



GUIDELINES, STANDARDS, AND PROTOCOL FOR HANDLING SITUATIONS OF INTIMATE PARTNER VIOLENCE, DOMESTIC VIOLENCE, SEXUAL HARASSMENT, OR STALKING THAT AFFECT PUDCJBR STUDENTS AND/OR EMPLOYEES

Introduction

This policy document reaffirms the institutional policy approved by the Board of Directors on the handling of situations of intimate partner violence, domestic violence, sexual harassment or stalking that may affect PUDCJBR students and employees.

The PUDCJBR is committed to the care and prevention of all types of violence. This normative document establishes the guidelines, rules and protocol that must be followed to help and protect students and employees of the institution when they are affected by any type of violence.

I. Purpose

This normative document has the following purposes:

- 1.1 Reaffirm the institutional policy and norms on the prevention and care of situations of intimate partner violence, domestic violence, sexual harassment or stalking that affect students and employees in the institution.
- 1.2 Establish the protocol that must be followed to prevent and address situations of intimate partner violence, domestic violence, sexual harassment or stalking in the institution.

II. Legal Basis

This document is based on the authority that the Board of Directors confers on the President of the Institution and on the laws cited in the protocol that are part of this document.

III. Scope

This normative document will be applied throughout the institution's community.

V. Principles, Guidelines and Standards

1. The institution is committed to the public policy of the Government of the Commonwealth of Puerto Rico, which does not tolerate and repudiates, in the strongest possible manner, all acts of violence against women or men.
2. In accordance with the provisions of applicable local and federal laws and regulations, the institution has a moral and legal commitment to support and assist any student or employee who is a victim or is suffering the consequences of acts of violence, in the search for resources and remedies that are necessary to face and overcome the situation.
3. The institution seeks to provide its academic community with a safe area to carry out, not only their academic or work activities, but also for the physical safety and mental peace of each one.
4. The institution recognizes its obligation to prevent or eliminate acts of violence, such as: harassing, intimidating, or threatening the person in the institution, using regular mail, e-mail, use of facsimile, telephone or going personally or sending third parties; Chasing, physically assaulting before, during, or leaving the institution.
5. Any act of intimate partner violence, domestic violence, sexual harassment, or stalking will not be allowed, as it is considered a criminal act and for attacking the physical, mental, spiritual, esteem and morale integrity and health of the victim/survivor. In addition, under no circumstances it will be accepted that any victim/survivor of any type of violence will be discriminated against.
6. Any type of conduct that, in its intent and/or effect, results in prejudiced action towards an employee or student, because he or she is facing a situation of violence, will not be permitted on the part of any supervisor or employee. The institution invites all its employees to join this effort and to report any situation or incident of domestic violence as soon as possible.
7. In accordance with the principles and guidelines set forth herein and in compliance with Law 217 of 2006, the institution will adopt the necessary guidelines, protocols, and regulations to guarantee the education, prevention and correct management of situations of intimate partner violence, domestic violence, sexual harassment or stalking.
8. The Counseling Office is designated as responsible for overseeing compliance with these guidelines and standards. Doubts, suggestions, inquiries, or complaints related to compliance with the guidelines and standards established herein should be addressed in writing to the Counseling Office.

VI. Disclosure

The policy approved by the Board of Directors will be disseminated internally by posting a copy of the document for all to see on the bulletin board and a copy of it will be given to all employees. The existence of the protocol on the handling of situations of intimate partner violence, domestic violence, sexual harassment and stalking in the institution will be disseminated to all job applicants and copies will be available for delivery, if required. The policy will also be disclosed on the institutional website, as part of the rules and regulations.

VII. Validity

This document shall be effective immediately upon approval and signature by the President.

VIII. Approval

Carlos Borrero, President

Date



PROTOCOL FOR HANDLING SITUATIONS OF
INTIMATE PARTNER VIOLENCE, DOMESTIC
VIOLENCE, SEXUAL HARASSMENT AND
STALKING AFFECTING PUDCJBR STUDENTS AND
EMPLOYEES

I. INTRODUCTION

The PUDCJBR, as an institution that believes in faithful compliance with the law, is committed to taking the necessary measures to guarantee a safe academic environment. For this reason, it has been decided to implement this Protocol to Handle Situations of Intimate Partner Violence, Domestic Violence, Sexual Harassment and Stalking that affect students and employees of the institution.

This Protocol provides uniformity to the measures and procedure to be followed when a member of our academic community (student or employee) is a victim of domestic violence.

Through these preventive and effective security measures, adequate management of cases that may bring elements of danger to the institution's environment will be achieved.

II. LEGAL BASIS

1. **Article I, Section 1 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 prohibits any discrimination on the basis of sex, among others.
2. **Article I, Section 16 of the Constitution of the Commonwealth of Puerto Rico**, recognizes the right of every person who works to be protected from risks to his or her health or integrity in his or her work.
3. **The Domestic Violence Prevention and Intervention Act, Act No. 54 of August 15, 1989, as amended**, establishes the public policy of the Commonwealth of Puerto Rico with respect to domestic violence and recognizes that it is one of the most complex and complex problems in the country.

confronts society and strongly repudiates it. In addition, it recognizes that domestic violence is a manifestation of gender inequality that particularly affects women. The Act provides legal, civil, and criminal remedies for persons who are subjected to acts constituting domestic violence.

4. **Law 217 of September 29, 2006**, known as the Law for the Implementation of a Protocol to Handle Situations of Domestic Violence in Workplaces or Employment. This Act requires the implementation of a protocol to that effect to strengthen prevention and intervention efforts in cases of domestic violence.
5. **Act No. 69 of 6 July 1985, as amended**, requires strict observance of equal employment rights for both men and women and prohibits discrimination on the basis of sex. This law applies to private employers as well as government agencies and instrumentalities.

The Puerto Rico Anti-Stalking Act, Act No. 284 of 24 August 1999, as amended, defines stalking as "conduct by which surveillance is exercised over a particular person, unwanted verbal or written communications are sent to a particular person, acts of vandalism directed at a particular person, is repeatedly harassed by words, gestures or actions aimed at intimidating, threatening or persecuting the victim or members of his or her family." The Stalking Act provides for a protective order similar to that provided for in Bill No. 54. The process to obtain it is the same and you can ask the court for the form to file the application.

6. Act No. 538 of September 30, 2004, amends Act No. 54, ante, and provides that an employer may apply for a protective order on behalf of one of its employees, visitors or any other person in the workplace if one of its employees is or has been a victim of domestic violence in the workplace. Before initiating this procedure, the employer must notify the employee who is or has been a victim of domestic violence or conduct constituting a crime under Act No. 54, and acts of conduct constituting domestic violence or conduct constituting an offence under Act No. 54, of its intention to apply for a protection order.

III. DEFINITIONS

1. **Relationship** - Means the relationship between spouses (husband and wife), former spouses, persons who cohabit or have cohabited, those who have or have maintained an intimate consensual relationship, those who have procreated a child between them, and those who maintain or have maintained a dating relationship.
2. **Cohabitation** - Means to sustain a consensual relationship like that of spouses.
3. **Domestic Violence Offender:** A person who uses physical force or psychological violence, intimidation, or persecution against their partner.
4. **Workplace** – Any space in which a person performs duties as an employee and the surroundings of that space. When it comes to a building or physical structure, it includes the surrounding spaces, such as gardens and parking lots.
5. **Persecution or persecution** - Means keeping a person under constant or frequent surveillance with presence in the immediate or relatively close quarters of that person's home, residence, school, work, or other frequenting places or in the vehicle in which the person is located, in such a way as to instill fear or dread in the mind of an average person.
6. **Serious Emotional Harm** - Means and arises when, because of domestic violence, the person who is the object of the conduct recurrently manifests one or more of the following characteristics: paralyzing fear, feelings of insecurity, helplessness, isolation, weakened self-esteem, or other similar behavior, when it is the result of repeated acts or omissions.
7. **Intimidation** - Means any action or word which, manifested in a recurrent manner, has the effect of exerting moral pressure on the mind of a person, who for fear of suffering some physical or emotional harm to his or her person, his or her property, or in the person of another or another, is obliged to carry out an act contrary to his will.
8. **Order of Protection** - Means any writ of mandamus issued under the seal of a court in which an order is made to a person who commits acts of domestic violence to refrain from committing or carrying out such acts.

9. **Victim Survivor** - Any person who has been subjected to acts constituting domestic violence.
10. **Domestic Violence** - The use of physical force, psychological or sexual violence, intimidation, or persecution against a person, by his or her partner, to cause physical harm to him, his property, others, or to cause serious emotional harm.
11. **Psychological violence** - Means a pattern of constant conduct exercised in dishonor, discredit or contempt of personal worth, unreasonable limitation of access to and management of common property, blackmail, constant surveillance, isolation, deprivation of access to adequate food or rest, threats to deprive children of custody, or destruction of objects prized by the person, except those which belong exclusively to the offender.

IV. OUTREACH AND TRAINING PLAN

To publicize the established Institutional Policy, a copy of it will be distributed to all employees with acknowledgment of receipt and a copy will be posted on the available bulletin boards. In addition, guidance and support will be given to students and employees on this matter when necessary.

V. RESPONSIBILITIES OF THE OFFICE OF COUNCIL IN THE PROTOCOL IMPLEMENTATION PROCESS

1. Establish the procedures and forms that are necessary to comply with the establishment of the Protocol, in coordination with the CEO.
2. Send a copy of the policy and protocol to the Board of Directors, President and CEO of the Institution.
3. Conduct meetings with administrative staff to guide them on the implementation of the policy and protocol, as well as inform them of the implementation of this policy and the action plan to be followed.
4. Seek advice from government agencies and non-profit organizations on how to handle intimate partner violence, domestic violence, sexual harassment, and stalking.
5. Coordinate the offer of training to all administrative staff and the university community in general.

VI. INSTITUTIONAL SECURITY PLAN

The institution has an institutional security plan that will serve as a measure to support efforts to provide a safe and protective environment in cases of possible violence.

Below are some of the strategies that are used:

- Ensure adequate lighting in parking areas and around the institution.
- Monitoring in main areas using surveillance systems.
- Agreements with the police for preventive patrols.

VII. CASE MANAGEMENT PLAN

Procedure

When an employee voluntarily comes to the Counseling Office to expose a situation of violence that may affect him or her during his or her time at the institution or when a supervisor identifies that such a situation could affect the workplace and makes a referral to the Counseling Office , the situation will be handled as follows:

1. The Counselor will meet or schedule the person involved and both parties will sign the Confidentiality and Consent Agreement before starting the interview.
2. The Counselor will conduct an initial interview and fill out the form established for this purpose.
3. If there is an order of protection, a copy must be kept in the file that will be opened on the case.
4. The Counselor will evaluate the case and determine the type of consultation that should be done at the administrative level of the institution and/or government agencies.
5. When it is identified that it is necessary, a *Personal Safety Plan will be developed* that should consider the following factors:
 - Risk situations in which the victim finds himself
 - Dangerousness of the aggressor
 - Economic and shelter needs of the victim and her children.
 - Risks to students, employees, or visitors to the institution
6. People in the areas affected or involved in the situation will be informed of the recommendations in the case and the prepared security plan.
7. If there is no protection order and if deemed necessary, one will be requested for the institution.
8. The victim/survivor will be referred to the appropriate agencies or

organizations that specialize in intimate partner violence, domestic violence, sexual assault, or stalking, for support services.

9. The situation will be monitored as needed.

VIII. PERSONAL SAFETY PLAN

The institution will prepare for each person affected by acts of violence a personal security plan in accordance with the elements of violence and risk. Considering the available resources, a plan will be designed within the next 72 hours after the incident is reported.

Some short-term suggestions are:

1. Offer protection to the affected person up to the parking lot.
2. Place the person in a safer place; do not be near doors or windows, place physical barriers that make it difficult for the victim to access.
3. Consider the "car pool" so that the person does not travel alone to and from home. Offer guidance on alternative routes to follow or accommodations.
4. Identify the agencies they should communicate with, such as the Puerto Rico Police, courts, shelters, and others.
5. Obtain a photograph of the aggressor to be part of the Personal Safety Plan.
6. Orient the people in charge of receiving and transferring telephone calls and receiving that there is a colleague going through a situation that requires being alert to calls and visits.
7. Retain facsimiles, e-mails, and letters sent to the victim as evidence, if they are threats.

IX. MISCELLANEOUS

The PUDCJBR is not responsible for any damage, act or omission caused by the professionals to whom the students and/or employees have referred.

If the student or employee rejects the recommendations of the Counseling Office or does not respond to the outside assistance they have sought and as a result exhibits disciplinary conduct or productivity that adversely affects their academic or work activity, they will be subject to the appropriate disciplinary measures.

The Counseling Office will maintain the strictest standards of confidentiality in the assistance provided by the affected person. A separate file will be prepared for each person receiving services. These files will be archived and maintained with strict security measures. The only person who will have access to the file will be the Ministry or any other person whose functions require it.

The institution shall take the necessary measures to ensure the confidentiality of communications and information received from the person concerned. All communication will be privileged and protected by the privilege of confidentiality.

The participation of the affected person will be voluntary and, once they freely accept the services, they will sign the consent; they will choose the available professional resources, public or private, that they consider necessary to solve their problem.

Counseling will inform the supervisor or professor of the student or employee involved in the situation regarding the assistance plan so that he or she is aware of the attendance at appointments. In the case of employees, the time used for appointments outside the institution will be deducted from the vacation or sick leave balance, depending on the circumstances of the case. The time spent by the used to attend interviews with the Counselor will be considered an official business.

If the employee rejects the assistance provided or offered, he or she will be subject to the applicable regulatory provisions. When an employee is referred for treatment or help, regular attendance at follow-up appointments and compliance with recommendations is required.

The PUDCJBR reserves the right to deviate from the steps established in this Protocol, depending on the circumstances of each case, and this does not create a cause of action against the Institution as an employer.