Policies and Procedure – Title IX and Sex Discrimination

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Purpose Statement

The Universidad Politécnica de Puerto Rico ("University" or "the Institution") is committed to protecting the rights and providing a safe environment for all individuals who interact with the Institution, whether they are students, employees, contractors, and/or visitors. Given this, this Policy is promulgated to promote an environment of respect for diversity and the rights of the university community members.

This policy and procedure is issued to comply with the Education Amendments of 1972 on Title IX and Sex Discrimination is the Federal law that protects individuals from gender discrimination (pregnancy, sexual orientation, and gender identity) in programs and activities that receive federal funding.

No person in the United States may be excluded or denied services (benefits) based on gender. The Universidad Politécnica de Puerto Rico does not discriminate based on gender, race, age, ethnicity, social status, marital status, disability, religious or political beliefs, and status as veterans of the Armed Forces in its admission, recruitment, educational programs, and institutional activities.

The Office of Human Resources and the Vice Presidency of Student Services are responsible for activating protocols in case of complaints and enforcing the provisions of this policy.

I. Definitions

These terms and definitions are outlined in this policy and those annexed by reference.
1. **Title IX** - These are provisions of the amendments to the Federal Higher Education Act that protect against gender discrimination in educational institutions and activities offered by a federally funded educational institution.

2. **Title IX Coordinator** - an officer who is responsible for ensuring compliance with the provisions of these rules (for employees, she is the director of the Human Resources office, and for students, she is the Associate VP for Student Services).

3. **Gender Identity** - It refers to how the person identifies themselves and how they recognize themselves as a sexual being, and the feelings that come with it.

4. **Diversity** - differences between people that can be based on race, ethnicity, gender, sexual orientation, language, culture, religion, mental and physical ability, class, and immigration status.

5. **Fairness** - ensures that there is a concern for fairness so that the education of all students or employees is considered of equal importance.

6. **Inclusion** – a process that helps overcome barriers that limit student or employee presence, participation, and achievement.

7. **Work or study center** - includes any place where the employee or student performs their duties, either inside or outside the institution.

8. **University** - Universidad Politécnica de Puerto Rico and its two campuses in Florida.

9. **Employee** - any person who works for the university on a contract basis, including job applicants.

10. **Student** - any person enrolled in any course or program offered by the university, as well as any applicant for admission.

11. **Emotional distress** - Refers to suffering or distress that may sometimes require professional counseling.

12. **Stalking** – is a pattern of behavior directed at a specific person that has the effect of causing fear for their safety or the safety of others and causing emotional distress.

13. **Sexual harassment** is defined as any conduct of unwanted sexual connotation that occurs within the workplace or academy and affects the person receiving it. Meaning co-workers in your work environment or employment conditions. It includes physical conduct by attempting or making unwanted contact, using electronic means to send or forward messages of sexual or sexist connotation, compliments, jokes, comments, or pranks of a sexual or sexist nature or content, even if they are not directed at a particular person.
14. **Sexual Assault** - Any crime that meets the definition of rape, lewd acts, incest, or technical rape, as defined by the Puerto Rico Police Department's sex crimes unit.

15. **Hostile environment in the workplace or academy** - arises when an environment is created that is charged or influenced by sexual connotations, even if the conduct, comments, gestures, or jokes of this nature are not directed toward a specific person or toward the person who feels uncomfortable. It can also occur when an employee does not receive a more favorable employment status compared to another employee who is or has been consenting to voluntarily submit to a relationship with an immediate supervisor of the Institution.

II. **Procedure for Filing and Addressing Allegations of Violations of the Title IX Provisions**

**Initiation of the procedure**

1. Any employee, job candidate, student, or person doing their internship within the facilities of the Institution who understands that he or she is being subjected to a type of discrimination must immediately report it to the director of the Human Resources office, the person designated by the office, or any other official if it is that person who is engaging in such conduct. If the person who is the object of the behavior is a person providing their services to the Institution, they must immediately inform the company with which he works and the Institution through the persons indicated herein.

2. Any employee who acquires knowledge through information provided by a colleague of a situation they are going through, due to a rumor that is taking place in the work area, can also file a complaint.

3. In the case of students, they will file a complaint with the Vice Presidency of Student Services.

4. Any complaint that is filed will be investigated, no matter how simple or less credible it sounds, to ensure that, if it is occurring, it is stopped immediately. Every effort will be made to ensure that it does not happen again.

5. Any information provided will be handled as confidentially as possible. It is reported that it will be or may be shared with the people who participate in the research process. All parties and those who are part of the investigation will be asked not to disclose the information to others to prevent the information from reaching people it should not reach to maintain the purity of the processes. Otherwise, the research could be adversely affected.
6. Acts of retaliation against the person filing the complaint or those participating in the investigation process will not be permitted. Anyone who, for this reason, receives a threat, or any of their conditions of employment or studies are disrupted, must immediately notify the people mentioned previously. The protection offered by the law against retaliation does not cover a person who bases his complaint on false allegations or discloses confidential or privileged information of the Institution.

7. Grievances or concerns should preferably be presented in writing but can also be verbal. If it is presented verbally, it will be requested to be written during the investigation, and the person who files the complaint will be offered help to put it in writing. Complaints filed anonymously will also be welcomed. All complaints must contain the following:

   a. Name of the person filing the complaint.
   b. Name of the person concerned, if not the same person who presents the complaint.
   c. Name of the person against whom the complaint is filed.
   d. Date the complaint is filed.
   e. A detailed account of the alleged facts, including details of events, dates, places, and the names of persons who know or may know of the events.
   f. The person filing the complaint must sign and swear the complaint.

8. You can access the following links to learn more about these policies and procedures:

   Política en Contra del de Hostigamiento Sexual en la Academia (Policy Against Sexual Harassment in the Academia)
   Procedimiento para la Radicación de Querellas (Procedure for Filing Complaints)

9. The Institution strongly requests that any complaint be filed as close as possible to the alleged event before the person identified in this policy and following the established protocol so that the Institution has the opportunity to act immediately to stop any situation and prevent it from happening again if it has occurred. But the person allegedly affected can also contact hostigamientosexual.pr.gov Anti-Discrimination Unit (787-625-3137 ext.3259 / 3232; 787-754-5293 or 787-754-2108); to the EEOC office (1-800-669-4000); the Office of the Women's Advocate (787-722-2977); or go directly to the courts of Puerto Rico.

10. For more information or to file a complaint with OCR, visit the link:

    https://www2.ed.gov/about/offices/list/ocr/complaintintro.html