UNIVERSIDAD POLITECNICA DE PUERTO RICO

POLICY AND PROCEDURE TO BE FOLLOWED IN THE HANDLING OF SEXUAL ASSAULT

REVISED: MAY, 2010

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Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Federal campus safety legislation emerged in the last decade of the 20th century. In 1990, the U.S. Congress passed the Crime Awareness and Campus Security Act II (Title II of Public Law 101-542). The Act was named the Jeanne Clery Act, in memory of the name of a 19-year-old student who was murdered in her dorm room at Lehigh University on April 5, 1986. The law requires all higher education institutions that participate in Title IV financial assistance funds to disclose crime statistics and provide information on safety and prevention on campus and public property adjacent to campus.

INTRODUCTION

It is the policy of the Universidad Politécnica de Puerto Rico to protect the rights of all individuals and to ensure a safe environment for all students, prospective students, employees, and visitors to the University. As a principle of prevention, it is established that all members of the University Community must conduct themselves with the greatest respect for themselves and protect their property. Our policy complies with the specifications contained in the *Code of Federal Regulations* 34 CFR
668.46 *(Institutional Security Policies and Crime Statistics)* of the U.S. Department of Education.
Every person in the Institution has the right to be free from acts of violence and threats and has a responsibility to comply with all local, state, and federal laws. Any individual who has observed or is a victim of any criminal action or other emergency should immediately file a complaint or report such action to the Office of Security. In addition, they will be able to visit the Office of Enrolment Management and Student Services. If the injured party is an employee of the Institution, the referral will be made to the Office of Human Resources.

SEXUAL ASSAULT POLICY

Sexual assaults are acts of violence. Addressing the physical, mental, and legal health needs of survivors of sexual assault is of paramount importance to support you in your recovery process.

In this way, the development of secondary pathologies that create an adverse impact on the well-being of the person, their significant others, their family and the community is prevented. Rape, sodomy, incest, and lewd and lascivious acts are various manifestations of sexual assault.

Rape can occur for several reasons: poor communication between people and differences in their expectations and desires, stereotypes regarding the role played by men or women, learned behavior among others.

Types of Rape

People who are forced to have sexual contact against their will are considered victims of sexual assault. If the assault includes penetration, it is considered rape. There are two types of rape: rape by acquaintance, which is more common, and rape by a stranger. Even if rape was committed between a consensual partner, it is considered a crime under Act *54 of August 15, 1989*, as amended, known as the Domestic Violence Prevention and Intervention Act.

Rights and Responsibilities

Everyone has the right to choose when and with whom to have a sexual relationship and to be treated with respect. You also have a responsibility to respect the rights and wishes of others and to express your expectations regarding sex.

How to prevent rape?

If expectations and feelings about sex have been effectively communicated, unwanted sexual approaches or rape can be prevented:

- It's important to be honest with people you are in a relationship with. In this way, we avoid being vulnerable to uncomfortable or unwanted situations.
- Sex should never be used to control or manipulate your relationship.
- Don't confuse friendship with an invitation to sex.
  - Express yourself and communicate any uncomfortable or threatening situations in time and to the right people.
  - Don't be complicit in cases of harassment, assault, or rape.
  - Don't underestimate the aggressive behavior or threats of someone who expresses their intent to harm you.
  - Don't stereotype a man's or woman's sexual behavior.
  - Listen to and support those who express fear of being sexually harmed.

If you are a victim of sexual assault or rape, call the police, seek medical assistance and emotional support. Let others know what has happened to you. If you know someone who has been the victim, let them make decisions and don't control the situation. If you're not sure what the victim expects from you or don't know how to help them, ask them, and don't act on your own emotions.

If you are a victim of assault or rape, do not clean up or change your clothes, as you may destroy evidence. Call the police (911) immediately and identify your location. At the University, identify the security guard and alert the relevant university authorities. The rules and administrative procedures of the Institution shall be applied to those who accuse or are accused of committing such a crime, without violating their rights. The student will be referred to the Vice Presidency of Student Services where the established procedure will be followed. The Institutional Disciplinary Committee will determine the appropriate action according to the nature and outcome of the investigation of the case, which may include the expulsion of the person who committed the act. Immediate professional help will be given to any student or employee who is a victim of a crime of sexual assault or rape at the University.

Resources

The Polytechnic University has Guidance and Counseling services and the Quality of Life Program. The office hours are Monday through Thursday from 8:00 a.m. to 6:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m. If you are an employee, you will be referred to the Office of Human Resources, who will activate your procedure.

Sex Offender Registry

Information related to the registry of sex offenders in Puerto Rico is available in the registry of the Criminal Justice Information System (SIJC) under Act No. 266 (2004) Registry **of Persons Convicted of Sexual Crimes and Child Abuse.** Its website contains information from the Public Registry of Persons Convicted of Sex Crimes or Child Abuse to help citizens learn about the possible presence of such offenders in their community. In the Puerto Rico Police Department, there are Coordinators of the Offenders and Domestic Violence Unit.

Federal law requires persons registered as sex offenders to notify state authorities if they are employees or students of an institution of higher education. Sex offenders shall identify themselves to the appropriate university authorities within five (5) days of enrolling or being convicted of a sexual offense.

The Family Educational Rights and Privacy Act (FERPA) allows college institutions to disclose information related to sex offender registration.

Sex offender registration information includes:

- Name or nickname
- Age and gender
- Physical description, including scars or tattoos
- Photographs, if available
- Crimes Found in the Registry

The Universidad Politécnica de Puerto Rico is committed to fostering and maintaining a safe environment free from any act of violence, sexual harassment, and intimidation. Each member of the University Community must be alert and aware that this conduct is prohibited by law and the institutional policies of the University. ***The University*** will not tolerate any conduct of sexual assault or rape of acquaintances or strangers and will take the necessary measures and actions to prevent and correct such acts.

Notification of crimes or emergencies to the University Guard

Criminal actions or emergencies that occur at the university campus may be reported directly to security officers by any member of the University Community affected. Upon receipt of the notification, the security officer will proceed to call the shift supervisor who will immediately go to the scene of the incident for appropriate action and prepare the report, which will be delivered to the Director of Security. If necessary, more specialized research and support services will be used. In situations involving more serious acts, the university authorities may report it to the State or Municipal Police for the application of the corresponding laws or regulations.

Procedure for Reporting Crime Statistics

The Director of Security shall compile and keep a record of crime statistics annually in the month of October, and shall publish them together with statistics from two previous years. These statistics will include criminal events that occur on or off campus and public property related to: homicides, voluntary or unintentional murders, forced or non-forced sexual offenses, robbery or aggravated assault, carjacking, arson, arrests for violation of the law on weapons, alcohol, and illegal drugs, and hate crimes. The names of the victims or accused persons will not be released by the University. As a preventive measure, the Security Office will issue the necessary alert notices to the University Community in cases that merit it within a reasonable time. Such publications and announcements may be disseminated in print or through the website, in which case, both students and employees will be notified of the availability of this information on the **www.pupr.edu** page.

Criminal Incident Reporting

The Timely Warnings Daily Report is an easy-to-read and easy-to-interpret document to report and classify those crimes that occur daily and is an important part of the collection of data for the proper follow-up of each case. It is a public document, required by law, which is available at the Security Office for inspection during working hours and on its website at Precinct **www.pupr.edu/seguridad.** It includes all criminal incidents reported to the Security Bureau in the order in which they have been reported, detailing: the type of crime as defined by the *Uniform Crime Report* (UCR), category, complaint number and status, time and date the incident occurred and was reported and, the specific location of the incident and its geographic area. If available, the information will include the final course of the incident. The *Clery Act* classifies the specific location of incidents into the following geographic areas:

- **On campus** – any property acquired or controlled by the Institution in a contiguous geographic area that is used for meetings or educational purposes, buildings or property of the Institution, but controlled by another person, frequently used to conduct fieldwork or for purposes of services to the Institution.
- **Off-Campus** – any building or property that is not part of the main campus or a separate campus and that is owned or controlled by the Institution, used as support for or in connection with the educational purposes of the Institution, or frequently used by students.
- **Public Property-** streets, sidewalks, public parking lots on or accessible to campus, sidewalks across streets from campus, and public facilities adjacent to or accessible from campus.

Below are the names and telephone numbers of the officials to contact in an emergency:

Name	***Position***	***No. Telephone***
Miguel Albarrán Sánchez	Security Director	(787) 622-8000 ext. 476 or (787) 630-0240
Rafael Rosado Hernández	Security Coordinator	(787) 622-8000 ext.662 or (939) 940-3357
Aimée M. Vega Delgado	Assistant	(787) 622-8000 ext.216
Monitoring and Surveillance Center	Security Guard	(787) 622-8000 ext. 111
Elsa Zayas	Associate VP Services Student	(787) 622-8000 ext. 276 or (787) 630-5310
State Police		(787) 766-1960
Municipal Police		(787) 751-8900
Firefighter		(787) 723-2904

PROTOCOL TO BE FOLLOWED IN THE VICE PRESIDENCY OF STUDENT SERVICES IN THE MANAGEMENT OF SEXUAL ASSAULTS AT THE UNIVERSIDAD POLITÉCNICA DE PUERTO RICO

The Universidad Politécnica de Puerto Rico is committed to maintaining a safe academic environment for the entire University Community. To this end, every member of this community must have a responsibility to contribute to our safety and well-being. Violence prevention efforts include a protocol that will be followed to handle incidents of sexual assault and complaints filed by students.

In 1990, the U.S. Congress passed the · Awareness and Campus Security II Act (Title II of Public Law 101-542). This law is named the Jean Clery Act in memory of the name of a 19-year-old student who was murdered in her dorm room at Lehigh University on April 5, 1986. In 1992 the law was amended to establish procedures to be followed in universities for the handling of student victims of sexual assault. Since 2000, other amendments have been made, and it has been referred to as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act II, hereinafter referred to as the Clery Act.

The Office of Security of the Universidad Politécnica de Puerto Rico is one of the units responsible for promoting an environment free of acts of violence. It is ascribed to the Vice-Presidency of Finance and Treasury and provides service to the University Community 24 hours a day, seven days a week. Once an incident of sexual assault is reported, the Security Office activates its internal procedure to deal with it.

In coordination with different institutional agencies such as the Office of the Vice President of Student Services and the Office of Human Resources, the complaint is being addressed. Below is the protocol to be followed:

1. The complaint must be notified to the Security Office as follows: Personally
    - (affected person)
    - By phone at (787) 763-6867 or (787) 622-8000 ext. 476, 216, 662, 263 and 111
    - A representative – a person assigned by the victim

2. The Office of Security activates its protocol related to institutional policies related to security and coordination with the Puerto Rico Police, if necessary, at the request of the victim.
3. The Office of Security refers the case to the Vice Presidency of Student Services.
4. The Vice Presidency of Student Services, in coordination with the Office of Guidance and Counseling and the Quality of Life Program, initiated the protocol to work with the aspect of counseling and psychological help.

   Supports in this area are:
   - Office of Guidance and Counseling at extensions 478, 246, 422, and 248, the psychologist at extension 337, external resources, and appropriate government agencies if necessary at the request of the victim (see Appendix I - Office of Counseling Procedure for Counseling Service for Victims of Sexual Assault).

5. If the aggressor is a student, the Disciplinary Committee will be activated and according to the resolution proposed by the Committee, the disciplinary sanctions stipulated in the Student Bylaws will be applied (see document, Article VI, Infractions of Institutional Rules). In the same way, you will refer to the Office of Guidance and Counseling for services.
6. Students who are victims of sexual assault will be supported by the appropriate academic units. As requested by the student, the Vice Presidency of Student Services, in coordination with the academic offices, will make the necessary accommodations so that they are not academically affected.
7. In the case of an employee, the Security Office will refer the employee to the Office of Human Resources. This Office has the Employee Assistance Program (EAP) (see Employee Handbook).

As a mechanism to promote the prevention of sexual assaults in the University Community, the University has the Quality of Life Program. This program, attached to the Office of Guidance and Counseling, offers educational, sports, and social activities aimed at discouraging the use and abuse of drugs, alcohol, tobacco, and violence, as well as other high-risk behaviors related to sexual assault.

The policy and procedures will be published on the University's website for the benefit of the University Community, as well as in the Catalogue. They will be distributed in CD format to active students and prospects through the Office of Admissions and Advancement.

APPENDIX I

PROCEDURE FOR THE OFFERING OF SEXUAL ASSAULT SERVICES

In order to ensure adequate services are provided to students who are victims of sexual assault, the Universidad Politécnica de Puerto Rico has established the following procedure:

1. The Vice Presidency of Enrollment Management and Student Services identifies the student's needs and completes the referral form. This form is sent to the Director of the Office of Guidance and Counseling. This form contains the student's contact information and a brief description of the assault incident.
2. The Director of the Office of Guidance and Counseling assesses the need for service for the student. Immediately assign the referral to the counselor serving that person's area of study.
3. The counselor contacts the student to complete the initial interview as soon as possible. The counselor must schedule the appointment within a maximum of two weeks. If the student misses his/her first appointment, the counselor will send a second letter urging the student to contact him/her to arrange a new appointment.
4. In those cases where the student does not keep appointments, the counselor will document the student's lack of interest and proceed to close the case.
5. The student who attends the appointment will receive counseling to deal with issues related to the assault that will affect the student's success at the Institution. Some of these issues are anxiety, fears, decision-making, value conflicts, self-esteem, and academic performance, among others.
6. In those situations where the counselor is not qualified to provide the service, they will coordinate with other offices of the Institution and/or community agencies so that the student receives the appropriate service. Some of these services may include mental health (psychological/psychiatric), support groups, health services, legal services, etc.
7. In cases where the aggressor is identified as a student, the Vice Presidency of Enrolment and Student Services Management will refer the aggressor to the Office of Guidance and Counseling for appropriate services. The counselor will use the process described above in handling the referral. The counselor will secure documentation of the student's progress in the case as evidence of cooperation.

Here are some community agencies available to assist students who are victims of sexual assault:

Emergency Services
Social Emergencies 911
Puerto Rico Police Domestic Violence Unit
(787) 997-8310, 8320

Mental Health/Support Group Office
of the Women's Advocate (787) 721-
7676
Women's Peace Coordinator
(787) 281-7579, (787) 767-4927
Rape Victim Assistance Center (CAVV) (787)
765-2412, (787) 756-0910,
(787) 756-0920, (787) 756-0930
Emergency Hotline 1-800-981-5721 Department
of Justice—Victim and Witness Assistance (787)
729-2516

Health Services
HOSPITAL SAN FRANCISC0 (787)767-5100
HOSPITAL CENTRO MEDICO (787)777-3535

Legal Services
Prosecutor's Office (787)641-6269
Legal Services (787)781-7860

APPENDIX

May 25, 2010

University Community

Mr. Miguel
Albarrán Director
Security Office

2009 CRIME STATISTICS

Law 101-542 (*Student Right to Know and Campus Security Act)* requires that crime statistics be collected and disclosed, as well as that the university community be kept informed about criminal incidents that have occurred at the institution. This information is disseminated through an annual statistical report known as the *Campus Crime and Security Survey*.

Along with this report, the Universidad Politécnica de Puerto Rico promotes and disseminates its Prevention and Institutional Security Policy in relation to the following aspects:

Crime & Assault Prevention
Domestic Violence
Suicides
Forcible Sexual Offenses
Violence
Sexual Harassment Violation of
Alcohol Laws

Aware that such crimes are detrimental to the full development of human beings, we are committed to providing a healthy environment that fosters full security and fosters the best relations between its components.

The statistics below cover the period from 1 January 2007 to 31 December 2009.

SAFETY IS EVERYONE'S RESPONSIBILITY

Criminal acts reported to the Office of Security, Universidad Politécnica de Puerto Rico, according to the *"Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act."*

	INSIDE THE CAMPUS			*OFF-CAMPUS*			*TOTAL*		
CRIME	*2006*	*2007*	*2008*	*2006*	*2007*	*2008*	*2006*	*2007*	*2008*
MURDER	0	0	0	0	0	0	0	0	0
MANSLAUGHTER	0	0	0	0	0	0	0	0	0
FORCIBLE RAPE	0	0	0	0	0	0	0	0	0
RAPE BY INDUCEMENT	0	0	0	0	0	0	0	0	0
THEFT	2	2	3	0	0	0	2	2	3
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0
SCALING	1	0	0	0	0	0	1	0	0
CAR THEFT	0	1	1	0	0	0	0	1	1
INTENTIONAL FIRE	0	0	0	0	0	0	0	0	0
VANDALISM	0	0	0	0	0	0	0	0	0
UNLAWFUL APPROPRIATION	6	2	2	0	0	0	6	2	2
HATE CRIME	0	0	0	0	0	0	0	0	0
PENALTIES/ARRESTS	0	0	0	0	0	0	0	0	0
ALCOHOL USE	0	0	0	0	0	0	0	0	0
DRUG USE	0	0	0	0	0	0	0	0	0
ILLEGAL POSSESSION OF WEAPONS	0	0	0	0	0	0	0	0	0
LAW 54	0	0	0	0	0	0	0	0	0
KIDNAPPING	0	0	0	0	0	0	0	0	0

2009 Crime Statistics

Crime	*Inside the Campus*	*Campus Periphery*	*Total*
MURDER	0	0	0
MANSLAUGHTER	0	0	0
FORCIBLE RAPE	0	0	0
RAPE BY INDUCEMENT	0	0	0
THEFT	3	0	3
AGGRAVATED ASSAULT	0	0	0
SCALING	0	0	0
HURTO THE CAR	1	0	1
INTENTIONAL FIRE	0	0	0
VANDALISM	0	0	0
UNLAWFUL APPROPRIATION	2	0	2
HATE CRIME	0	0	0
PENALTIES/ARRESTS	0	0	0
ALCOHOL USE	0	0	0
DRUG USE	0	0	0
ILLEGAL POSSESSION OF WEAPONS	0	0	0
LAW 54	0	0	0
KIDNAPPING	0	0	0

Statistics of arrests for crimes motivated by racial bias, gender, religion, sexual orientation, ethnicity, or disability.

Crime	*Inside the Campus*	*Campus Periphery*	*Total*
MURDER	0	0	0
MANSLAUGHTER	0	0	0
FORCIBLE RAPE	0	0	0
RAPE BY INDUCEMENT	0	0	0
THEFT	0	0	0
AGGRAVATED ASSAULT	0	0	0
SCALING	0	0	0
CAR THEFT	0	0	0
INTENTIONAL FIRE	0	0	0
VANDALISM	0	0	0
UNLAWFUL APPROPRIATION	0	0	0
HATE CRIME	0	0	0
PENALTIES/ARRESTS	0	0	0
ALCOHOL USE	0	0	0
DRUG USE	0	0	0
ILLEGAL POSSESSION OF WEAPONS	0	0	0
LAW 54	0	0	0
KIDNAPPING	0	0	0

Please refer to the ***Prevention and Institutional Security Policy*** for information on how to proceed if you are a victim or witness of a crime within or in the vicinity of the University. In addition, you can visit the Security Office, Student Service, and Orientation Office if you need more information.

The Universidad Politécnica de Puerto Rico: It is a Drug, Alcohol and Tobacco Free Institution.