

INTER AMERICAN UNIVERSITY OF PUERTO RICO
GUAYAMA CAMPUS
DEAN OF STUDENTS OFFICE

COMPLAINT PROCEDURE

The General Student Regulations (revised version on October, 2016) established the following on:

Chapter II - Student Rights and Duties

Article 2 - Relations between Students and other members of the University Community

A. Academic Relations with Faculty

17. In case students consider that their rights have been infringed upon by a member of the faculty or they have a claim of an academic nature, they may channel their complaint through the Director of the Academic Department to which such faculty member belongs. If a student does not agree with the decision, such student may appeal through the following channels, as appropriate, following this order: Dean of Division, Dean for Academic Affairs, Chief Executive Officer of the academic unit, President of the University.

C. Nonacademic Relations with University Personnel

1. In case a student considers that his or her rights have been infringed upon or that an inappropriate action has been committed against him or her by a member of the University personnel in a non-academic relation, the student may file a complaint to the Dean of Students or equivalent of the academic unit. This officer must investigate the allegations of the complaint, and if there is a possible violation of institutional norms, will refer the case to the attention of the Human Resources Director of the Unit to process the case under the corresponding regulations: Faculty Handbook, if it has to do with teaching personnel, or Handbook of Norms for Non-teaching Personnel, if it is administrative.
2. If the complaint is related to alcohol or drug use, sexual harassment, discrimination because of race, color, age, gender, sexual preference, religion, nationality, marital status, physical appearance, political affiliation, physical handicap, origin, or social condition, it will be attended to and processed according to the stipulations of the regulations, guidelines and the provisions of laws applicable to these matters.

Chapter V

Punishable Behavior and Just Procedure

This Chapter identifies punishable behavior that threatens safety, rights of others, and the healthy environment that should exist in the University community for the achievement of the mission and goals of the Institution. In addition, it stipulates the procedures that will be used when a punishable conduct occurs.

In all cases in which these Regulations require the physical presence of any of the involved parties, the University reserves the right to offer said party the option to appear by using the videoconference system.

Article 3 - Procedures

Notifications to students regarding appointments, complaints or disciplinary punishments will be sent by certified mail with acknowledgment of receipt, or delivered personally with acknowledgment of receipt, to the classroom or any other area of the unit.

A. Conciliation Procedure

In case of controversy or punishable behavior between students or between students and teaching or non-teaching personnel, the Dean of Students or equivalent will provide for a dialog between the parts with the purpose of arriving at an agreement of good faith. In case they do not arrive at an agreement, the procedures described below will be applied.

B. Procedure for Minor Sanctions

1. In cases that could result in minor sanctions, written complaints will be presented to the Dean of Students or equivalent.
2. The Dean of Students or equivalent will notify the student with a copy of the complaint presented against him or her. The student will be called to a meeting and the notification will indicate the date, time, and place of said meeting and will indicate that the student must come prepared to state his or her position on the complaint.
3. Students will have the opportunity to clarify and defend their position, including the right to express themselves and to present any evidence, either oral, documentary or of any other nature, in their favor. In light of the evidence presented, the Dean of Students or equivalent will determine the corresponding sanctions to be imposed and will inform the student of this in writing.
4. If the students do not agree with the sanctions applied, they may appeal to the Chief Executive Officer of the academic unit within the next five calendar days after

receiving the written notification. The decision of the Chief Executive Officer will be final and binding.

C. Procedure for Major Sanctions

1. Complaints that could result in major sanctions must always be in writing. These will be dealt with by the following procedure:
 - a. The Chief Executive Officer will appoint an examiner, who must be a lawyer, to refine the facts through the holding of a hearing. The lawyer will submit a report to the Chief Executive Officer with his or her determinations on proved facts and the conclusions on the incurred violations.
 - b. The student will receive written notification with reasonable time before the date of the hearing. This term must not be less than ten calendar days and must contain the following information:
 - 1) The date, time and place of the hearing;
 - 2) The charges of violation to Regulations;
 - 3) The date when the charged violations occurred;
 - 4) The sanctions that may be imposed;
 - 5) The names and addresses of the witnesses for the prosecution.
- c. The hearing will be conducted according to the following principles:
 - 1) The student may appear in the company of a counselor, who may be a lawyer.
 - 2) The student and the counselor will be permitted to listen to the testimony of the witnesses and see and study the evidence against the student.
 - 3) Written statements of witnesses will be permitted, when such evidence is corroborative or cumulative.
 - 4) The student will be entitled to cross-examine the witnesses against him or her. The University will be entitled to cross-examine the witnesses presented by the student.
 - 5) The affected student will be permitted to present all defense and evidence in his or her favor, either oral, documentary or concrete.
 - 6) All evidence will be liberally admitted. The Rules of Evidence that regulate legal procedures will not be applied. Nevertheless, the determinations of fact arrived at by the examiner and that serve as the basis for his or her conclusions must be based on the evidence admitted during the hearing.

7) The examiner may grant a private or public hearing, following his or her criterion for what is more advisable for the University's best interest and for the considerations of the witnesses, but if the affected student requests a private hearing, the examiner will be obligated to hold it in that manner.

8) When more than one student is affected by the charges that arise from the same facts and events, a joint hearing will be held for all of those affected. Upon a student's petition, a separate hearing may be held if the examiner concludes that a joint hearing would hinder a fair outcome.

9) No student subject to a disciplinary action will be forced to testify, and the fact that he does not testify will not be considered against him or her.

10) No student will be punished more than once for the same violation.

11) No student will be submitted to any disciplinary process for events that took place more than one year before the date in which such acts became official knowledge to University authorities.

12) The examining officer must keep an adequate and reliable record of the hearings and of his or her determinations and conclusions.

13) The examining officer will notify his or her determinations on proved facts and the conclusions regarding the violations the student is charged with, to the Chief Executive Officer of the unit and to the Dean of Student Affairs or equivalent, with a copy to the affected student. This will be done within ten workdays after holding the hearing.

14) The Dean of Students or equivalent will study the examiner's report and will communicate his or her concurrence, objections, comments and recommendation to the Chief Executive Officer of the unit. The Chief Executive Officer will impose the sanctions considered fair in light of the established facts and the recommendations or comments of the Dean of Students or equivalent.

2. Procedure for Appeals for Major Sanctions

- a. The affected student may appeal to the President of the University within a term of ten workdays starting from the date on which the sanction was notified. The decision made by the President on the appeal will be final and binding.
- b. The right to appeal that is herein established and granted does not affect the application of the imposed sanction. The imposed sanctions, notwithstanding having been appealed, will be put into effect from the moment in which they are announced by University officers authorized to do so by these Regulations. If the process for appeal results in favor of the student, the University will be obligated to offer all the

necessary aid and support to the student so he or she is affected the least possible in his or her academic work.

c. Any student that has the airing of disciplinary charges pending and has not been suspended, according to the provisions of these Regulations, will not receive the grades for the courses in progress while these charges are pending.

STUDENT COMPLAINT FORM

(To be completed by the student)

Name: _____

Cel: _____

Student ID number: _____

Postal address: _____

COMPLAINT

Date of fact: _____

People involved:

- | |
|----|
| 1. |
| 2. |
| 3. |
| 4. |

Description of the facts:

SIGNATURE OF THE COMPLAINANT: _____

Date: _____

OFFICIAL USE

DATE AND HOUR OF THE INTERVIEW: _____

Signature of Interviewer: _____