

**PUERTO RICO RESOURCE CENTER FOR SCIENCE AND ENGINEERING  
UNIVERSITY OF PUERTO RICO  
HUMAN RESOURCE OFFICE**

**RECEIPT OF INSTITUTIONAL POLICIES**

- ☐ Ethics in Government Act of the Commonwealth of Puerto Rico and Amendments - Act. No. 1 January 3, 2012. (Rules and Regulation available upon request at Human Resources Office or at the Gubernamental Ethic Office webpage).
- ☐ Policy of the University of Puerto Rico concerning to Take Formal or Informal Action on Sexual Harassment or Sex Discrimination Complaints (Only in Spanish)
- ☐ Policy of the University of Puerto Rico Concerning the Illegal Manufacture, Distribution, Sale, Possession and Use of Controlled Substance and the Abuse of Alcohol (Circular Letter No. 89-01 as amended)
- ☐ Institutional Policy and Procedure for the Legal Ethical Use of Information Technology, Certification #35 2007-2008)
- ☐ Declaration of Policy Concerning Affirmative Action for the Employment of Women
- ☐ Declaration of Policy Concerning Affirmative Action for Nondiscrimination Because of Race, Color, Religion, Sex, or National Origin
- ☐ Declaration of Policy Concerning Affirmative Action for Nondiscrimination Against Youth
- ☐ Declaration of Policy Concerning Affirmative Action for Nondiscrimination Against Mentally or Physically Disabled Persons
- ☐ Declaration of Policy Concerning Affirmative Action for Nondiscrimination Against Veterans

Your signature is required to certify that:

- ✓ You have received a copy of the Institutional Policies.
- ✓ You accept to comply with the requirements established in the institutional policy.
- ✓ You should read and familiarize yourself with its contents.

**RECEIVED AND AGREED UPON:**

\_\_\_\_\_  
Signature of Employee or Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (in print)

\_\_\_\_\_  
Social Security Number

(S. B. 2046)

(No. 1)

(Approved January 3, 2012)

### AN ACT

To adopt the Puerto Rico Government Ethics Act of 2011; to incorporate definitions; to establish the mission, autonomy, and exemptions of the Office of Government Ethics; to establish the process for the appointment to the office of Executive Director, the term, requirements, salary, restrictions of such office, the procedure for the selection, separation, and removal from the office of Executive Director; to establish the powers and authorities of the Office of Government Ethics and the Executive Director, and access to information and services; to establish provisions regarding the Ethics Committees, their composition and swearing into office, their duties and responsibilities, and sanctions and penalties; to establish provisions regarding the Center for the Development of Ethical Thinking, its policy on prevention, its powers and duties, continuing education, and sanctions; to adopt the Code of Ethics for public servants and former public servants of the Executive Branch, general ethical prohibitions; prohibitions related to other employment, contracts or business; prohibitions related to representation of private interests in conflict with official duties; to establish the duty to inform any possible unethical action or conflict of interests; to establish restrictions for the actions of former public servants; to establish sanctions and penalties for violations of the Code of Ethics, whether criminal, civil, administrative or judicial, and other sanctions; to adopt provisions with regard to financial reports, their applicability, the frequency and the scope of the financial reports of the Executive, Legislative, and Judicial Branches, the filing and swearing of such reports, the contents of the reports, the term to audit, and actions related to such financial reports, prohibitions related to financial reports, and the sanctions and penalties applicable to public servants of the Executive Branch, whether criminal, civil, administrative or judicial and other sanctions; to provide for the public inspection of and access to financial reports, access to overseeing entities, actions to be taken against anyone who furnishes unauthorized information, and the custody of financial reports; to adopt provisions with regard to the

financial reports of the Legislative and Judicial Branches; to adopt provisions with regard to candidates and appointees to elective offices, the statements of financial solvency and absence of conflict of interests, and education; to adopt provisions with regard to the investigation, adjudication, and judicial review with regard to public servants of the Executive Branch; to establish general provisions on the appropriation of funds, severability of provisions, effectiveness, and repealing clause whereby Act No. 12 of July 24, 1985, as amended, shall be repealed; to provide on regulation; and for other related purposes.

### STATEMENT OF MOTIVES

Twenty-five years after the creation of the Office of Government Ethics of Puerto Rico, there is no doubt about its dynamic participation in the development of excellence in public service. This was made possible through the approval of its Enabling Act in 1985, and its subsequent thirty-three amendments. In keeping with such experiences and knowledge, we hereby propose the approval of a comprehensive and intelligent reform that addresses the challenges of achieving integrity in public service, where the personal interests of public servants do not supersede those of the people.

The main purpose of the Puerto Rico Government Ethics Act of 2011 established herein is to renew and reassert the preventive and overseeing duties of the Office. Its policy on prevention enables us to identify, analyze, and provide education on values such as trustworthiness, caring, fairness, citizenship, respect, and responsibility, which make feasible the attainment of the highest levels of honesty, conscientiousness, and efficiency in the performance of public servants. Furthermore, the Office oversees—through the vehicles and resources provided by the Act—the conduct of public servants and penalizes all those who infringe the code of ethics, which incorporates values into public service.

In order to temper this Act with the present needs and the experiences acquired throughout our journey, the Office hereby reviews and reforms both its preventive and overseeing duties. Consequently, audit and investigation processes carried out by the Office are optimized, while services are streamlined and efficiency and effectiveness are provided to meet the People's expectations about fighting corruption and abating the effect of any new corruption modalities thereof should they arise.

The body of laws that establishes this statute seeks to formulate a Code of Ethics that regulates the conduct of active and former public servants of the Executive Branch and constitutes the guiding principle of this legislation to prohibit actions that endanger the stability of the moral integrity of the State. To such ends, various vehicles are hereby presented, whose main objective is to prevent from being undermined the purity of the responsibilities corresponding to the office held, be it by injurious actions or by conflict of interests.

In addressing the claim of the People for public officers-elect or other public servants whose office by nature requires them to maintain an image beyond reproach and free from conflict regardless of the branch of government on which they serve, these public servants have been required since 1985, and later reiterated in 1996, to submit reports on their personal finances with Office. In order to streamline the filing and evaluation process of such financial reports, the Office shall develop and implement an electronic system for filing financial reports. Such reports shall include pertinent information for a proper evaluation of the financial status of public servants. In tune with the principle of separation of powers, the Judicial Branch shall determine the contents of the financial reports of its respective members.

It is hereby established that certified candidates to elective office in both general and special elections must file a sworn financial solvency statement with the Office. Likewise, those nominated by the Governor shall submit a financial solvency statement whereby they shall attest to the absence of possible conflict. Such vehicles enable us to have a reliable profile of persons who aspire to hold office in public service.

This Legislative Assembly is committed to serving the People and recognizes the need to promulgate legislation that makes available to the Office of Government Ethics the vehicles to enable the establishment of the highest standards of integrity within public service to safeguard trust in our institutions and ensure transparency in the discharge of official duties.

This Act embodies the commitment and duty of this Legislative Assembly to maintain the ethical responsibility of our public servants under strict scrutiny and to answer to the claims of the People.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

## **CHAPTER I – TITLE AND DEFINITIONS**

### **Section 1.1.- Title.-**

This Act shall be known as the Puerto Rico Government Ethics Act of 2011.

### **Section 1.2.- Definitions.-**

For the purposes of this Act, the following terms or phrases shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) **Official Action.-** action related to the functions and duties of a public servant or within the scope of the authority delegated to the agency, such as rendering advisory services, conducting investigations, filing charges, auditing, adjudicating, and rule making on specific areas. It also includes any procedure related to orders, authorizations, exemptions, resolutions, contracts, granting of permits, franchises, accreditations, privileges, and licenses.

(b) Political Activity.- an event in which one or more persons promote in favor of or against a certain candidacy, political party or issue to be considered by the voters.

(c) Agency.- instrumentalities of the Executive Branch of the Government, public corporations, municipalities and the legislatures thereof, special corporations for municipal development, municipal consortia, boards, and those entities under the jurisdiction of the Executive Branch.

(d) Promotion.- any appointment to an office or position with higher financial compensation or ranking.

(e) Issue.- a matter that involves specific parties in which a public servant participates, personally and substantially, and that requires his/her decision, approval, recommendation or investigation. This term does not include the intervention or participation of a public servant in the promulgation of norms or regulations of general application or of abstract directives and instructions that do not pertain to particular situations or cases.

(f) Audit.- procedure that initiates with the electronic filing of the financial report, in which a financial solvency analysis is conducted.

(g) Forensic Audit.- a specialized audit based upon a financial solvency analysis that encompasses techniques to prevent and detect any conducts that are contrary to public function.

(h) Appointing Authority.- the person or persons whose inherent duty is to appoint, promote, compensate or contract.

(i) Benefit.- any advantage, use, profit or gain, without limiting such term to a monetary or material gain, which denotes any form of reward.

(j) Candidate.- any person who publicly announces his/her intent to seek an elective public office or who, without being the candidate of a political party, publicly announces his/her intent to seek an office or who appears on the ballot for any election.

(k) Case.- any action or controversy before the consideration of any Branch of the Government, in order for a decision to be rendered.

(l) CDET.- the Center for the Development of Ethical Thinking.

(m) Committee.- the Government Ethics Committee.

(n) Conflict of Interests.- a situation in which personal or financial interests are or could be reasonably inconsistent with public interest.

(ñ) Contract.- any covenant or juridical business, whether to do or not to do a specific act, executed with the consent of the contracting parties, with regard to a certain purpose and by virtue of which it is entered into. This term includes, but is not limited to, any good, work or service agreement, and any purchase and service order.

(o) Control.- authority to manage the assets, liabilities, revenues, and expenditures of a person.

(p) Executive Director.- the Executive Director of the Office of Government Ethics of Puerto Rico.

(q) Former Public Servant.- any person who has worked as a public servant.

(r) Government.- the Government of Puerto Rico.

(s) Confidential Document or Information.- that which is defined as confidential by the law; that which is protected under any of the privileges of the Evidence Law; that which, if disclosed, could harm the fundamental rights of third parties or the right to privacy and the private life of public servants; the disclosure of which could constitute a violation of the executive privilege; when the

document or information is part of a deliberation process when drafting public policy and, if disclosed, may endanger the life or bodily integrity of a public servant or another person, the security of the Island or may impair any business transactions or official efforts of the State in progress when requesting such information. This term includes reports, memoranda or any written document drafted by a public servant in discharging the duties of his/her office or job for his/her superior or in connection with internal decisions and actions of the department.

(t) Financial Report.- official electronic form adopted and provided by the Office, and in the case of the Judicial Branch, the official form adopted by the Supreme Court, as well as any additional information required by the Office or furnished by the public servant or former public servant. The term includes the annual financial statement, the induction statement, and the termination of tenure statement.

(u) Income.- everything received from any source, whether lawful or unlawful, exempted or taxable.

(v) Electoral Interest.- the platform, agenda, ideal, formulas or tendencies of a political party or candidate.

(w) Appointment.- official designation of any kind to carry out certain functions.-

(x) Office.- The Office of Government Ethics of Puerto Rico.

(y) Relative.- the grandparents, parents, children, grandchildren, uncles, aunts, siblings, nephews, nieces, first cousins, spouse, father-in-law, mother-in-law, brother-in-law, and sister-in-law of a public servant, as well as the children and grandchildren of his/her spouse.

(z) Political Party.- a group, entity or organization governed by the Puerto Rico Electoral Law, as amended, or any succeeding law.



(aa) Private Person.- a natural or juridical person, without including public entities.

(bb) Executive Branch.- all the agencies of the Government.

(cc) Judicial Branch.- the judges or justices of the Court of First Instance, the Court of Appeals, and the Supreme Court, and any other office or agency attached to this Branch.

(dd) Legislative Branch.- the House of Representatives, the Senate of Puerto Rico, the Office of the Comptroller of Puerto Rico, the Office of the Ombudsman, and any other office or agency attached to this Branch.

(ee) Gift.- any money, assets or objects, financial opportunity, gratuities, discounts or benefits.

(ff) Compensation.- payment or remuneration received for carrying out a job. This shall include the improvement of the financial conditions of the job such as raises, merit-based promotions or salary differentials, among others.

(gg) Public Servant.- a person in the Government who may or may not be involved in the drafting and implementation of public policy and carries out his/her duties permanently or temporarily, whether for pay or not. The term also includes freelance contractors whose contract equals a job position or office or whose responsibilities include being directly involved in the drafting and implementation of public policy.

(hh) Family Unit.- those whose financial affairs are under the control of the public servant.

## **CHAPTER II – OFFICE OF GOVERNMENT ETHICS**

**Section 2.1.-** The Office of Government Ethics of Puerto Rico is hereby created, and its administration shall be carried out pursuant to the provisions of this Act. The Executive Director of the Office shall be appointed and confirmed as provided in this Act and be guided by the principles of public policy stated below.

(a) Mission and Autonomy

The main purpose of the Office is to educate public servants in order for these to carry out their duties observing values such as caring, trustworthiness, fairness, responsibility, respect, and citizenship, which govern public administration. The Office's educational initiatives shall be directed to encouraging public servants to incorporate such values into their mindset, thus contributing to the development of Puerto Rican society. This mission and vision shall require the Office to assume an active role within the amplest venues of public discussion, in order to stimulate active collaboration so as to encourage the joining of efforts of all agencies, nonprofit entities, businesses, and citizens.

Furthermore, the Office shall oversee the conduct of public servants and penalize all those who infringe the code of ethics that integrates public service values through the mechanisms and resources provided for by this Act.

The Office is hereby created with the clear legislative intent to operate with full autonomy and independence and at full capacity on a continuing basis, without external interventions, thus allowing it to carry out its ministerial functions efficiently and effectively, without the influence of any public servant subject to its jurisdiction. This administrative and fiscal autonomy is essential to carry out the delicate function entrusted to the Office.

The Office shall have the capacity to sue and be sued.

(b) Exemptions from the Law

Since its creation, the Office was exempted from the application of several laws to reinforce its autonomy as public policy. Consequently, throughout time, it has been exempted from the application of other laws, executive orders, and determinations, what recognizes its endeavor and enables it to carry out its duties independently.

The Office shall be exempted from the payment of taxes, licenses, duties, tariffs, costs or levies imposed by the Government or its municipalities, on the property of the Office or on those in which it is lessor or lessee, and on the income derived from any activity of the Office, including but not limited to municipal license taxes under Act No. 113 of July 10, 1974, as amended, known as the "Municipal License Tax Act"; municipal taxes on construction, under Act 81-1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991." The Office is also exempted from any kind of fees, internal revenue stamps, and vouchers, costs or taxes required by law in judicial proceedings; from the payment for certifications issued by any office and agency of the Government, and the execution of public documents and the filing and registration thereof in any public register of the Government.

Furthermore, the Office shall be excluded from the application of Act 184-2004, as amended, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"; Act No. 230 of July 23, 1974, as amended, known as the "Puerto Rico Government Accounting Act"; Act No. 25 of December 8, 1989, as amended, known as the "Act to Establish a Down Payment System for Government Purveyors of Goods and Services"; Reorganization Plan No. 3-2011, known as the "Reorganization Plan of the General Services Administration of 2011," as well as the exclusive Register of Bidders attached to the General Services Administration; Act 45-1998, as amended, known as the "Puerto Rico Public Service Labor Relations Act"; Act No. 5 of December 8, 1955, as amended, known as the "Public Documents Administration Act"; Act 197-2002, as amended, known as the "Act to Regulate the Transition Process of the Government of Puerto Rico"; Act 265-2003, known as the "Act for Regulating Certain Government Financing and Personal Property Leasing Contracts"; Act No. 147 of June 18, 1980, as amended, known as the

“Management and Budget Office Organic Act”; Act 209-2003, as amended, known as the “Puerto Rico Institute of Statistics Act”; Act 151-2004, as amended, known as the “Electronic Government Act”; Act 148-2006, as amended, known as the Electronic Transactions Act; Act 42-2010, as amended, known as the “Inspector General of the Government of Puerto Rico Act”; Act 80-1991, as amended, known as the “Municipal Revenues Collection Center Act”; Act 6-2010; and Act 155-2010.

Notwithstanding the foregoing, the fiscal operations of the Office shall be audited and examined by the Office of the Comptroller of Puerto Rico at least once every two (2) years.

## **Section 2.2.- Executive Director.-**

### **(a) Appointment and Term**

The Office shall be administered by an Executive Director, who shall be appointed by the Governor with the advice and consent of the Senate and the House of Representatives, for a term of ten (10) years or until his/her successor is appointed and takes office. The person designated to hold such office shall not be appointed for more than one term. In the event that the office of Director is left vacant before the expiration of the ten-year term provided herein, the new appointment shall be extended for ten (10) years.

### **(b) Requirements and Salary**

The office of Executive Director may only be held by a person of legal age who is a United States citizen, and citizen and *bona fide* resident of Puerto Rico, of recognized professional capacity, moral integrity, and knowledgeable in public administration and government endeavors.

The person could not have been a candidate in a primary or in a general or special election process during the last four (4) years immediately preceding his/her appointment.

The Executive Director shall draw an annual salary equal to one hundred and five thousand dollars (\$105,000) or a salary equivalent to that of a Judge of the Court of Appeals, whichever is greater.

The Executive Director shall have the option of joining, withdrawing from or rejoining the Retirement System and the Savings and Loan Fund in effect.

The Executive Director may enjoy an annual vacation leave of thirty (30) days, at his/her discretion, taking into account the best interests of the Office.

(c) Restrictions of the Office

The Executive Director may not:

(1) Contribute money directly or indirectly to political parties or organizations;

(2) Hold or campaign to hold any office whatsoever in the direction or organization of a political party or run for elective public office;

(3) Participate or collaborate directly or indirectly in any political campaign whatsoever;

(4) Endorse a candidate for an elective office.

(d) Selection Procedure

The Secretary of Justice shall convene all former justices of the Supreme Court of Puerto Rico to recommend to the Governor a list of at least three possible candidates for holding the office of Executive Director.

In the event that there are no former justices of the Supreme Court available, or whenever these cannot constitute a panel of at least five members, the Secretary of Justice shall convene former judges of the Court of Appeals to complete the panel. In the event that the panel fails to submit to the Governor a list of the candidates within thirty (30) days after having been convened by the Secretary of Justice, the Governor may designate the person who shall hold the office of Executive Director.

Nothing provided herein shall be construed as a limitation to the constitutional power of the Governor to exercise with absolute discretion his/her appointing authority.

(e) Separation from Office

The Executive Director may be separated from his/her office only if the Governor brings charges against him/her before the Supreme Court of Puerto Rico. The Supreme Court shall pass judgment on the evidence produced based on the criteria of a clear, strong, and convincing proof to determine whether or not to find the Executive Director to be mentally unfit to carry out his/her duties.

For all legal purposes, separation from office shall be deemed to be a voluntary resignation.

(f) Removal from Office

The Executive Director may be removed from his/her office only if charges are brought against him/her for the following reasons:

1. Immoral or illegal conduct or violations of the prohibitions related to this office or the Code of Ethics as established by this Act;
2. Gross negligence in the discharge of his/her duties; and
3. Conviction for any felony or misdemeanor that implies moral turpitude.

The action must be initiated in the House of Representatives, in which charges shall be pressed with the approval of 2/3 of the total number of its members. Once the process concludes, the Senate shall have the exclusive power to judge and pronounce sentence, which shall only be limited to the removal from office, with the consent of 3/4 of the total number of its members.

**Section 2.3.- Powers and Authorities of the Office and the Executive Director.-**

The Office and the Executive Director shall have the following powers and authorities:

A. To promote and formulate the ethical and moral conduct policies and programs intended for public servants, directed to attain the following objectives:

1. The establishment of criteria of excellence, personal integrity, honesty, responsibility, and truthfulness in public endeavors, in order to build, promote, and retain the people's trust in government institutions.

2. The commitment of public servants that personal interests shall not supersede public interests and that any practice which may result in illegality, discrimination, fraud or administrative malpractice shall be eliminated.

3. The continuous support and the holding of workshops and training programs to promote compliance with the merit system and to achieve excellence and professionalism in public service.

4. The demeanor of all public servants with an attitude of respect, courtesy, and concern for the citizens' needs beyond their personal convenience.

5. The motivation in all public servants to exercise the maximum allowable discretion to promote the public interest and government efficiency.

B. To promote the publication and understanding of ethical standards and values in public service and among the people, as well as the ethical development in all areas of social coexistence.

C. To interpret, apply, and enforce the provisions of this Act and the rules and regulations thereunder that establish specific prohibitions with regard to the conduct of public servants or that govern questions of ethics, conflicts of interests, and filing of financial reports.

D. To promulgate any regulations, norms or directives that may be necessary and convenient to achieve the purposes of this Act.

E. To issue opinions on the provisions of this Act.

F. To issue any orders that may be necessary and convenient to comply with its functions, responsibilities, and duties under this Act.

G. To resort to the Court of First Instance to compel compliance with any order issued by the Office.

H. To conduct audits and forensic audits on financial reports and recommend the action to be taken to correct, process or refer any detected violations.

I. To summon, examine, order, require, and obtain a copy of any document or proof related to any matter under investigation or in controversy before the Office.

J. To administer oaths or delegate such authority to any public servant in his/her Office.

K. To request from agencies any reports or data deemed necessary.

L. To evaluate the reports of the Office of the Comptroller of Puerto Rico and the Joint Committee on Special Reports of the Comptroller that contain findings on any potential violation of the provisions of this Act.

M. To settle any controversy that may arise from the application of this Act.

N. To designate examining officials or administrative judges to preside over any adjudication proceeding initiated as a result of the filing of a complaint. Such examining officials or administrative judges shall be empowered to issue any orders that may be necessary to guarantee the parties due process.



N. To establish and administer procedures to identify violations of ethics, to prevent conflicts of interest, and to take or direct the disciplinary, administrative, or civil measures authorized by this Act, after having duly conducted investigations and hearings where the parties involved have an adequate opportunity to be heard and defend themselves.

O. To authorize the disclosure of information related to the operations or activities of this Office.

P. To refer to Federal or State overseeing agencies, such as the Department of Justice, the Office of the Panel of the Special Independent Prosecutor, the Federal Bureau of Investigations, among others, any findings that may point to potential violations of the laws.

Q. To issue to the Department of the Treasury, the Retirement Systems of the Employees of the Government and the Judiciary and any other Public Retirement System, the Association of Employees of the Government of Puerto Rico and to the appointing authority, an order to withhold and deduct against any funds accrued by the public servant or former public servant who fails to comply with a final and binding administrative fine.

To likewise notify the public servant or former public servant within at least thirty (30) days in advance, that his/her noncompliance shall be referred to said agencies for the appropriate discount or the applicable action. The agency shall determine, in accordance with the regulations adopted for such purposes, the manner in which the withholding shall be made, and so notify the public servant or former public servant.

In the case of a withholding or deduction against funds accrued in any of the abovementioned entities, such entities shall remit to the Office, payable to the Secretary of the Treasury, the deduction made from the funds of the possible servant or former public servant. If the total amount to be paid for the fine is not

available upon receipt of the withholding and deduction order, the aforementioned entities shall so report to the Office. In this case, the withholding and deduction order shall remain in effect until the fine is paid in full or the Executive Director of the Office requires to be rendered ineffective.

The Office may resort to the Court of First Instance, San Juan Part, to file a petition to compel compliance with the administrative resolution thus issued or a demand for payment in order for the fine to be paid in full.

The Office shall remit to the Secretary of the Treasury any debts on account of administrative fines on which the Office has made the appropriate collection efforts, the amount of which shall be covered into the General Fund of the Government.

R. To organize the Office and appoint or contract personnel as necessary to carry out the duties and functions established in this Act in accordance with the criteria that will ensure the rendering of high quality services, without being subject to personnel laws.

S. To delegate, when necessary, any power or authority onto any public servant of the Office, except for the rulemaking authority.

T. To enter into collaboration agreements with public or private entities, within or without Puerto Rico, to achieve the purposes of this Act.

U. To solicit, accept, and receive funds, goods or services from any agency or person that is not subject to its jurisdiction. The Office may use such funds, goods, services, or gifts subject to the regulations adopted for such purposes.

V. To assign or donate funds or property to any agency, private person, or nongovernment, nonprofit entity which promotes and observes the values identified by the Office and the activities of which encourage community participation. The regulations relative to all that pertains to any donations and assignments made by the Office shall be adopted.

W. To acquire by means of purchase, assignment, exchange, or any other lawful means, any necessary real property to house the headquarters of the Office; contract construction, repair, improvement, or extension works for such facilities; regulate such processes; and finance such transactions through the Government Development Bank, any of its subsidiaries or affiliates, or through a public or private banking institution, with the assistance and authorization of the Government Development Bank, in its capacity as fiscal agent of Government agencies or institutions, as provided by Act No. 17 of September 23, 1948, as amended. Repayment of any obligation incurred for such purposes shall originate from the annual budget appropriations received by the Office.

The Executive Director shall have the power to reserve, encumber or pledge, in whole or in part, the budget appropriations, to make payments to service the debt of any financing incurred under this provision. Likewise, the Executive Director shall be empowered to mortgage the real property, the acquisition of which is authorized herein, to answer for the financing debt; and to mortgage, sell, exchange or otherwise dispose of the same with the assistance and authorization of the Government Development Bank, in its capacity as fiscal agent of the agencies or the Government.

The Executive Director shall be empowered to lease or assign the use of part of the facilities to public or private agencies, provided that he/she certifies that the leased or assigned part is not necessary for the operations of the Office; and that the lease or assignment shall yield benefits that are necessary and convenient for the operations of the Office.

The money generated by such lease shall be deposited into a special fund to be administered by the Office.

X. To take any other action or measure that may be necessary and convenient to achieve the purposes of this Act.

**Section 2.4.- Access to Information and Services.-**

(a) At the request of the Executive Director, all agencies shall:

1. put at his/her disposal, to the greatest extent possible, their services, staff, and facilities to carry out the provisions of this Act;
2. furnish him/her with all the information in their power and provide him/her with access to, including, but not limited to, their information systems and databases, whenever it is necessary to carry out the duties of the Office; and
3. review personnel regulations in effect whenever it is necessary to prevent conflicts of interest by public servants; to classify the conduct that shall constitute a violation of the regulations in effect, and to establish the appropriate administrative sanctions.

(b) The Office shall make available for the public for their review the following public documents:

1. Complaints;
2. Resolutions;
3. Opinions;
4. Dispensations;

**Section 2.5.- Government Ethics Committees.-**

**(a) Composition and Swearing-in.**

Every agency shall create a Government Ethics Committee composed of the following public servants:

1. The head of the Office of Human Resources;
2. The head of the Office of Finances; and
3. Three public servants in the career service, selected by the vote of the personnel of the agency. Two of the members shall be appointed for a term of three years, and the third member, for a term of five years.

During special circumstances, the Executive Director may authorize a modification of the composition of the Ethics Committees.

The appointing authority shall inform the Executive Director the names of the members of its Committee. Should any change or vacancy arise in the Committee, the Executive Director must be informed within thirty (30) days as of the date in which any change was made.

Agencies composed of different regions shall have one Committee for each one of the regions.

The members of the Committee shall be sworn in by the Office and responsible for their decisions as a whole. Once it is constituted, a Liaison Officer shall be chosen from among them.

In the event that one of the members, who is a career employee, is removed from the Committee, the established procedure shall be followed.

**(b) Duties and Functions.**

The Committees shall have, among others, the following duties and functions:

1. To keep the appointing authority informed of the work carried out by the Committee.

2. To follow up and verify compliance with the corrective measures established to address findings included in any report of the internal and external audits conducted in their agencies.

3. To verify the establishment and compliance with administrative controls to prevent and discourage their personnel from incurring violations of this Act, the regulations approved thereunder and any other law directed to fight corruption in the public service.

4. To coordinate their activities in accordance with the regulations established by the Office.

5. To keep and update the records of the works conducted every fiscal year and have such records available for review by the staff designated by the Office.

6. To carry out any other function that, in the judgment of the Executive Director, is necessary to achieve the objective of preventing government corruption.

(c) Sanctions and Penalties.

The Executive Director may impose administrative sanctions on the members of the Committee if they fail to comply with any of the duties and functions established in this Act, after following an administrative procedure.

Any member of the Committee, who intentionally destroys, alters, loses or conceals any kind of information, document, file or record, including those in electronic format, shall be guilty of a felony.

Any person convicted of this offense shall be punished by imprisonment for a fixed term of one (1) year and a fine of two thousand dollars (\$2,000). The Court may also impose community service.

### **CHAPTER III – CENTER FOR THE DEVELOPMENT OF ETHICAL THINKING**

#### **Section 3.1.- Prevention as Public Policy.-**

For the purpose of extending and strengthening the public policy for prevention through education delegated to this Office, the Center for the Development of Ethical Thinking is hereby created.

The mission of the Center for the Development of Ethical Thinking is to attain the following objectives, among others:

1. To design and develop training initiatives regarding ethics, values, and integral development for the entire society.
2. To provide public servants with training that promotes an adequate academic and practical formation on values, government ethics, and the sound administration of public resources.
3. To offer a formative program of courses, whose objective is to study the substantive, procedural, and general aspects of this Act.
4. To examine corruption from an interdisciplinary approach that explains the economic, political, and socio-cultural components thereof.
5. To promote the study of all aspects of ethics, among them, the influence of the ethical factor on internal state works and its pertinence and impact on global relations.
6. To disclose by means of publications the findings of any academic research study on the public and social ethical process.

Government radio and television stations, operated by the Puerto Rico Public Broadcasting Corporation, shall allocate airtime permanently, free of charge, of at least two (2) hours every month for broadcasting programs, projects, and initiatives that promote ethics, values, and the public policy of the Office.

**Section 3.2.- Powers and Duties.-**

The Center for the Development of Ethical Thinking shall be responsible for designing, providing, and coordinating training courses.

To achieve such task, the Executive Director shall be empowered to:

1. Require every government entity any technical assistance as necessary, property, staff, technology, and any other resources to provide these training courses.
2. Contract services, trainings, and workshops of private persons or organization within or without Puerto Rico, for the purposes of attaining the objectives of the Center for the Development of Ethical Thinking.

**Section 3.3.- Continuing Education.-**

Any public servant in the Executive Branch must complete every two (2) years at least twenty (20) contact hours of ethics-related courses, of which ten (10) hours must be completed through the trainings or any other method developed by the Center for the Development of Ethical Thinking.

The Center for the Development of Ethical Thinking shall determine an equivalency and validate to the appropriate biannual period any training provided by other public or private entities.

The appointing authority shall grant time, without charge against any leave, to its public servants to comply with the obligation imposed under this Act.

**Section 3.4.- Sanctions.-**

The Executive Director may impose administrative sanctions on any public servant who fails to comply with the continuing education requirement established in this Chapter, after following the administrative procedure set forth by regulations for such purposes.



Those public servants who fail to comply with the continuing education requirement shall be referred to the appointing authority concerned for the latter to take the appropriate disciplinary measures.

**CHAPTER IV – CODE OF ETHICS FOR PUBLIC SERVANTS  
AND FORMER PUBLIC SERVANTS IN THE EXECUTIVE  
BRANCH; PROVISIONS APPLICABLE TO PUBLIC SERVANTS  
AND FORMER PUBLIC SERVANTS IN THE JUDICIAL  
AND LEGISLATIVE BRANCHES**

**Section 4.1.- Jurisdiction and Scope.-**

This Code regulates the conduct of public servants and former public servants in the Executive Branch.

**Section 4.2.- General Ethical Prohibitions.-**

(a) No public servant shall solicit any benefit for his/her agency, whether directly or indirectly, from a private person, business or public entity regulated or contracted by the former, or carry out actions conducive to obtaining a contract.

A public servant may only accept a benefit for his/her agency from a private person, business or public entity that is neither regulated nor contracted by the former, or that does not carries out actions leading to obtaining a contract, provided that he/she complies with the regulations adopted for such purposes.

(b) No public servant shall exploit the duties and powers of his/her office or public property or funds to directly or indirectly obtain any benefit not permitted by law for him/herself or a private person or business.

(c) No public servant shall accept or solicit from a private person or business, whether directly or indirectly, a benefit as a compensation for carrying out, expediting, delaying, or not discharging the duties and responsibilities of his/her office.

(d) No public servant shall accept or solicit from a private person or business, whether directly or indirectly, benefits for him/herself or a person, business or entity in exchange for carrying out actions that are biased to favor him/her or another private person or business.

(e) No public servant shall ensure that he/she may or purport to have influence over another public servant in carrying out his/her functions, in exchange for obtaining or attempting to obtain a benefit.

(f) No public servant shall reveal or use confidential information or documents obtained as a result of his/her employment to obtain, directly or indirectly, any benefit for him/herself or any other private person or business.

(g) No public servant shall intervene, either directly or indirectly, in any matter in which he/she has a conflict of interests that may result in his/her benefit. No public servant shall intervene, directly or indirectly, in any matter in which any member of his/her family unit, relative, partner or housemate has a conflict of interest that may result in benefit for any of the abovementioned.

In the case that any of the abovementioned relationships has ended during the two years preceding the appointment of the public servant, he/she shall not intervene, either directly or indirectly, in any matter related to them until two (2) years have elapsed after his/her appointment.

This prohibition shall remain in effect insofar the beneficial ties with the public servant exist. Once the beneficial ties end, the public servant shall not intervene, either directly or indirectly, in such matter until two (2) years have elapsed.

(h) Neither the appointing authority nor the public servant with influence on the appointing authority shall intervene, either directly or indirectly, in the appointment, promotion, compensation or contracting of his/her relative. It shall be understood that a public servant has the power to decide or exert influence when a

law, regulation, description of duties or designation so provides. This prohibition shall not apply when, in the discretion of the Executive Director, there are special circumstances that have been taken into account before the appointing authority or the public servant with influence exercise his/her power.

This shall not apply to a career position when the merit principle is met; advancements or personnel-related transactions required by law; general revisions of a classification plan; Section 8 benefits received; public bids in which all the requirements set forth in this Act concur; participation in summer programs; the obtainment of services, loans, sureties or incentives granted under the terms of a State, Federal or Municipal program. Provided, that under the abovementioned exceptions, general applicable rules are complied with and the appointing authority or the public servant with authority to decide or exert influence does not intervene and so certifies through a formal disqualification statement.

(i) No public servant shall use, on any real or personal property of the Government, any symbol, slogan, image, picture, pin, logo, sticker, label, sign, insignia, technological application, written message or any other paraphernalia that may identify or promote directly or indirectly the electoral interests of any political party or candidate.

(j) No public servant shall, while carrying out the duties of his/her office, wear or use on his/her person, in his/her property or in any other property under his/her care, any symbol, slogan, image, picture, pin, logo, sticker, label, sign, insignia, technological application, written message or any other paraphernalia that may identify or promote directly or indirectly the electoral interests of any political party or candidate.

(k) No public servant shall, while carrying out the duties of his/her office, lead or promote activities that directly or indirectly promote the electoral interests of any political party or candidate.

(l) No public servant shall, while carrying out the duties of his/her office, make monetary contributions or use his/her time to carry out or participate in a political activity.

(m) No public servant shall, while carrying out the duties of his/her office, demand or request other public servants to make monetary contributions or devote their time to carry out or participate in a political activity.

(n) No public servant shall solicit or accept him/herself or through a private person or business any benefit from a contractor or an agency regulated by his/her agency for a political activity.

(ñ) The provisions of Section 4.2, subsections (i), (j), (k), (l), (m), and (n) shall not apply to public servants in the Commonwealth Election Commission.

(o) No public servant shall usurp an office or task to which he/she has not been appointed or designated nor discharge the same without being duly qualified to do so.

No public servant shall persist in obstinately discharging the duties of his/her office or tasks entrusted to him/her, once his/her term has concluded or after having received an official communication ordering the termination or suspension of his/her duties.

(p) No public servant shall alter, destroy, mutilate, remove or conceal, in whole or in part, public property under his/her custody.

(q) No public servant authorized by law to issue certifications and other documents shall knowingly issue a certification or document containing false statements.

(r) No public servant shall fail to comply with any of his/her duties as provided by law or regulations, if such action shall result in the loss of public funds or cause damages to public property.

(s) No public servant shall carry out any action that may call the impartiality and integrity of the government endeavor into question.

**Section 4.3.- Prohibitions Related to Other Employment, Contracts or Business.-**

(a) No public servant shall accept or keep a job or contractual or business relations or responsibilities in addition to those of his/her public office or employment, whether it is in the Government or in the private sector, which, although legally permitted, may have the effect of impairing his/her freedom of judgment in the performance of his/her official functions.

(b) No public servant shall accept or keep a job or contractual relations from which he/she obtains undue advantage with a private person or business that is regulated by or has contractual business or financial relations with the government agency for which he/she works, when the public servant is empowered to decide or influence the official actions of the agency with regard to such private person or business.

(c) No public servant who is authorized to contract or approve or recommend the execution of a contract in the name of the agency for which he/she works shall intervene or participate in the execution of a contract with a private person or business in which he/she, or any member of his/her family unit, relative, partner or housemate, has or has had directly or indirectly a monetary interest during the last two (2) years before his/her appointment.

In the event that any of the abovementioned relationships has included during the two years preceding the appointment of the public servant, the latter shall not intervene or participate in the execution of a contract until two (2) years have elapsed since his/her appointment.

This prohibition shall continue in effect while the beneficial ties with the public servant last. Once the beneficial ties end, the public servant shall not intervene or participate in the abovementioned contract until two (2) years have elapsed.

(d) The appointing authority shall not execute a contract in which a public servant of the agency or member of his/her family unit, relative, partner or housemate has or has had a direct or indirect monetary interest during the last two (2) years preceding his/her appointment. This prohibition shall not apply when, in the discretion of the Executive Director, there are special circumstances that have been taken into account before the appointing authority contracts with the public servant or a member of his/her family unit, relative, partner or housemate.

This shall not apply to the receipt of benefits under the Section 8 program; contracts executed with the Department of the Treasury to operate electronic lottery terminals; contracts executed for the acquisition of rights over intellectual property such as literary, artistic works or inventions; public bids in which all the requirements set forth by law concur; participation in summer programs; the obtainment of services, loans, sureties or incentives granted under the terms of a State, Federal or Municipal program. Provided, that under the abovementioned exceptions, general applicable rules regarding eligibility shall be observed.

(e) No public servant shall approve or authorize a contract with a private person or business knowing that such person or business is representing cases or matters which involve a conflict of interests between the contracting agency and the personal interests said private person or business is representing. To such effects, a contractual clause shall be included in which such private person or business certifies that it is not involved in a conflict of interest.

**Section 4.4.- Prohibitions Related to Representation of Private Interests in Conflict with Official Duties.-**

(a) No public servant shall represent any private person or business, either directly or indirectly, with respect to an official action, if he/she, a member of his/her family unit, relative, partner or housemate has participated, shall participate or will probably participate in the disposition of said official matter. This prohibition shall not apply when the participation of the public servant is required by law.

(b) No public servant shall represent any private person or business before an agency with regard to any official action in which the appointing authority is his/her relative, member of his/her family unit, partner or housemate.

(c) No public servant shall, in his/her private capacity, represent or counsel, either directly or indirectly, a private person or business before any agency, in cases or matters involving a conflict of interests or public policy between the Government and the interests of such a private person or business.

(d) No full-time public servant shall, during working hours, represent, advise or serve as an expert for a private person or business in trials, public hearings or in any other case or matter before a court of justice, quasi judicial body or an agency.

**Section 4.5.- Duty to Report Situations Involving Potential Unethical Actions or Conflicts of Interest.-**

Any public servant who must take any official action that is contrary to the prohibitions established by Sections 4.2, 4.3, and 4.4 shall report it to the Office before taking such action. In his/her statement, the public servant may request to be relieved from intervening in the matter or participating in the agency's deliberations related to the official matter.

The public servant shall deliver a copy of the statement filed with the Office to the appointing authority of his/her agency.

Once the situation is assessed, the Office shall notify the public servant and the appointing authority that there are no conflicts of interest, or, should there be, that the option to disqualify himself/herself is available.

**Section 4.6.- Restrictions to Actions by Former Public Servants.-**

(a) No former public servant shall provide information, intervene, cooperate, advise in any way or represent in any capacity, either directly or indirectly, a private person, business or public entity, in official actions or matters in which he/she intervened while working as a public servant.

(b) No former public servant shall, during the two (2) years following the date of termination of his/her employment with the government, provide information, intervene, cooperate, advise in any way or represent directly or indirectly a private person, business or public entity before the agency for which he/she worked.

(c) No former public servant shall, during the year following the date of termination of his/her employment with the government, hold an office, have monetary interest or contract, directly or indirectly, with an agency, private person or business, over which he/she has taken an official action during the year preceding the termination of his/her employment. Intergovernmental contracts shall be excluded from this prohibition.

This prohibition shall not apply to former public servants who wish to return to the specialized nongovernment sector for which he/she served; provided, that his/her official actions have not favored the entity where he/she intends to hold office, in which he/she has a monetary interest or with which he/she contracts. In



order for this exception to be valid, the Executive Director shall evaluate the situation before the former public servant takes office, holds monetary interest or executes the contract.

(d) The appointing authority shall not enter into a professional service contract with or for the benefit of a former public servant of his/her agency, until two (2) years have elapsed since the date of termination of his/her employment with the agency.

This prohibition shall not apply to *ad honorem* professional service contracts. It shall neither apply when, in the discretion of the Executive Director, there are special circumstances that have been evaluated before executing such contract.

If there are special circumstances and the Executive Director authorizes the contracting of a former public servant within two years following the date of termination of his/her employment, the professional service contract shall not establish compensation higher than that earned for carrying out the same duties when he/she was a public servant.

(e) No former public servant may use confidential or privileged information obtained while discharging the duties of his/her office for his/her own enrichment or the enrichment of a third party. It shall be understood that there has been enrichment not only when wealth has increased with money or property, but also when the liabilities affecting the person have been cancelled or extinguished.

#### **Section 4.7.- Sanctions and Penalties.-**

##### **(a) Criminal Action.-**

1. Any person who intentionally violates the prohibitions and provisions established in subsections (b), (c), (d), (e), (f), (m), (n), (o), (p), and (q) of Section 4.2 shall be guilty of a felony and punished by imprisonment for a fixed term of four (4) years, plus restitution for violations of subsection (b); by

imprisonment for a fixed term of eight (8) years and a ten thousand dollar (\$10,000) fine for violations of subsection (c); by imprisonment for a fixed term of ten (10) years and a ten thousand dollar (\$10,000) fine for violations of subsection (d); and by imprisonment for a fixed term of three (3) years and a five thousand dollar (\$5,000) fine for violations of subsections (e), (f), (m), (n), (o), (p), and (q). In addition to the penalties established for subsections (o), (p), and (q), the Court may impose community service and the suspension or revocation of any license, permit or authorization.

Violations of subsections (b), (c), (d), (e), (f), (m), and (n) of Section 4.2 of this Act shall not be eligible for suspended sentence.

2. Any person who intentionally violates the prohibitions and provisions established in subsections (b) and (c) of Section 4.3 shall be guilty of a felony and punished by imprisonment for a fixed term of three (3) years and a five thousand dollar (\$5,000) fine. In addition, the court may impose community service and the suspension or revocation of any license, permit or authorization.

3. The person thus convicted shall be disqualified to hold any public office or employment, subject to the provisions of Section 6.8 of Act 184-2004, as amended, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico."

4. The offenses set forth in this Chapter shall not prescribe.

(b) Civil Action.-

1. The Office shall be empowered to request the San Juan Part of the Court of First Instance to issue an injunction to prevent any violation of this Chapter and file the proper actions to recover the civil sanctions imposed on behalf of the state.

2. The Office may resort to the San Juan Part of the Court of First Instance to request that the execution of any official action which constitutes a violation of the prohibitions established by this Chapter be barred, suspended or stayed.

3. Any person who receives financial gain as a result of a violation of this Chapter shall be bound to pay the state, as civil sanction for noncompliance, a sum equal to three (3) times the value of the financial gain received.

(c) Administrative Action.-

Any person who violates the prohibitions and provisions established in this Chapter and in the regulations, orders, and norms promulgated thereunder may be sanctioned by the Executive Director by an administrative fine, which shall not exceed twenty thousand dollars (\$20,000) for each violation. The foregoing shall not limit the power of the Executive Director to impose a treble damages sanction, in addition to said administrative fine.

The Executive Director may impose for violations of any of the provisions of this Chapter, when applicable, the following administrative measures:

1. To declare null any contract executed or appointment made in contravention of the provisions of subsection (h) of Section 4.2 and subsection (d) of Section 4.6. Whenever a contract or appointment is declared null, the appointing authority concerned shall retribute from its own funds any income earned and profit obtained from such office or contract;

2. To order restitution;

3. To order the agency concerned to make deductions from the payroll of the public servant at fault until the fine imposed is paid, as provided in Section 2.3(Q) of this Act;

4. To consider recidivism when imposing a fine or the sanctions provided in Section 4.7(d) of this Act.

Any public servant or former public servant affected by any of these measures or administrative actions shall be entitled to request review, as provided in Section 4.2 of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act."

(d) Other Sanctions.-

Any violations of the provisions of this Chapter may be punished, as applicable, by any of the following actions imposed by the appointing authority:

- a. Written reprimand
- b. Summary job suspension
- c. Suspension from job and pay
- d. Removal or discharge

(e) Judicial Action for Noncompliance with Administrative or Civil Sanctions.

As for any person that fails to comply with a final and binding administrative fine or sanction and/or with any final and binding civil sanction, the courts of justice may impose ten percent (10%) interest or interest at the prevailing legal rate, whichever is higher, on the amount owed, as well as the payment of attorneys fees in favor of the Government. The interest shall begin to accrue from the time the sanction becomes final and binding.

**Section 4.8.- Rules of Conduct Applicable to Public Servants and Former Public Servants in the Judicial and Legislative Branches.-**

The conduct of public servants and former public servants of the Judiciary and Legislative Branches shall be governed by the provisions of the laws in effect applicable to each one of said Government Branches and the regulations adopted by the same.

## CHAPTER V – FINANCIAL REPORTS

### Section 5.1.- Applicability.-

A. The provisions of this Act, which require the filing of financial reports, shall apply to the following public servants:

1. The Governor.
2. The Comptroller of Puerto Rico.
3. The Ombudsman.
4. The members of the Legislative Assembly, the Director of the Office of Legislative Services, and the Superintendent of the Capitol, as well as any other public servant in the Legislative Assembly required to do so by the regulations approved by the Legislative Assembly or any of the Bodies thereof.
5. The members of the Judiciary Branch and the Court Administrative Director.
6. The officials of the Executive Branch whose appointments require the advice and consent of the Senate or the Legislative Assembly. The members of the examining boards are excluded from this requirement.
7. Heads and deputy heads of agencies.
8. Chairs, vice chairs, executive directors and deputy directors, and members of the boards of directors of public corporations and other public entities. Representatives of the public interest, the private sector or the nongovernment sector serving on such boards are excluded from this requirement, unless otherwise provided by law.
9. Mayors, deputy mayors, and administrators of municipalities.
10. Chairs, vice chairs of special corporations for municipal development, and directors and deputy directors of municipal consortia.

11. The President of the Commonwealth Election Commission, the Administrator of the Employees Retirement System of the Government, the Judiciary and its Instrumentalities, or any Pension or Retirement plan established by the Legislative Assembly of Puerto Rico or implemented by Public Corporations.

12. The Board of Directors and the Executive Director of the Government of Puerto Rico Employee Association, as well as public servants in this Association empowered to execute contracts of any kind and to approve loans, disbursements, credit cards, IRAs, insurance, scholarships, and reservations for renting its vacations center.

13. The members of the Public Bids Board.

14. Public servants in the Executive Branch whose main duty is any of the following:

(a) Those issuing final determinations to issue, amend, stay or cancel permits, licenses, certifications, exemptions, accreditations, consultations, or endorsements required to: 1) operate an establishment; 2) make improvements on lands or works; 3) divide or develop a property; 4) build a structure or part thereof; 5) use real or personal property for a particular purpose;

(b) Those issuing final determinations regarding a land use consultation;

(c) Those issuing final determinations to fine persons or entities that depend on or require permits, licenses, certifications, exemptions, accreditations, consultations or endorsements issued by this agency to: operate an establishment; make improvements on lands or works; divide or develop a property; build a structure or part thereof; use real or personal property for a particular purpose;

(d) Those executing contracts of any kind, including purchase and service orders;

(e) Those issuing final determinations to settle or reaching an agreement with regard to debts between private persons and any Government body;

(f) Those issuing final determinations to settle or reaching an agreement with regard to actions brought before the courts or a quasi judicial body;

(g) Those directing the area in charge of administering financial resources and budget, issuing financial statements or reports, and ascertaining compliance with the public policy on administration of their agency;

(h) Those directing the area in charge of the study, acquisition of equipment, design, development, implementation, support, and administration of the information technology systems of an agency;

(i) Those empowered to make a final decision in the approval of loans, disbursements, subsidies or payment of disability compensation, among others;

(j) Those directing the area in charge of administering, appropriating, granting or distributing federal funds;

(k) Those in charge of raising, charging or collecting money through any payment method;

(l) Those directing the area in charge of receiving claims, statements or complaints and conducting investigations or proceedings;

(m) Those directing the area in charge of inventory, records, and disposition of public property, other equipment or assets in their agency;

(n) Those issuing a final determination regarding the acquisition or disposition of real or personal property in each agency;

(ñ) Those issuing a final determination regarding public work projects carried out by their agency;

(o) Those empowered to direct a region in their agency with autonomy or freedom of judgment to carry out one or more of the following functions: entering into contracts; making disbursements; allotting, appropriating, and using budget items; granting benefits; purchasing and selling assets; and disposing of property;

(p) Those directing the area in charge of auditing the financial reports and income tax returns filed in accordance with the Government Ethics Act or the Internal Revenue Code;

(q) Those making purchases on behalf of their agency.

B. The Governor of Puerto Rico may exempt those public servants of the Executive Branch who render services *ad honorem* or only receive per diems from the requirement of filing financial reports.

C. The Executive Director shall be empowered to modify or exempt from the requirement of filing financial reports for just cause.

**Section 5.2.- Frequency and Scope of the Financial Reports of the Executive Branch and the Legislative Branch.-**

Every public servant of the Executive Branch and the Legislative Branch who is required to file a financial report shall:

(a) File with the Office, within ninety (90) days of taking office, a detailed report containing all the information required by the Office, as provided in Section 5.4 of this Act. The first report shall include the calendar year immediately preceding the date on which the public servant took office.



(b) After filing the report required at the time of induction into office, he/she must file an annual report to be submitted not later than May 1<sup>st</sup> of each one of the years following the year in which he/she was inducted into office. The report shall include the preceding calendar year.

(c) If he/she renders *ad honorem* services or only receives per diems, he/she shall not be required to file annual reports. In these cases, he/she shall be required to file a financial report at the time of his/her induction into office and one when he/she ceases to hold such office. The financial report required at the time of induction into office shall include the calendar year preceding the induction into office and the time elapsed between the current year and the date of his/her nomination.

(d) Upon ceasing to hold office, every person shall be required to file a financial report within ninety (90) days after the separation from office, which includes all the information required by the Office, except when he/she shall hold an office that requires the filing of annual reports. In these cases, he/she shall continue to file such financial reports every year.

The report required at the time of ceasing to hold office shall include the preceding calendar year, if such report has not been filed, and the time elapsed between said year and the date on which he/she ceased to hold such office.

(e) Every public servant appointed by the appointing authority to provisionally hold an office or position that requires the filing of reports for a term greater than sixty (60) days, shall file a financial report at the time of induction into office within ninety (90) days following such period. Such public servant shall be required to file the corresponding reports while he/she continues to hold such office provisionally.

(f) The Office may grant an extension of time to file the financial reports under this Chapter.

### **Section 5.3.- Filing Sworn Financial Reports.-**

The financial reports required under this Act, except those required from the members of the Judicial Branch, shall be filed through the electronic filing system provided by the Office. By doing so, the public servant attests to the content of the furnished information and declares, under oath, that the same is true, correct and complete.

Such oath shall be a *prima facie* presumption that the public servant electronically filed and signed the report.

### **Section 5.4.- Content of Reports.-**

The Office shall design the official form, which shall contain the minimum information required, which shall be provided below in this Section, and the explanatory appendix that will be used to attach the information required that shall apply to the Executive Branch and the Legislative Branch.

Every financial report to be filed by the members of the Executive Branch and the Legislative Branch, for the period covered by the report regarding the person who files the report and his/her family unit, shall include the following information:

#### **A. General Information**

1. Name, address, office or position;
2. Name or names under which he/she is doing business;
3. Occupation, profession or trade;
4. Name and address of the main place of business or work;
5. All work or business relations;

6. Name, address, and name or name under which the members of his/her family unit are doing business, that have done business with the Government during the period covered by the report or that are partners, directors, or employees or business or entities that were doing business with or rendering services to the Government during such period;

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B. Income:

1. Income or interest earned by the public servant and his/her family unit on real or personal property and on any property in its broadest sense;

C. Assets:

1. Assets exceeding one thousand dollars (\$1,000), including, among others, bank accounts, stocks, mutual funds, options, insurance policies, household furniture and appliances, paintings, works of art, antiques, and collections, jewelry, and other ownership interest in enterprises or businesses;

2. Private and public business stocks and state, municipal or any other type of bond whose value exceeds one thousand dollars (\$1,000) and any transaction carried out during the period covered by the report.

3. Shares in trusts or estates;

D. Liabilities:

1. Debts with an outstanding balance of more than one thousand dollars (\$1,000) at any time during the period covered by the report, indicating the interest rate of each debt, including the full payment of any debt or reduction to one thousand dollars or less during the period covered by the report;

2. Debts with regard to which he/she is receiving any type of preferential or special treatment when compared to that received by other debtors of the same creditor under similar circumstances for the same type of debt;

E. Other Financial Transactions:

1. Transactions for the purchase, sale or exchange of real or personal property;
2. Agreements or arrangements for future compensation;
3. An account of every gift received, including among others, payment for transportation, meals, lodging and entertainment, indicating the name and address of the donor, when the total value per donor exceeds two hundred and fifty dollars (\$250) per year, and the donor is other than a relative;
4. Any other information that, in the judgment of the person filing the report, is deemed pertinent for the proper evaluation of his/her financial situation within the public interest context set forth by this Act.

Reporting income and expenditures related to political campaigns shall not be necessary, as provided by the Election Code in effect.

The Office may request additional information in the financial report filed by public servants in the Executive Branch and the Legislative Branch that may be necessary to properly evaluate any angle related to the information required in this Section, within the public interest context set forth by this Act. Upon requesting such additional information, the Office shall state the reasons for making such request.

The content of the financial reports pertaining to the Judicial Branch shall be determined by such Government branch, as provided by its code of ethics and regulations.

**Section 5.5.- Term to Audit and Actions Related to the Financial Reports of the Executive Branch.-**

(a) Within ninety (90) days following the date of the filing of the financial report, the Office shall complete an audit thereof. If during the audit process, any unjustified information is detected, the Office shall initiate a forensic

audit, which shall conclude within two (2) years. These terms shall be strictly observed. If there is just cause, the Office may extend any of such terms for an additional term of ninety (90) days.

(b) Once concluded, the Office may reopen an audit when:

1. The public servant, *motu proprio*, amends his/her financial report;

2. Someone personally knows and provides new and essential information about the conducted audit, which, despite due diligence, could not be discovered or could not have been discovered before the end of the audit;

3. In an administrative or judicial proceeding, whether state or federal, the falseness of certain information furnished during the audit process was proved; provided, that such information has been the basis for the investigation;

If the Office reopens an audit, it must be completed within one (1) year. If a possible conflict is detected in the information provided in the financial report, the Office may require the elimination thereof.

The Office shall notify the person who filed the report about the conflict of interest and grant him/her a term to eliminate the same. If the person fails to eliminate the conflict within the term provided, the Office shall initiate the appropriate administrative procedure.

(c) If a possible conflict of interest is detected in the information provided in the financial report, the Office may require the elimination of the motive that creates such conflict of interest. The Office shall notify the person who filed the report about the conflict of interest and grant him/her a term to eliminate the same. If the person fails to eliminate the motive which creates such conflict of interests within the term provided, the Office shall initiate the appropriate administrative procedure.

**Section 5.6.- Prohibitions Related to the Financial Report.-**

Prohibitions related to the financial report of a public servant or former public servant:

1. Increasing his/her wealth or that of a third party, when such enrichment has occurred after he/she took such office or job or was commissioned, until five years after termination of such office, and he/she is unable to justify such enrichment. It shall be understood that there has been enrichment, not only when his/her wealth has increased with money or property, but also when the liabilities affecting him/her have been cancelled.

2. Failing to file financial reports.

3. Failing to submit the information required within the term provided.

If criminal violations are found in the information provided in the financial report, the Executive Director shall refer the case to the Department of Justice, the Office of the Special Independent Prosecutor or the Federal Bureau of Investigations, among others.

**Section 5.7.- Sanctions and Penalties Applicable to Public Servants in the Executive Branch.-****(a) Criminal Action**

1. Anyone who knowingly and willfully falsifies or fails to file or furnish any information required in the financial report or required by the Office during an audit, as provided in Section 5.4 of this Act, shall be guilty of a felony. Upon conviction, such person shall be punished by imprisonment for a fixed term of three (3) years and a five thousand dollar (\$5,000) fine. The Court may also impose community service.

2. Any public servant in the Executive Branch thus convicted shall be disqualified from holding any public office or job position, subject to the provisions of Section 6.8 of Act 184-2004, as amended.

3. The crime established in this Chapter shall not prescribe.

(b) Civil Action

1. The Office is hereby empowered to resort to the San Juan Part of the Court of First Instance to request an injunction in order to bar any violation of the provisions of this Chapter and to file any appropriate action to collect the administrative sanctions imposed on behalf of the Commonwealth.

2. The office may resort to the San Juan Part of the Court of First Instance to bar, suspend or stay the execution of any official action in violation of the prohibitions established in this Chapter.

3. Any person who obtains a financial gain as a result of a violation of the provisions of this Chapter shall be bound to pay the State a sum equal to three times the value of the financial gain received, as a sanction for his/her noncompliance.

(c) Administrative Action

Any person who violates the prohibitions and provisions established in this Chapter and in the regulations, orders, and rules promulgated thereunder may be sanctioned by the Executive Director by an administrative fine that shall not exceed twenty thousand dollars (\$20,000) for each violation. The foregoing shall not limit the power of the Executive Director to impose a sanction for treble damages in addition to said administrative fine. Furthermore, recidivism may also be taken into account at the time of imposing a fine under this subsection.

The Executive Director may impose, for violations of any of the provisions of this Chapter, if applicable, the following administrative measures:

1. To order restitution; or
2. To order the agency concerned to make deductions from the payroll of the public servant at fault until the fine imposed is paid in full, as provided in Section 2.3(Q) of this Act.

(d) Other Sanctions

The violation of any of the provisions of this Chapter may be punished, if applicable, by any of the following actions imposed by the appointing authority:

- a. Written reprimand
- b. Summary job suspension
- c. Suspension from job and pay
- d. Removal or discharge

(e) Judicial Action for Noncompliance with Administrative or Civil Sanctions.

As for any person that fails to comply with a final and binding administrative fine or sanction with any final and binding civil sanction, the courts of justice may impose ten percent (10%) interest or interest at the prevailing legal rate, whichever is higher, on the amount owed, as well as the payment of attorneys fees in favor of the Government of Puerto Rico. The interest shall begin to accrue from the time the sanction becomes final and binding.

**Section 5.8.- Public Inspection and Access to Financial Reports Required under this Act.-**

(a) Access to a Summary of Financial Reports

The Office shall make available to the public a summary on the contents of the financial reports filed by the members of the Executive Branch through its webpage. The summary shall contain the following information:

1. Total income such as wages, compensations, transactions, own business, and other income, as provided in Section 5.4(B).
2. Total assets, including tangible and intangible property with monetary value, as provided in Section 5.4(C).



3. Total liabilities, including all obligations and commitments, as provided in Section 5.4(D).

4. All other financial transactions, as provided in Section 5.4(E).

(b) Review of Financial Reports

The Executive Director shall authorize the review and access to the financial reports of the members of the Executive Branch filed, as provided in this Act, solely when such reports are final and when it is shown that the information is necessary to submit additional data revealing a possible violation of the provisions of this Act.

The partial or total review or access to these financial reports shall be authorized upon filing a sworn written application stating the following:

1. Name, address, and occupation of the applicant; the name and address of the public or private entity on whose behalf the report is requested.

2. That the applicant is aware of the prohibitions and restrictions on the use of the reports.

3. The data or information on which the applicant has based his/her reasons to belief that there is a possible violation of the provisions of this Act, which justifies the granting of access to such financial report.

Any person who, after having been granted authorization to review a financial report, in whole or in part, uses such information for purposes other than those authorized under this Act, shall be guilty of a felony. Upon conviction for this crime, such person shall be punished by imprisonment for a fixed term of three (3) years and a fine of five thousand dollars (\$5,000). In addition, the Court may impose community service.

(c) Access to Overseeing Entities

The Executive Director shall permit the review and may furnish a copy of these financial reports, in whole or in part, in favor of the following entities which investigate or prosecute corruption cases: the Department of Justice, the Office of the Special Independent Prosecutor's Panel, the U.S. Department of Justice, and the Federal Bureau of Investigations. Such entities must have filed beforehand a written request indicating the name and the job position of the person making such request and the name and address of the entity on whose behalf the request is made. These entities are exempted from the requirement of submitting a sworn request.

(d) Action Against any Person Providing Unauthorized Information

Any person who knowingly and willfully provides to an unauthorized third party any data contained in the financial reports or allows copies thereof to be made through any medium by any means, without the authorization of the Executive Director, shall be guilty of a felony. Upon conviction for this crime, such person shall be punished by imprisonment for a fixed term of three (3) years and a fine of five thousand dollars (\$5,000). In addition, the Court may impose community service.

(e) The Executive Director shall establish cyber security mechanisms to prevent identity theft and protect the confidential information contained in the financial reports for the purposes of safeguarding the right to privacy of the persons filing the reports and their family units.

(f) Public Review and Access to Financial Reports of the Judicial Branch and the Legislative Branch.

Public review of and access to financial reports pertaining to the members of the Judicial Branch shall be governed by the regulations adopted to such effect by the Supreme Court of Puerto Rico. As to the members of the

Legislative Branch, each House shall determine the Rules that shall govern public review of and access to the financial reports of the members thereof.

**Section 5.9.- Conservation of Financial Reports.-**

The Office shall be bound to keep the financial reports for a period of five (5) years after the audit has been completed or three (3) years after the public servant ceased to hold his/her office or job position. In cases in which a report is under audit, investigation or administrative or judicial procedure, it shall be kept until such process concludes.

**Section 5.10.- Financial Reports of the Legislative and Judicial Branches.-**

The financial reports of the persons listed in Section 5.1(A), subsection (4), shall be filed as provided in Section 5.3 through the electronic system provided by the Office. The financial reports of the persons listed in Section 5.1(A), subsection (5), shall be filed through the system determined by the Supreme Court of Puerto Rico. By doing so, the public servant attests to the content of the furnished information and declares, under oath, that the same is true, correct and complete. Such oath shall constitute *prima facie* presumption that the public servant electronically filed and signed the report.

Within ninety (90) days after filing the report, the Office shall evaluate and analyze the information contained therein, as provided in Section 5.4. If in the judgment of the Executive Director there is a possibility that a public servant of the Legislative or Judicial Branches has violated any of the provisions of this Chapter applicable to him/her, the Executive Director shall remit the financial report, together with the results of the conducted analysis, to the appropriate Legislative House or the Supreme Court of Puerto Rico, as the case may be, for appropriate action. In cases involving the Comptroller and the Ombudsman, the Executive Director shall remit such reports to both Legislative Houses for appropriate action.

In the case of the financial reports of the members of the Legislative Assembly, the Director of the Office of Legislative Services or the Superintendent of the Capitol, the Executive Director shall receive and evaluate such reports within ninety (90) days after the filing thereof to ascertain that the furnished information is complete. Once verified, he/she shall determine that the report is final and will remit such report with his/her determination to the presiding officers of each chamber. Public access to such reports shall be governed at all times by the provisions of the Code of Ethics of the Senate of Puerto Rico and the House of Representatives and the rules adopted by said Branch. When, in the judgment of the Executive Director, there is a possibility that an official or employee of the Legislative Branch has violated any of the provisions of this Act applicable to him/her, the Executive Director shall remit the financial report together with his/her findings to the appropriate Legislative House for appropriate action. If the Executive Director believes that the Director of the Office of Legislative Services or the Superintendent of the Capitol could have violated the applicable provisions of this Act, he/she shall so notify to both the Senate of Puerto Rico and the House of Representatives, by remitting the report in question.

In the case of the financial reports of the Judicial Branch, the Executive Director shall receive and evaluate such reports within ninety (90) days after the filing thereof to ascertain that the furnished information is complete. Once verified, he/she shall determine that the report is final and will remit such report with his/her determination to the Chief Justice of the Supreme Court. Public access to such reports shall be governed at all times by the provisions of the Code of Ethics of the Judicial Branch and the rules adopted by said Branch. When, in the judgment of the Executive Director, there is a possibility that a judge, Administrative Director or high-ranking official has violated any of the provisions of this Act applicable to

him/her, the Executive Director shall remit the financial report together with his/her findings to the Supreme Court for appropriate action, pursuant to the Code of Judicial Ethics and the appropriate rules.

It shall be the duty of the Supreme Court of Puerto Rico to establish and notify to the Executive Director the deadline for filing of financial reports upon induction into office and termination of tenure, as well as annual reports, respectively.

## **CHAPTER VI – CANDIDATES TO ELECTIVE OFFICES AND NOMINEES OF THE GOVERNOR**

### **Section 6.1.- Statement of Financial Solvency and Absence of Conflict of Interest.-**

(a) Every candidate certified by the Commonwealth Election Commission to an elective office in the general or a special election must file a sworn statement of financial solvency with the Office, within twenty (20) days after the candidate's certification.

(b) Any person nominated by the Governor to hold an office or job position that requires confirmation by the Senate or the Legislative Assembly must file a sworn statement of financial solvency and absence of conflict of interest with the Office, within thirty (30) days after the date of his/her nomination.

(c) Once such report is received the Office shall complete its evaluation and analysis within thirty (30) days after the filing thereof. The Office shall refer to the Commonwealth Election Commission the evaluation of statement of the candidates certified by the latter. In the case that the persons nominated by the Governor to hold an office or job position that requires confirmation by the Senate or the Legislative Assembly, the Office shall refer the results of the evaluation of such statements to the appropriate House of the Legislative Assembly.

(d) The Office shall design the abovementioned statement forms.

**Section 6.2.- Education.-**

(a) Every candidate certified by the Commonwealth Election Commission to an elective office in the general or a special election must complete a 7.5 hours course on ethics offered by the Office.

(b) Any person nominated by the Governor to hold an office or job position that requires confirmation by the Senate or the Legislative Assembly must complete a 7.5 hours course on ethics offered by the Office.

(c) Such courses must be taken within thirty (30) days after the nomination or certification.

**CHAPTER VII – INVESTIGATION, ADJUDICATION,  
AND JUDICIAL REVIEW****Section 7.1.- Investigation Procedure Related to Public Servants in the Executive Branch.-**

(a) Any person may petition the Office to initiate an investigation under the provisions of this Act. Such petition may be presented by any means, including anonymously. The Office may also initiate an investigation on its own motion.

(b) Within ninety (90) days after the filing of the petition, the Office shall conduct a preliminary investigation. If, after concluding the preliminary investigation, the Office believes that an in-depth investigation is in order, the Office must conclude such investigation within one (1) year. These terms shall be strictly observed. If there is just cause, the Office may extend these terms up to ninety (90) days or one (1) year, respectively.

(c) In those cases in which the person making the petition provided an address, the Office shall notify him/her of the action taken.

(d) Any person who intentionally provides or publishes information or makes reports publicly on any investigation being conducted by the Office without having been authorized to do so by the Executive Director shall be guilty of a

felony. Upon conviction of this crime, such person shall be punished by imprisonment for a fixed term of three (3) years and a fine of five thousand dollars (\$5,000). The Court may also impose community service. If the abovementioned conduct is the result of carelessness or omission, such person shall be guilty of a misdemeanor. Upon conviction, such person shall be punished by imprisonment for a fixed term of six (6) months and a fine of one thousand dollars (\$1,000).

#### **Section 7.2.- Adjudication Procedure.-**

Once the investigation referred to in Section 7.1 is concluded and the Office believes that any provision of this Act, the regulations, orders or rules promulgated thereunder has been violated, the Office shall file a complaint and conduct an adjudicative procedure, pursuant to the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.

#### **Section 7.3.- Judicial Review.-**

Any public servant affected in a proceeding carried out by the Office settling an issue shall be entitled to file for judicial review before the Court of Appeals, pursuant to the Uniform Administrative Procedures Act.

### **CHAPTER VIII – FINAL PROVISIONS**

#### **Section 8.1.- Fund Appropriation.-**

Recognizing the fiscal, operating, and administrative autonomy of the Office to carry out the sensitive duties entrusted thereto, the Governor shall include the computation of the regular expenditures of the Office in the Budget, without reviewing them and in a consolidated manner.

#### **Section 8.2.- Severability of Provisions.-**

If any clause, paragraph, section, chapter or part of this Act were ruled unconstitutional by a Court with jurisdiction, such ruling shall not impair or invalidate the remaining provisions of the Act and the effect of such ruling shall be limited to the clause, paragraph, section, chapter or part ruled unconstitutional.

**Section 8.3.- Repealing Clause.-**

Act No. 12 of July 24, 1985, as amended, know as the "Ethics in Government Act of the Commonwealth of Puerto Rico," is hereby repealed, except for the creation of the Office, the appointments, rights and privileges vested, and contracts, arrangements, and agreements entered thereunder. This repeal shall not affect any proceedings initiated or that may be initiated, pursuant to the provisions of the cited Act.

**Section 8.4.- Rulemaking Authority.-**

The Office shall repeal, modify or adopt regulations as necessary to implement this Act ninety (90) days after the approval thereof. The existing regulations shall remain in effect and the procedures of the Office shall be governed by such regulations until new regulations are adopted; provided, that such aforementioned regulations do not contravene the provisions of this Act.

**Section 8.5.- Effectiveness.-**

This Act shall take effect on January 1, 2012, except for Sections 2.5, 5.5(a), 5.8(a) and Chapter VI, which shall take effect one hundred and eighty (180) days after the effective date.







JUNTA DE GOBIERNO  
UNIVERSIDAD DE PUERTO RICO

CERTIFICACIÓN NÚMERO 130  
2014-2015

Yo, Ana Matanzo Vicens, Secretaria de la Junta de Gobierno de la Universidad de Puerto Rico, CERTIFICO QUE:

La Junta de Gobierno, en su reunión ordinaria celebrada el 13 de abril de 2015, habiendo considerado las recomendaciones de su Comité de Apelaciones y Ley y Reglamento acordó:

Por Cuanto: El 8 de enero de 2015, mediante la Certificación Núm. 45 (2014-2015), la Junta de Gobierno propuso la aprobación de una *Política Institucional contra el Hostigamiento Sexual en la Universidad de Puerto Rico*, cuyo propósito es establecer la política de la Universidad en torno al hostigamiento sexual, definir las distintas modalidades de hostigamiento sexual y los procedimientos a seguir para manejar quejas de este tipo y establecer la política de protección contra la represalia por denunciar alegados actos de hostigamiento sexual o participar en los procedimientos relacionados, entre otros; disponiéndose además, que en la fecha de efectividad de la nueva política quedarán sin efecto la Carta Circular Número 95-06 del 12 de septiembre de 1995, la Carta Circular Número 88-07 del 27 de mayo de 1988 (Reglamento Núm. 3925), la Certificación Núm. 45 (2008-2009) de la Junta de Síndicos y cualquier certificación, carta circular, reglamento u otra normativa incompatible.

Por Cuanto: De conformidad con la Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico, Ley Núm. 170 de 12 de agosto de 1988, según enmendada, la Junta publicó el 12 de enero de 2015 un aviso en Internet y en un periódico de circulación general de Puerto Rico sobre la acción propuesta. Se dio oportunidad por un término de treinta (30) días, contados a partir de la fecha de publicación del anuncio, para someter comentarios por escrito o solicitud fundamentada de vista pública;

Por Cuanto: La Junta de Gobierno, dentro de dicho término y antes de hacer una determinación definitiva sobre la adopción del referido Reglamento propuesto, recibió un comentario que

fue analizado con la asistencia de funcionarios de la Administración Central de la UPR;

Por Cuanto: La Junta de Gobierno, evaluó y tomó en consideración el comentario recibido y aceptó incorporar varias recomendaciones que mejoraron la política propuesta; además, utilizó su experiencia, competencia técnica, conocimiento especializado, discreción y juicio, al hacer su determinación respecto a las disposiciones definitivas de la política; y

Por Tanto: En virtud de lo expresado anteriormente, la Junta de Gobierno resolvió:

1. Aprobar la nueva *Política Institucional contra el Hostigamiento Sexual en la Universidad de Puerto Rico* para establecer la política de la Universidad en torno al hostigamiento sexual, definir las distintas modalidades de hostigamiento sexual y los procedimientos a seguir para manejar quejas de este tipo y establecer la política de protección contra represalias por denunciar alegados actos de hostigamiento sexual o participar en los procedimientos relacionados;
2. Determinar que esta nueva *Política Institucional contra el Hostigamiento Sexual en la Universidad de Puerto Rico* se presente para su radicación en el Departamento de Estado del Estado Libre Asociado de Puerto Rico, de conformidad con la referida Ley de Procedimiento Administrativo Uniforme;
3. Disponer que esta nueva política entrará en vigor treinta (30) días después de su radicación en el Departamento de Estado.
4. Dejar sin efecto la Carta Circular Número 95-06 del 12 de septiembre de 1995, la Carta Circular Número 88-07 del 27 de mayo de 1988 (Reglamento Núm. 3925), la Certificación Núm. 45 (2008-2009) de la Junta de Síndicos, y toda otra reglamentación incompatible con dicha política.

Y PARA QUE ASÍ CONSTE, expido la presente Certificación, en San Juan,  
Puerto Rico, hoy 15 de abril de 2015.



*Ana Matanzo Vicens*  
Ana Matanzo Vicens  
Secretaria

# **Política Institucional contra el Hostigamiento Sexual en la Universidad de Puerto Rico**

Certificación Núm. 130 (2014-2015)

## Tabla de Contenido

Artículo I – Título .....	1
Artículo II – Base Legal .....	1
Artículo III – Propósito .....	1
Artículo IV – Definiciones.....	1
Artículo V - Política Institucional y Objetivos .....	3
Artículo VI – Interpretación.....	4
Artículo VII – Confidencialidad .....	4
Artículo VIII - Hostigamiento Sexual y sus Modalidades .....	4
Artículo IX – Procedimiento Informal .....	5
Artículo X – Disposiciones Generales .....	7
Artículo XI – Procedimiento Formal .....	9
Artículo XII – Oficial Examinador .....	10
Artículo XIII– Vista Administrativa .....	10
Artículo XIV – Informe del Oficial Examinador.....	10
Artículo XV – Autoridad Nominadora .....	11
Artículo XVI – Situaciones No Previstas .....	11
Artículo XVII- Otros Remedios; Términos Prescriptivos .....	11
Artículo XVIII- Proceso de Suspensión Sumaria .....	11
Artículo XIX– Política en Contra de Actos de Represalia.....	12
Artículo XX– Separabilidad.....	12
Artículo XXI – Disposiciones Transitorias.....	13
Artículo XXI – Vigencia.....	13

## **Artículo I – Título**

Este documento se conocerá como “**POLÍTICA INSTITUCIONAL CONTRA EL HOSTIGAMIENTO SEXUAL EN LA UNIVERSIDAD DE PUERTO RICO**”.

## **Artículo II – Base Legal**

Esta Política Institucional se adopta y promulga en virtud de las facultades conferidas por el Artículo 3, de la Ley Núm. 1 de 20 de enero de 1966, 18 L.P.R.A. § 602 y ss, según enmendada, conocida como "Ley de la Universidad de Puerto Rico", y de conformidad con las disposiciones del Artículo II, Sección I, de la Constitución del Estado Libre Asociado de Puerto Rico y en armonía con las siguientes leyes:

- Ley para Prohibir el Hostigamiento Sexual en el Empleo”, Ley Núm. 17 de 22 de abril de 1988 según enmendada, la cual establece la responsabilidad del patrono de prevenir, desalentar y evitar el hostigamiento sexual y adoptar como parte de las medidas una política sobre hostigamiento sexual y un procedimiento interno adecuado y efectivo para atender querellas de hostigamiento sexual.
- Ley para Prohibir el Hostigamiento Sexual en las Instituciones de Enseñanza”, Ley Núm. 3 de 4 de enero de 1998, 3 L.P.R.A § 149a - 149k, según enmendada, enmendada por la Ley Núm. 38 de 24 de enero de 2006, aplicable a las instituciones de educación superior según reconocido por el Tribunal Supremo de Puerto Rico en el caso Universidad de Puerto Rico en Aguadilla vs. Lorenzo Hernández, 184 DPR 1001(2012).

## **Artículo III – Propósito**

Esta Política tiene el propósito de regir la presentación, investigación y adjudicación de quejas y querellas por alegados actos de hostigamiento sexual y represalias llevados a cabo por miembros de la comunidad universitaria o visitantes contra estudiantes, empleados, personal docente, contratistas o personas que acuden a la Universidad de Puerto Rico para recibir servicios u orientación.

## **Artículo IV – Definiciones**

Para propósito de esta Política, se definen los siguientes términos:

- A. Autoridad Nominadora – Rector o Rectora de la unidad académica en donde surjan los hechos. De surgir los hechos en la Administración Central de la Universidad de

Puerto Rico o alguna unidad institucional adscrita a ésta, se referirá entonces al Presidente.

- B. Contratista – Toda persona natural o jurídica que labore o preste servicios bajo contrato para la Universidad de Puerto Rico.
- C. Empleado o Funcionario – Toda persona que preste servicios a cambio de salario, sueldo, jornal o cualquier tipo de remuneración como empleado de carrera, de confianza, a tiempo parcial, temporero, por jornal o cualquier otro tipo de nombramiento dentro del esquema de la Universidad de Puerto Rico o todo aspirante a empleo.
- D. Estudiante – Toda persona que esté tomando uno o más cursos de cualquier naturaleza o propósito en cualquiera de las unidades académicas de la Universidad de Puerto Rico. Las personas que se dan de baja de la Institución luego de alegadamente incurrir en conducta en contravención de las disposiciones de esta Política Institucional, o que no están matriculados oficialmente durante un periodo lectivo en particular, pero mantienen una relación de continuidad con la Institución, o a quienes se les ha notificado que han sido admitidos a la Universidad, también serán considerados “estudiantes”. Se consideran estudiantes, además, las personas que viven en las residencias estudiantiles de la Universidad, aunque no estén matriculadas.
- E. Hostigamiento Sexual – Conducta de naturaleza sexual y otros comportamientos de connotación sexual no deseada o rechazada por la persona contra la cual se dirige dicha conducta y que afecta la dignidad de la persona, según definido en la Ley Núm. 17 de 2008, según enmendada.
- F. Investigador – Persona designada por el Director de la Oficina de Recursos Humanos o el Director de Asuntos Legales para que realice la investigación inicial de una queja sobre alegado hostigamiento sexual o represalia.
- G. Oficial Examinador – Persona designada por el Presidente o un Rector de la Universidad de Puerto Rico para presidir un procedimiento administrativo formal, previa presentación de una querrela por hostigamiento sexual y formulación de cargos a esos efectos.
- H. Profesor – Miembro del personal docente, según definido en el Reglamento General de la Universidad de Puerto Rico.
- I. Queja – Solicitud o reclamación verbal o escrita de un funcionario, estudiante, empleado, aspirante a empleo, contratista o visitante de la Universidad de



Puerto Rico, en la cual alega que fue o es objeto de hostigamiento sexual por un empleado, estudiante, visitante o contratista de la Universidad de Puerto Rico o de represalia.

- J. Reclamante – Persona que presenta una queja mediante la cual reclama ser objeto o que presencié dicho acto contra otra persona, con derecho a presentar una querrela de acuerdo con la Política establecida de hostigamiento sexual o represalia.
- K. Querella – Formulación de cargos presentados por la autoridad nominadora contra el querrellado, luego de realizada una investigación de los hechos alegados en una queja, y de entender que deben formularse cargos contra éste o ésta.
- L. Querellante – Autoridad nominadora o representante autorizado de la Universidad de Puerto Rico que presenta Querella en caso de hostigamiento sexual o represalia.
- M. Querellado – Persona a quien se le imputa hostigar sexualmente a otra persona o tomar represalias en contra de alguien.
- N. Represalia – Cuando el patrono o empleado toma una decisión adversa sobre los términos y condiciones del empleo, estudio o servicios del reclamante porque éste se haya quejado o haya prestado testimonio en alguna querella, reclamación o procedimiento administrativo instado por motivo de haberse presentado una queja por hostigamiento sexual.
- O. Supervisor – Persona que ejerce algún grado de control, dirija, evalúe o cuya recomendación sea tomada en consideración para la contratación, clasificación, despido, ascenso, traslado, fijación de compensación o sobre el horario, lugar o condiciones de trabajo, sobre tareas o funciones que desempeña o pueda desempeñar el empleado.
- P. Visitante – Persona que acude a la Universidad de Puerto Rico, pero que no es empleado, funcionario o contratista de la misma.

## **Artículo V - Política Institucional y Objetivos**

El hostigamiento sexual en el empleo y en el ambiente de estudio es una práctica ilegal y discriminatoria, ajena a los mejores intereses de la Universidad de Puerto Rico. Bajo ninguna circunstancia se permitirá que persona alguna genere un ambiente de trabajo o de estudio caracterizado por hostigamiento sexual en cualquiera de sus modalidades y manifestaciones.

En el fiel cumplimiento de esta responsabilidad se divulgará la presente Política Institucional a todos los empleados y estudiantes, se les orientará sobre la prohibición del hostigamiento sexual en el empleo y ambiente de estudio. Todo funcionario y estudiante será responsable de notificar inmediatamente cualquier queja o acto de hostigamiento sexual conocido.

#### **Artículo VI – Interpretación**

Esta Política será interpretada de acuerdo con las disposiciones de ley y reglamentos que confieren autoridad, de modo que garanticen a las partes promoventes y a los funcionarios, empleados, profesores, estudiantes, contratistas y visitantes la pronta consideración de quejas por hostigamiento sexual, el debido proceso de ley y la justa y rápida disposición de todo asunto presentado.

#### **Artículo VII – Confidencialidad**

Los procesos investigativos y los expedientes, tanto de la queja como de la querella, serán de carácter confidencial.

Los expedientes de investigación se guardarán en un archivo específicamente designado para ello en la Oficina de Recursos Humanos, la Oficina del Asesor Legal, el Decanato de Estudiantes o la Junta Disciplinaria de cada unidad, según corresponda. Los informes rendidos deben permanecer en estos expedientes y no debe circularse copia de éstos a ninguna oficina de la Universidad, salvo en casos que se requiera la elevación del expediente como parte de un proceso apelativo.

Una vez se notifique la determinación de la Autoridad Nominadora imponiendo la medida disciplinaria, el expediente y el informe de investigación no serán confidenciales y estarán sujetos a inspección, por cualquiera de las partes, previo solicitud escrita.

No se podrá ofrecer información sobre querellas por hostigamiento sexual presentadas que estuvieran en la etapa de investigación o que hubiesen sido desestimadas o archivadas en cualquier etapa del procedimiento.

#### **Artículo VIII - Hostigamiento Sexual y sus Modalidades**

- A. El hostigamiento sexual en el empleo, ambiente de estudios o prestación de servicios consiste en cualquier tipo de acercamiento sexual no deseado, requerimientos de favores sexuales, o cualquier otra conducta verbal o física de naturaleza sexual o que sea reproducido utilizando algún medio de comunicación incluyendo, pero sin limitarse, el uso de herramientas de multimedios a través de la red cibernética o por cualquier medio electrónico o cuando se da una o más de las siguientes circunstancias:

1. Cuando el someterse a dicha conducta se convierte de forma implícita o explícita en un término o condición del empleo, estudios o servicios de una persona.
  2. Cuando el sometimiento o rechazo a dicha conducta por parte de la persona se convierte en fundamento para la toma de decisiones respecto a cualquier aspecto relacionado en el empleo o los estudios que afectan a esa persona.
  3. Cuando esa conducta tiene el efecto o propósito de interferir de manera irrazonable con el desempeño del trabajo o estudios de esa persona o cuando crea un ambiente de trabajo o estudio intimidante, hostil u ofensivo.
- B. El hostigamiento sexual aplica a situaciones, en las cuales la conducta prohibida se da entre personas del mismo sexo o de sexos opuestos. Existen dos (2) modalidades:
1. *Quid pro Quo* - Hostigamiento que envuelve favores sexuales como una condición o requisito para obtener beneficios en el empleo o en el estudio o servicio. Este tipo de hostigamiento se manifiesta cuando la sumisión o aceptación de esta conducta se convierte, de forma explícita o implícita, en uno de los términos o condiciones de empleo o estudios de una persona, o bien cuando la sumisión, aceptación o rechazo de la conducta prohibida se convierte en fundamento para la toma de decisiones en el empleo o estudios que afectan a esa persona.
  2. Ambiente hostil u ofensivo de trabajo o estudio - Hostigamiento sexual que, aunque no tenga un impacto económico, cree un ambiente hostil u ofensivo en el trabajo o en el ambiente de estudio. Así, pues, constituye hostigamiento sexual someter a la persona a expresiones o actos de índole sexual, en forma generalizada o severa que tenga el efecto de alterar su condición de empleo o estudio o le cree un ambiente de trabajo o estudio hostil y/u ofensivo, incluyendo el uso de los recursos de la tecnología de la información de la Universidad de Puerto Rico o medios electrónicos privados para causar un ambiente de trabajo o estudios hostil.

#### **Artículo IX – Procedimiento Informal**

- A. Toda persona que entienda ha sido objeto de actuaciones constitutivas de hostigamiento sexual en la Universidad de Puerto Rico podrá quejarse para que se investigue, de ser necesario, y se tome la correspondiente acción por parte de las autoridades universitarias. Esto aplica a la relación personal docente-estudiante, estudiante-estudiante, empleado-estudiante, empleado-empleado y supervisor-empleado o

viceversa, miembros de la comunidad, aspirantes a empleo o admisión a la Universidad. También, incluye a contratistas y visitantes en situaciones análogas a las mencionadas.

- B. Si quien reclama fuera un empleado o funcionario de la Universidad, deberá dirigirse a su supervisor, decano o director de la oficina a la cual esté adscrito. Dicho funcionario deberá referir el asunto inmediatamente a la Oficina de Recursos Humanos correspondiente. En cualquier caso, quien reclama podrá recurrir inicialmente al Director de la Oficina de Recursos Humanos correspondiente. También, puede referirse a la Oficina de Igualdad de Oportunidad en el Empleo de la unidad para orientación y posterior referido a la Oficina de Recursos Humanos.
- C. Si quien reclama fuera estudiante, deberá referir su queja a la Oficina del Procurador Estudiantil o al Decanato de Estudiantes.
- D. Si quien reclama fuera contratista o visitante, deberá referir su queja a la Oficina de Recursos Humanos de la unidad institucional donde surgieron los hechos objeto de la queja.
- E. La queja escrita o el informe inicial sobre la queja verbal deberá contener la siguiente información:
  - 1. Nombre de la parte reclamante.
  - 2. Información de contacto.
  - 3. Fecha y lugar en que ocurrieron los hechos.
  - 4. Una relación sucinta de los hechos.
  - 5. Nombre de testigos y de la persona contra quien se presenta la queja por hostigamiento.
- F. Los procesos informales serán confidenciales y no se divulgará información alguna a terceros ajenos a la situación. Se atenderá prioritariamente, en la medida que sea posible, los deseos, preocupaciones y el interés expuesto por la persona reclamante.
- G. Con el propósito de proteger al reclamante y con la mayor prontitud, se podrán establecer medidas provisionales que sean posibles y convenientes, tales como:
  - 1. Procurar que la parte reclamante se reporte a otro supervisor y las comunicaciones entre la parte querellada y su supervisor se hagan a través de este otro supervisor, en casos en que sea el supervisor la parte querellada.
  - 2. Procurar que la relación de trabajo sea en presencia de otras personas, de manera que la parte reclamante no tenga que relacionarse a solas con la parte querellada en el curso de su trabajo.

3. Cualquier otra medida que bajo las circunstancias particulares del caso resulte necesaria.

Estas medidas provisionales podrán ser tomadas *motu proprio* por los Rectores o Presidente o su representante autorizado, según sea el caso, o podrán solicitarse por las partes inmediatamente después de presentada la queja o querrela y de ser impuestas, serán efectivas durante el tiempo en que se tramite la investigación y hasta que se adjudique la querrela. Para la adopción de estas medidas se tomara en cuenta el interés de la persona reclamante. Estas medidas no constituirán una sanción disciplinaria contra la parte a la cual se le apliquen.

- H. La investigación contará con declaraciones juradas por la persona reclamante y por la persona contra la que se presenta la queja y cualquier persona que conozca en parte o la totalidad de los hechos alegados. No se indagará en el historial o comportamiento sexual anterior de la persona reclamante ni se tomará esto en cuenta para ningún propósito de la investigación. La forma en que la persona reclamante vista es un asunto ajeno a la controversia, por lo que no debe traerse a consideración en el proceso investigativo.
- I. Se le dará oportunidad a la persona contra quien se presenta una queja a ser informado sobre las alegaciones en su contra, exponer su posición y defensas. Disponiéndose, sin embargo, que en esta etapa de los procedimientos no se tendrá derecho a las garantías del debido proceso de ley reconocidas en los procedimientos formales. No obstante, podrá asistir a la reunión acompañada de abogado.
- J. Si la persona reclamante no participa de la investigación o decide retirar la queja, se continuará el proceso investigativo, en consideración a este hecho y toda la evidencia disponible.
- K. La investigación deberá iniciarse en un plazo de tiempo razonable, el cual no debe ser mayor de siete (7) días laborables para asegurar la pronta solución de la queja. En un plazo razonable, no mayor de quince (15) días laborables, salvo en circunstancias excepcionales, la oficina a cargo de la situación, según sea el caso, le rendirá un informe a la autoridad nominadora con el resultado de la investigación y sus recomendaciones.
- L. Si se determina que procede la formulación de cargos se iniciará con el procedimiento formal. En cualquier instancia, se le notificará a las partes la determinación de la autoridad nominadora.

## **Artículo X – Disposiciones Generales**

- A. Todo supervisor o empleado que conozca de un acto de hostigamiento sexual en la Universidad de Puerto Rico tendrá la responsabilidad de someter inmediatamente la información a la oficina correspondiente, según lo dispuesto en el Artículo IX - Procedimiento Informal.
- B. Cualquier empleado que tenga conocimiento directo o que haya sido testigo de un acto de hostigamiento sexual tendrá la responsabilidad de someter inmediatamente dicha situación a la Oficina de Recursos Humanos de la unidad institucional. Cualquier estudiante que tenga conocimiento directo o que haya sido testigo de un acto de hostigamiento sexual deberá notificar inmediatamente dicha situación a la Oficina del Procurador Estudiantil o al Decano de Estudiantes. El no informar prontamente estos actos o conductas se entenderá como una violación a la Política aquí esbozada y acarreará la acción disciplinaria correspondiente.
- C. Los actos de hostigamiento sexual pueden provenir de supervisores a empleados y/o a terceros, como por ejemplo visitantes, de empleado a empleado, de docentes a estudiantes, de estudiantes a estudiantes y de empleados a estudiantes, o viceversa, para todos los casos. Toda queja, información o notificación sobre alegados actos de hostigamiento sexual que se reciba será motivo de una pronta y minuciosa investigación y, luego de determinarse la veracidad de lo alegado, se tomará la acción o medida correctiva que corresponda para la solución del problema. En caso de que los actos de hostigamiento sexual provinieran de terceros no empleados de la Universidad, se tomarán aquellas medidas correctivas necesarias que estén razonablemente en alcance de la Universidad y que procedan en derecho para el cese inmediato de esa conducta. La anterior relación de posibles escenarios no debe considerarse taxativa.
- D. No será investigada aquella queja que sea anónima.
- E. Previo a que todo empleado o contratista comience a prestar servicios, en la Universidad de Puerto Rico, deberá certificar que recibió copia de esta Política por parte de la Oficina de Recursos Humanos de la unidad institucional correspondiente.
- F. No constituirá impedimento para llevar a cabo la correspondiente investigación alegaciones dirigidas a establecer que la persona reclamante haya accedido a las insinuaciones e invitaciones o haya sostenido una relación previa con el alegado hostigador.
- G. No se tomarán represalias contra la persona reclamante por motivo de haber presentado la queja por hostigamiento sexual. Sin embargo, nada de lo aquí dispuesto impedirá la imposición de responsabilidad a personas, empleados o estudiantes que a sabiendas levanten planteamientos frívolos al amparo de esta Política.

- H. En cualquier momento, la persona reclamante podrá retirar por escrito su queja.
- I. Toda persona a quien se le requiera prestar testimonio o algún tipo de evidencia por el investigador asignado al caso, tiene el deber y obligación de cooperar proveyendo ésta.
- J. El cese de la conducta constitutiva de hostigamiento sexual no será causa suficiente para no proceder con la investigación.
- K. Toda parte que participe en un proceso para dirimir una queja o querella de hostigamiento sexual o represalia será informado por la persona que lleve a cabo la investigación de sus derechos bajo las leyes y reglamentos aplicables.

#### **Artículo XI – Procedimiento Formal**

- A. El procedimiento formal comenzará con la formulación de una querella escrita por la autoridad nominadora correspondiente de aquella unidad institucional en que la persona contra quien se presenta la querella preste servicios o curse estudios. Esto con miras a la imposición de la sanción disciplinaria que corresponda de acuerdo al Reglamento General de la Universidad de Puerto Rico o del Reglamento General de Estudiantes, según aplique.
- B. La querella deberá contener:
  - 1. Relación concisa de la conducta que alegadamente observó la persona querellada.
  - 2. Una relación específica de las disposiciones legales y reglamentarias alegadamente violentadas y las sanciones disciplinarias propuestas.
  - 3. Advertirá a la persona querellada de su derecho a representación por abogado.
  - 4. Advertirá, además, a la persona querellada que, de no formular una contestación a la querella incoada en el término de quince (15) días laborables contados desde su notificación, el Oficial Examinador procederá a señalar y celebrar la vista administrativa del caso en rebeldía. En el caso de que la persona querellada sea estudiante, el término que dispone para responder no excederá de treinta (30) días calendario, conforme establece el Reglamento General de Estudiantes.
- C. La querella será notificada a la persona querellada en un plazo no mayor de quince (15) días calendarios computados desde el momento en que la misma se formule.

## **Artículo XII – Oficial Examinador**

Concurrentemente con la formulación de la querella correspondiente, la autoridad nominadora de la dependencia institucional en que la persona querellada preste servicios o estudie, designará un Oficial Examinador, a los fines de entender en el trámite de la querella y recibir la prueba correspondiente.

El Oficial Examinador notificará por escrito a la parte querellante y querellada la fecha, hora y lugar en que habrá de celebrarse una vista administrativa, a los fines de recibir toda la prueba que sometan las partes respecto de los hechos que se imputan en la querella y les apercibirá que todo planteamiento de derecho deberá ser sometido no más tarde de cinco (5) días laborables antes de la fecha de la vista.

## **Artículo XIII– Vista Administrativa**

- A. La vista administrativa será pública, a menos que una parte someta una solicitud por escrito y debidamente fundamentada para que la vista sea privada y así lo autorice el Oficial Examinador que presida la vista, si entiende que puede ocasionar daño irreparable a la parte peticionaria. Cada parte por sí, o por conducto de su representante, podrá presentar aquella prueba material o testifical pertinente. Durante el procedimiento no regirán las reglas formales de evidencia, salvo que el Oficial Examinador entienda que estas reglas o algunas de ellas sean necesarias para la tramitación ordenada del proceso administrativo. En todo caso, la admisión de prueba durante el proceso se regirá por unas normas amplias sobre pertinencia, materialidad y relevancia que la prueba que se pretende ofrecer pudiera tener en torno a la controversia objeto del procedimiento.
- B. Durante la vista administrativa, cada parte tendrá el derecho de ser oído, confrontar la evidencia en su contra y contrainterrogar los testigos que presente la parte contraria.

## **Artículo XIV – Informe del Oficial Examinador**

Luego de concluir la vista, el Oficial Examinador designado rendirá un informe escrito a la autoridad nominadora de la unidad institucional en que la persona querellada preste servicios o estudie. Dicho informe contendrá:

1. Relación de los hechos probados.
2. Relación de las conclusiones de derecho formuladas.



3. Recomendación en torno a la disposición del caso. Salvo justa causa, el informe deberá ser rendido en un término no mayor de treinta (30) días calendario, contados desde que el caso quede sometido para su resolución.

#### **Artículo XV – Autoridad Nominadora**

La autoridad nominadora de la unidad institucional en que la persona querellada preste servicios o estudie decidirá el caso luego de evaluar el informe del Oficial Examinador e impondrá la sanción disciplinaria, si alguna, que corresponda, según dispuesto en el Reglamento General de la Universidad de Puerto Rico o el Reglamento General de Estudiantes. Notificará su decisión a la persona querellada por escrito y por correo certificado con acuse de recibo y le advertirá de su derecho a apelar la decisión ante el foro y dentro del término señalado por la reglamentación universitaria sobre procedimientos apelativos. La autoridad nominadora informará el resultado final a la alegada víctima por escrito, por correo certificado con acuse de recibo.

#### **Artículo XVI – Situaciones No Previstas**

Toda situación no contemplada por esta Política deberá ser resuelta de manera consistente con la política pública y disposiciones presente en la legislación especial contra el hostigamiento sexual y el derecho aplicable. En todo caso no previsto, la decisión que se tome considerará el interés público, el interés universitario en el orden institucional y el derecho de todo individuo a un debido procedimiento de ley. En la medida que sea posible, se deberá propender un trámite rápido del procedimiento. La querella deberá ser resuelta dentro de un término de seis (6) meses desde su radicación, salvo en circunstancias excepcionales. En todo aquello no contemplado en este Reglamento, aplicarán las disposiciones reglamentarias de la Universidad de Puerto Rico contenidas en el Reglamento General de Estudiantes y en las Normas para Reglamentar los Procedimientos Disciplinarios que Afecten al Personal Universitario, Certificación Núm. 44, 1984-1985, del entonces Consejo de Educación Superior, según enmendada por la Certificación Núm. 94, 1989-1990, del Consejo de Educación Superior.

#### **Artículo XVII- Otros Remedios; Términos Prescriptivos**

La presentación de una querella bajo esta Política no impide la utilización por la parte que presentó la queja de otros remedios legales disponibles, incluyendo recurrir ante las agencias estatales o federales pertinentes o recurrir ante los foros pertinentes. En cualquier caso, la presentación de una queja o querella bajo esta Política no interrumpe cualquier término prescriptivo aplicable bajo otra legislación o reglamentación administrativa.

#### **Artículo XVIII- Proceso de Suspensión Sumaria**

Las disposiciones de esta Política no alteran la facultad de la autoridad nominadora para activar los procedimientos de suspensión sumaria de algún miembro de la comunidad universitaria, conforme a la reglamentación aplicable.

#### **Artículo XIX– Política en Contra de Actos de Represalia**

- A. La Universidad de Puerto Rico mantendrá un ambiente de trabajo o estudios libre de represalias como consecuencia de iniciar o participar en procedimientos investigativos o adjudicativos. En ningún caso se podrá despedir, suspender, amenazar o discriminar contra una persona con relación a los términos, condiciones, ubicación, beneficios o privilegios de empleo o estudios por ofrecer o intentar ofrecer, verbal o por escrito, cualquier testimonio, expresión o información ante un foro legislativo, investigativo o judicial sobre alegados actos de hostigamiento sexual.
- B. El patrono y todo supervisor deberá velar que no se incurra en actos de represalias en su área por parte de cualquier empleado, supervisor, docentes, estudiante o persona que brinde servicios por contrato profesional o tercera persona relacionada con la Institución.
- C. El empleado que sienta que ha sido o es víctima de represalia en el empleo deberá presentar una queja ante su supervisor, decano o director de la oficina a la cual está adscrito. Estos funcionarios deberán referir inmediatamente el asunto a la Oficina de Recursos Humanos o a la Oficina de Igualdad de Oportunidad en el Empleo correspondiente. No obstante, el empleado puede recurrir inicialmente al Director de Recursos Humanos de la unidad correspondiente. Disponiéndose, que esta disposición de la Política aplica exclusivamente a los empleados de la Universidad de Puerto Rico.
- D. El estudiante que sienta que ha sido o es víctima de represalia en los estudios o en la prestación de servicios deberá presentar una queja ante la Oficina del Procurador Estudiantil de su unidad institucional. Este funcionario deberá referir inmediatamente el asunto a la Oficina de Recursos Humanos correspondiente, en caso de que el alegado hostigamiento sexual provenga de un empleado. Se dispone que este inciso de la Política Institucional aplica exclusivamente a los estudiantes de la Universidad de Puerto Rico.
- E. Toda queja sobre alegados actos de represalia que se reciba será motivo de una investigación.
- F. La investigación, procedimiento informal o formal que resultare de la misma, se llevarán a cabo según lo dispuesto en el Artículo IX y XI de esta Política Institucional.

#### **Artículo XX– Separabilidad**

Si cualquier artículo o segmento de esta Política Institucional fuese declarado inconstitucional, inválido o nulo por un tribunal de justicia o autoridad con jurisdicción para ello, tal determinación no afectará, menoscabará ni invalidará las restantes disposiciones y partes de esta Política, sino que su efecto se limitará al artículo o segmento así declarado inconstitucional o nulo.

#### **Artículo XXI – Disposiciones Transitorias**

Esta Política deja sin efecto la Certificación Núm. 45, 2008-2009, de la anterior Junta de Síndicos; la Carta Circular Número 95-06 de 12 de septiembre de 1995, y toda certificación, carta circular, reglamento, procedimiento o parte del mismo que esté en conflicto con estas disposiciones. Los procedimientos aquí establecidos tendrán precedencia sobre cualquier otro que resulte incompatible.

Toda queja o querella que esté bajo investigación al momento de entrar en vigor esta Política, continuará hasta su resolución final bajo el procedimiento vigente a la fecha de la presentación de la queja o querella. Los derechos procesales establecidos para la parte reclamante y para la parte querellada, les serán de aplicación a partir de la fecha de vigencia de esta Política.

#### **Artículo XXI – Vigencia**

Esta Política Institucional estará vigente transcurridos treinta (30) días a partir de su radicación en el Departamento de Estado.

August 14, 1990

CIRCULAR NO. 89-01 AS AMENDED

TO ALL MEMBERS OF THE UNIVERSITY COMMUNITY



*José M. Saldaña*  
José M. Saldaña, DMD, MPH  
President

**POLICY OF THE UNIVERSITY OF PUERTO RICO CONCERNING THE ILLEGAL  
MANUFACTURE, DISTRIBUTION, SALE, POSSESSION AND USE OF CONTROLLED  
SUBSTANCES AND THE ABUSE OF ALCOHOL**

Introduction

The use and abuse of drugs is harmful to the welfare and development of the human being. The University of Puerto Rico, fully aware of the problems which this represents for its employees and students, maintains a firm commitment to promote a work environment that is healthy and free from the difficulties and dangers which the illegal use of controlled substances and the abuse of alcohol present to the persons who offer and receive the University's services. The University is also responding to the serious effects which the use of such substances has on the quality of services and the performance of the duties and obligations that the student, employee or official should execute. The presence of controlled substances and alcohol in places of work and study can manifest itself in different ways that may directly affect the safety, quality of services, productivity, and physical and emotional health of University personnel and the student body. As a result of this concern, state and federal legislation has been approved to combat the use of controlled substances and the abuse of alcohol.

Through this Circular Letter, the University of Puerto Rico adopts a firm public policy to fight, through all possible and available means, the illegal manufacture, distribution, sale, possession and use of controlled substances throughout this institution, as defined by Law Number 4 of June 23, 1971, the Controlled Substances Law of Puerto Rico. The abuse of alcohol is also herein prohibited in accordance with the U.S. Drug-Free Schools and Communities Act (Public Law 101-226) of December 12, 1989. In order to make the entire university community aware of the institutional policy in effect regarding this matter, the

Circular Number 89-01  
August 14, 1990  
page 2

following directives are set forth.

#### Legal Basis

The present declaration of public policy is formulated in accordance with the applicable provisions contained in the Law of the University of Puerto Rico, Law No. 1 of January 20, 1966, 18 LPRA 601 et seq. Furthermore, it is based on the various Federal laws and regulations which require the adoption of clear institutional norms to promote a workplace and study environment which is free from drugs and alcohol abuse, including the Drug Free Workplace Act of 1988, the Drug Free Schools and Communities Act of 1989, and the Department of Defense Drug Free Workforce Rule of 1988. This legislation also establishes that the employer has a definite responsibility to prevent the illegal use of controlled substances and the abuse of alcohol by employees and students within the University ground as well as in any activity sponsored by the University.

#### Applicability

The present Circular Letter applies to all persons who provide services in the University of Puerto Rico and to the student body.

#### Institutional Policy

The illegal manufacture, distribution, sale, possession and use of controlled substances and the abuse of alcohol are harmful to the best interests of the institution and will not be permitted regardless of the rank of the person who may be involved. Under no circumstances will anyone who violates this prohibition or who is under the influence of any controlled substance or alcohol be allowed to remain in his/her place of work or study.

A person who violates the prohibitions established herein will be subject to the disciplinary actions contained in the Regulations of the University of Puerto Rico, Article 39, if he/she is an employee, or in the General Student Regulations, Part IV, if a student and any administrative procedures established for this purpose. Furthermore, every employee who works in a project supported by federal funds as well as all students who receive financial aid from the Federal Government, as a condition of his/her employment in the project, or participation in the financial aid program, must immediately notify their supervisor or counselor of any conviction for acts related to controlled substances occurring during work or study. This requirement is stipulated in the provisions of the Code of Federal Regulations 48, Part 23, Subpart 23.5; Section 23.504 (a) (4) (i), as amended on January 31, 1989.

Circular Number 89-01

August 14, 1990

Page 3

The institutional interest with respect to this matter is to guarantee, through all possible means a work and study environment that is free of controlled substances and alcohol abuse, that will promote the most adequate and efficient use of university resources. The University of Puerto Rico intends to provide a workplace which is healthy and free of the influence of controlled substances and alcohol abuse for all its employees and students. To this end, a counseling program will be established, which is designed for prevention, and to assist those persons with problems in the use and abuse of controlled substances and alcohol, in accordance with applicable laws and regulations.

The main object of this program is to provide the university community with a mechanism to prevent and address matters related to the use of controlled substances and alcohol abuse.

The entire University community is urged to comply strictly with this policy to insure an environment free from the use of controlled substances and alcohol abuse, to make use of assistance programs, if necessary, and to avoid the disciplinary actions which will be taken against any of those who disregard the public policy herein established.

#### Administration

The Central Administration will establish the general guidelines and will be responsible for advising the units in the implementation of this policy. The actual implementation of the policy is the responsibility of each unit in coordination with the Office of Human Resources and the Office of Student Affairs at the Central Administration. Each campus or college will be responsible for developing the specific necessary procedures, applying disciplinary action, as well as providing evidence of institutional compliance with the requirements established by the pertinent Federal regulations.

The chancellors of the university system will be authorized to sign the assurances concerning institutional compliance with the Federal regulations concerning the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 which are required in the applications and acceptance of grants for external funding. This delegation of authority does not apply to the assurances required in the allocation of funds for financial aid to students under Title IV of the Higher Education Act of 1965, as amended.

Circular 89-01  
August 14, 1990  
page 4

Effective Date

The provisions of this Circular take effect immediately. Copies of the same should be posted on bulletin boards or other prominent places in all the offices and units of the University System.

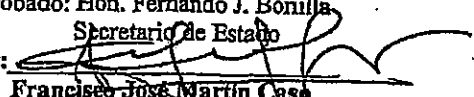
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**UNIVERSITY OF PUERTO RICO**  
**BOARD OF TRUSTEES      DEPARTAMENTO DE ESTADO**

Núm. Reglamento **7471**

Fecha Rad: **5 de marzo de 2008**

Aprobado: Hon. Fernando J. Bonilla  
Secretario de Estado

Por:   
Francisco José Martín Caso  
Secretario Auxiliar de Servicios

**System-Wide Policy for the Acceptable Use of Information Technology Resources  
Throughout the University of Puerto Rico  
Certification No. 35 (2007-2008)**





BOARD OF TRUSTEES  
UNIVERSITY OF PUERTO RICO

CERTIFICATION NUMBER 35  
2007-2008

I, Salvador Antonetti Zequeira, Secretary of the Board of Trustees of the University of Puerto Rico, DO HEREBY CERTIFY THAT:

The Board of Trustees, in its regular meeting held on February 16th, 2008, approved the following:

**WHEREAS:** On December 15<sup>th</sup>, 2007, by Certification No. 25 (2007-2008), the Board of Trustees proposed the approval of a new *System-Wide Policy for the Acceptable Use of Information Technology Resources Throughout the University of Puerto Rico* with the purpose of redefining the current rules, to allow for the better use of the technological resources in a safe environment, to facilitate and promote the efficient and effective use of existing and new technologies, to allow the adoption of security and privacy measures by the user, to provide access to the modern resources available in contemporary universities and to promote the institutional objectives in a more useful and efficient way, as indicated in the enclosed documents which contain the Spanish and English texts of the new policy, which are an integral part of this certification; providing also, that on the date of effectiveness of the new policy, the current policy adopted with Certification No. 72 (1999-2000) of this board shall be without effect; and

**WHEREAS:** In accordance with the Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico, Law No. 170 of August 12<sup>th</sup>, 1988, as amended, the Board published on December 21<sup>st</sup>, 2007 a public notice in a general circulation newspaper in Puerto Rico about the proposed action, and gave opportunity to submit commentaries in writing during a term of no less than thirty (30) days, commencing on the date of publication of the notice; and

**WHEREAS:** The Board of Trustees, within said term and before making a definitive determination about the adoption of said new policy, received some commentaries on the matter, took them into consideration and accepted to incorporate various recommendations which improved the proposed policy; and now,



**THEREFORE:** In virtue of the aforementioned, the Board of Trustees resolved:

1. To approve the *System-Wide Policy for the Acceptable Use of Information Technology Resources Throughout the University of Puerto Rico*, as indicated in the enclosed documents that contain the Spanish and English texts of the new policy, which are an integral part of this certification; and to provide that on the date of effectiveness of the new policy the current policy approved by Certification No. 72 (1999-2000) shall be without effect;
2. To determine that the aforementioned policy be filed for registration at the State Department of the Commonwealth of Puerto Rico, in accordance with the above mentioned Uniform Administrative Procedures Act;
3. To provide that this policy shall be in effect in thirty days (30) after its filing at the Department of State.

Issued under the seal of the University of Puerto Rico, this 19th day of February 2008.



  
Salvador Antonetti Zequeira  
Secretary

*System-Wide Policy for the Acceptable Use of Information Technology Resources  
throughout the University of Puerto Rico*

**CONTENT INDEX**

I.	SCOPE.....	1
II.	LEGAL BASIS.....	1
III.	OBJECTIVES .....	1
IV.	ASSUMPTION OF ALTERNATE GENDER .....	1
V.	STATEMENT OF POLICY .....	2
VI.	USER'S RIGHTS AND RESPONSIBILITIES .....	2
	<i>A. Use Means Acceptance of Policies and Norms .....</i>	2
	<i>B. Privacy and Security Awareness .....</i>	3
	<i>C. Consequences of Violations .....</i>	3
VII.	THE UNIVERSITY'S RIGHTS AND RESPONSIBILITIES .....	3
VIII.	FUNCTIONAL RESPONSIBILITIES .....	3
	<i>A. Vicepresident for Research and Technology.....</i>	3
	<i>B. Information Systems Office (ISO) .....</i>	4
IX.	EFFECTIVE DATE .....	5

**SYSTEM-WIDE POLICY FOR THE ACCEPTABLE USE OF  
INFORMATION TECHNOLOGY RESOURCES  
THROUGHOUT THE UNIVERSITY OF PUERTO RICO**

*Approved by the Board of Trustees,  
Certificate No. 35 (2007-2008)*

**I. SCOPE**

This Policy applies to all users of the University of Puerto Rico's ("the University") Information Technology (IT), including but not limited to students, faculty, researchers, and staff. Third parties who use any part of the University's Information Technology, such as contractors, outside vendors, consultants, or visitors, are also subject to this Policy, including when they connect proprietary equipment to the University network or install proprietary software on University computers. Unawareness of the existence of this Policy, or of any part of this Policy, does not excuse users from its compliance.

**II. LEGAL BASIS**

This system-wide policy and procedure is formulated in compliance with all applicable dispositions of the University of Puerto Rico Act, Law No. 1 of January 20, 1966, as amended, and the General Regulation of the University of Puerto Rico.

**III. OBJECTIVES**

The purpose of this policy is to define a normative framework that enables members of the University community to make the best use of technology resources in a secure environment that promotes the University's objectives of transmitting and increasing knowledge through instruction, research, and service outreach. Specifically, this Policy aims to achieve the following:

- A. Safeguard the integrity of computers, computer-related equipments, networks, systems, programs, and data, regardless of whether or not these are located on University grounds;
- B. Ensure that use of electronic communications complies with applicable University, Commonwealth, federal and international laws, policies, norms, and procedures;
- C. Protect the University against damaging security and legal consequences.

**IV. ASSUMPTION OF ALTERNATE GENDER**

All titles, positions, and functions within this Policy are non gender-specific, for they may refer to or be occupied or exercised by male or female persons, indiscriminately.

**V. POLICY STATEMENT**

Computers, networks (including wireless networks), and electronic information systems are essential resources for accomplishing the University of Puerto Rico's mission of instruction, research, and service outreach. The University grants members of the University community shared access to these resources - as well as to local, national, and

international sources of information - in support of accomplishing the University's mission. These resources are a valuable community asset to be used and managed responsibly to ensure their integrity, security, and availability for appropriate educational, research, service, and other institutional activities. Users are required to use IT resources effectively, efficiently, and responsibly; in a manner that does not affect the quality, timeliness, or delivery of a person's work to the University nor hamper the rest of the community's ability to conduct their work for the University.

Freedom of expression and an open environment for learning and sharing information are valued, encouraged, supported, and protected at the University of Puerto Rico. Censorship is incompatible with the goals of an institution of higher education. Research and instruction take many forms. Therefore, information accessible from available electronic sources may not be restricted through censorship, as long as this information is not constrained by law or regulations and it is used for lawful purposes. The University will promote the appropriate use of technology, mainly through education, to encourage responsible management of technology and the information that is accessed.

Access to the information resource infrastructure both within and outside University grounds, sharing of information, and security of intellectual products, all require that every user accept personal responsibility for protecting the rights of the community. Users should be aware that actions conducted using information technology will be held to the same standards as any other action in the work place. The University will deal promptly with all violations of any law or university policy.

## **VI. USER'S RIGHTS AND RESPONSIBILITIES**

Members of the University community are granted access to information technology resources in order to facilitate their University-related academic, research, service, and job activities. Occasional personal use of information technology is allowed, as long as this personal use does not interfere with job performance nor violate any existing policy, regulation, or law. Assessment of an employee's job performance may consider the employee's personal use of information technology resources; and a supervisor may request a change in this personal use as a condition for continued employment, if deemed necessary.

### ***A. Use Means Acceptance of Policy and Norms***

By using the University's IT resources, users agree to abide by this Policy, as well as all relevant University policies, norms, and procedures, and current federal and Commonwealth laws. Users are responsible for the following tasks:

1. Review, understand, and comply with all policies, procedures and laws related to access, acceptable use, and security of University information technology resources;
2. Request system administrators or data custodians for clarification on access and acceptable use issues not specifically addressed in University policies, regulations, standards, and procedures; and
3. Report possible policy violations to the appropriate entities.

### ***B. Privacy and Security Awareness***

The University recognizes the user's right to privacy and security; and will take reasonable measures to protect the security of the information technology resources assigned to individual users. The user's personal information will be maintained in a secure environment; and only accessed by authorized employees that need the information to do their job. Should the need arise to intervene with a person's right to privacy in the course of any investigation regarding inappropriate use of information or technology resources, the University will do so following existing legal procedures. Users should follow the appropriate security procedures to assist in keeping equipment, systems, applications, and accounts secure. These procedures are available through the System or Campus Information Systems Offices (ISO).

### ***C. Consequences of Violations***

Access privileges to the University's Information Technology resources will not be denied without cause. The University may temporarily deny access to these resources if, during the course of an investigation, it appears necessary to protect the integrity, security, or continued operation of its computers, systems, applications, and networks or to protect itself from liability. Alleged violations of University IT policies shall be referred to appropriate University officials for resolution or disciplinary action. The University may also refer suspected violations of the law to the appropriate law enforcement agencies. Depending upon the nature and severity of the offense, policy violations may result in loss of access privileges, University disciplinary action, and/or criminal prosecution.

## **VII. THE UNIVERSITY'S RIGHTS AND RESPONSIBILITIES**

The University owns the applications, systems, computers, and networks that comprise the University's technical infrastructure. Likewise, the University owns all data that reside on this technical infrastructure; and is responsible for taking the necessary measures to ensure the integrity, security, and confidentiality of its systems, applications, data, and user accounts.

When the University becomes aware of violations, either through routine system administration activities, audits, or from a complaint, it is the University's responsibility to investigate as needed or directed, and to take whatever necessary actions to protect its resources and/or to provide information relevant to any investigation underway. University offices, campuses, faculties, and facilities shall cooperate and work alongside appropriate University and law enforcement officials investigating these violations.

## **VIII. FUNCTIONAL RESPONSIBILITIES**

### ***A. Vice President for Research and Technology***

The Vice President for Research and Technology (VPRT) reports directly to the President; and is an integral part of the upper management of the University of Puerto Rico. The VPRT will disseminate this Policy throughout the University of Puerto Rico. The VPRT will also develop general, system-wide standards, and procedures consistent with this Policy regarding the use of IT resources. This person promotes the

implementation and execution of a continuous system-wide educational campaign to guide the University in the appropriate use of Information Technology.

***B. Information Systems Office [ISO]***

1. ISO Directors are responsible for leading their individual offices to achieve the goals outlined for their offices. The ISO Directors will promote collaboration, knowledge- and resource-sharing among the different ISO's, and in coordination with the System ISO, located at Central Administration. The University supports the use of IT resources through the System ISO and the different Campus ISO. University technology and the responsibilities of the ISO personnel that support it will be consistent with this Policy, the institutional strategic plan, and the specific needs of the office, campus, faculty, or facility.
2. All acquisition of University computers, computer- and network- related equipments, and software, as well as any proposed implementation of information systems or information technology, shall be coordinated through the corresponding System or Campus Information Systems Office to guarantee compatibility with the existing IT infrastructure and compliance with this Policy and System-wide Standards and Procedures. The ISO will promptly issue its recommendations on changes, updates, and implementation of the existing or proposed technology, to avoid undue delays. The ISO will participate in the planning, acquisition, development, and implementation stages of technological projects or institutional projects that use technology, under one or more of the following conditions: (a) if the new technology integrates to technologies managed by ISO; (b) if ISO will manage the new technology after it is implemented; or (c) if ISO's participation serves the University's best interests.
3. ISO will implement local policies and procedures subordinate to this Policy and to the system-wide Standards and Procedures issued for implementing, administrating, and using Information Technology within the University premises to which the ISO is assigned. These local policies and procedures may provide additional detail, guidelines, and/or restrictions, so long as they are consistent with this Policy and the system-wide Standards and Procedures.
4. ISO will support the IT resources within the office or campus to which the ISO is assigned. ISO collects key performance indices to measure the level of service provided to users in support of information technology use, and compares these metrics against established service level expectations and needs, to gauge the level of service provided. As required, the ISO will define and execute the steps necessary to bring actual service performance in line with expected service levels and available resources.
5. ISO shall take steps to promote and maintain an environment of continuous learning and continuous process improvement among its staff. ISO will guide university users in the appropriate and efficient use of IT.
6. The University empowers ISO with authority to protect information technology resources and data. ISO personnel will treat the content of institutional data,

individually assigned accounts, and personal communications as private and will not examine or disclose this content, except: (1) as may be required for system maintenance, including security measures; (2) when there exists a documented reason to believe that an individual is violating the law or University policy; or (3) as permitted by applicable policy or law.

7. The data registered, maintained, stored, and accessed through the University's information systems is a critical resource that must be protected. In consultation with knowledgeable University officials, ISO will determine the criticality and sensitivity of University data and the applications that use it. ISO will ensure that appropriate security measures and standards are implemented and enforced. In case of doubt, ISO will treat information as confidential until otherwise informed.
8. Each Information Systems Office is charged with providing information technology resources to users with a legitimate need, while at the same time protecting the University's network, systems, and data from unauthorized access and abuse. ISO will coordinate with designated office, campus, faculty, or unit technical and security staff to ensure the confidentiality, integrity, and availability of University systems; and make sure that appropriate and timely action is taken, as required. The ISO will take reasonable actions to ensure the authorized use and security of the data, systems, networks, and the communications transmitting through these systems or network. ISO will review the access rights of legitimate users on a regular basis.

#### **IX. EFFECTIVE DATE**

This Policy shall be effective thirty-days (30) after its filing in the State Department.

Upon the aforementioned effective date, Certifications No. 49 (1994-1995) and No. 72 (1999-2000), as well as any other current conflicting certification, policy, norm, procedure, or regulation, will no longer be effective.






November 7, 2003

ALL UNIVERSITY EMPLOYEES



Antonio Garcia Padilla

**DECLARATION OF POLICY CONCERNING AFFIRMATIVE ACTION  
FOR THE EMPLOYMENT OF WOMEN**



The University of Puerto Rico is fully committed with the Policy of the Commonwealth of Puerto Rico against gender discrimination in all matters related to employment in our Institution.

This Policy has the objective of preventing discrimination based on gender in accordance with local and federal laws and regulations. The University will not allow any behavior from employees or officials which can result in discrimination.

In order to comply with this Policy and with Public Law No. 212, of August 3, 1999, the University of Puerto Rico will adopt an Affirmative Action Plan to guarantee equal employment opportunity for women. Our Institution will not discriminate on the basis of gender in any procedure or personnel decision that might affect the terms and conditions of employment such as recruitment, selection, compensation and fringe benefits, evaluation and employment opportunities for women.

We encourage all our employees and job applicants to support and comply with our Affirmative Action Plan and with the purpose of achieving Equal Employment Opportunities. All questions, suggestions, or complaints related to this Policy should be directed verbally or in writing to the Equal Employment/Affirmative Action Coordinator, Central Human Resources Office, University of Puerto Rico, South Botanical Garden, 1187 Flamboyán Street, San Juan, PR 00926-1117, or to the Chancellor's Office or the Affirmative Action Coordinator at each campus.

Concerns of complaints related with sexual harassment will be processed according to Circular Letter No. 95-06.

This letter will be posted on the bulletin boards or visible places in all administrative offices of our Institution.

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PO Box 364984  
San Juan, Puerto Rico  
00936-4984  
(787) 250-0000  
Fax: (787) 759-

November 7, 2003

ALL UNIVERSITY EMPLOYEES

  
Antonio García Padilla

**DECLARATION OF POLICY CONCERNING AFFIRMATIVE ACTION  
FOR NONDISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION,  
SEX, OR NATIONAL ORIGIN**



The University of Puerto Rico is fully committed with the Policy of the Commonwealth of Puerto Rico concerning nondiscrimination on the basis of race, color, religion, sex, or national origin.

This Policy has the objective of preventing discrimination based on race, color, religion, sex, or national origin in accordance with local and federal laws and regulations. The University will not allow any behavior from employees or officials which can result in discrimination.

In order to comply with this Policy and with Executive Order 11246 of September 24, 1965, the University of Puerto Rico will adopt an Affirmative Action Plan to guarantee equal employment opportunity. Our Institution will not discriminate on the basis of race, color, religion, sex, or national origin in any procedure or personnel decision that might affect the terms and conditions of employment such as recruitment, selection, compensation and fringe benefits, evaluation and employment opportunities.

We encourage all our employees and job applicants to support and comply with our Affirmative Action Plan with the purpose of achieving Equal Employment Opportunities. All questions, suggestions, or complaints related to this Policy should be directed verbally or in writing to the Equal Employment/Affirmative Action Coordinator, Central Human Resources Office, University of Puerto Rico, South Botanical Garden, 1187 Flamboyán Street, San Juan, Puerto Rico 00926-1117, or to the Chancellor's Office or the Affirmative Action Coordinator at each campus.

Concerns of complaints related with sexual harassment will be processed according to Circular Letter No. 95-06.

This letter will be posted on the bulletin boards or visible places in all administrative offices of our Institution.

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November 7, 2003

ALL UNIVERSITY EMPLOYEES



Antonio Garcia Pasilla

**DECLARATION OF POLICY CONCERNING AFFIRMATIVE ACTION  
FOR NONDISCRIMINATION AGAINST YOUTH**



The University of Puerto Rico is fully committed with the Policy of the Commonwealth of Puerto Rico against youth discrimination in all matters related to employment in our Institution.

This Policy has the objective of preventing discrimination based on youth in accordance with local and federal laws and regulations. The University will not allow any conduct from employees or officials which can result in discrimination.

In order to comply with this Policy and with the Executive Order Number 4385, the University of Puerto Rico will adopt an Affirmative Action Plan to guarantee equal employment opportunity for youths between the ages of 16 and 29, as defined by the executive order itself. Our Institution will not discriminate on the basis of youth in any procedure or personnel decision that might affect the terms and conditions of employment such as recruitment, selection, compensation and fringe benefits, evaluation and employment opportunities for young persons.

We encourage all our employees and job applicants to support our Affirmative Action Plan with the purpose of achieving Equal Employment Opportunities. All questions, suggestions, or complaints related to this Policy should be directed verbally or in writing to the Equal Employment/Affirmative Action Coordinator, Central Human Resources Office, Central Administration, South Botanical Garden, 1187 Flamboyán Street, San Juan, Puerto Rico 00926-1117, or to the Chancellor's Office or the Affirmative Action Coordinator at each campus.

Concerns of complaints related with sexual harassment will be processed according to Circular Letter No. 95-06.

This letter will be posted on the bulletin boards or visible places in all administrative offices of our Institution.

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November 7, 2003

President  
of the  
University  
of Puerto Rico

ALL UNIVERSITY EMPLOYEES

  
Antonio García Padilla

**DECLARATION OF POLICY CONCERNING AFFIRMATIVE ACTION  
FOR NONDISCRIMINATION AGAINST MENTALLY OR PHYSICALLY  
DISABLED PERSONS**



The University of Puerto Rico is fully committed with the Policy of the Commonwealth of Puerto Rico about nondiscrimination against mentally or physically disabled persons, qualified to work.

This Policy has the objective of preventing discrimination against disabled persons in accordance with local and federal laws and regulations. The University will not allow any behavior from employees or officials which can result in discrimination.

In order to comply with this Policy and with Section 503 of the Rehabilitation Act of 1973, as amended, the University of Puerto Rico will adopt an Affirmative Action Plan to guarantee equal employment opportunity without discrimination against any employee or person seeking employment who is a physically or mentally disabled person. Our Institution will not discriminate against these persons in any procedure or personnel decision that might affect the terms and conditions of employment such as recruitment, selection, compensation and fringe benefits, evaluation and employment opportunities.

We encourage all our employees and job applicants to support and comply with our Affirmative Action Plan with the purpose of achieving Equal Employment Opportunities. All questions, suggestions, or complaints related to this Policy should be directed verbally or in writing to the Equal Employment/Affirmative Action Coordinator, Central Human Resources Office, University of Puerto Rico, South Botanical Garden, 1187 Flamboyán Street, San Juan, Puerto Rico 00926-1117, or to the Chancellor's Office or the Affirmative Action Coordinator at each campus.

Concerns of complaints related with sexual harassment will be processed according to Circular Letter No. 95-06.

This letter will be posted on the bulletin boards or visible places in all administrative offices of our Institution.

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November 7, 2003

ALL UNIVERSITY EMPLOYEES

Antonio García Padilla

DECLARATION OF POLICY CONCERNING AFFIRMATIVE ACTION  
FOR NONDISCRIMINATION AGAINST VETERANS



The University of Puerto Rico is fully committed with the Policy of the Commonwealth of Puerto Rico concerning nondiscrimination against veterans qualified to work.

This Policy has the objective of preventing discrimination against veterans in accordance with local and federal laws and regulations. The University will not allow any behavior from employees or officials which can result in discrimination.

In order to comply with this Policy and with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the University of Puerto Rico will adopt an Affirmative Action Plan to guarantee equal employment opportunity, without discrimination against any employee or seeking employment who is, a Vietnam era veteran, special disability veterans and other protected veterans. Our Institution will not discriminate against these persons in any procedure or personnel decision that might affect the terms and conditions of employment such as recruitment, selection, compensation and fringe benefits, evaluation and employment opportunities.

We encourage all our employees and job applicants to support and comply with our Affirmative Action Plan with the purpose of achieving Equal Employment Opportunities. All questions, suggestions, or complaints related to this Policy should be directed verbally or in writing to the Equal Employment/Affirmative Action Coordinator, Central Human Resources Office, University of Puerto Rico, South Botanical Garden, 1187 Flamboyán Street, San Juan, Puerto Rico 00926-1117, or to the Chancellor's Office or the Affirmative Action Coordinator at each campus.

Concerns of complaints related with sexual harassment will be processed according to Circular Letter No. 95-06.

This letter will be posted on the bulletin boards or visible places in all administrative offices of our Institution.

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