



ANA G MÉNDEZ UNIVERSITY STUDENT CONSUMER INFORMATION NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Introduction/Purpose

AGMU promotes a respectful, responsible, and fair work and learning environment, to support, nurture and reward professional improvement based on the ability and performance of its employees. Special considerations based on gender or sexual behavior limit and undermine the character and purpose of the University and its community. AGMU neither condones nor allows harassment of any nature, including sexual, physical, discriminatory, psychological harassment, as well as any other type of harassment applicable by law. This type of conduct in the employee environment violates this policy as well as state and federal laws, including the Civil Rights Act of 1964, as amended (Title VII).

Harassment can occur in the context of an abuse of power by the harasser to a person of less power, and can also occur between equals, such as co-workers, regardless of their gender identification. Activities of this nature are unlawful and serve no legitimate purpose; they have a disruptive effect on an employee's ability to perform their job and they undermine the integrity of the employment relationship. If you are aware of any such harassment, it is imperative that you notify your immediate supervisor, management and/or the HR department.

AGMU is committed to maintaining a work environment free from harassment for the benefit of all its employees, including prospective employees, faculty, students, and visitors. Any staff member who has engaged in conduct constituting harassment will be found to have violated the rules and policies of AGMU and shall be subject to disciplinary action, up to and including termination of employment.

Definitions

Sexual Harassment

Sexual Harassment is defined as any unwelcome sexual advances, requests for sexual favors, and all forms of conduct, verbal or physical, of a sexual nature, especially when submission to the conduct is (explicitly or implicitly) interpreted to be a term or condition of employment, or submission to, or rejection of, the conduct affects decisions about an individual's employment, or the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Although it is impossible to anticipate all conduct prohibited by law, by way of illustration, the following examples are provided:

1. All unwelcome touching that makes another uncomfortable.

2. Sexual attack or assault: rape, sexual abuse or attempt to commit some type of sexual aggression.
3. Advances, propositions, or unwanted sexual comments: gestures, sounds, comments, jokes, direct or implied comments about the sexuality or sexual experience of a staff member, or about sexual matters directed to, or in the presence of, another staff member.
4. Requirement of sexual acts or favors.
5. Insults, ridicule, and implied verbal comments which intimidate, offend, or harass someone or reasonably interfere with their performance.
6. Electronic messages with sexual content.
7. Displaying lewd and/or sexually explicit publications, leaflets, photos, drawings, pictures, posters, calendars, objects, pornographic reading material.

Physical Harassment

Physical harassment is one of the most common types of harassment at work. This can also come in the form of violence, both physically and to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example. One worker may damage the car (or motorbike or bicycle) by tampering, breaking, scratching, or inflicting other kinds of damages.

Personal Harassment

Personal harassment can also be called bullying. The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment.

Psychological Harassment

Sometimes, the harassment can be of a psychological nature and can have a negative impact on the victim. A victim is often put down, belittled, or must listen to needless condescending remarks that can affect him or her. These negative remarks can be aimed at the victim from both a professional as well as personal level.

Discriminatory Harassment

This type of harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks. People need to be careful today. You can sometimes overhear someone say these kinds of statements in private conversations. Discriminatory harassments are particularly tricky to navigate, so it is best you get advice from an employment lawyer for their expertise and guidance.

Cyberbullying

Cyberbullying is also seen as harassment, and it is done online. The person doing the harassing can make threatening statements to the victim or spread rumors on social media. This can then spread like wildfire. It can also get out of hand. Now, there is the possibility of others joining in and harassing the victim (people who are not working in the same company). There have been instances when cyberbullying someone vulnerable has led to them taking their own life. While this may be rare and is also extreme, it has happened before.

Third Party Harassment

This type of harassment comes from someone who is not working as an employee in the company. These can include suppliers, vendors and even customers.

Procedure

COURSE OF ACTION

If you believe that you are the victim of harassment, you should do the following:

1. If you are comfortable doing so, clearly, and directly communicate to the offending individual that his/her conduct is unwelcome, and request that the offensive behavior stop.
2. At the same time, you should immediately bring the matter to the attention of your immediate supervisor. If your immediate supervisor is somehow involved in the harassment, or if you are uncomfortable talking to him or her, you should report this matter to your designated HR representative. If possible, document each incident of alleged harassment, including the date, time, place, what was said or done, and the surrounding circumstances.
3. File a formal complaint to the HR department (steps below).

Upon receipt of a harassment complaint, AGMU will promptly and thoroughly investigate the alleged conduct, as detailed below. The investigation may include interviews with the parties involved and, if necessary, any persons who may have relevant knowledge about the alleged conduct. Information received during a harassment complaint investigation will be kept confidential to the greatest extent possible and as appropriate under the circumstances.

The investigation and resolution of a harassment complaint will be conducted by the HR department and any other party deemed necessary.

AGMU strictly prohibits retaliation. A person may not retaliate against any person who reports any alleged harassment or provides information as part of an investigation. A person subject to retaliation should report the conduct immediately to the HR department. If the action is confirmed, AGMU will take appropriate disciplinary action.

COMPLAINT PROCEDURE

The following procedure has been established to investigate a complaint of harassment:

1. If an employee believes that he/she has been the victim of harassment, or is being subjected to a hostile environment, he/she shall notify his/her supervisor. These, in turn, shall refer the matter immediately, in a period not to exceed twenty-four (24) hours, to the HR department to initiate the investigation. However, the employee may also speak directly to HR.
 - a. The complaint may be made verbally or in writing and should include the victim's full name; the full name of the person against whom the complaint has been filed (the "respondent"); the names of any witnesses who may have knowledge of the facts; and a statement of facts, including the date(s) of occurrence(s). If the complaint has been filed verbally, at this stage, the facts which comprise the complaint will be formalized in writing.
2. If the respondent is an officer of AGMU, such as members of the Board of Directors, President, Chancellor, or any other AGMU officer, the complaint will be channeled through the Office of HR, which may refer the matter to a Special Commissioner outside of the organization for processing and decision.
3. The investigation shall be confidential as much as possible, and all information collected in the investigation shall be archived in a file separate and independent of the personal record.
4. HR will activate a committee to investigate the claim. The committee will be appointed by the AVP of HR, unless he/she is involved. The committee will conduct a fair and impartial investigation of all complaints filed, which should include the collection of information, statements and interviews with the parties and witnesses.

5. The committee will start the investigation with an interview of the complainant and will collect all available information.
6. After obtaining the evidence on the complaint and interviewing the complainant, the committee will meet and interview the respondent, notify him/her of the complaint and give him/her the opportunity to offer evidence regarding the event, including the names of witnesses, to refute the allegations against him/her.
7. The respondent will also be given the opportunity, in a term not exceeding twenty-four (24) hours after the interview, to file a written reply on the allegations of the complaint. In it, the respondent may report the identity of witnesses whom he/she understands can provide information regarding the allegations.
8. Following the interviews with the complainant and the respondent, the committee shall proceed to interview the witnesses if appropriate, in the committee's sole discretion.
9. If justified, based on the alleged facts in the complaint and the preliminary evidence submitted, AGMU can take prudent and interim measures (such as paid and unpaid suspension) pending completion of the investigation.
10. The committee shall be responsible for evaluating the complaint, as well as the defenses, testimonies, and documentary evidence, if any, submitted by the parties and their witnesses and render a report with recommendations or remedies for the determination of the AVP of HR.
11. The investigation should be completed, and the report submitted within a period not exceeding ten (10) working days after the filing of the complaint, if possible.
12. The AVP of HR will evaluate the report submitted by the committee, and in a term not exceeding five (5) working days, issue his/her determination. The complainant and respondent will be notified of the determination.
13. Neither AGMU nor its agents or representatives shall take any retaliation against the complainant, witnesses or any person who has cooperated with the investigation of the alleged event.
14. If the complainant decides not to partake in the investigation under way or decides to withdraw from it for any other reason, the investigative process will continue until completion. The lack of interest of the complainant may be taken into consideration.
15. If, after completion of the investigation, it is determined that an employee of AGMU has engaged in conduct constituting harassment, the matter will be referred to the Chancellor of the Institution and the Vice President to implement remedial measures which comply with this policy and the rules adopted and promulgated by AGMU.
16. Likewise, if it is determined that the complainant's employment was affected, be it by a salary reduction, a demotion, AGMU will take remedial actions to restore the corresponding benefits to the complainant.
17. The AVP of HR will follow up on any determination issued to ensure that the conduct or situation has been corrected, verifying in turn that no retaliation have been taken against participants.

An employee or third party who files a complaint against another employee, knowing that the event or conduct of which he/she is complaining is false, will be subject to disciplinary actions pursuant to AGMU regulations and manuals, up to and including termination.

The terms adopted in this policy are suggestions to make it possible for AGMU to perform its duty to investigate claims but are not requirements. The committee retains the right to take the appropriate steps based on the facts of the complaint, depending on the circumstances and complexity of each case.

APPEAL RECOURSE

Should there be a disagreement with the determination of the investigation, either the complainant or the respondent may file an appeal with the Office of the Vice-President within a period of five (5) working days from the notification of the resolution of the complaint.

The Vice-President will review the appeal, will have access to all information gathered during the investigation and will evaluate it to either ratify, amend, or revoke the recommendations made previously. If the Vice-President is not available, a designated representative will be appointed to review the appeal in the manner previously stated.

Within ten (10) working days of receipt of the appeal, the Vice-President or the designated representative will issue a final determination. The appellant shall be notified of the final determination.