c) when yielding to such conduct or undesired advances turns, implicitly or explicitly, in a condition to remain in the educational institution.
12. **Gender Identity:** Refers to how a person identifies, or views him/herself regarding gender, which can correspond or not, to the biological or assigned gender at birth. In order to fulfill the purposes of this policy, this definition will be interpreted as broadly as necessary, to extend its benefits to every citizen exposed to an episode or pattern of discrimination.
13. **Investigation:** the procedure initiated to obtain information to solve grievances and as per the norms and regulations have been assigned to a PCI.
14. **Provisional Measures-** are the measures taken to mitigate risks and separate the alleged victim from the alleged harasser, such as temporary relocation from the place of work or study. These measures shall not be considered as a punishment against the complainant or defendant nor as a determination where the allegations are prejudged.
15. **Sexual Orientation:** is the capacity of every individual to feel an emotional, affectionate or sexual attraction towards individuals of any other or same gender as them. In order to fulfill the purposes established in this policy, this definition will be interpreted as widely as necessary, to extend its benefits to every citizen exposed to an episode or pattern of discrimination.
16. **Person Conducting the Investigation (PCI):** is the person in charge of the investigation. This person can be the Dean of Students, Academic Counselor, Clinic Director, Human Resources Director, or any other designated personnel.
17. **Professor:** includes all members of the UNIVERSITY'S Faculty.
18. **Complaint:** verbal or written allegation presented before the designated Official regarding sexual allegations or discrimination.
19. **Defendant:** person to whom a violation of this policy is ascribed.
20. **Claimant:** person who alleges to have been a victim of a violation of the provisions in Title IX, including this policy.
21. **Default:** procedural state in which a person who is part of a complaint, does not appear to the summons that is formally given by the PCI or fails to fulfill his/her orders

person who refuses to cooperate with the investigation process or provisional measures.

22. **Retaliation:** is defined as an adverse action taken against a claimant or witness of a sexual harassment or discrimination complaint because of his/her participation in the process.
23. **Supervisor:** person that exercises control or whose recommendation is considered and given weight in the hiring, classification, dismissal, promotion, demotion, transfer, assignment of salary or hours, place of work or condition of work duties or roles that an employee or group of employees can perform, or over any other terms or conditions of employment.
24. **Title IX:** are the provisions of the Education Amendment Act of 1972, that prohibits discrimination based on sex, in any federally funded education program or activity.

The definitions included in the Definitions section of the General Policies and Disciplinary Procedures Manual also apply in this Policy process for Complaints on Sexual Harassment and Discrimination, when warranted.

III. **Prohibited Conduct**

In its firm commitment, the UNIVERSITY will not allow directors, supervisors, teaching or non-teaching personnel, students or persons not employed by the Institution to incur or be subject to conduct that can or could constitute sexual harassment, on campus and/or in activities related to the UNIVERSITY. The UNIVERSITY strictly prohibits sexual harassment from any employee, supervisor or third party to another employee. In addition, sexual harassment is also prohibited from students and among them.

Specifically, the UNIVERSITY prohibits employees from incurring in conduct that constitutes sexual harassment against employees, students, visitors, patients/clients and/or persons not employed by the UNIVERSITY. Likewise, the University prohibits any student from incurring in conduct that constitutes sexual harassment against students, employees, visitors, patients/clients, and/or persons not employed by the UNIVERSITY. In addition, the UNIVERSITY will not tolerate that non-employees, visitors and/or patients/clients incur or be subject to conduct that constitutes sexual harassment against or by the students or employees of the UNIVERSITY.

If you have witnessed or have been subjected to conduct that could constitute sexual harassment, you are responsible for reporting it to the UNIVERSITY Administration and/or Human Resources Department, so that immediate and appropriate measures can be taken to correct the situation.

The purpose of this policy is not to regulate the morality of the employees or the students, but to ensure that in the UNIVERSITY, and in activities related to the UNIVERSITY, no employee, student or non-employed person is subject to sexual harassment.

Even though the exact meaning of sexual harassment cannot be easily defined, without being understood as a limitation it can include undesired sexual advances, soliciting sexual favors and/or other verbal or physical conduct of a sexual nature, including, but not limited to drawings, photographs, jokes, teasing related to sex, undesired touch or other comments related to sex. This policy prohibits any type of conduct whether verbal or not verbal, including, but not limited to, emails, voicemails, chat rooms, Internet use or history, text messages, photographs, images, written messages, words or gestures.

Infractions to this policy could result in disciplinary measures, including dismissal from employment or institutional expulsion for students. It is guaranteed that, under no circumstances retaliation would be taken against any employee that files a complaint, testifies, collaborates or in any other manner participates in an investigation, procedure or hearing that is performed according to this policy or any employment opportunities, terms, or conditions of employment be adversely affected. Likewise, no retaliation will be taken against any student that files a complaint, testifies, collaborates or in any manner participates in an investigation, procedure or hearing that is performed according to this policy. Nevertheless, a complaint that is frivolous or without merit, could result in the application of sanctions and/or disciplinary measures.

Among the types of conduct that the UNIVERSITY considers unacceptable and as such, subject to disciplinary sanctions, that could lead to institutional expulsion of the student or the dismissal of the employee, are the following, but not limited to:

1. Acts, comments or jokes, text messages or email communications, posters or images of sexual content, in the work and/or study place.
2. Threats, demands or suggestions of a sexual nature, where the person harassed believes that they will lose their job or be affected in their grades or employment, if they do not agree to the desired conduct by the harasser.
3. Pressure so that the harassed person accompanies the harasser to an undesired place with a sexual intention or purpose.
4. Undesired or inappropriate attention or flattery.
5. Pressure from the supervisors or faculty members for sexual favors in exchange of employment benefits, academic progress or grades.

6. Conduct of a sexual nature such as unnecessary physical contact, pats, pinching, rubbing with the body, intent of rape and coercion for sexual relations in activities, social or academically sponsored events by the UNIVERSITY.
7. Verbal conduct of a sexual nature, such as rude sexual innuendos propositions, offensive flirtation and commentaries and obscene innuendos.
8. Repeated invasion of physical space.

IV. Internal Procedure for Sexual Harassment Complaints

Any employee or student that believes to have been a victim of sexual harassment must immediately report those actions as established in this procedure.

All sexual harassment allegations will be quickly and completely investigated, in the most confidential way possible.

1. Any employee or student that believes to have been a victim of sexual harassment or retaliation after complaining of sexual harassment, must report it to the Human Resources Director, and in the case of students, to the Academic Counselor or Dean of Students of the UNIVERSITY. If an employee or student makes a report to any of the persons mentioned above, and does not receive a response or receives one that the employee or student does not consider satisfactory, or consistent with this policy, the employee or student must report the situation to the Provost.
2. The UNIVERSITY will investigate each reported incident. Any employee or student of the UNIVERSITY, that has been found to have violated this policy, could be subject to disciplinary measures, including immediate dismissal in case of employment, or even institutional expulsion, in the case of a student.
3. The UNIVERSITY will carry out the investigation in a discrete and confidential manner. The UNIVERSITY may take provisional measures or any other that it sees fit to comply with the purpose of this policy. The UNIVERSITY acknowledges that each investigation requires a decision based on all the facts of the case. It also acknowledges the serious impact that a false accusation can have. For that reason, we expect and encourage that all employees and students act in a responsible and professional manner.
4. The employee or student that reports and/or participates in any investigation related to this policy, is assured that the UNIVERSITY will not retaliate, due to his/her report or participation, in any form, in the filing of a sexual harassment or discrimination complaint or investigation.

V. Procedures

It must be taken into consideration, that the UNIVERSITY's activities are held in a multicultural environment and that different cultures express or interpret gestures or physical space in different ways and a certain act, regardless of its intention, could result in a different perception and create uneasiness. For that reason, the UNIVERSITY encourages any person that feels aggravated to first report to the offender, that his/her conduct constitutes sexual harassment in their culture and that he/she needs to cease and desist it immediately. Any repetition of said conduct, or a similar one, from a person that has already been informed, will need to be reported to the corresponding PCI under this policy. Nevertheless, if the aggravated party is too anxious or is in a position that he/she considers convenient to disregard this initial warning, he/she could proceed to file a complaint under these procedures, through the PCI or the Title IX Institutional Coordinator.

1. The sexual harassment or discrimination complaints must be promptly submitted to the persons identified in this policy in order to promote a diligent, quick and effective investigation of the alleged facts and provide a quick and effective remedy.
2. Any adverse action or threat of retaliation, against a claimant or witness, is prohibited and considered a major infraction under these procedures.
3. The rights of the defendant will be protected as set forth in these procedures.
4. The Institution will consider unethical conduct and therefore subject to disciplinary action, any attempt to exercise undue influence over a student, employee or non-employed person or to instruct or prevent any of the individuals identified, from filing of a Complaint or participate in its investigation or refuse to participate in the investigation of a complaint.
5. Confidentiality – The investigation process, files, and the complaint, will be confidential. The files of the investigation will be saved in a specifically designated file and will be kept by the Human Resources Office or the Dean of Students, as applicable. Only those persons that have a legitimate reason will be provided access to the allegations, the information or the documents gathered pursuant to these procedures. Institutional disciplinary procedures will be used when confidentiality is not met.

VI. Process to Submit a Complaint

1. Every person that believes to have been a victim of sexual harassment or discrimination in their place of study or work, can file a complaint to the Dean of Students, Academic Counselor or Human Resources or the Clinic Director as applicable.
2. Any situation that could be a sexual harassment or discrimination complaint, will be filed by the aggravated party in the following manner:
 - a. Prospective, admitted and enrolled students- Dean of Students; Academic Counselor; Human Resources
 - b. Every employee, including the faculty, candidates for employment-Human Resources Director
 - c. Contractor or invitee– Human Resources Director
 - d. Non-employed persons – Human Resources Director
3. An initial interview will be conducted, to gather information about the incident presented by the claimant and a confidentiality document will be provided.
4. If the sexual harassment victim submits his/her complaint to any administrative official, other than those previously mentioned in Section VI (1), the official will notify the Dean of Students or Human Resources, as it applies.
5. The complaint must be submitted in writing, although it will be handled if presented verbally.
6. If the claimant is a minor, the PCI will quickly notify the parents, legal guardians or tutors.
7. If unsatisfied with the decision, the claimant will be able to request an appeal, immediately after he/she receives the notification.

VII. Sanctions:

Although not limited by the following, one or more of the following disciplinary measures may be imposed:

1. Students
 - a. Written warning
 - b. Guidance or therapy requirement
 - c. Suspension
 - d. Expulsion
2. Employees
 - a. Written warning
 - b. Guidance or therapy requirement

- c. Transfer or reassignment
 - d. Suspension
 - e. Dismissal/termination
3. Services Contractor(s)
 - a. Contract cancellation
 4. Non-employee
 - a. Suspension of services
 - b. Banned from the UNIVERSITY or its official activities, whether inside or outside of the campus.
 5. The severity of the sanctions will be imposed in relation to the seriousness of the proven conduct. Likewise, disciplinary measures or remedies not identified in this policy can be imposed as required.
 6. Any situation not contemplated in this procedure should be resolved in a manner that is consistent with the present policy and its provisions on sexual harassment and discrimination.
 7. The decision made will consider the UNIVERSITY's interest in the institutional order.