

Inter American University of Puerto Rico



*Part-Time
Faculty Handbook*

October 2021

Preface

The Part-Time Faculty Handbook contains, among other things, information about Inter American University of Puerto Rico, as well as rules, regulations, and procedures related to part-time professors. It is the product of the joint effort of the faculty, the administration, and the Board of Trustees of the University.

In this edition, the amendments approved by the University Council and by the president of the University that received the approval of the Board of Trustees until September 2019 were incorporated. The amendments that are approved as of October 2019 will appear in the electronic version of the Part-Time Faculty Handbook, which is found on the portal www.inter.edu.

This is not the only document that defines the relationship between the University and its part-time faculty. Other documents, such as the general catalog, the catalog of graduate studies, the catalogs of professional schools, the official communications issued by the university administration and the normative documents issued from time to time by the president of the University, also create rights and obligations and impose responsibilities on teachers. The document that formalizes this relationship is the employment contract signed between the professor and a representative of the University. Part-time teachers should be aware of these documents and keep abreast of their content.

This Part-Time Faculty Handbook is published in Spanish and English. If any conflict arises regarding its interpretation, the Spanish version will prevail.

Part-Time Faculty Handbook

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PART I

The University: Historical Background, Governance and Organization

1.1 *Vision*

The Inter American University of Puerto Rico is a higher-quality higher education institution in search of academic excellence, with emphasis on the formation of people with democratic and ethical values, framed in an ecumenical Christian context.

1.2 *Historical Background*

The Inter American University of Puerto Rico is a private, nonprofit, Christian and ecumenical institution that provides university education to people of both sexes. It was originally founded under the name of the Polytechnic Institute of Puerto Rico in 1912 as an elementary and high school by Rev. J. Will Harris on the land occupied by the San Germán Campus. In 1921, the first college-level courses were offered, and in 1927 the first bachelor's degrees were conferred. In 1944, the Institution was accredited by the Middle States Association of Colleges and Secondaries Schools and was the first four-year liberal arts college to receive such accreditation in Puerto Rico and outside the continental United States. This accreditation has been maintained through the years. Until 1956, the Institution functioned as a small liberal arts college, linked to the Presbyterian Church. In that year, the name of the Institution was changed to the Interamerican University of Puerto Rico. During the decade from 1956 to 1966, educational centers were established in more than 15 towns and cities on the Island. Eventually, these were consolidated into what are now known as campuses. In 1961, the University established its first professional school, the School of Law, in the San Juan metropolitan area and its second professional school, the School of Optometry, in 1981.

In 1974, because of the reorganization of the Presbyterian Church in the United States that began in 1969, and the reorientation of its policy on higher education institutions related to churches, the charter of the Inter American University of Puerto Rico was changed. This became a private and independent institution of post-secondary education, with an ecumenical orientation. However, the University treasures its historical relationship with the Presbyterian Church and reserves a seat on its Board of Trustees for a representative of the Synod of that Church in Puerto Rico.

1.3 *Purpose and Mission of the University*

The main purpose of the Inter American University of Puerto Rico is the development of the talent of men and women, regardless of their race, color, creed, sex, age, nationality, social status, condition of veterans with disabilities, veteran of the Vietnam Era, physical, mental, or sensory impairment. This development is fostered through post-secondary education of wide and varied scope, including, but not limited to, liberal, graduate, professional, and occupational education, leading to degrees, diplomas, and certificates that are usually awarded in post-secondary or higher education institutions., recognized and accredited by public agencies.

In keeping with its main purpose, the Inter American University of Puerto Rico, committed to democratic and Christian principles, has the mission of contributing to ethical, social, and cultural endeavors. Likewise, to prepare occupationally and professionally trained human resources, with a sense of civic and social responsibility, who can exercise effective leadership in the different fields of human activity, and who can adapt to various activity scenarios, including foreign ones.

1.4 *Goals of the University*

The University faculty and the administration strive to achieve the following institutional goals:

1. To promote, in the university community, an environment oriented towards a culture of peace, based on ethical, democratic and institutional Christian-ecumenical values, directed to the integral development of the student.
2. To promote an integral education that leads to the formation of an educated person, well-versed in the different fields of the human knowledge, by means of the development of the capacity for critical thinking, the adequate use of the communication skills in Spanish and English, ethical and civic responsibility, environmental awareness, skills of social integration, and the knowledge of science, the arts and religious education within a Christian-ecumenical context.
3. To respond to the needs of the student population and society by offering a variety of both in-campus and online education programs, within and outside Puerto Rico, at the different educational levels.
4. To foment academic excellence by means of the continuous development of the teaching staff in the mastery of their discipline, as well as in the application of techniques, modalities and teaching methods, in harmony with the nature of the student population.
5. To foment the development of knowledge through research and creative activities in the academic community.
6. To promote efficiency and effectiveness in the teaching, administrative and student processes and services, in harmony with the provisions in the applicable laws and regulations, as well as in the standards of the accrediting agencies.
7. To cultivate leadership of the university community so that it may contribute to social and cultural enrichment of our country and to its economic development, by means of participation in communitarian, business and professional projects.

1.5 *Program Offerings*

The Inter American University of Puerto Rico offers undergraduate, graduate, and professional programs to obtain technical and professional certificates, associate degrees, bachelor's degrees, master's degrees, and doctorates.

The University's academic programs are based on the principle that students must develop broad intellectual knowledge and skills so that they can achieve personal success in life and make valuable contributions to society. These objectives will be achieved by satisfying the specific requirements of a general education in the arts, sciences, and humanities and by studying for a concentration. Religion is studied as an academic discipline to maintain a fruitful dialogue with all other university disciplines. All campuses offer the general education requirements and the

requirements for various concentrations to complete the associate's and bachelor's degrees.

1.6 *University Governance*

The governing body of Inter American University is the Board of Trustees, which is self-perpetuating and whose members are freely elected without the intervention of any external authority. The government of the Institution, as well as the disposition of its properties and the management of its affairs, resides in its Board of Trustees. It has all the powers consonant with a non-profit post-secondary institution of higher education.

The Board of Trustees also has the authority to attend to the management, regulation and control of its affairs and properties, the election of its employees and other matters pertinent to the achievement of its objectives.

1.7 *The President*

Article III of the University Statutes describes the functions of the President of the University, who is appointed by the Board of Trustees as the main academic and administrative executive officer of the Institution. The President must act in accordance with the Certificate of Incorporation, the Bylaws and with the practices, policies and limitations determined by the Board of Trustees. By delegation of the Board, the President of the University will be responsible for directing the university system and will represent the University before organizations, accrediting bodies, individuals, and the public, in accordance with the provisions of these statutes.

1.8 *Systemic Bodies of the University*

The Systemic Managerial Council and the University Council are the two systemic bodies in the University offering counsel to the President.

1.8.1 *The Systemic Managerial Council*

The Systemic Management Council is the executive body of the President. Its main purpose is to collaborate with it in making strategic decisions of the system regarding the implementation of the institutional policy approved by the Board of Trustees. This body advises the President in the direction of institutional policy and in the preservation of the integrity of the university system.

1.8.2 *University Council*

The University Council is the institutional body authorized to articulate the academic policy of Inter American University of Puerto Rico; harmonize the academic policy of the different academic senates, ensuring that it does not deviate from institutional policy; to ratify the norms and academic guidelines related to the faculty and to the students, proposed by the different academic senates once their

compatibility with the institutional policy has been confirmed. The Council advises the President of the University on broad educational, administrative, and research policy, such as: (a) budget priorities; (b) general planning; (c) establishment and dissolution of campuses, schools, divisions, institutes, and similar educational units; (d) affiliations and special programs; (e) regulations that affect the faculty and students related to academic freedom and equal opportunities; (f) establishment of personnel policy and procedures. The Council fulfills this advisory function at the request of the President of the University, on its own initiative and at the request of the academic senates. All normative action of the Council is subject to presidential approval before taking effect. The Chairman 's veto can be appealed to, according to the procedure established in the Board Regulations.

The University Council is made up of the presidents of the Academic Senates of the units (in the case of the Faculty of Law and the School of Optometry, one (1) member of the faculty, elected by their Senate, respectively, will represent said unit); one (1) Vice President of the Academic Senates; three (3) students, one (1) from the graduate and/or professional programs and two (2) from the undergraduate programs, selected in accordance with the provisions of the Regulations of the University Council; the three (3) vice presidents of the University; two (2) main executives of the units; one (1) representative of the administration; the President of the University and the person who occupies the Executive Secretariat. These last two will have a voice, but without a vote.

1.9 *Organization and Management*

1.9.1 *System Central Office*

The offices of the Board of Trustees, the President, the Vice Presidents, as well as certain general services of the University are in the Central Office of the System. Among these are the Office of Systemic Human Resources and the Office of Systemic Legal Advice.

One of the functions of the Systemic Human Resources Office is to develop and establish the necessary standards to implement the Institution's policies related to the areas of human resources and payroll.

The Systemic Legal Advice Office is responsible for advising and guiding the President and the main executives of the teaching units on compliance with state and federal laws and regulations that are related to the Institution. The legal advisors of this Office have the function of keeping all the Institution's executives informed about actions, procedures and forms of prevention aimed at avoiding risks that lead to litigation. In case the University is part of a litigation or any other situation that warrants, the Office will determine the need to hire specialized legal advice.

1.9.2 *Vice Presidencies*

In the Central Office of the System there are three vice-presidencies: the one for Academic and Student Affairs, the one for Management, Finance and Systemic Services and the one for Religious Affairs.

The academic leader and main executive of the system is the President of the University, who is assisted by the vice presidents. They represent, advise, and respond to them for the results of the systemic functions that have been delegated to them. They interpret and promote institutional policies, develop the general rules and guidelines to direct and facilitate their implementation throughout the entire university system, and monitor and evaluate the results of these policies.

In their respective areas of responsibility, the vice presidents advise, collaborate, and support the main executives of the teaching units.

1.9.2.1 *Vice Presidency for Academic and Student Affairs*

The Vice Presidency of Academic and Student Affairs is responsible for directing institutional policy in everything related to programmatic, student, faculty, research, and academic computing aspects. It is also responsible for preserving the university's systemic integrity, seeking unity, and achieving coordination, articulation, and communication among its components in the areas included in the Vice Presidency.

The Vice Presidency of Academic and Student Affairs advises the President of the University, develops, and establishes the necessary regulations to implement the institutional policies pertaining to programmatic development and articulation, assessment, evaluation, and accreditation of academic programs, matters faculty, including recommendations to the President on the evaluation of faculty and students. This Vice Presidency also directs and coordinates external resources, programs of consortiums and educational innovations and the systemic strategic planning process.

The Vice Presidency of Academic and Student Affairs offers technical support and advice to teaching units and monitors and evaluates the results of the implementation of academic standards and policies.

1.9.2.2 *Vice Presidency for Management, Finance and Systemic Services*

The Vice Presidency of Management, Finance and Systemic Services is responsible for directing institutional policy regarding finances, economic assistance, and general services.

This Vice Presidency assumes the responsibility of ensuring the integrity and economic solvency of the University, ensuring efficient and effective management of its fiscal resources. Develops and establishes the necessary standards to implement institutional policies related to the areas of investment management, systemic strategic budgeting, systemic finance and accounting, economic assistance, related auxiliary companies, and materials management.

1.9.2.3 *Vice Presidency for Religious Affairs*

The Vice Presidency for Religious Affairs was created with the objective of strengthening and renewing the different components that support ecumenical Christian formation at the Inter American University of Puerto Rico. It is responsible for coordinating the University Ministry in the system. It oversees articulating the chaplaincies of the teaching units, as well as offering chaplaincy services to the Central Office of the System. It encourages the incorporation of activities and projects that allow students and the academic community in general to experience Christian experiences more directly. Coordinates the Puerto Rico Social and Moral Infrastructure Revitalization Project. It oversees supervising the work of the Center for the Promotion of the Christian Faith. It manages external funds aimed at the development of academic-religious activities and supports the development of social service consortiums. Articulates, with the Vice Presidency of Academic and Student Affairs, academic-religious developments and offers advice on these. Its functions also include promoting the image of the University as a Christian institution among the university and external community, both inside and outside of Puerto Rico, and advising the President on matters of participation in religious organizations.

1.9.3 *Academic Units*

The University system has among its components eleven teaching units that oversee teaching-learning activities. These units are Aguadilla, Arecibo, Barranquitas, Bayamón, Fajardo, Guayama, Metropolitano, Ponce, San Germán, the Faculty of Law and the School of Optometry.

1.9.3.1 *Structure of the Academic Units*

The rectors in the campuses and the deans in the professional schools are the main executives of the academic units and answer to the President regarding the operation and development of the units they direct, in accordance with the established goals and objectives and in harmony with the policy, rules and procedures adopted by the University. Among their more specific functions, which they can attend personally or delegate to other members of their staff, are the following: take the initiative in the development of new

academic programs that respond to the needs of the communities served by their teaching units; take the lead in verifying that current academic programs meet the objectives for which they were designed; develop an academic and intellectual environment for the faculty and students and provide internal rules and procedures that ensure the effective operation of the unit.

The development of academic unit budget proposals and unit fiscal vitality, as well as student recruitment and student support services, are other areas of his responsibilities.

1.9.3.2 *Other Employees under the Chief Executive Officers of the Academic Units*

The titles of the employees who serve under the rectors and deans vary slightly from one teaching unit to another. In general terms, the responsibilities of these are similar, namely: academic affairs, student affairs and administrative and fiscal affairs. The function assigned to each official and the specific functions for which each one is responsible may also vary from one teaching unit to another.

1.9.3.3 *Dean of Academic Affairs*

The dean of academic affairs carries out a variety of activities related to academic affairs, under the direction of the chief executive. Acts with a certain degree of independence in the execution of functions that require leadership and coordination from an integrating academic perspective to help teaching. He answers to the main executive about the execution of the academic normative policy.

The dean of academic affairs at campuses and the associate dean at professional schools receive, review, and discuss all recommendations related to faculty selection and faculty contract decisions before forwarding them to the chief executive officer of their unit.

1.9.3.4 *Associate Dean - School of Law and School of Optometry*

The associate dean works directly with faculty members on issues of curriculum, programs, and teaching effectiveness and student assessment.

1.9.3.5 *Area Deans and Department Chairs*

Some units have a structure of deanships and departments, and others operate solely with departments. Where deanships

exist, the academic authority is the dean. In academic departments, the academic authority is the department director. If there are no deanships or departments, the faculty reports directly to the deans of academic affairs or, for certain matters, to the associate deans.

1.10 *Faculty Participation in Institutional Governance*

The Board of Trustees delegates to the President the responsibility of directing the university system and he, in turn, shares that responsibility with the faculty, according to established policies and regulations. The full-time faculty participates in matters related to academic offerings, norms, and academic standards that pertain to students and faculty. The policy that includes the participation of the faculty in the government of the Institution appears in documents such as the *Handbook of the Faculty*, the *Constitution and Regulations of the University Council* and the *Constitution and Regulation of the Academic Senates*.

PART II

The Faculty

2.1 *The Part-Time Faculty and the Commitment of the University*

The Inter American University of Puerto Rico is committed to offering its students the best possible education and to serving the Country in solving its many problems. This commitment demands from the university administration the recruitment, training and retention of an ideal faculty committed to those ends.

The part-time faculty is an important part of the university faculty and represents an effective means to provide a varied program in tune with the socioeconomic needs of the country. The flexibility offered by the part-time faculty for the establishment of new programs and the participation of many of these professors in other non-academic social and professional activities makes it easy to meet the urgencies of society and provide a current educational program.

Being able to hire people who have excelled in their respective professions to teach on a part-time basis; to professors from other universities; knowledgeable about the latest developments in the academic world; already retired teachers with a good background of experience and knowledge; it facilitates the diversification of programs, allows a quick and efficient response to demands for new offerings and gives students the opportunity to continue studies in disciplines that the University would not otherwise be able to offer.

Selection for appointment is based on the candidate's ability, qualifications, and experience, without regard to race, creed, color, national or ethnic origin, age, sex, or political belief. The persons selected for appointment, in addition to their academic, professional and moral qualifications, should demonstrate an interest in the intellectual, cultural and moral development of the students and be persons who can be trusted to work together with the full-time professors and with the university administration in a harmonious manner, that they will support the academic programs of the University, that they will work constructively for their improvement and that they will conduct themselves at all times in a university style.

Administrative employees of Inter American University who are eligible for this may be appointed as part-time professors. In these cases, the hiring of the official and his relations with the University will be governed by *the Faculty Handbook* or by the *Manual of Administrative Regulations for Non-Teaching Personnel*, depending on the status of the official and not by this Handbook.

PART III

Duties of the Faculty

3.1 *Part-Time Faculty and the University*

The quality of teaching is one of the main concerns of this Institution; therefore, there should be no distinction between the demands regarding teaching placed on the part-time professors and those the full-time faculty is expected to fulfill. In the same manner, as full-time faculty, part-time faculty members must demonstrate competence in their disciplines and keep up to date in their knowledge; acquire teaching skills; demand achievement from their students; clarify their doubts and attend to their queries; prepare themselves properly; participate in the academic processes; honor the profession; feel respect for the Institution; and be willing to have their performance evaluated periodically.

The professor will not be alone in this endeavor. Since this is a mutual commitment, the University will assist the professor to achieve these expectations. To attain these, the University is committed to:

- a. Provide information so that professors are acquainted with the Institution they serve.
- b. Offer opportunity for the development of teaching abilities. This implies assistance in the acquisition of knowledge and skills in the subject taught, as well as in teaching methodology.
- c. Maintain a suitable atmosphere so that professors may carry out their tasks without anxiety.
- d. Provide the necessary resources so that professors may perform their functions.

It is the responsibility of each department to maintain a pool of suitable personnel with the necessary competence to form part of the part-time faculty of this University. This pool will contain the candidates recommended by full-time faculty members; teaching and administrative personnel from other educational institutions with interest in teaching at this Institution; professionals from industry, business, and the Government; retired professors from this and other educational institutions; administrators from this University; and any other personnel appropriate for teaching at the higher education level. The search for personnel must be ongoing. No name will be placed in the register of eligible candidates unless the person has submitted his study credentials and all other necessary document for his evaluation and unless he has had an interview with the director of appropriate department.

3.2 *Teaching*

Inter American University recognizes that the intellectual development of its students is the primary responsibility of its faculty members. This responsibility is fulfilled through teaching and academic advising. Every faculty member must

strive for excellence in the classroom. This assumes that the professor has mastery of his subject, keeps up to date with new developments, is prepared to teach courses through the different modalities that the University has, integrates assessment activities, according to the plan established in the department or program to which they belong, carefully select teaching strategies that are appropriate to the courses you teach and that facilitate learning, make every effort to communicate your subject matter effectively, encourage questions, and deal honestly and openly with dissenting viewpoints. The professor will attend and start classes on time. In addition, must be prepared to offer the lesson and comply with the corresponding class time. This implies that the professor has previously dedicated reasonable time to study the subject that he is going to offer and the strategy for its presentation.

3.3 *Academic Load*

If the professor has another job equivalent to full-time employment, the academic load will not exceed a six-hour load in each part (August to December and January to May). In the case of a professor who does not have another full-time job, up to an eleven-hour load, when justified, may be authorized. In no case will more than a 22-hour load per academic year in undergraduate, graduate or Optometry programs be authorized. In the School of Law, the part-time teaching load will be determined in agreement with the norms of the American Bar Association. When due to very special circumstances, and always in consideration of the University needs, it is necessary to hire a professor for a workload greater than that indicated, the department director must request authorization of the Dean of academic affairs or Academic Affairs of the unit and justify the need for appointing a person with a load above the normal one.

3.4 *Faculty Availability and Academic Advisement*

As a complement to teaching, professors will devote one hour for every three hours of teaching to give individual attention of their students. The office hours will be determined by the professor with the approval of the department director, by considering the interests of the professor as well as those of the students. The professor must announce his office hours to the students during the first day of class and a copy of this must be placed on the bulletin board of the academic unit during the first week of class. Academic advisement of students is part of teaching, and the professor must offer it with the greatest degree of responsibility.

Because Inter American University provides other specialized guidance and counseling services to help students, faculty members should concentrate their efforts on fulfilling their unique role in academic advisement which usually takes the following four forms:

- a. Advisement of students regarding their work in classes taught by a faculty member.
- b. Departmental advisement in the discipline in which students major. The idea is to assist them in setting their academic and professional goals as well as understanding and meeting the major and graduation requirements of the University. In this advisement, students may plan for their elective courses so that they coincide with their personal and career objectives.

- c. Recognition of student needs for professional assistance with problems of a personal nature or resulting from academic skill deficiencies and referral of said problems to the office or person from whom the needed assistance may be obtained.
- d. Commitment to collaborate with the retention efforts and other initiatives endorsed by the University to support students.

3.5 *Course Contents*

Except in the courses that usually consist of multiple sections whose content is determined by departmental committees, the faculty member is responsible for planning and presenting the subject matter of the course in consonance with the catalog description. The faculty member is also responsible for establishing the course objectives and requirements and making them known to students; for submitting to his department director a course syllabus prior to the beginning of classes; for selecting and ordering texts and supplementary materials; for advising the librarian of the list of books to be put in reserve and the audiovisual materials needed; and finally, for preparing, administering, and grading papers and examinations and for assigning grades.

3.6 *Participation in Faculty Meetings*

This Institution recognizes that part-time professors are normally involved in other activities outside the Institution; therefore, a total and complete participation in the affairs of the University is not expected of them. But the commitment of the University with an education of uniform quality, without regard to the condition of the professor offering it, requires that part-time faculty members be informed of the affairs discussed and the agreements taken in the faculty meetings of the department to which they belong. Attendance at these meetings, although not compulsory, is highly desirable, and absence does not exempt professors of their responsibility for knowing what was discussed therein or of their obligation to abide by the decisions agreed upon. The director of the department will meet with the part-time professors, as frequently as determined, to inform them of these matters and the professors have the obligation to attend these meetings.

Part-time professors may attend all academic, cultural, or social activities held in the unit to which they belong, under the same conditions as the full-time faculty.

3.7 *Other Tasks*

The department director, in consultation with the professor, may assign faculty members several hours weekly for tasks other than teaching, when he understands that the professor can make a genuine and effective contribution to the University. This participation will be voluntary, since due to their commitments with other professional endeavors, part-time professors are limited with respect to the time they can dedicate to the University. It is desirable, nevertheless, that the greatest number of professors possible participates in these tasks, because of the effect this may have on the quality of education. The department director has the obligation to encourage this participation.

The main areas of participation for part-time professors are special committees, which from time to time are created in the academic units for specific purposes, the study and analysis of new programs and the evaluation of existing programs; the organization of academic activities; the development of technical courses especially designed for interested groups, student recruitment and the search of economic resources for the University.

3.8 *Faculty Absences and Making up Classes*

Faculty members must notify their department director in advance, whenever possible, when they will be unable to meet with their classes. In case of an emergency or unexpected illness which makes advance notification impossible, faculty members must notify their department director as soon as possible and never later than three days after the onset of the emergency or the beginning of the illness. When a faculty member does not offer his classes, he has the obligation of seeking alternatives to make up for those classes and notify his supervisor of the way the course material will be made up.

3.9 *Preparation of the Syllabus*

Every professor must prepare a syllabus for each course he teaches, in compliance with the Guidelines for the Review and Evaluation of Single and Shared Academic Programs of the Inter American University of Puerto Rico. For multi-section courses, the full-time faculty of the discipline may develop a syllabus to be used by all faculty members, who teach the various sections of that courses. Department heads must have syllabuses on file for all courses taught in their departments and must submit copies to their deans of academic affairs.

3.10 *Orientation to Courses*

At the beginning of each academic term, faculty members should present the appropriate course syllabus to the class with the following information:

- a. Description of the course according to the catalogs in effect
- b. Course content
- c. Objectives of the course and benefits derived from it
- d. Learning activities for the attainment of the objectives
- e. Complete requirements of the course including textbooks and other required material, number and nature of the reports required, notebooks or journals required, bibliographies and reading lists, type and number of quizzes and tests or other evaluation instruments to be administered
- f. Method of determining the final grade and weight assigned to each requirement of the course

3.11 *Evaluation of Learning*

Inter American University requires that all students enrolled for credit in credit-bearing courses be given at least a mid-term evaluation and grade, as indicated on the academic calendar, and a final exam or equivalent evaluation. Other tests or assessment instruments should also be administered.

Inter American University requires that all students registered for credit in courses for which academic credit is awarded be administered a final exam or an equivalent evaluation. Other tests or evaluation instruments should also be administered before midterm so students may know their academic progress in each course.

3.12 *Final Examinations or Equivalent Evaluations*

Final exams or equivalent evaluations, such as portfolios, reflective diaries, presentations, etc., are offered at the end of each academic term in accordance with a published schedule. The authorization of the dean of the division or the dean of academic affairs of the unit is required to administer an exam or any equivalent evaluation before the scheduled date.

3.13 *Information to Students on Evaluation*

Faculty members must make students' grades on tests, exams, essays, and other evaluation instruments available to them within a reasonable time, preferably not later than two weeks after the date they were administered. Students are entitled to examine these evaluation instruments during the six months following the corresponding official grade report.

3.14 *Student Class Attendance and Student Grading*

It is the responsibility of the faculty to prepare an official electronic registry (Inter web Registry), hereinafter electronic registry, within the established dates. In case the student has never attended (AW) or has stopped attending classes (UW), the teacher must make the corresponding note. In the case of the UW annotation, the professor must include the date on which the student completed the last academic activity or stopped attending, according to the evaluation criteria established for the course and the regulations promulgated by the Administration.

The faculty will enter all grades, including the final grade, into the electronic register. Since students can change courses or sections during the first days of each term, errors may be reflected in the official list of students registered. To correct such errors and to avoid difficulties in informing final grades rapidly and correctly, the faculty must check the names of the students registered in the electronic lists of the courses they offer. If there are discrepancies, these must be notified to the Registrar. The date for entering the final grades in the electronic register will be published in the academic-administrative calendar and in official bulletins for each term.

3.15 *Deadlines*

Each faculty member is responsible for meeting the deadlines established to submit his grades, making book requisitions, reserving, or asking for materials needed and for handing in reports required by the department director or his equivalent.

3.16 *Recommendations for Educational Materials*

The faculty has the major responsibility for maintaining the quality of collections, since librarians depend upon their recommendations for the acquisition of educational materials in the areas in which they are specialists. Faculty members form part of the educational resources committee which, together with the librarian or librarians, make decisions regarding Information Access Center priorities and book acquisitions. Faculty members are expected to familiarize themselves with the Information Access Center of the unit where they teach to take full advantage of the services it offers, not only to them but also to the students they teach.

3.17 *Textbooks, Electronic Materials, Audio-visual Materials and Laboratories*

Faculty members are responsible for making recommendations for the purchase of textbooks, laboratory materials, and other similar instructional items that students in their classes need to fulfill the requirements of the course.

In most cases, faculty members are at liberty to use the textbooks and electronic and audiovisual materials of their choice in the classes they teach. However, in some cases, certain books and materials are prescribed for specific courses taught throughout the University system, or for other multi-section courses. The faculty teaching a course at a given unit may select the textbook to insure a measure of uniformity in the basic subject matter of the course.

3.18 *Manuals and Laboratory Materials*

Faculty members should consult the department directors to become aware of their responsibility about reordering manuals and laboratory materials, and the lead time necessary to ensure delivery by the dates needed.

3.19 *Identification Cards*

Faculty members must always carry in a visible place and when they are within the University premises a duly validated card that identifies them as members of the faculty.

3.20 *Compliance with Faculty Regulations*

The responsibility to adhere to Faculty regulations is evident. The material in this *Faculty Handbook* and its Appendixes is intended to enhance academic freedom, stimulate excellence, enthusiasm, and dedication and loyalty to the Institution.

PART IV

Faculty Rights

4.1 *Academic Freedom*

Inter American University is guided by the ideal that all members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure* jointly formulated by the American Association of University Professors and the Association of American Colleges. The following excerpt from that statement defines what is meant by academic freedom:

- a. Institutions of higher education operate for the common good and not to further the interests of either the individual teacher or the institution. The common good depends upon the free search for truth and its free exposition.
- b. Academic freedom is essential to these purposes and is applied both to teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher while teaching, and of the rights of the student to freedom in learning. It carries duties that correlate with the rights.
- c. The teacher is entitled to complete freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for a financial return should be based upon an understanding with the authorities of the institution.
- d. The teacher is entitled to freedom in the classroom while discussing his subject but should be careful not to introduce into his teaching controversial matter that has no relation to his subject.
- e. The college or university teacher is a citizen, member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline. His special position in the community, however, imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his words. Hence, he should always be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesperson.

The privileges listed above should not be construed as a license for the teacher to use the classroom for proselytizing purposes or discriminatory expressions on the basis of race, color, religion, gender, national origin, handicap, age, marital status, physical appearance, political affiliation, or any other protected classification under the provisions of Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and any other laws or applicable state or federal regulations.

4.2 *Faculty Orientation*

Faculty orientation will begin after the contract with the University has been formalized and shortly before the beginning of the academic term for which the professor was contracted. The orientation program will be designed by the dean of academic affairs or of academic affairs of each academic unit. This program will aim to provide the following activities:

- a. Personal interview with the department director where the orientation schedule will be discussed and the activities in which the professor will be required to participate, depending on his academic preparation, experience with the University and professional background.
- b. Visit to the physical facilities of the unit, such as classrooms, laboratories, library, bookstore, and cafeteria.
- c. General orientation—here the part-time faculty will meet other persons with whom they will be working and the functions that these persons perform. The content of the *Part-time Faculty Handbook* will be discussed, and its provisions will be explained. Identification cards, parking permits, examination models and course syllabi will be given to the part-time faculty. The professors will also receive information on the University; the teaching resources available and how to request them, syllabi, and their use; student attendance; examinations; student evaluations; grades; secretarial services; academic calendar; and office hours.
- d. Specific orientation meeting – this will consist of a meeting of the part-time faculty members of a particular department with the department director and those full-time professors that the director determines, to discuss the exigencies of the department. Upon a part-time faculty member's request, the department director may arrange for a full-time professor to be available to serve as a contact between the part-time professor and the department to counsel and orient him when necessary.

4.3 *Professional Development*

It has been indicated before that the greatest concern of this University is the quality of teaching. Students pay to receive a good education and Inter American University has the commitment to provide it. A good education demands the existence of a good faculty with the best academic preparation, trained in the art of teaching and properly motivated. Every university professor must possess these conditions.

4.4 *Faculty Training*

Inter American University of Puerto Rico aspires to have a part-time faculty that compares, in terms of competency and teaching ability, with the full-time faculty. To this end, the University maintains a training program, available for the part-time faculty and aimed at correcting deficiencies and to give to the professors the necessary skills so that they may offer an education of the best quality. In the program for the development of pedagogical skills activities will be included such as course design, syllabus preparation, motivation of students,

preparation of examinations and others that develop to the maximum the potentialities of the professor.

Participation in this program, which consists of formal courses with or without credit, and informal activities (seminars, clinics, workshops, and lectures) is voluntary and must be requested by the professor. The program will be designed by the director of the corresponding department, after having analyzed the needs of the concerned professor.

The performance of the professor in this program, as well as his interest in participating in it, will form part of the professor's evaluation.

4.5 *Support Services for Faculty*

For part-time professors to contribute to the advancement of the Institution and to offer an education of quality equal to that of the full-time faculty, they need certain resources and educational facilities. Even though professors do not make maximum use of these resources and facilities, because their commitment with this University is limited, the University will make them available, since that limitation does not release professors from fulfilling their obligations.

To this end, the following services will be available for the use of part-time professors in harmony with the resources of each academic unit. Among these are the following: office space, library resources, audio-visual resources secretarial and copying services, the Information and Telecommunications Center, bookstore, professional and academic counseling, office, and laboratory supplies.

Each academic unit will establish the procedures to provide these services. The procedure will indicate the manner of requesting them, the person in charge of handling the request and the responsibilities of each person with respect to the use of those services. A copy of these procedures will be given to the professor during the orientation process.

4.6 *Faculty Pay*

There is a salary scale for part-time faculty that takes into consideration the faculty member's academic preparation and the level of courses taught. The salary scale indicates the pay per workload hour in each category.

4.7 *Grievance Procedure*

When a faculty member believes that his rights and prerogatives recognized in this *Handbook* have been violated, he may present a grievance to that effect following the procedure detailed below:

The faculty member will present the grievance in writing to the dean of academic affairs of the instructional unit, offering specific details on which the grievance is based and including any evidence supporting his claim. The Dean will evaluate the grievance presented by the faculty member to determine its merits and must:

- a. Offer a solution to the matter through a conciliation or dialog with the faculty member affected or

- b. Answer in writing the complaint presented by the faculty member notifying him of his decision regarding the merits of this and what actions, if any, he intends to take regarding the complaint presented.

If the faculty member affected does not agree with the decision made by the dean of academic affairs, he may appeal this to the Faculty Appeals Committee in his instructional unit. To do this, he must present an appeal in writing, no later than fifteen days after receiving the decision of the dean of academic affairs.

The appeal must present in detail all the reasons for which the faculty member differs from the decision taken by the dean of academic affairs of the corrective actions proposed by him. The appeal must be accompanied by all the documents that, in the faculty member's judgment, are relevant to consideration of the merits of his appeal.

The faculty member must also include a copy of the decision taken by the dean of academic affairs. He must send the dean of academic affairs a copy of the appeal, as he makes his presentation to the Faculty Appeals Committee. The dean of academic affairs will submit in writing to the committee the information that, in his opinion, should be considered by said committee when evaluating the merits of the appeal.

The Committee may dispose of the appeal with the information presented or may require additional information that it deems necessary and, in addition, may hold a hearing to receive such information.

After evaluating the appeal considering the information available, the committee will render a written decision on the merits of the appeal within 45 business days. The committee will communicate its decision simultaneously, within a period of 20 working days, to the faculty member and the dean of academic affairs. Any of these may appeal the committee's decision to the chief executive of the unit, which must be done in writing no later than 15 days after notification of the committee's decision.

The main executive of the unit will take into consideration the decision of the Appeals Committee of the Faculty and will issue the decision that, in his opinion, corresponds. The decision of the main executive of the unit will be notified in writing to the parties. If the faculty member is not satisfied with the decision, he may appeal directly to the president. The decision of the chief executive of the unit can only be reviewed by the president of the University.

The chief executive officer of the unit may uphold or modify the decision of the Faculty Appeals Committee or make the decision that, according to his judgment, is appropriate. The decision of the chief executive officer of the unit will be communicated to the parties in writing. This decision may only be revised by the President of the University.

4.8 *Fringe Benefits*

4.8.1 *State Insurance Fund*

The University is covered by the unemployment compensation program through the Department of Labor of the Commonwealth of Puerto Rico. In case of disability, the State Insurance Fund of the Commonwealth will provide medical assistance, medicines, and will pay compensation. Faculty members are protected against work related accidents and occupational diseases under this law.

4.8.2 *Unemployment Insurance*

The University is protected by the unemployment compensation program through the Department of Labor of the Commonwealth of Puerto Rico. If upon the expiration of the work contract of a part-time professor a new contract is not given and the professor does not have another job, he could be eligible to receive the benefits of the program. The details related to Unemployment Insurance may be requested in the Office of the Director of Human Resources of Inter American University of Puerto Rico.

4.8.3 *Social Security*

The University is under the Federal Social Security law and part-time professors are eligible to the benefits that this law grants.

4.8.4 *Holidays*

Part-time professors are entitled to all official and authorized holidays observed in Puerto Rico, without this affecting their salary in any way. Nevertheless, the University reserves the right to conduct classes and other activities on holidays to meet the requirements of its academic-administrative calendar.

4.8.5 *Christmas Bonus*

The University pays a Christmas bonus to all its personnel, including part-time professors, who are eligible for it in agreement with the Christmas Bonus Law of the Commonwealth of Puerto Rico.

Since some of these benefits are restricted by law, the professor should consult with the human resources officer of his academic unit to ascertain the scope of the law.

4.8.6 *Maternity Leave*

Part-time faculty members who are pregnant are entitled to maternity leave in accordance with the applicable law. To take advantage of the

provision of this law, the faculty member should present a medical certificate at the beginning of the eighth month of pregnancy indicating the expected date of birth. Directors from the Office of Human Resources of the units may provide further orientation on the benefits and options available under this kind of leave. If complications occur during the pregnancy, the faculty member may take advantage of accumulated sick leave, or the medical family leave according to the terms provided under these leaves.

In the case of adoption, these benefits are also granted. The application for this leave should include the resolution from the court granting the adoption.

PART V

Contractual Norms

5.1 *Academic Preparation*

Generally, an academic degree in the discipline taught, higher than the level being taught or an equivalent title conferred by an accredited university is required to hold a position of part-time professor in this Institution. The accreditation of the university in reference must be granted by an agency accepted by Inter American University of Puerto Rico. When circumstances justify, either because there is no candidate with greater academic preparation or because of the nature of the subject, the academic preparation of the professor is not a determining element of the teaching of the course, or because the interest of the University is served better, exceptions may be made. In these cases, the department director must justify the exception to the dean of academic affairs of the corresponding unit, who will make the final decision and place a copy of the justification in the professor's file.

The evidence of the degrees held must be submitted with the application for employment to the Human Resources Office of the corresponding academic unit. The Human Resources officer must make sure that:

- a. The submitted evidence is official, free of erasures or strikeouts that may invalidate it.
- b. The evidence indicates the degree conferred.
- c. The university where the candidate studied has proper accreditation.

In case of doubts on the accreditation or equivalent titles, the Vice President for Academic and Student Affairs and Systemic Planning will make the corresponding determination. Equivalences will be determined solely based on academic preparation.

5.2 *Work Contract*

All appointments will be made by means of a work contract. The contract is the document that formalizes the relations between the professor and University. This work document will clearly specify the period for which the services of the professor are contracted; the number of hours that the faculty member must devote to teaching and other tasks; the payment to be received; and the manner of payment. Normally, the appointment period will not exceed an academic term. No contract is valid until signed by the professor and an authorized representative of the University.

Once the contract has been formalized, it may not be amended except in writing in explicit form and with the signature of both parties. All additional correspondence or conversations will be considered as mere negotiations that do not bind any of the parties. The work contract terminates on the date of its expiration, and it is not necessary to give notice.

When considering the quality of the faculty member's teaching for his hiring, the following elements, among others, are considered:

- mastery of the subject
- ability to organize the subject matter and to present it clearly, logically, and imaginatively
- knowledge of the latest developments in the discipline
- ability to relate the discipline to other areas of knowledge
- ability to promote and broaden student interest in the subject matter
- ability to develop and use effective teaching methods and strategies
- availability for and effectiveness in academic advisement of students
- possession of the attributes of integrity, diligence, liberality, and objectivity in teaching

The documentation of many of these criteria is found in the professor's periodic evaluation reports.

Part-time faculty, notwithstanding the time they may have serviced the University, do not have right to tenure in their employment. The period of service will be stipulated in the work contract signed by the professor and a representative of the University acting by delegation of the President. With the expiration of the contract the relations between the professor and the University are terminated and these may only be renewed with the formalization of a new contract.

5.3 *Pre-Employment File*

The pre-employment file contains all documentation required or received by the Institution in connection with a faculty member. This file is available only to the academic officers and their executive personnel of the unit to which the application for employment is made and for faculty members on the Faculty Appointments Committee. It is also available to the President of the University, the Vice President for Academic and Student Affairs and Systemic Planning, and their professional staff. After appointment, the items in the file which are not of a confidential nature (e.g., academic transcripts, application forms, reprints, certificates of honor, titles) are transferred to the personal file of the faculty member. The rest of the material (e.g., letters of recommendation and other confidential material), will be available only to the administrative officers of the academic areas of the unit, their staffs, the President, the Vice President for Academic and Student Affairs and Systemic Planning, and their professional staff.

5.4 *Personnel File*

The personnel file will include, but is not limited to, the following:

- a. Information related to the faculty member's academic and professional accomplishments submitted by the faculty member, or placed in the file at his request, as well as certificates of equivalency and of service credited towards promotion and/or tenure, if applicable, together with a copy of all the faculty member's letters of appointment or contracts of employment with Inter American University.

- b. Copies of evaluations of the faculty member's professional performance made by students, academic officers, and committees of the academic unit in which he serves. It also includes all the formal recommendations from the Committees for Promotions, Tenure and Change of Contracts, Sabbatical Leaves, and Study Leaves, and the recommendations of his supervisor or supervisors and other academic officers of the unit in which he serves.
- c. Professional commendations or certificates, honorary degrees or mentions, and other distinctions or awards.
- d. Other personal information.

The Systemic Human Resources Office of Inter American University maintains the personnel file. It is available only to the administrative officers of the Central Office and their professional staff, the administrative officers of the academic area of the unit in which the faculty member serves, and their professional staffs, the committees on Promotion, Tenure and Changes of Contract, and Sabbatical Leaves and Study Leaves of the unit in which the faculty member serves, as well as to the faculty member himself.

The department director under whom the faculty member serves, as well as the committee on Promotion, Tenure and Changes of Contract, and the Committee on Sabbatical Leaves and Study Leaves of the unit in which the faculty member serves, may have access to the personal file. In addition, the faculty member, upon payment of the costs, may obtain copies of his personal file and of the deliberations and recommendations of the committees. Such copies will be made by a member of the professional staff from the Systemic Human Resources Office and/or an employee from the Human Resources Office of the unit.

5.5 *Faculty Evaluation*

To assure students that the quality of instruction they receive does not vary because of the contractual condition of the professor offering it, this University has established a system of evaluation for its full-time and part-time professors. The evaluation is part of the faculty development program aimed at discovering areas of excellence, as well as areas of professional weakness. In addition, the evaluation process serves to give the professor a greater understanding of the aims and purposes of the University, of the character of the student body, of what the University expects of him and serves as a basis for contractual decisions between the faculty member and the University. Therefore, it is important that the process be carried out in objective manner and that it be conducted in a climate of confidence and mutual respect. It is expected that the professor supports the evaluation process and cooperates with it in all stages. The evaluation process may culminate in the design of a professional development plan for the professor (formative evaluation).

The responsibility for conducting teacher evaluation rests with the head of the department. In the case of part-time faculty in the various teaching modalities, the evaluation will consist of at least three (3) instruments: the evaluation of the faculty by the students, that of the department director and the visit to the classroom, according to the department's evaluation plan. These evaluation instruments are described in the Teaching Staff Evaluation Guides that will be

available in each academic department of the University. The procedure will provide for the professor to receive a copy of the evaluation report that is rendered in her case.

5.6 *Dismissal*

The University reserves the right to annul any work contract for just cause. The cause must be directly and substantially related to the competence of the professor to continue in his professional capacity as a teacher, which must include but is not limited to the following:

- a. Professional incompetence, as determined by the faculty evaluation.
- b. Continuous negligence in the fulfillment of academic duties and faculty regulations, despite written warnings.
- c. Improper behavior.
- d. Violation of the rights of fellow faculty members, the administration, or students.
- e. Non-compliance or violation of faculty regulations, institutional policies, or operational norms.
- f. Conviction of a felony or of any misdemeanor involving moral turpitude.
- g. Abandonment of service.
- h. Insubordination.
- i. Sexual assault, lascivious acts, indecent exposure, obscene propositions, or prostitution, as defined in the new Penal Code of the Commonwealth of Puerto Rico of 2004.
- j. Behavior that constitutes a felony or misdemeanor on university property or a court conviction of a felony or misdemeanor.

When there are reasons to question the suitability of a part-time professor whose contract term has not expired, or when the behavior of the professor justifies the annulment of the contract, his immediate supervisor will deal with the matter with the professor in a personal conference, in which the matter may be terminated by mutual consent. In no case, will this discussion take place without the knowledge and previous consent of the chief executive officer of the academic unit to which the professor belongs.

If an acceptable mutually obtained result is not reached, the matter will be referred to the highest-ranking academic office under the chief executive officer of the unit. If this officer finds cause to terminate the contract, he will notify this to the concerned faculty member in writing and this professor will have five workdays to make allegations. When this period has passed, if the professor had not answered in writing or if he has answered and the university officer is not in agreement with the answer, he will recommend the annulment of the contract to the chief executive officer of the unit. If this officer agrees, he will

annul the contract by a written communication to the professor, after consulting to the President through the Director of the Juridical Adviser's Office of the System Central Office. The decision of the chief executive officer of the unit will be final and cannot be appealed.

PART VI

Academic Organizational Norms and Procedures

6.1 *Academic-Administrative Calendars*

There are several academic-administrative calendars at the University: semester, trimester and bimester. Summer sessions are also offered, depending on the needs and the demands. The calendars provide the needed information with regards to registration dates, mid-term dates, last day for class withdrawals, final exam dates, dates on which final grades are expected to be in the electronic register and dates of commencement exercises. It is expected that faculty members become familiar with the calendars used in their unit and comply with the dates applicable to them in fulfillment of their duties.

6.2 *Course Offerings*

Course offerings are selected from among the courses included in the current official catalogs and bulletins of the University, or from those authorized afterward by the University Council and the President, or those authorized on an experimental basis for a limited time.

The departments have the responsibility of choosing the course offerings from among the disciplines and at the levels they are authorized to teach. Such selections are the responsibility of the division dean, dean of the unit or of the department director of the teaching unit, subject to the approval of their deans of studies and the chief executive officer of the unit. Such choices are usually made after consultation with faculty members. Course assignments are also made by department directors, usually after consultation with faculty members who are academically prepared to teach these courses. Course assignments, however, may not always be in accordance with faculty preferences since student needs and anticipated student enrollments are the determining factors in making course assignments.

6.3 *Course Schedules*

The scheduling of course offerings is the responsibility of the department director. General requirements of scheduling needed to satisfy student demand will have priority over faculty preferences. Schedules prepared by department directors are subject to changes as determined by their deans of studies or the chief executive officer of the unit in the light of an overall class schedule geared toward the needs of the unit, rather than those of an individual department.

6.4 *Special Fees*

Any special fee for materials or other items incidental to the course must have the prior authorization of the chief executive officer of the unit. The student pays such fees through the bursar's office. Faculty members do not collect fees.

6.5 *Grading System*

The grading system at Inter American University is designed to indicate the student's level of achievement in each course for which academic credit is awarded, as well as to provide evidence of academic progress. The system also contains provisions to help students who, for a variety of reasons, may not be able to master the contents of a given course upon first taking it.

6.5.1 *Grades for Academic Credit*

Grades awarded in courses serve as an indication of the level of achievement in each course. The University has established a point system for the purpose of calculating the grade point index of the students. The system serves in determining whether students meet the minimum requirements for purposes of graduation, to continue in the program at any level, and for the conferral of special honors for outstanding students.

Grades are assigned according to the following system:

- A- For excellent level of achievement: 4 points per credit.
- B- For above average level of achievement: 3 points per credit
- C- For average level of achievement: 2 points per credit.
- D- Minimum passing grade: 1 point per credit.
- F- Failure: no points awarded per credit.
- P- Passing: this grade is assigned to students who satisfy the requirements of any of the non-academic courses, courses approved by passing proficiency exams, validations, and academic courses whose nature requires it. It is not considered for calculation of the academic index. The minimum grade to pass training courses in Spanish, English, and Mathematics will be equivalent to a grade of C.
- NP- Not passing: this grade is assigned to students who fail course indicated under P above. It is not considered to calculate the academic index.

When calculating the academic index, courses completed at the University, and courses taken at other institutions of higher education with prior authorization from the appropriate authorities at Inter American University of Puerto Rico, will be included. This index is calculated by dividing the total number of points by the total number of credits completed with a grade of A, B, C, D, or F. All courses granting academic credit require examinations or other evaluation instruments, including a final examination or its equivalent. These should be provided so students may know their academic progress.

6.5.2 *Administrative Action Symbols*

The University has established the following symbols for administrative purposes:

- W- Course Withdrawal: Assigned when the student withdraws from a course after the period for class changes, but no later than the date established in the academic calendar for withdrawals.
- DC- Course Withdrawal: Assigned when the student withdraws from the course before the end of the period for class changes. It does not appear on the student transcript.
- AD- Administrative Withdrawal: Assigned when the University drops the student for such reasons as failure to meet payments or other situations which merit it.
- AW- Assigned when the professor informs in the electronic register that the student never attended class.
- MW- Symbol used to indicate total withdrawal for military reasons.
- I. Incomplete: When the student has not completed any requirement of the course, and the professor determines that there are reasons for it, the annotation of "I" (Incomplete) may be assigned, together with the annotation "I" (Incomplete). Along with the annotation "I", the professor will include a provisional grade, after assigning a score of zero to the work not submitted. When a teacher assigns an "I" grade, she must inform her immediate supervisor of the student's grade up to that point, the evaluation criteria with her scores, and a description of the work she must complete, if applicable. Any student who receives an annotation of "I" must remove it during the period assigned for it in the Academic-Administrative Calendar of the subsequent academic term. If the student obtains an incomplete score with a provisional grade lower than that necessary to pass the course and when this is required for another course, the student will have to remove the incomplete and pass the course before enrolling in the other. The responsibility for removing an "Incomplete", rests with the student. If the student does not remove it in the regulation time, the student will receive the informed provisional grade. The procedure to be followed is established in the official form designated for such purposes. This regulation will apply whether the student enrolls at the University in the following academic term. The Faculty of Law and the School of Optometry will temper this rule to their respective needs.
- UW- It is assigned in the electronic record, when a student stops attending the course, and does not qualify for the grade of incomplete (I) or F.
- AU- Symbol used to indicate on the student transcript that the course was audited. It does not carry honor points, and no credit is awarded for it.
- R- Symbol used to indicate the course was repeated.
- T- Symbol used to indicate that the course was transferred from another institution.
- DP- Dissertation in progress.

- PP- Project in progress. This grade is assigned to students who continue a research project after completing the term in which they enrolled.
- TP- Thesis in progress.

6.5.3 *Course Repetition*

Students are entitled to repeat a course when they are not satisfied with the grade. In case a course is eliminated as a curricular offering, the course will be substituted for a new course created in the curricular revision or by an equivalent course approved by the Vice Presidency for Academic and Students Affairs and Systemic Planning. The highest grade and the corresponding credits will appear on the student's transcript and the lower grades will be changed to "R" (repeated course). These "R" grades and the corresponding credits will not be considered when determining if the student has satisfied graduation requirements. Courses repeated after having obtained the degree will not be considered towards the calculation of the graduation index.

6.6 *Information Access Center*

Inter American University maintains bibliographical, electronic, and audio-visual collections in all its units. These services are offered by professional librarians and audio-visual technicians. The schedule of the Information Access Center may vary from unit to unit, in accordance with their patterns of use.

6.6.1 *Reserve Collections*

All Information Access Centers offer reserve services. Faculty members who wish to place printed, electronic, or audiovisual material on "reserve" for use by students in their classes should provide the head librarian or the reserve librarian, as the case may be, in the unit where they teach, with the appropriate information, including the course or course section in which the materials will be assigned, and the name of the faculty member, at least 48 hours before the class assignment. If advance notice can be given, it will be to the faculty member's advantage in those cases where the material requested is on loan and must be recalled before it can be placed on reserve.

At the end of the semester, all materials placed on reserve are released to the collection where they came from or to the faculty member. If needed for the following semester, faculty members must give appropriate notice to the center to have the materials returned to the reserve collection.

6.6.2 *Acquisitions*

Faculty members are expected to familiarize themselves with the Information Access Center where they teach to take full advantage of the services provided, not only for themselves but also for their students. Faculty members who want to recommend the acquisition of

materials not currently in the collections of their Information Access Center should obtain from the head librarian or the acquisitions librarian in the unit in which they serve, forms to be filled out and returned to the Center.

6.6.3 *Loans between Information Access Centers*

Librarians will, at the request of faculty members, search among the collections at other units for specific materials not available at a faculty member's own Information Access Center, and if possible, obtain the desired materials through inter-library loans. Faculty members should consult their librarians for details on these services.

6.6.4 *Loans from the General Collection*

Faculty members can borrow books from the general collection of the Information Access Center of their unit, as well as from any other Center of the University system. Such loans may be made for the duration of the academic term unless repayment is claimed for reserve or other special use. All materials must be returned at the end of the academic term or fines will be charged.

6.6.5 *Audio-Visual Equipment and Materials*

In some cases, the audio-visual section of the Information Access Center may be able to provide personnel to operate the equipment in the classroom. If such service is not available, personnel from the section will give the faculty member training in the proper operation of the equipment and use of the materials.

The audio-visual section offers the services and facilities needed to produce certain audio-visual materials. Because the range and type of such services and facilities vary from unit to unit, it is necessary for faculty members to familiarize themselves with the services available at the Information Access Center of their unit and find out if it is feasible to use the facilities at other centers to produce materials.

6.7 *Office Supplies and Support Services*

The University supplies the paper and the means to reproduce the tests and exams and other evaluation instruments. Faculty members should find out from their immediate supervisor the services provided by the department to support their academic work, and the appropriate process to use them.

PART VII

Amendments

7.1 *Amendment Procedures*

Proposals to amend this *Handbook* may be originated by the academic senates, by the University Council, by the President of the University, or by the Board of Trustees. Such amendments require the approval of the Board of Trustees. As soon as they are approved, copies of all amendments will be issued to faculty members and to the administrators who deal with matters related to the amended sections.

Amendments to the basic documents mentioned in this *Handbook* are not considered to be amendments to it. However, such amendments that affect the subject matter contained in Parts I and VI will take precedence over the contents of this *Handbook* until necessary revisions may be produced and approved by the Board of Trustees.

Inter American University of Puerto Rico reserves the right to modify, revoke, suspend, terminate, or change any one or all the policies and general terms found in this *Faculty Handbook*. This *Handbook* is not and may not be considered a contract between the University and the faculty member.

APPENDIX I

*Norms and Procedures for Administrative
and Financial Matters of Interest to Faculty Members*

Norms and Procedures for Administrative and Financial Matters of Interest to Faculty Members

The Budget

Each department, as well as each unit at the University, operates in accordance with the annual budget that is approved by the Board of Trustees for the following fiscal year. The fiscal year of the University begins on July 1 of each calendar year and ends on June 30 of the following calendar year. Budget proposals are originated in every department. Such proposals are usually made by the department director working in conjunction with the dean of the area, the dean of studies, and the dean of administration of the respective units.

Apparatus and Equipment

Provisions for the purchase of apparatus or equipment should be included in the department budget proposals, as should anticipated increases in the cost of laboratory and other similar materials. In those cases where faculty members share in the responsibility of providing necessary instructional materials and equipment, they should discuss with their department director such needs as they foresee for the following academic year, as early in the preceding academic year as possible, and certainly before the end of the first semester.

Travel Funds

The budget of the units makes provisions for funds to cover authorized travel by faculty members. The travel faculty members are required to do may be either on the Island or off-Island.

On-Island Travel

Most on-Island travel which faculty members are called upon to do is by private car. The University reimburses its employees for such travel, at a mileage rate. The University uses the official mileage charts used by the Commonwealth government to calculate distance traveled. Each year, faculty members who engage in this travel must fill out forms authorizing the trip for a specific period. Due filing of this form provides authorization to be absent from campus and insurance coverage in case of accidental death. Faculty members must also apply for reimbursement upon completion of these trips. Forms to make applications for reimbursement may also be obtained from the department director, who will countersign and forward the forms through suitable channels when they have been correctly filled out and signed by the Faculty member. Applications for reimbursement should be made within ten (10) days after returning to the unit.

In some cases, authorization may also be given for hotel and/or food expenses. In such cases, reimbursements for such costs may also be claimed together with mileage by providing the canceled bills from the hotel and/or restaurants.

In cases where air travel on the Island is authorized, it is customary for the University to purchase the ticket in advance, and provide it to the faculty member. However, when authorized, a faculty member may purchase his ticket and later request reimbursement for the cost.

Off-Island Travel

Off-Island travel is almost exclusively by air, and it is customary for the University to pay in advance (economy class only) and provide appropriate tickets to faculty members for authorized travel.

Authorized hotel and food expenses incurred by faculty members traveling off the island should be reported in the same manner as similar expenses incurred on the island and supported by duly canceled bills for reimbursement to be made promptly. Off-Island trips by air also provide life insurance for accidental death.

APPENDIX II

*Policies and Procedures on Students Affairs
of Interest for Faculty*

Policies and Procedures on Students Affairs of Interest for Faculty

General Student Regulations

The General Student Regulations contain official information on the government, authorization of activities, rights, regulation of conduct and behavior of students, election procedures, registration of student organizations, appeals and the due process.

Student Conduct in Academic Activities

If the behavior of a face-to-face or distance education (virtual) student prevents or hinders a member of the faculty from fulfilling their duties and responsibilities, if it interrupts or disturbs the tranquility of the class (academic activity) or of the professor or if a student is guilty of dishonesty or fraud with respect to his/her academic work, disciplinary measures may be taken against him/her in accordance with the relevant article of the General Student Regulations.

In such cases, Faculty members are recommended to consult their department director and the dean of students before filing any formal complaint against a student or students, whenever feasible.

If the faculty member wishes to file a complaint against one or several students, he or she must do so before the Dean of Students, who has the duty to guarantee the student due process, as described in the General Student Regulations, and the authority to discipline. and apply sanctions if necessary.

Student Work for Faculty Members

Many Inter American University students receive financial aid under the Work-Study Program. If a Faculty member needs the help of a student to carry out his or her university responsibilities, it can often be arranged for a student, who receives financial aid under the aforementioned program, to work for the Faculty member according to a predetermined plan. Faculty members interested in this opportunity should consult with the financial aid officer of their unit to determine the availability, regulations, programs and other items regarding this student aid.

APPENDIX III

Development and External Relations Norms and Procedures

Development and External Relations Norms and Procedures

Public Relations

The main public relations officer of the University is the Executive Director of Public Relations and Marketing whose office is at Central Administration and who reports directly to the President of the University.

Alumni Relations

The Inter American University Alumni Association is linked to the Office of Development and responds to it through its Alumni Officer. The Association's Board of Directors meets every month to formulate its work program. Faculty participation in the Alumni Association is welcome. Details may be obtained from the Alumni Officer.

Development and Fund Raising

Private Sources

The Office of Development coordinates and supports the efforts of the University geared towards obtaining gifts and grants from private sources, such as foundations, corporations, and individuals. In addition, it provides support to the Inter American University Alumni Association.

Faculty members are invited to participate actively in fund raising activities geared towards financing individual projects and new developments, as well as study grants for students. Faculty members that seek donations for research, creative activities, or from private sources are urged to seek the advice and cooperation of personnel from the Office of Development in their campus or at central level.

Public Sources

The Assistant Vice Presidency for External Resources is located in the Vice Presidency for Academic and Student Affairs. The main function of this Assistant Vice Presidency is to provide support to faculty members and the University administration in the development of projects related to research, creative activities, or services sponsored by local or federal funds. In order to do this, the Office identifies sources of public funds and provides advice and technical assistance to the academic units in their efforts to receive these funds.

The Assistant Vice Presidency for External Resources represents the University before the federal and local agencies and maintains ongoing communication with the representatives of these agencies.

Faculty members are invited to inform the External Resources Office of their academic unit regarding projects that may be of interest to them and which the Office might support by trying to procure the needed funds. Faculty members may also contact this Office to receive advice on the elaboration of competitive proposals.

Use of the Seal and the Shield

The Seal of Inter American University of Puerto Rico is reserved for official documents published by the University. The shield may be used as a symbol of identification or decoration by alumni, students, faculty members, and others affiliated with the University.

Stationery and Use of the Name of the University

The official stationery of the University will only be used for official University business. The design permits information of a specific office and a specific return address.

The name of the University may not be used by any faculty member or staff member to sponsor or recommend any commercial service or product. Faculty members may not use University stationery for any other than official business of the University.

Faculty Addresses and Home Telephone Numbers

At the beginning of each academic year, faculty members are requested to provide the dean of studies with their home addresses, telephone numbers, and the names of their spouses and children. This request is made with the purpose of addressing appropriate petitions and maintaining communication.

APPENDIX IV

Normative Document G-0618-045



Inter American University of Puerto Rico
Office of the President

Norms to Regulate Smoking in the Interamerican University of Puerto Rico

NORMATIVE DOCUMENT G-0618-045

Introduction

The regulation to limit smoking at the University dates to 1991 and to keep it up to date and consistent with changes in state law, Law number 40 of August 3, 1993, as amended, "Law to Regulate the Practice of smoking in certain public and private places," we proceed to review it regularly and rigorously.

It is scientifically proven that both smokers and passive smokers, those who inhale the smoke exhaled, are exposed to the harmful effects of smoking. According to studies carried out, tobacco smoke is made up of more than 4,000 chemical substances, of which, more than 43 are cancer-producing or carcinogens, in human beings. These have been classified by the United States Environmental Protection Agency as *type A carcinogens*, those in which there is no safe level of exposure.

Passive smoking is a major risk factor leading to disease and death, and it is considered the third most preventable cause of death, after active smoking and alcoholism. Currently, tobacco use is one of the leading preventable causes of disease, disability, and premature death, in Puerto Rico. Each year more than 3,600 people in Puerto Rico die due to this practice and half lose an average of 20 years of life.

I. Legal Base

This document is promulgated by virtue of the authority conferred to the president by the Board of Trustees in the Bylaws of Inter American University of Puerto Rico. It is also based on the following law:

Law No. 40 of 1993, as amended: Law to regulate the practice of smoking in certain public and private places.

II. Purpose

This normative document establishes the norms to regulate smoking at the Inter American University of Puerto Rico.

III. Scope

This document will be valid in all administrative and teaching units of the University System.

IV. Definitions

For the purposes of this document, the following terms shall have the meanings expressed below:

- 4.1 Outdoor areas – Those areas of the different institutional units that are not contained within a closed structure, such as parking lots, balconies, outdoor corridors, and patios that surround and/or give access to the buildings.
- 4.2 Common Areas – Facilities used by the public, including, but not limited to, classrooms, laboratories, amphitheatres, theater, courts, chapels, libraries, offices, meeting rooms, warehouses, archives, cafeterias, picnic areas, elevators, official vehicles, bookstores, lobbies, infirmaries, waiting rooms, children's centers, and other similar places where the public goes.
- 4.3 Work setting – Any place, whether interior, exterior or underground, and those belonging to them, including any common areas or other structures where any trade, service or business is temporarily or permanently carried out, or where any process is carried out or operation directly or indirectly related to any trade, service, or business.
- 4.4 Smoking – Activity of inhaling and exhaling the smoke of tobacco or other substances that are burned in cigars, cigarettes, pipes and possessing or transporting cigars, cigarettes and pipes or smoking articles while they are lit and includes the use of the so-called electronic cigarette. For the purposes of this document, electronic cigarette is defined as any product designed to deliver doses of nicotine in combination with other substances to the user in vapor form, as established by the Federal *Food and Drug Administration* of the United States.
- 4.5 Environmental tobacco smoke – Smoke emanating from a cigarette, pipe, cigar, or e-cigarette, plus that which exits the smoker's mouth. Exposure to it is known as involuntary smoking or passive smoking.
- 4.6 Residence – Any physical structure or property designated for the lodging of persons and property of the University.

V. Sale, Distribution, and Promotion of Tobacco within the University Premises

The sale and distribution of tobacco and the promotion of its use in the University structures and grounds is prohibited.

VI. No Smoking Areas

Smoking is prohibited in all meeting areas, work settings and residences, as defined in Article IV 4.2, 4.3 and 4.6 of these documents.

VII. Smoking Areas

Smoking is allowed:

7.1 In outdoor areas, as defined in Article IV - 4.1 of this document.

7.2 In areas specifically designated for it.

VIII. Identification of areas

The various areas where smoking or non-smoking are allowed will be duly identified as such with some type of sign or sign that communicates such a message. The lack of identification is not an authorization to smoke in an area, if the place falls within the definition of Article IV as meeting area, 4.2, work setting, 4.3 and residences 4.6.

IX. Responsibilities

The main executives and supervisors will take the appropriate measures to ensure faithful compliance with this document.

X. Disciplinary measures

Sanctions

Any person who violates the provisions of this document will be subject to the following sanctions:

a. Teaching and Non-Teaching Staff

10.1.1 Orientation by the immediate supervisor

10.1.2 Written warning by the immediate supervisor

10.1.3 Suspension of employment and salary for a period of no less than one day and no more than five working days by the main executive of the unit, by the vice presidents in their area of responsibility in the case of the Central Office and by the President in the case of the main executives and vice presidents.

10.1.4 Dismissal or suspension of employment and salary for repeated violation of the rules that allow the good and normal functioning of the Institution, in accordance with the due procedure established in the Faculty Manuals and the Non-Teaching Personnel Manual.

b. Students

In the event that students violate these norms:

10.2.1 Orientation by the Dean of Students in the respective unit.

10.2.2 Warning written by the Dean of Students.

10.2.3 The procedures and sanctions indicated in Chapter V of the General Student Regulations will be applied: punishable behavior and fair procedure.

XI. Separability

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

XII. Repeal and amendments

These regulations repeal the regulatory document *G-0403-007R*, and any other guidelines that conflict with what is set forth herein. This document may be amended or repealed by the President of the University.

XIII. Validity

These regulations will be effective immediately upon the approval and signature of the President.

XIV. Approval

Signed on June 14, 2018

Manuel J. Fernós, Esq.
President

Date (M-D-YYYY)

APPENDIX V

Normative Document G- 1213-038R



Inter American University of Puerto Rico
Office of the President

GUIDELINES AND STANDARDS TO COMPLY WITH PROVISIONS THAT PROHIBIT DISCRIMINATION AGAINST PERSONS WITH DISABILITIES IN EMPLOYMENT

Normative Document G-1213-038R

Introduction

As an integral part of its mission, the University has the purpose of contributing to society through the formation of educated citizens, committed to democratic and Christian principles, without any discrimination and in accordance with applicable laws.

In compliance with its mission and the federal and state legislation that prohibits discrimination, the Inter American University of Puerto Rico will make every effort within its power to provide people with disabilities equal employment opportunities and the necessary facilities, in a manner that they may have equal conditions.

I. Legal Basis

The Americans with Disabilities Act (ADA) of 1990, as amended, prohibits discrimination against people with disabilities who are users of public facilities, transportation, and telecommunications services, among others. Said law does not require giving preferences to persons with disabilities in terms of employment opportunities. However, it establishes clear rules regarding the elimination of discrimination so that people with physical, mental, or sensory disabilities, who are qualified to perform the essential functions of a position, have equal opportunities in employment and access to institutional facilities, such as those that don't have them.

In addition, the Law for the Prohibition of Discrimination against Disabled People, Law No. 44 of July 2, 1985, as amended,¹ was enacted to provide equal conditions so that people with disabilities could participate, perform, and compete adequately in the labor field.

Section 503 of the Federal Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability by contractors, subcontractors of the federal government with contracts of more than \$10,000 and requires that they take affirmative action in employment to people with disabilities.

This document is promulgated by virtue of the authority conferred to the President of the Inter American University of Puerto Rico by the Board of Trustees in the Statutes of the University.

¹ 1 L.P.R.A. § 501 y ss.

II. Purpose

This document presents the guidelines and standards that will allow the University to comply with the provisions of the law that prohibits discrimination against people with disabilities.

III. Scope

This normative document will govern all the units and dependencies of the university system.

IV. Definitions

4.1 **Reasonable accommodation** - Adequate or reasonable logical adjustment that allows or empowers a person qualified for the job, with physical, mental, or sensory limitations, to execute or perform the essential functions assigned to a position.

4.1.1 However, if they constitute a direct threat to the health or safety of others, which cannot be removed by such reasonable accommodation, the person will not qualify for employment and therefore will not be protected.

4.2 **Onerous burden**- Any action that requires great difficulty or significant expenses for the university.

4.3 **Discrimination**- Includes, but is not limited to, denying employment opportunities to those candidates who have a known disability, even if they are qualified for the position. It is also considered discrimination to deny reasonable accommodation to employees with physical, mental, or sensory impairments, not allow them opportunities for advancement, and not provide qualified interpreters or readers when needed.

4.4 **Vital functions**- Includes functions such as performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting heavy objects, speaking, breathing, concentrating, thinking, communicating, learning, and working.

4.5 **Equal opportunities in employment**- Fair and impartial treatment that people from groups protected by law must receive in all aspects related to employment, hiring, promotions, training, and others.

4.6 **Impairment** - Is that physical, mental, or sensory impairment that substantially limits any of the person's vital functions.

4.7 **Person with a disability** - A person who has a physical, mental, or sensory condition that substantially limits one or more of their vital functions, has a record of that disability or is considered to have that disability.

4.8 **Classification Plan**- It is the system through which all positions are grouped into classes, depending on whether they are the same or substantially similar in terms of the nature and complexity of the duties and the degree of authority and responsibility assigned to them.

- 4.9 **Interactive process-** It is the continuous dialogue between the employee with a disability and the representative of the Human Resources office, together with the supervisors of the work area, health specialists and others concerned, through which an agreement is reached to provide the necessary reasonable accommodation.

V. Responsibilities of the Interamerican University

- 5.1 Offer equal employment opportunities to people with physical, mental, or sensory disabilities who are duly qualified for the position. Opportunities will be granted in consideration of the candidate's qualifications to perform the essential functions of the position.
- 5.2 Provide the necessary mechanisms so that the Classification Plan and the personnel recruitment process comply with the provisions of the ADA Law regarding equal opportunities and reasonable accommodation for people with disabilities. For each position, the University will have a clear description of its essential functions before interviewing candidates or publishing the vacancy or interviewing candidates. Likewise, it must clearly establish the physical, mental, or sensory requirements necessary to perform said functions.
- 5.3 Provide reasonable accommodations for the benefit of job candidates and employees who present some known disability. See Section 7 of this document.
- 5.4 Send all calls or announcements of vacant positions to employment placement agencies for people with disabilities.
- 5.5 Offer training opportunities to employees with disabilities so that they can perform the functions of their position and provide them with equal opportunities to participate in other activities related to employment.
- 5.6 Provide the necessary training to train management and supervisory personnel on the requirements established in the legislation against discrimination against persons with disabilities.
- 5.7 Post information about the legislation and the rights of employees with disabilities in an accessible place.

A. Responsibilities of the Unit Human Resources Office

The Director or Human Resources Officer of each unit:

- 5.8 Will be responsible for receiving and processing the Request for Reasonable Accommodation (Annex A), either directly from the employee or through her supervisor.
- 5.9 Will maintain communication with the employee's supervisor about the requested accommodation and the final determination in this regard. He must inform the supervisor of the importance of confidentiality on the matter.
- 5.10 Must keep a careful record of the applications filed and the accommodations provided, as well as other details and documents pertinent to the Interactive Process.

- 5.11 Will maintain the confidentiality of the files and communications related to the request for reasonable accommodation or the impediment of any employee. For these purposes, the copy of the medical file will be kept separately from the employee's file, both within the employee's unit and in the Systemic Human Resources Office.

B. Responsibilities of the employee with a disability

- 5.12 Will submit the Request for Reasonable Accommodation (Attachment A), the Notification to the Medical Provider (Attachment B) and the Authorization to Request Medical Information (Attachment C) to the Human Resources Office of your unit.²
- 5.13 Will comply with the essential functions of his position and with what is established in the regulations manual that applies to him.

VI. The Interactive Process will be carried out as follows:

- 6.1 Each case will be evaluated individually and continuously. Once the accommodation has been selected, its effectiveness must be supervised and, if necessary, make new adjustments or modifications that achieve its goal.
- 6.2 If the employee requests a simple and easy accommodation, it will be implemented as soon as possible and a record of it will be kept through the Human Resources office of the unit.
- 6.3 If the employee requests an accommodation that requires an expense on the part of the Institution, if it is necessary to submit medical documentation or if the accommodation presents any doubt or difficulty, the decision will be made in conjunction with the Systemic Human Resources Office. Cases in which there are doubts, the Office of Legal Counsel will be consulted.
- 6.4 The Interactive Process will conclude when the employee cannot fulfill the essential functions of his position, even with reasonable accommodation; if the employee refuses to accept it or if it constitutes an onerous burden for the institution. These cases could be considered grounds for termination of employment.

VII. Measures to promote equal opportunities in employment

Once it is determined that the employee with a qualified disability can receive reasonable accommodation, the University will be obliged to:

- 7.1 Evaluate the structural aspects of the physical facilities and make the modifications that are within their reach to make them accessible to people with disabilities. New constructions, such as parking spaces, restrooms, water fountains, access entrances, cafeterias, elevators, and others, must provide easy access.
- 7.1.1 Modify existing equipment, materials, and furniture, or acquire those necessary for the employee to perform his duties.

² Spanish versions of the "attachments" available upon request.

- 7.2 Restructure the employee's duties, modify work schedules, or reassign the employee to another position, if available.
- 7.3 The University will not be required to lower the quality or standards of service to accommodate an employee with a disability, nor to provide accommodations that represent an onerous burden for it. You are also not required to provide items for personal use, such as eyeglasses or hearing aids.

VIII. Separability

If any part or section of these guidelines and standards is declared invalid by a competent authority, such decision will not affect the rest.

IX. Repeal or Amendment

This document amends the normative document G-1213-038 or any other directive that conflicts with the provisions herein. This document may be amended or repealed by the President of the University.

X. Approval

Signed on February 18, 2015

Manuel J. Fernós, Esq.
President

Date (D-M-YYYY)

Annexes

APPENDIX VI

Circular Letter G-126-91



Inter American University of Puerto Rico
Central Administration

June 28, 1991

CIRCULAR LETTER G-126 -91

Vice Presidents and Chief Executive Officers of the Units

DE: José R. González
President

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

EQUAL EMPLOYMENT OPPORTUNITY

The Board of Trustees of Inter American University of Puerto Rico approved, by means of a resolution, on May 5, 1991, the following Equal Employment Opportunity Policy.

Policy

It is the policy of Inter American University of Puerto Rico to provide equal employment opportunity to all persons consistent with employment requirements and qualifications and to prohibit discrimination in all employment practices for reasons of race, color, religion, sex, national origin, age, physical or mental handicap, status as a disabled veteran, veteran of the Vietnam era or citizenship of individuals legally authorized to work in the United States. All University facilities provided to employees are available on a non-discriminatory basis. A positive continuing affirmative action program has been established to promote the full realization of equal employment opportunity throughout the University. The University will appoint an Equal Opportunity Officer who will oversee the compliance of the above stated policy.

This policy should be disseminated to the University community.

This Circular Letter is effective immediately.

APPENDIX VII

Normative Document G-0807-028R



INTERNAL REGULATIONS TO DEAL WITH COMPLAINTS ON THE USE AND ABUSE OF DRUG 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 OF INTER AMERICAN UNIVERSITY OF PUERTO RICO

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. 2
- 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 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 work days 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 Officer 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 ¹⁵notify 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 work days 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 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.

XVI. Approval

Signed on February 3, 2011

Manuel J. Fernós, Esq.

February/3/2011
Date

APPENDIX VIII

Normative Document G-0820-049



**Inter American University of Puerto Rico
Office of the President**

**NORMS AND PROCEDURES TO ADDRESS ALLEGED VIOLATIONS
TO THE PROVISIONS OF TITLE IX**

Normative Document G-0820-049

Introduction

These norms and procedures are issued in accordance with the institutional policy for Title IX compliance approved by the Board of Trustees on May, 22, 2015. By approving this policy, the Board acknowledged the institutional responsibility to address formal complaints in cases of alleged violations to Title IX. To comply with this responsibility, the following norms and procedures are established.

I. Legal Basis

On May 6, 2020, the United States Department of Education enacted new regulations to refocus the scope of Title IX, mainly relating to behaviors that constitute "sexual harassment" under Title IX, and when the institutional response or lack of response could be considered inconsistent with the new regulation and, consequently, constitute a potential transgression to the Civil Rights Act of 1964.

These norms and procedures are enacted by virtue of the authority conferred on the President by the Board of Trustees in the Bylaws of the University. They are framed in the University's policies for compliance with the provisions of Title IX and applicable federal and state laws.

II. Scope

The norms and procedures described in this normative document apply to the whole university community, including all supervisors, employees, professors and students of all levels, provided that for the purposes of this article all people within reach and control of the University will be considered. These people are responsible for complying with these norms and procedures and will be subject to investigation in cases of alleged violations to Title IX, as defined in the institutional policy.

The protections afforded by Title IX are extended to all on-campus or off-campus University education programs or activities as defined in this normative document.

III. Purpose

The purpose of this normative document is to establish the University norms and procedures to inform and address cases of alleged violations to Title IX. These norms and procedures will promote the best interest of the University and help protect the reputation, integrity, rights and well-being of the university community.

IV. Definitions

For the purpose of this document, the terms below will have the following definitions:

- 4.1 Stalking - A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or to suffer substantial emotional distress.
- 4.2 Sexual assault - Any crime that complies with the definitions of rape, indecent exposure, incest or statutory rape, as defined in the Uniform Crime Reporting Program of the Federal Bureau of Investigation.
- 4.3 Emotional distress - Significant mental suffering or distress that may or may not require professional treatment or counseling.
- 4.4 Hostile environment - A conduct that constitutes sexual harassment of such a severe, generalized and objectively offensive nature that it results in denying a person, be it a student or an employee, access to equal opportunities or education activities or the conditions or benefits of his/her employment and that contributes in creating an intimidating, threatening or abusive education or work environment in specific terms.
- 4.5 Consent - A free and voluntary expression of personal desire to perform an act or action. Voluntary consent is affected when the consenting individual is under the effects of drugs, alcohol or narcotics, even if he/she decided to ingest these substances or if he/she received them with or without their knowledge from another person.
- 4.6 Title IX Institutional Coordinator - The officer responsible for coordinating compliance with Title IX of the Education Amendments. The Title IX Institutional Coordinator works with and counsels the Title IX Auxiliary Coordinators.
- 4.7 Title IX Auxiliary Coordinator - The designated officer in each academic unit responsible for observing compliance with Title IX in his/her academic unit, establish the training programs required by regulation, and contribute and participate in the preliminary investigation and decision of the grievance process regarding formal complaints filed in relation to an alleged violation to Title IX.
- 4.8 Employee - Any individual who works for the University by means of a contract, with or without compensation, including candidates for employment. For the purpose of the protection conferred by law, the term employee will be interpreted in the broadest way possible.
- 4.9 Standard of evidence - The standard of evidence used to adjudicate a formal Title IX complaint is the preponderance of evidence standard.
- 4.10 Student - All individuals enrolled in any course or program offered by the University, as well as all applicants for enrollment.
- 4.11 Sexual harassment- One of the manifestations of gender discrimination against women or men, infringing upon their dignity as a human being. It consists of any type of undesired approach of a sexual nature, such as requiring sexual favors and any other sexual verbal or physical conduct.
- 4.12 Gender identity - How an individual identifies and recognizes him/herself in terms of his/her gender, which may or may not reflect his/her biological sex or the one assigned at birth. For the purpose of complying with the provisions of this

statute, this definition will be interpreted as broadly as necessary to extend its benefits to every citizen exposed to an act or pattern of discrimination.

- 4.13 Examining Officer - Attorney authorized by the Supreme Court of Puerto Rico to exercise the profession and designated to oversee the formal procedures to adjudicate a formal complaint as stipulated in these norms and procedures.
- 4.14 Human Resources Officer - The Human Resources Officer of the unit where the facts occurred.
- 4.15 Sexual orientation - An individual's emotional or sexual attraction to people of the same and/or different gender, or more than one gender. For the purposes of complying with the provisions of this statute, this definition will be interpreted as broadly as necessary to extend its benefits to every citizen exposed to an act or pattern of discrimination.
- 4.16 Respondent - Individual held accountable for violating the provisions of Title IX.
- 4.17 Complainant - Individual who alleges he/she has been the object of a violation of any Title IX provision.
- 4.18 Course of conduct - Two or more acts, including but not limited to, the acts in which the perpetrator directly or indirectly or through a third party, by any action, procedure, device or medium, follows, monitors, surveys, watches, threatens or communicates with a person or interferes with a person's property.
- 4.19 Reasonable person - A person who, in similar circumstances, would act in a manner similar to the person who files a formal complaint for alleged violations to the provisions of Title IX.
- 4.20 President - The President of the Inter American University of Puerto Rico.
- 4.21 Professor - All faculty members of the University.
- 4.22 Education program or activity - Programs, activities, settings and facilities over which the University exerts substantial control in relation to the respondent and the context in which the conduct that constitutes sexual harassment is produced.
- 4.23 Formal complaint - A written document presented by a complainant alleging a violation to the provisions of Title IX against a respondent and through which the University is requested to investigate the allegation and where it is declared that, at the moment the formal complaint is filed, the complainant was participating or desiring to participate in an education program or activity or was employed at the University, as defined in this document. The term "written document" refers to any document or electronic message that contains the physical or digital signature of the complainant or that in any other way indicates that the complainant is the person who files the formal complaint.
- 4.24 Contempt - Procedural state in which, being part of a formal complaint, a party does not answer a summons made formally by the Examining Officer or does not comply with the Officer's orders.
- 4.26 Supervisor - Every person that exerts any control or whose recommendation is considered for hiring, classification, termination of labor, promotion, transfer, stipulation of compensation or schedule, workplace or work conditions, or over tasks or functions that are performed or may be performed by an employee or

group of employees or over any other terms or conditions for employment, or any person that performs supervision tasks on a daily basis.

- 4.27 Title IX - The provisions and amendments to the federal Higher Education Act that offer protection against discrimination or harassment in any academic, education, extracurricular and athletic activity, or any other program, activity or employment offered by an academic institution that receives federal financial assistance regardless of where the activity takes place, in-campus or off-campus, as long as the activity is sponsored or controlled by the University.
- 4.28 Academic unit - The nine campuses of the University, the Law School, the Optometry School, the Central Offices, and any other college and vocational school, preschool, and elementary and secondary schools belonging to the University system.
- 4.28 University - The system of the Inter American University of Puerto Rico, Inc.
- 4.29 Dating violence - Any violent act committed by a person who is or has been in a social, romantic or intimate relationship with the victim. The existence of this relationship will be determined according to the allegations of the complainant, considering the duration and type of relationship and the frequency of the encounters between the involved individuals. Violent conduct includes, but is not limited to, sexual or physical abuse and the apprehension of being the object of such abuse. This type of violent act does not include conducts defined as domestic violence.
- 4.30 Domestic violence - A course of conduct in which a current or former cohabitant with whom the victim has or had a romantic or intimate relationship uses physical or sexual force, coercion, threats, intimidation, isolation, or emotional or financial abuse to control the victim. It manifests as physical, sexual or psychological abuse, restriction of liberty, the use of strategies to exert power and control against the victim, among others.

V. Grievance Process to File and Address Alleged Violations to Title IX

5.1 Start of the process

- 5.1.1 Any student or employee that believes to have been the object of a violation to the provisions of Title IX in their academic or work environment has the prerogative to file a formal complaint to the designated Investigator of the academic unit in which the alleged situation happened. The process is initiated by filing the formal complaint (see Attachment A). Students can file the formal complaint at the Dean's Office or their academic unit's Title IX Auxiliary Coordinator, as deemed convenient, however, this implies a change of the officer designated to conduct the initial investigation.

The formal complaint may be filed using any tangible method, physical or digital, and must contain a declaration that the complainant was participating or looking to participate in an academic program or activity or work under substantial control of the University and, in addition, must contain the physical or digital signature of the complainant in order to establish that the complainant is in fact the individual filing the formal complaint. Every formal complaint that complies with these requisites will be

addressed according to these norms and procedures even when the corresponding form has not been used (see Attachment A).

The formal complaint must be filed within the jurisdictional period of one hundred and eighty (180) calendar days after the date in which the facts occurred. Upon receipt of the formal complaint, the designated Investigator will open a case file and will notify the Title IX Auxiliary Coordinator of the corresponding academic unit.

5.1.2 The formal complaint must contain an account of the alleged conduct incurred by the respondent and must be signed by the complainant.

5.1.3 Investigator - Individual who, in the first instance, is in charge of conducting the preliminary investigation of the formal complaint.

a. When a formal complaint is filed by a faculty member or employee and by a student of the University against faculty members, employees, contractors and visitors, the Investigator will be the Human Resources Officer of the academic unit in which the facts occurred, or an individual designated by this Officer.

b. In the formal complaint filed by a student against another student, the Investigator will be the Dean of the academic unit where the facts occurred, or an individual designated by the Dean.

5.2 Investigation

5.2.1 The Investigator will conduct a confidential investigation of the alleged violations with the assistance of the Title IX Auxiliary Coordinator of the corresponding academic unit. This investigation will begin in no more than twenty (20) business days after the date when the formal complaint was filed.

5.2.1.1 Prerogative of each party in the initial investigation process

a. All parties will have equal opportunity to present evidence that may support their allegations in this phase.

b. During this phase, the parties may compile evidence and make it available to the Investigator, if the initial report has not been completed.

c. The parties may receive counseling from an individual or their choice, who may be an attorney. However, the right to be represented by an attorney is not recognized in this phase of the process. The attorney is limited to counseling.

d. The parties will be notified in writing of any summons for interviews or meetings.

- e. The respondent and his/her counselor must be notified at least ten (10) days before being summoned to their initial interview of a summary of the formal complaint filed against him/her.
- f. The respondent and his/her counselor must be notified, at least ten (10) days before being summoned to their initial interview, of a summary of the evidence compiled against him/her.
- g. In this phase, the respondent must present all the evidence in his/her power that may be used to support his/her allegations.
- h. The respondent has the obligation of keeping the Investigator informed of, and put at their disposition, any other evidence that he/she discovers or intends to use in the formal phase of this process.
- i. Complaints that arise regarding the same facts may be combined.
- j. During the investigation process, the Rules of Civil Procedure and the Rules of Evidence will not be applied.

5.2.2 The Investigator must present a confidential report of the investigation within an extendable period of forty-five (45) business days after the date when the investigation was started. Days concerning academic or administrative recesses, closures due to major causes or holidays will not count towards the limit of forty-five (45) business days contemplated in this section.

5.2.3 The report will be submitted with a copy of the case file to the Director of the Office of Federal Affairs and Employment Law Counsel and the Title IX Institutional Coordinator. These officers will evaluate the report and submit their recommendations to the Chief Executive of the academic unit where the complaint was filed within twenty (20) days following the receipt of the report.

5.3 Resolution of the formal complaint without a hearing

5.3.1 If during the investigation process the complainant, freely and voluntarily, withdraws the formal complaint, the process will be terminated, and the case will be filed (see Attachment B).

5.3.2 If the Investigator's report concludes that there isn't sufficient cause to believe that there was a violation to the provisions of Title IX, it will be stated as such to the Office of Federal Affairs and Employment Law Counsel and the Title IX Institutional

Coordinator, both of whom will explain to the complainant the determinations of fact and the legal basis that support this conclusion.

5.3.3 The Director of the Office of Federal Affairs and Employment Law Counsel will ratify the Investigator's report via a written resolution to that effect. Said resolution will be notified to the parties involved and the Chief Executive of the academic unit. It is the responsibility of the Office of Federal Affairs and Employment Law Counsel Director, once the report has been ratified and the resolution notified according to the above paragraph, to summon in writing the complainant party to comply with the required process.

5.3.4 If the complainant agrees with the conclusion, the case will be understood to be closed. If, on the contrary, the complainant does not agree with the conclusion, he/she will have the right to appeal before the Chief Executive of the academic unit where the process was initiated.

5.3.5 Alternative dispute resolution methods - The parties may give written informed, voluntary consent to use alternative dispute resolution methods to reach a solution. The person designated to address the issue must be certified in applying alternative dispute resolution methods. Before a resolution has been delivered, any of the parties may withdraw from the process and ask to continue with the formal adjudication process to address the complaint. This process is not available for cases in which an employee has incurred in violations to the provisions of Title IX against a student.

5.3.6 In every other case, the process will proceed according to the Administrative Hearing section of this document.

5.4 Administrative Hearing

5.4.1 Cautionary measures

In cases in which a formal complaint is sent to an Examining Officer for its final adjudication, the Director of the Office of Federal Affairs and Employment Law Counsel and the Title IX Institutional Coordinator may recommend the Chief Executive to take cautionary measures to mitigate the immediate effect of the alleged violation to Title IX. These measures may include, but are not limited to, job and wage suspension, student suspension, prohibiting access to the campus, revoking internet access privileges, among others.

5.4.2 Designation of the Examining Officer

5.4.2.1 Upon receipt of the recommendations from the Office of Federal Affairs and Employment Law Counsel Director and the Title IX Institutional Coordinator, the Chief Executive will designate an Examining Officer to address the formal complaint within the following ten (10) business days.

5.4.3 Formal Complaint Notification

- 5.4.3.1 The Examining Officer will notify the respondent of the decision within fifteen (15) business days after the date on which he/she was designated.
- 5.4.3.2 The notification may be delivered to the respondent in person with a receipt confirmation or by email or certified mail with receipt confirmation to the physical address found in the University's files or any other known address.
- 5.4.3.3 With the notification, the Examining Officer will deliver a copy of the filed formal complaint and will advise the respondent on their right to have legal representation or any other representation he/she chooses. The Examining Officer will also advise the respondent that if he/she does not respond to the formal complaint within the jurisdictional period of ten (10) business days after being notified or within an awarded extension, the Examining Officer will proceed to schedule and hold the case hearing in contempt and forego the rest of their responsibilities under these norms and procedures.
- 5.4.3.4 If the hearing is held in contempt, the respondent party's participation will be limited to observing the procedures and examining the documentary or physical evidence presented against him/her. The respondent party will not be permitted to present evidence of any type.

5.4.4 Formal Hearing Notification

- 5.4.4.1 The Examining Officer will notify all involved parties about the date of the administrative hearing within ten (10) business days after receiving a response to the formal complaint filed by the complainant.
- 5.4.4.2 The notification must be delivered in no less than ten (10) business days before the date scheduled for the hearing, which must be held within a period no longer than thirty (30) business days after the date on which the response to the formal complaint was received.
- 5.4.4.3 The notification will include the following information:
 - a. Date and time of the hearing
 - b. Place of the hearing
 - c. Purpose of the hearing
 - d. Advantages of Attending the Hearing and Disadvantages of Not Attending
 - e. Procedural rights, such as: the right to legal representation or any representation of his/her

choice, interrogation, cross-examination and presenting testimonial and/or documentary evidence.

5.4.5 Request to Cancel the Hearing

5.4.5.1 The purpose of these norms and procedures is for filed formal complaints to be adjudicated promptly and efficiently, and within a fair and equal framework. Because of the above, requests to cancel the procedures will not be favored.

5.4.5.2 If any of the parties request for a scheduled hearing to be cancelled, he/she must present the request in writing to the Examining Officer within, at least, five (5) business days before the hearing is held. A copy of the request must be delivered to the other party within the same period. The request must contain supporting arguments that, to the judgment of the requesting party, support the request (see Attachment C).

5.4.5.3 The party that requests to cancel the hearing must appear before the Examining Officer in the date and time scheduled for the hearing, unless the Examining Officer had delivered a notification conceding the requested cancellation. If the request for cancellation was not approved, the Examining Officer will hold the hearing as scheduled.

5.4.6 The Hearing

5.4.6.1 When the hearing is held, the Examining Officer will guarantee that all parties possess the following rights, except when the hearing is held in contempt.

- a. Attend the hearing alone, with company and/or with legal representation or any other representation of his/her choosing.
- b. In the hearing, the Rules of Civil Procedure will not apply, except in a supplementary character at the discretion of the Examining Officer.
- c. Before the hearing starts, the respondent will receive any additional evidence that was presented after the initial investigation phase was concluded for his/her examination. A reasonable period of time will be allotted to this at the discretion of the Examining Officer. Hearings will not be cancelled by reason of not receiving evidence beforehand.
- d. Listen to the testimonial evidence and examine the documentary evidence presented in the hearing.
- e. Interrogate and cross-examine the witnesses.

- f. Present all testimonial and documentary evidence relevant to the formal complaint.
 - g. Have and present as evidence documents relevant to the controversy that are under the custody of the University.
- 5.4.6.2 Procedures held before the Examining Officer will be recorded by him/her.
- 5.4.6.3 The Examining Officer must start the hearing with a summary of the violations alleged in the formal complaint and will explain how the hearing will be held.
- 5.4.6.4 During the hearing, the Examining Officer will have the authority to guarantee that the procedures are performed in a respectful manner, including —without it being interpreted as a limitation to their capacity— order a party, their attorney, representative or any witness to keep silent, and dismiss any person that does not observe a respectful behavior. The exercise of the powers given here to the Examining Officer must be interpreted and applied in a way that guarantees due legal process to all parties.
- 5.4.6.5 Only the involved parties, their representatives and an officer representing the academic unit shall be present at the hearing. The Examining Officer will not allow the presence of individuals alien to the proceedings, except the witnesses when they are providing testimony, and any individual that the Officer designates to assist him/her.
- 5.4.6.6 The University will initiate the presentation of evidence in the hearing. Upon finishing the presentation of evidence, the respondent will present his/her evidence. However, the Examining Officer can alter the order of the proceedings if he/she deems it convenient. The burden of the evidence relevant to the filed formal complaint will correspond to the complainant. The burden of the evidence regarding extenuating circumstances or any defense against the alleged charges will correspond to the respondent.
- 5.4.6.7 The witnesses that will present testimony in the hearing will do so under oath before the Examining Officer. Once under oath, they will leave the room until they are summoned back to give their testimony, unless the parties request the witnesses, or any of them, to stay in the room while others give their testimony.
- 5.4.6.8 The Examining Officer will deliver his/her decision within a period of forty-five (45) calendar days after the date on which the hearing was concluded. This decision must contain, among other information, the following:
 - a. The date and place in which the hearing was

held, the parties involved and/or representatives and witnesses that were present.

- b. The allegations of the formal complaint stated clearly and concisely.
- c. The determinations of fact based on the hearing's record.
- d. The conclusions of law.
- e. The decision based on the determinations of fact and the conclusions of law.
- f. The recommendations regarding the sanctions to be imposed, if any.

5.4.6.9 The Examining Officer is responsible for notifying the decision to the Chief Executive of the academic unit, the Director of the University Legal Counseling Office, the Title IX Institutional Coordinator, the parties involved and the legal representative of the respondent, if any. The notification may be delivered by mail or email.

5.4.6.10 If the formal complaint was decided in favor of the complainant, the Chief Executive will notify the respondent and his/her legal representative, if applicable, of the decision and the disciplinary sanctions that will be imposed within ten (10) calendar days, by mail with confirmation of receipt.

5.4.7 Disciplinary sanctions

5.4.7.1 The sanctions that may be imposed upon an individual found to have violated the provisions of Title IX are the following:

5.4.7.2 Faculty members, employees and visiting faculty

- a. Written warning
- b. Suspension from employment and wage for a period that will not exceed three (3) months.
- c. Termination of employment will be considered depending on the severity of the violation committed, in accordance with the Examining Officer's decision.

5.4.7.3 Students

- a. Suspension from the University for a period no greater than one (1) year.

- b. Suspension for a period greater than one (1) year, but not greater than two (2) years.
- c. Permanent expulsion from the University.

5.4.7.4 If at the moment that the sanction is determined it involves suspension and the respondent was previously suspended, the final suspension period will start to count from the date on which the preventive suspension began.

5.4.8 Appeals

5.4.8.1 Any party that does not agree with the final decision may present a writ of appeal before the President of the University within the following ten (10) business days after having received a copy of the decision. This period is jurisdictional.

5.4.8.2 The President of the University must deliver his/her decision within ten (10) business days after having received the writ of appeal. If he/she delivers any decision, it will be considered as final and not subject to further appeal. If the President does not take any action regarding the appeal after the ten (10) allotted days, it will be understood that it was rejected.

5.4.9 Contractors

5.4.9.1 The University will not be responsible for the actions of contractors, suppliers, guests or visitors, except under the following conditions:

- a. an improper conduct was notified;
- b. the University is in a position to take action about said conduct; and
- c. the University does not take immediate and adequate corrective action regarding the situation;
- d. in any case, the amount of control that the University can exert effectively over the perpetrator will be taken into consideration.

5.4.10 Interpretation

5.4.10.1 The dispositions of these norms and procedures must be interpreted in the broadest way possible considering its purpose and the norms in the document, and in harmony with the purpose of Title IX.

VI. Prohibition of Retaliation

Federal regulation expressly prohibits retaliating against individuals who file formal complaints for alleged violations to Title IX. Initiating a disciplinary procedure according to the applicable institutional regulation against any person that offered false testimony or representations, or did it in lack of good faith, in a procedure under this normative document does not constitute retaliation. However, a simple determination of responsibility in that procedure will not necessarily be considered sufficient to state that the person offered false testimony or representation, or did it in lack of good faith.

VII. Severability Clause

The provisions in these norms and procedures are severable, because of which declaring any of them null will not affect the others, and they will maintain their validity and efficacy independently from the ones declared null.

VIII. Derogation and Amendments

These norms and procedures repeal Normative Document G-2016-043 and any other regulations that come into conflict with what is stated here. These norms and procedures may be amended by the President of the University.

IX. Validity

These norms and procedures become valid immediately.

X. Approval

Signed on August 10, 2020

Manuel J. Fernós
President

Date (MM-DD-YYYY)

Attachments



Inter American University of Puerto Rico

TITLE IX FORMAL COMPLAINT FORM

Date of Report (MM/DD/YYYY)	Date of Incident (MM/DD/YYYY)	Day of the incident	Time of the incident	
Academic unit:		Place of the incident:		
<input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Administration <input type="checkbox"/> Visitor <input type="checkbox"/> Contractor				
Complainant's Name and Last Name:		Sex:	Identification Number:	Place of work:
Address:			Email:	
City	State:	Zip Code:	Phone number(s):	
Respondent's Name and Last Name:		Sex:	Identification Number:	
Address:				
City:	State:	Zip Code:	Phone number(s):	
Witness #1	Address:	City/State:	Phone number(s): Home: Cellphone:	
Witness #2	Address:	City/State:	Phone number(s): Home: Cellphone:	

Nature of the complaint: (What, how, who, where, why, when)

Complainant signature: _____	

If you need additional space, please use the back of this Form.

Nature of the complaint: (What, how, who, where, why, when)

By signing this formal complaint, petitioner declares that, at the moment of the alleged facts, he/she was participating or desiring to participate in an academic program or activity as a student or was employed at the University.

Complainant signature: _____ Signature of the Unit Representative: _____



Attachment B

FORMAL COMPLAINT WITHDRAWAL FORM - TITLE IX

Unit: _____

Request Date: _____

Petitioner's Name: _____

Respondent Name: _____

Address: _____

Phone Number: _____

Identification Number: _____

Date when the case was filed: _____ Case Number: _____

Cause of withdrawal: _____

By signing this document, I am agreeing to withdraw the filed complaint, freely and without feeling pressured, intimidated or coerced by the Inter American University of Puerto Rico, the respondent or a third party. By signing, I am aware that the complaint will be terminated as stated in the Normative Document to address alleged violations to the dispositions of Title IX.

Petitioner's signature: _____



Attachment C

HEARING POSTPONEMENT REQUEST FORM - TITLE IX

Unit: _____

Request Date: _____

Requesting party name: _____

Address: _____

Identification Number: _____ Phone Number: _____

Date and time of the hearing: _____ Place of the hearing: _____

Date when the case was filed: _____ Case Number: _____

Reason for requesting postponement: _____

Requesting party signature

FOR OFFICIAL USE OF THE EXAMINING OFFICER

Accepted: ____ Denied: ____

Rescheduled hearing date: _____

Approved by Examining Officer

Date: _____



Annex D

HEARING SUSPENSION APPLICATION FORM – TITLE IX

Unit: _____

Request Date: _____

Applicant Name: _____

Postal Address: _____

Identification Number: _____

Telephone: _____

Date and Time of Hearing: _____

Location of Hearing: _____

Date of Case Filing: _____

Case Number: _____

Reason to Request Suspension: _____

Applicant's Signature

OFFICIAL USE OF INVESTIGATIVE OFFICER

Granted: _____ Denied: _____

Date of the new hearing: _____

Investigative Officer

Date: _____