
San Juan Bautista School of Medicine**Harassment and Discrimination Grievance Policy and Procedure****Prohibition on Discrimination and Harassment**

San Juan Bautista School of Medicine ("SJBSM") is committed to providing a work and student environment that is free of harassment and will not tolerate discriminatory or harassing behavior by any employee, student, or third party in connection with an educational program. SJBSM does not discriminate in admission or access to, or treatment or employment in, any program or activity on the basis of age, creed, gender identity, national or ethnic origin, race, sex, sexual orientation, religion, disability or color.

We encourage all individuals to inform SJBSM about behavior that may be inappropriate or constitute harassment early, and before it becomes so serious that it interferes with your work or academic environment. We will work with students and employees to review their options for addressing the harassing behavior. We will act quickly and impartially to address claims of disability harassment and discrimination and remedy discriminatory effects of inappropriate acts of discrimination.

Prof. Yaidy L. Cruz Cordero serves as the Student Programs Director, who is responsible for SJBSM's compliance with all regulations prohibiting disability discrimination. The Student Programs Director Office is located at Luis A. Ferre Highway, Exit 21, Road 172 Urb Turabo Gardens, Caguas, PR 00726, in the school's main lobby at Office 10. The Student Programs Director can be reached at 1-787-743-3038 x233 and x3212 during regular business hours (8:00 a.m.–5:00 p.m., Monday through Friday) and via email at ylcruzcordero@sanjuanbautista.edu.

Dr. Yolanda Miranda serves as the Title IX Coordinator, who oversees SJBSM's compliance with all regulations prohibiting harassment and discrimination on the basis of gender. The Title IX Coordinator is located at Luis A. Ferre Highway, Exit 21, Road 172, Urb Turabo Gardens, Caguas, PR 00726. The Title IX Coordinator can be reached at 1-787-743-3038 during regular business hours (8:30 a.m.–5:30 p.m., Monday through Friday) and via email at ymiranda@sanjuanbautista.edu.

Inquiries regarding the application of this policy should be referred to the Student Programs Director, the Title IX Coordinator, or the U.S. Department of Education, Office of Civil Rights, at (800) 421-3481 or ocr@ed.gov.

What is Disability Discrimination and Disability Harassment?

Discrimination on the basis of disability means denying the opportunity to participate in any aid, benefit, or service, providing an unequal or less effective opportunity to participate in any aid, benefit or service, or otherwise limiting the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service to any qualified individual. Examples of such discrimination include inequitable access to educational programs and facilities or refusal to implement, or inappropriate implementation of, academic adjustments.

Disability harassment is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's program. When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under Section 504 of the Rehabilitation Act. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program. In some cases, a single act of harassment may be sufficiently severe to create a hostile environment and constitute discrimination. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

What is Sexual Harassment?

Sexual harassment is a form of sex discrimination prohibited under Title IX and will not be tolerated at SJBSM.

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, visual, or physical conduct of a sexual nature. It also includes sexual violence, which is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual disability. Sexual violence includes sexual assault, domestic violence, dating violence, and stalking.

Consent is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent

when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not necessarily imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Sexual harassment also includes quid pro quo harassment, where sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement.

Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

Gender-based harassment or sexual harassment constitutes sex discrimination if it is sufficiently severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment. In some cases, a single act of sexual harassment or sexual violence, such as sexual assault, may be sufficiently severe to create a hostile environment and constitute discrimination.

Some examples of sexual or gender-based harassment that may constitute sexual discrimination include the following:

- Suggestive or obscene letters, notes, or invitations if sufficiently severe or pervasive;
- Derogatory comments, epithets, slurs, or jokes if sufficiently severe or pervasive;
- Impeding or blocking movements, touching, or any physical interference with normal work or activities, if sufficiently severe or pervasive;
- Sexual oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness related to the educational or workplace objective(s));
- Acts of sexual violence, defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, including rape, sexual assault, sexual battery, domestic violence, dating violence, stalking, sexual assault, and rape;

- Where submission to sexual conduct is made, either explicitly or implicitly, a condition of an individual's employment or academic advancement;
- Threats or insinuations that lack of sexual favors will result in reprisals, withholding support for appointments, grades, promotions or transfers, change of assignments, or poor performance reviews.

When Does Harassment Create a Hostile Environment?

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. The following factors will also be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, and location of incident or incidents; and
- The identity, number, and relationships of persons involved.

A Note Regarding Privacy and Confidentiality

SJBSM understands that claims of harassment or discrimination can be sensitive. If the complainant requests confidentiality or asks that the complaint or disciplinary action not be pursued against the alleged perpetrator, SJBSM will take all reasonable steps to investigate and respond to the complaint consistent with the individual's request. Such steps may include, for example, offering counseling services, offering accommodations, providing the campus with additional training, and implementing other measures, independent of disciplinary action, that could assist the complainant or address the harassment.

However, confidentiality cannot be guaranteed in every situation. SJBSM must weigh a request for confidentiality or request not to pursue a formal investigation and disciplinary action with its responsibility to provide a safe, non-discriminatory environment to all students and employees. Thus, in some cases, it may be necessary to explain to the individual that confidentiality may not be ensured, pursue an investigation, and take all necessary steps to end the alleged misconduct and prevent its recurrence.

Procedure for Filing a Complaint of Discrimination or Harassment

The following procedures apply to all student, employee, or third party complaints of harassment and discrimination by employees, students, or third parties, and are designed to provide for the prompt, equitable, and impartial resolution to complaints alleging discrimination or harassment on the basis of age, creed, gender identity, national or ethnic origin, race, sex, sexual orientation, religion, disability or color.

I. Inform Appropriate Personnel

A student, employee, or third party may initiate a complaint regarding harassment or discrimination on the basis of disability by contacting the Student Programs Director:

Yaidy L. Cruz Cordero, M.Ed.

Student Programs Director

Luis A. Ferre Highway, Exit 21

Road 172 Urb Turabo Gardens, Caguas, PR 00726

Tel. 1-787-743-3038 ext. 233; 3212

Email: ylcruzcordero@sanjuanbautista.edu

The Director will refer the complaint to one or more individuals to investigate the allegations (the "Investigator"). The individual(s) will be chosen from a committee of available investigators who have received training, as designated by the school.

A student, employee, or third party, may initiate a complaint regarding harassment or discrimination on the basis of gender or any other protected class other than disability by contacting the Title IX Coordinator:

Title IX Coordinator Contact Information

Yolanda Miranda, Psy.D.

Associate Dean of Student Affairs

Luis A. Ferre Highway, Exit 21

Road 172 Urb Turabo Gardens, Caguas, PR 00726

Tel. 1-787-743-3038 ext. 256; 255

Email: ymiranda@sanjuanbautista.edu

The Coordinator will refer the complaint to one or more individuals to investigate the complaint (the "Investigator"). The individual(s) will be chosen from a committee of available investigators who have received training, as designated by the school.

II. Preliminary Conference, Response and Complaint Review

When SJBSM receives a complaint from a student, employee, or third party, or otherwise becomes aware of conduct that may constitute discrimination or harassment, the assigned Investigator will conduct a preliminary conference with the complainant within 3 days of receipt of the complaint; and, a copy of this policy will be provided to the complainant. The purpose of this initial meeting is to inform the individual of their options under the grievance procedure, as well as counseling and academic support services available through SJBSM and the local community; address the individual's request for confidentiality, if applicable; understand the basic allegations or facts underlying the possible misconduct; ensure the victim takes immediate steps to preserve any available evidence, particularly if the allegations involve sexual assault or sexual violence; determine if accommodations or other interim action is necessary to protect the complainant; and assess whether the alleged misconduct could rise to the level of prohibited discrimination that warrants a formal investigation. The applicable Investigator will review the complaint and assess whether an investigation will be conducted under the grievance procedure. The applicable Investigator will initiate an investigation if the alleged facts could rise to the level of prohibited discrimination that warrants remediation and/or disciplinary action or if the applicable Investigator believes he or she lacks sufficient information to assess whether the misconduct could rise to the level of discrimination. The applicable Investigator will issue a determination regarding whether to conduct an investigation within 3 days of the preliminary conference.

A determination that an investigation is not necessary does not preclude SJBSM from taking appropriate action to eliminate, remedy, or prevent prohibited or otherwise disruptive conduct. Appropriate action may include conducting an informal mediation involving the parties; providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile environment harassment; or having a confidential conversation with a supervisor or instructor. In addition, SJBSM may pursue disciplinary sanctions for any actions that violate student and employee conduct policies, even if those actions do not constitute discrimination.

III. Grievance Procedure

When a determination is made to proceed with an investigation, the applicable Investigator will advise the respondent of the allegations against him or her in writing and a copy will be provided to the complainant. SJBSM will take the following steps and/or interim measures to conduct an appropriate and impartial investigation of the complaint.

Appropriate Notice. Throughout the investigation, both the complainant and the respondent will be afforded equal reasonable notice to prepare for any meeting or interview.

Equal Opportunity to Participate. Both parties will have an equal opportunity to participate in the investigation. Both parties will have an equal opportunity to give statements, provide evidence, and request that the investigator meet with relevant witnesses. Both parties may be accompanied by one advisor of their choosing to any meeting or proceeding during an investigation. The advisor may be a member of the community, a friend or family member, or any other counselor of the individual's choosing. However, advisors are strictly prohibited from directly participating or responding on behalf of an individual in any meeting unless requested to do so directly by staff.

Evidentiary Determinations. The applicable Investigator has broad discretion in determining whether a witness's statements or documentary evidence is relevant to a determination. The applicable Investigator should address why or why not certain statements or other evidence was relevant in the investigation report.

Standard of Review. The Title IX investigation procedure will determine findings of fact using the preponderance of the evidence standard. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it, meaning it must be more likely than not that the conduct at issue occurred.

Sanctions and Available Accommodations.

Individuals found to have engaged in discrimination or harassment may be subject to a range of disciplinary sanctions or other remedies to address the effects on victims and others, including probation, suspension, termination, or expulsion. SJBSM will offer counseling and academic support services to a person found to have been subjected to harassment and, where appropriate, to person(s) who committed the harassment. In addition, if appropriate, SJBSM will take steps aimed to prevent the recurrence of discrimination and harassment and correcting its discriminatory effects.

The applicable Investigator will also evaluate any request for accommodations in light of the information available. Under appropriate circumstances accommodations may include adjusting class or work schedules and residential arrangements, and affording students the opportunity to retake tests or coursework. Accommodations may also include referral to appropriate counseling services.

Outcome Report. When the applicable Investigator completes an investigation, he or she will summarize critical evidence and outline his or her findings and any recommended action necessary to address and remedy the discrimination in an investigation report ("Report"). This Report will be reviewed by the Dean for Human Resources to determine any appropriate disciplinary action. A copy of the Report will be provided to both the complainant and the respondent along with a date that the Report will be submitted to the Dean for Human Resources, as applicable, for review and possible disciplinary action. Both the complainant and respondent will have 7 days to submit a written response to the Report to the applicable Investigator, which will accompany the Report when submitted to the Dean for Human Resources, as applicable.

The Dean for Human Resources have broad discretion to request that the assigned Investigator interview additional witnesses or collect additional information. The Dean for Human Resources, as applicable, will issue a written outcome letter that includes the finding(s) of fact, the rationale for the decision, and if applicable, any actions SJBSM will take to provide accommodations to the complainant, any institution-wide remedies that are being considered or implemented, and any disciplinary action taken. The outcome letter will be provided to both parties, and forwarded to the President for signature, although the content of each letter may be modified subject to the limitations of FERPA and other relevant laws and considerations. Both parties will also be provided with information regarding their right to appeal the decision.

SJBSM will make every effort to complete an investigation within 60 calendar days after receiving notice of an allegation of harassment or discrimination. The assigned Investigator may extend this timeframe for good cause. If the timeframe is extended, SJBSM will make all reasonable efforts to apprise the parties of the progress of the investigation and provide updated timeframes.

IV. Appeal

If the complainant or the respondent is dissatisfied with final determinations made under this policy, that person may file an Appeal. The Appeal must be filed in writing with the applicable Investigator within 5 calendar days of the outcome letter. A delay in filing the Appeal may be grounds for rejection of the Appeal. The Appeal should state the remedy sought by the appealing party. The Appeal will be reviewed in an impartial manner by the President, who will consult with other administrators as necessary.

As soon as practicable, the applicable Investigator will provide a copy of the request for Appeal to the non-appealing party and the President who may confer with the assigned Investigator and the Dean for Human Resources, as necessary, to review the

investigation record. Upon completing their review of the record and within 10 calendar days, the President will issue a written Appeal outcome decision, which will be made available to both the complainant and respondent.

The Appeal outcome decision is SJBSM's final determination on a matter and cannot be further appealed.

V. Retaliation is Prohibited

SJBSM strictly prohibits retaliation against any individual who brings a complaint under this policy or participates in any portion of an investigation. Retaliatory conduct violates not only SJBSM policy, Title IX, and Section 504 of the Rehabilitation Act, but may also violate other state and federal law.

However, filing a false charge of unlawful discrimination, discriminatory harassment, or retaliation is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, SJBSM may take appropriate actions, which may include termination or expulsion.

Effectiveness of this Executive Order will be immediate upon its approval.


Dr. Yocasta Brugal, President/Dean