



SEXUAL HARASSMENT & ILLEGAL HARASSMENT

National University College is committed to providing a work and study environment without discrimination and harassment. This policy will apply to all employees and students at National University College, its Board of Trustees, consultants, sales people and any other person doing business with the Institution, who shall keep a workplace free of sexual harassment.

I. Definition of Sexual Harassment

According to Law No. 17 of 1988, as amended under Law No. 252 of 2006, **sexual harassment** at work consists of any kind of *undesired sexual approach, demands for sexual favors* and any other *physical or verbal conduct of a sexual nature* carried out through any means of communication, including, but not limited to, the use of Internet tools or any electronic means when one or more of the following elements is present :

- When being subject to such behavior becomes an implied or express way or condition regarding a person's job.
- When being subject to or refusing such person's behavior becomes a ground to make decisions at work or regarding the person's job which affects the victim.
- When such behavior derives in unreasonably interfering or is intended to unreasonably interfere with the person's performance at work or when it creates an intimidating, hostile or offensive workplace.

When it is through the mode of virtual sexual harassment, which involves communication, conduct or expression carried out by means of telecommunication means or work tools using information and communication means and other related ones within the work environment, creating a hostile workplace for a person or persons associated with the Institution.

Illegal harassment is the physical or verbal behavior which denigrates or shows hostility to another individual because of their race, color, religion, gender, nationality, age, or by his/her parents' or acquaintances' disability if intended to:

- Create an intimidating, hostile or offensive environment.
- Interfere unreasonably with an individual's job.
- Unfavorably affect the job opportunities of another person.

II. Procedure to Follow

A) Any person who believes that they have been subjected to sexual harassment or illegal stalking or who knows about a similar situation, in accordance with this policy, must without delay report the incident to their Supervisor, who will refer the case to the Campus Chancellor and the Institutional Human Resources Director if the victim is an administrative employee, or to the Academic Director if the victim is a student or faculty member.

B) The Institutional Human Resources Director and the immediate supervisor and/or the Academic Director (if a faculty member is involved) will together conform the Investigative Committee, which shall conduct a prompt and complete confidential investigation regarding the incident. The Campus Chancellor will also participate in the Committee. The investigation shall include, among others, the following issues:

- An interview with the complainant in order to set basic factors and identify witnesses and physical evidence, if any. A detailed and written report must be obtained, signed by the complaining employee.
- An interview with the alleged aggressor so as to give him/her the possibility to admit, deny or explain each allegation made by the complainant and identify witnesses or physical evidence, if any. The alleged aggressor will be instructed not to discuss the incident with the complainant. The aggressor will submit a written and signed report describing his/her explanation which gave rise to the claim.
- An interview with any witness mentioned by the parties. The witnesses will be informed that all the matters discussed shall be kept confidential. A written report signed by the witnesses will be obtained.
- The Investigative Committee will analyze the investigation results and will determine if the policy has been breached.

D) When the Investigative Committee determines that harassment has occurred in violation of this policy, the following actions must be carried out.

- Submit a report with recommendations to the President.
- If the aggressor is an employee, he/she will be subject to disciplinary actions, which may include immediate termination.
- If the aggressor is a student, he/she will be subject to disciplinary actions as imposed by the Disciplinary Committee.
- In order to determine the action to be taken, any behavioral and harassment background precedent should be taken into account.
- If the aggressor is a person who transacts business with National University College, the President should take action and/or conduct appropriate and reasonable procedures, which may include the termination of the business relationship and other measures.
- If the aggressor is an officer, shareholder or member of the Board of Trustees, the case will be submitted to the Board so it can take the appropriate action, including replacement on the Board, according to the institution's Regulations.

- Upon the complainant's request or when deemed necessary, the Institutional Human Resources Director may take reasonable actions to provide the victim with support and orientation services while the investigation takes place.

Any behavior of the aggressor that may be considered as revenge or retaliation, such as harassment, calls and letters to the complainant or encouragement to others to bother the victim due to his/her claim, will be deemed as an independent breach of this policy.

Confidentiality and Retaliation Prohibition

When the sexual or illegal harassment claim is submitted, a prompt investigation will begin and actions will be taken to ensure as much confidentiality as possible during its course.

This policy forbids any retaliation or any act that otherwise affects the work terms and conditions of any employee contributing or participating in investigations on claims regarding sexual harassment. Notwithstanding the foregoing, the Institution will take any disciplinary actions deemed appropriate against an employee claiming that another one has incurred in sexual harassment, while knowing that such an accusation is false.