

# **BULLYING AND CIBERBULLYING POLICY**

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# BULLYING AND CYBERBULLYING POLICY

## A. OBJECTIVE

In compliance with Act 104 of 2016, Harassment and Intimidation or Bullying Act, also known as Alexander Act, and Cyberbullying, UNINI establishes the following prevention and action methods against this practice. Universidad Internacional Iberoamericana (UNINI) supports the purpose of the legislations that have emerged to protect the academic environment, free of emotional and physical violence.

## B. JUSTIFICATION

This policy emerges considering, as interpreted in the act, which establishes that students need a secure environment, free of violence to reach knowledge and outstanding academic standards. Harassment, intimidation and bullying or cyberbullying are behaviors that interfere with the ability to learn in the state's public and private education system.

## C. DEFINITION AND DESCRIPTION OF CYBER AND SCHOOL BULLYING

The law defines the following types of harassment and intimidation:

- Harassment and intimidations and/or bullying; any behavior pattern done intentionally, through psychological, physical, cyber or social abuse, that has the effect of terrifying a student or a group of students, and that interferes in his academic opportunities and performance, in the class room and immediate social environment. Harassment and intimidation and/or bullying must be a harassment pattern taken into effect more than once and usually for weeks, months and even years.
- Harassment and intimidation by any electronic mean or through the use of Internet and/or cyberbullying; is the use of any oral, written, visual or electronic communication done to harass, degrade, intimidate and afflict a student or a group of students; and that tends to harm the physical, mental or emotional integrity of the student affected, and/or his property; besides the non-desired

interference with the opportunities, performance and benefit of the affected student. Although the actions are not originated in school or the immediate academic environment, cyberbullying has severe repercussions and adverse consequences in the academic environment.

## D. EXPECTATIONS AND INSTITUTIONAL POLICY

UNINI has the objective of offering high quality programs to all students. We firmly believe that our students deserve a secure, friendly and respectful environment. The university promotes a positive culture of zero tolerance to bullying or cyberbullying, accordingly the entire university community has the right to be respected, to learn or teach, and the right to feel secure in its environment. This policy emerges to prevent school harassment and to give advice about the policies established. For this the university seeks a culture that:

- Allows the student to progress free of discrimination and any way of harassment.
- Does not tolerate, approve or minimize harassment behavior.
- Is conscious of what harassment behavior constitutes.
- Provides support to harassment victims.
- Manages harassment situations in a determine way.

## E. RESPONSIBILITIES OF THE UNIVERSITY COMMUNITY MEMBERS

### **Rectory is responsible for:**

- Providing an annual written version of this policy and its processes to student and the university community.
- Guiding all the personnel about the bullying or cyberbullying policy.
- Publishing and circulating this policy and process to the university community through the web page, and institutional catalog and manuals.
- Looking after the implementation and accomplishment of this policy and processes.
- Keeping statistics of the harassment and intimidation cases in the University and submitting these to the Council of Education of Puerto Rico (CEPR) before July 1, each year.

### **The Deanship of Students Affairs is responsible for:**

- Offering orientation to the student about the bullying and cyberbullying policy.
- Guaranteeing the application of the policy considering the processes and consequences established, and with this ensure:

- The prohibition and no tolerance of any bullying and cyberbullying among members of the University Community.
- That any member of the University Community that carries out bullying or cyberbullying has limited or restricted access to the physical and digital facilities of the University, until otherwise decided.
- That all bullying and cyberbullying cases will be addressed within the next 72 hours after receiving the complaint.

**The Faculty and staff is responsible for:**

- Notifying any bullying or cyberbullying situation immediately to the Students Affairs Deanship.

**The Professional Counselor is responsible for:**

- Keeping written documentation of the harassment behavior claim.
- Notifying both parties involved that an investigation will be done of the claim received.
- Once the investigation ends, the Professional Counselor will notify the results to the Rector, and if necessary to the Discipline Committee.
- Notifying both parties involved about the outcomes of the investigation and the case resolution and disciplinary measures, if applicable.

## F. PREVENTION STRATEGIES

- The university will publish the school harassment policy during the academic year to advise the university community about the topic and how to manage the situations that emerge in the educational scenario.
- This policy includes the definition of school harassment; how to prevent and how to act if school harassment is observed or a person is subject of school harassment. In addition, it establishes: the intervention procedure; who can offer assistance, and the applicable disciplinary measures.
- The University opens the communication via for recommendation of activities that enforce and prevent risk situations. If viable, the University will coordinate campaigns with external agencies or entities.
- Will offer the following advice to the students:
  - Never offer the username or access code.
  - Do not offer your information or details of your private life to unknown people.
  - Remember that the use of networks for illegal activities such as scam, fraud and pornography, among other, is frequent.

- If you think you are victim of bullying or cyberbullying:
  - \* Keep evidence in a file, or take photos or screenshots and notify the situation immediately to the Professor, Program Director, Department Director or Students Affairs Deanship.
  - \* Do not respond to the harassment.

## G. PROCEDURE TO PUBLISH THE PROTOCOL

The bullying and cyberbullying policy will be published during the year through the webpage, Institutional Catalog and Student Manual.

## H. PROCEDURE TO DOCUMENT THE CASES, FILE CONFIDENTIALITY AND MAINTENANCE

### Case documentation

The harassment claim must be informed in written to the Students Affairs Deanship. The case will be analyzed by the Students Affairs Deanship, who if necessary, will refer the case to the Professional Counselor for proper management.

In the written report the student must offer details about the harassment. In cases of cyberbullying, must be capable of evidencing the harassment through print screens, photos or any other format.

The case will be documented following the complaint procedure established in Point **I: *Complaint Procedure***, in this policy.

### File Confidentiality and Maintenance

The documentation of students who are victim of "bullying or cyberbullying" is protected in a digital system and physically preserved in special facilities in the Students Affairs Deanship.

This division has the key to access these facilities, which counts with digital lock and electronic key. The password will be changed every six (6) months by the Administration and Finance Dean. Only the Professional Counselor will have access to these file and to the information contained in them. The claims that the Students Affairs Dean, after careful evaluation, does not consider bullying or cyberbullying will be field in the student's file.

## I. COMPLAINT PROCEDURE

### Actions:

- The student must notify the "bullying" o "cyberbullying" incident to the Students Affairs Deanship through email or letter.
- The Students Affairs Dean, if necessary, will refer the case to the Professional Counselor.
- The Professional Counselor will manage the case with the parties involved.
- The Professional Counselor will notify the concerning personnel of UNINI (Rector, Faculty) about the participation of the students in a situation that is being taking care of, if the situation affects the ordinary development of the students in the daily academic course.
- The Professional Counselor will manage the case, considering the regulations and rights of the students and will make recommendations, to the Rector and the Discipline Committee to solve the case, based on the information collected. The solution of the case, can include recommendation for guidance or any other sanction to the bully.

The student can file a complaint to the Puerto Rico Authorities if he understands that the law has been violated.

### Authorities in charge of assisting the complaint or event:

- Students Affairs Dean.
- Professional Counselor.
- Discipline Committee.

### Claim Forms

When a message is received, in the email of Students Affairs, about an alleged "bullying or cyberbullying" behavior, the ***Claim and Complaint Form*** ([Appendix 1](#)) is sent to the student. Once the student submits the completed and signed form, Students Affairs will send it to the Students Affairs Dean who will evaluate the case, and if necessary, will refer the claim or complaint to the Professional Counselor.

The details of the investigation will be collected in the ***Narrative File Form*** ([Appendix 2](#)).

## J. STRATEGIES TO INVESTIGATE THE COMPLAINT

The University will manage the claims or complaints regarding Bullying or Cyberbullying in the following way:

- The student will complete the Claim and Complaint Form and the Students Affairs Dean will refer the case to the Professional Counselor.
- The Professional Counselor will interview the parties involved and will evaluate the evidences, with the necessary confidentiality.
- The Professional Counselor has 15 day to carry out the investigation with the parties involved.
- If the student files a claim with any state authority, the University will abide to the determination of the Court or the concerning authority. Meanwhile, the parties will undergo a guidance process.
- The Professional Counselor will write a preliminary report, with the details of the situation that will be presented to the Student Affairs Dean.
- If the Professional Counselor understands that there was a violation to the policy, the case will be referred to the Rector and the Discipline Committee.
- The disciplinary measures will be applied according to the offense.
- The file of the case will be preserved indefinitely.

## K. CASE INTERVENTION AND SANCTION STRATEGIES

### Intervention strategies

- Interviews with the bullied and bully.
- Professional counselling for both parties.
- Solve any possible bullying or cyberbullying incident that can include to refer the victim and the bully to any other service understood appropriate.

### Infractions

- **Minor offense**
  - Alter the normal development of any academic activity through the Virtual Campus and/or in visits to the University.
- **Serious Offense**
  - Make written expressions through the Virtual Campus that are not appropriate or that are unfit to the members of the university community.



- Distribute through the Virtual Campus material that can be offensive to the recipient.
- Make written expressions through the Virtual Campus against the reputation of the student.
- Make a false malicious claim to the Discipline Committee.
- Repeat a minor offense.
- **Severe offense**
  - Commit written violence through the Virtual Campus against the student, for example, threat, defamation, insult or interference in his/her rights.
  - Repeat a serious offense.
  - Not attending to an appearance in the day and time indicated with the Discipline Committee. This appearance can be face-to-face or through an electronic mean that allows to validate the student's identity.
  - The Discipline Committee can extend or alter the list of offense, without excluding or eliminating any type of infraction, based on the case investigated and judged.

### Possible Sanctions

- The Professional Counselor will make the recommendation of activating the Discipline Committee.
- This Committee will evaluate the case and will apply the disciplinary actions that can include, but not limit to:
  - Verbal warning.
  - Written warning.
  - Temporary suspension of all university activity in the Virtual Campus.
  - Prohibition to enter the facilities of the University during the period in sanction.
  - Expulsion of the University, which implies the indefinite prohibition to enter the University (student permanent withdrawal).

All sanctions will be recorded in the file prepared and protected by the Professional Counselor. The imposition of the disciplinary measures, previously indicated, will be carried out according to the merit of the extenuating or aggravating circumstances in each case. Extenuating can be understood as a previous irreproachable behavior, or to repair all or part of the damage produced.

The Discipline Committee can, in specific and fundamental cases, lower the sanction in one level to apply alternative sanctions that privilege the rehabilitation of the student and to benefit the university community.

The disciplinary measures will be applied in spite of the legal actions that correspond by the state law in force. As this is a distance University, legal actions out of the national territory or the application of international regulations may apply.

Students will be notified of their right to appeal the decision of the Rector and the Discipline Committee in terms of the disciplinary actions included in this policy. The student has the right to appeal in the next 10 days.

## L. FOLLOW UP STRATEGIES

The Professional Counselor will determine the need of professional assistance for both parties according to the results of the investigation. If the intervention of a mental health professional is necessary, the Professional Counselor will refer the student/s to the corresponding agency, described in Point **M**, in this policy, *Guide to Refer to a Health Professional*. The follow up and treatment will be part of the Action Plan. The Action Plan has the objective of establishing main actions that contemplate the socio-educational formation and that guarantee the security of the parties involved. Besides, must consider actions that contribute to the integral development and the continuity of the student's educational goals.

The Professional Counselor will complete the investigation report with all the details and evidences that delimit the damage caused, if any, and will establish the Action Plan for both parties. The sanctions to the bully will be imposed by the Discipline Committee.

The University is responsible for:

- Implementing the actions to stop the bullying or cyberbullying situation.
- Making sure that these situations do not repeat and acting diligently if repeated.
- Seeking the support of other institutions and agencies when necessary.
- Guaranteeing the immediate security and protection of the student's integrity, without pointing an accusation or stigmatizing the alleged bully.
- Keeping the confidentiality of each person involved.

The mechanisms to protect and keep confidentiality of the information and the file will be carried out as established in Point **H** of the policy, *File Confidentiality and Management*. The bullying or cyberbullying claim files will be available for the Law and Order authorities and the Council of Education of Puerto Rico, upon written request.

## M. GUIDES TO PROFESSIONAL HEALTH REFERRALS

If the students that live in Puerto Rico require professional assistance, and under their prerogative, they can be referred to:

- Procuraduría de la Mujer - (787) 722-2977.
- Administración de Servicios de Salud Mental y Contra la Adicción (AMSCA) (787) 763-7575.
- Asociación de Servicios Psicológicos (787) 764-7594.
- Private professionals/hospitals.

The international students will be referred by International Students Affairs to the health professional available in their state. These students will follow the process established in this policy, and once the Professional Counselor determines the need for assistance by a health professional, will contact the Students Affairs Dean, who in turn will contact International Students Affairs for the appropriate process.