

Buscando la Excelencia!



Escuela Hotelera de San Juan

Protocol for the management of domestic violence situations that affect the employees/students of Escuela Hotelera de San Juan

Domestic violence constitutes a serious social and public health problem that affects thousands of victims and families in Puerto Rico. It is one of the most critical manifestations of the effects of inequity in the relations between men and women. Domestic violence is destructive and erodes both the self-esteem and the persons' integral development. Abuse in any of its manifestations should not be a part of any relationship. In fact, Act 54 of August 15, 1989, defines domestic violence in Puerto Rico as: "A constant pattern of conduct involving physical force or psychological abuse, intimidation or persecution against a person by his/her spouse, former spouse, a person with whom he/she cohabits or has cohabited, with whom he/she has or has had a consensual relationship, or a person with whom he/she shares a child in common... to physically harm them, their property, or another person, or to cause him/her serious emotional harm."

Domestic violence is a pattern of behavior characterized by coercion and assault whereby a person attempts to control the thoughts, beliefs, or conduct of his/her partner, friends, or of a person meaningful to him/her. It is a cycle of abuse that includes, but is not limited to, physical/sexual abuse, threats, intimidation, isolation, and economic abuse. Domestic violence is a problem that concerns us all and that transcends ethnic, cultural, social class, ideology, and sexual orientation barriers. Any person can be abused or be a victim of domestic violence. It is our duty to play a more active role in an attempt to promote equitable and mature interpersonal relations, and thus seek peace.

Purpose

As an institution that believes that the law must be faithfully complied with and whose values are inspired on the social well-being, Escuela Hotelera de San Juan is committed to just causes and determined to take the necessary measures to guarantee a safe place to study for all of its employees/students. Thus, in compliance with Act 217 of September 29, 2006, and in recognition of the need to support the public policy of zero tolerance to domestic violence in Puerto Rico, it has decided to implement this Protocol for the Management of Domestic Violence situations in our school.

This Protocol provides uniformity to the measures and procedures to be followed when a school employee/student is a victim of domestic violence. An adequate management of cases that could bring elements of danger into the study environment can be accomplished through these preventive and effective security measures.

Legal basis

2.1 Article I, Section 1 of the Constitution of the Commonwealth of Puerto Rico, provides that the dignity of the human being is inviolable, that all men are equal before the law and prohibits discrimination for reason of sex, among others.

2.2 Article II, Section 16 of the Constitution of the Commonwealth of Puerto Rico, recognizes the right of every person who works to be protected against risks to his/her health or integrity in his/her employment.

2.3 The Prevention and Intervention with Domestic Violence Act, Act No. 54 of August 15, 1989, as amended, establishes the public policy of the Commonwealth of Puerto Rico in relation to domestic violence, and recognizes that

domestic violence is one of the most complex and serious problems confronted by society and strongly repudiates it. It further recognizes that domestic violence is an expression of inequity between the sexes that particularly affects women. The Act provides legal, civil, and criminal remedies for those people who are the subject of acts of domestic violence.

2.4 The Puerto Rico Act against Stalking, Act No. 284 of August 24, 1999, as amended, defines stalking as a “behavior of vigilance, over a person; unwanted verbal or written communications are sent repeatedly to a specific person; written, verbal or implicit threats are made against a specific person; repeated acts of vandalism are directed to a specific person; repeated harassment through words, gestures or actions intended to intimidate, threaten or pursue the victim or members of his/her family.” The Act against Stalking provides for a protection order similar to the order provided for in Act No. 54 cited above. The procedure to obtain it is similar and the petition form can be requested from the court.

2.5 Act No. 542 of September 30, 2004, which amends Act No. 54, *ante*, provides that when the Court so deems or has entered a protection or anti-stalking order, it shall immediately order the defendant to surrender to the Puerto Rico Police for custody, any firearm belonging to the defendant for which a license to bear or own or carry firearms, or for target shooting or hunting or of any other kind, as the case may be. The order to surrender any firearm shall take effect compulsorily. Likewise, when a Court enters such an order, the order will have the effect of suspending the corresponding license, even if it is a part of the defendant’s professional performance. Said restriction will apply at the very least for the same time period the order is in effect.

2.6 Federal Firearm Prohibition, 18 U.S.C. 922 (g)(8); U.S.C. 922(g)(9). The Violence against Women Act of 1994 (VAWA) is a federal law that provides legal protection to abused women. It prohibits a person against whom a protection order has been entered and any person who has been convicted of a misdemeanor crime of domestic violence from possessing firearms and ammunitions. However, there are exceptions to said prohibitions for “official use.” The federal statute is retroactive, and thus applies to convictions that took place before the act took effect.

I. Extent

This regulatory document will be in force both in Escuela Hotelera de San Juan and in every activity sponsored by the school as a part of its educational program.

II. Definitions

4.1 Couple’s Relationship – Means a relationship between spouses (husband and wife), former spouses, cohabitants or former cohabitants, persons who have or have had an intimate consensual relationship, persons who have begotten children together, and people who have or have had a dating relationship.

4.2 Cohabit – Means a consensual relationship similar to a marriage relationship.

4.3 Person who incurs domestic violence: Person who employs physical force or psychological violence, intimidation, or persecution against his/her partner.

4.4 Place of study – Any space in which a student develops within an academic unit. When a building or physical structure is involved, it includes the surrounding spaces such as the gardens and the parking lot.

4.5 Persecution or persecute – Means to keep a person under constant or frequent surveillance, with presence in places immediately or relatively close to home, residence, school, work, or in other places frequented by that person, or in the vehicle the person is found, that may instill fear or apprehension in the state of mind of an average person.

4.6 Serious emotional injury – Means and arises when, as a result of domestic violence, the person object of the conduct repeatedly manifests one or several of the following characteristics: paralyzing fear, feelings of insecurity, helplessness, isolation, weakened self-esteem, or other similar behavior, as a result of repeated acts or omissions.

4.7 Intimidation – Means any recurrent action or word that has the effect or exerting moral pressure on the mind of a person, whom for fear of suffering any physical or emotional injury to his/her person, property, or another person, is forced to carry out an act that is contrary to his/her will.

4.8 Protection Order – Means any written mandate issued under the seal of a court, whereby a person who incurs acts of domestic violence is ordered to abstain from doing so.

4.9 Surviving victim – Any person who has been the subject of acts constituting domestic violence.

4.10 Domestic violence – The use of physical force, psychological or sexual violence, intimidation, or persecution against a person, by the person's partner, to cause physical injuries to the person, damages to the person's property, damages to third persons, or to cause serious emotional damage.

4.11 Psychologic violence – Means a continuous pattern of conduct to humiliate, discredit, or belittle the personal value, unreasonable restriction to access and management of common property, blackmail, constant surveillance, isolation, deprivation of access to food or adequate rest, threat of deprivation of the custody of children, or destruction of the person's prized objects, except those owned privately by the offender.

4.12 Student- Any person officially enrolled in the School, in courses that are a part of the academic programs.

4.13 Campus – Every one of the operational units of Escuela Hotelera de San Juan that offer academic programs.

III. Disclosure and training plan

To make known the established institutional policy, copies thereof are available upon request at the Office of Human Resources and the Office of the Academic Director, and on the website. The institutional policy is also provided during the staff recruiting process or the admission process. In addition, trainings will be coordinated for the staff designated to manage situations or cases of domestic violence in the workplace, and all employees/students will receive orientation on this matter.

VI. Institutional Security Plan

The School has institutional policies in place that will serve as a support measure for the efforts to provide a safe and protective environment or place of study in situations of possible violence. Some of the strategies that are used or will be used on campus are identified below:

ON CAMPUS SECURITY

- 6.1. Keep a log of visitors.
- 6.2. Maintain access control at the main entrances to each campus or unit.
- 6.3. Maintain a daily record, in each Guard shift, of incidents or situations in the "News Book."
- 6.4. Provide adequate lighting in the parking areas or the more secluded areas within the premises.
- 6.5. Provide security personnel in various shifts: daytime and evening.
- 6.6. Preventive rounds.
- 6.7. Preventive situation verification in dangerous areas.

IX. Case management plan - Procedure

When an employee/student voluntarily goes to the Campus Director to report a situation of domestic violence, the situation will be handled as follows:

9.1 The Campus Director and the person involved will sign a Confidentiality and Consent Agreement before the start of the interview.

9.2 An initial interview will take place and the form established for those purposes will be filled out.

9.3 If there is a protection order, a copy thereof should be kept on the record that will be opened on the case. This copy should be furnished to the Office of Security.

9.4 The case will be evaluated, and a determination will be made whether it is advisable to consult with the corresponding administrative authorities.

9.5 If necessary, the Campus Director, in coordination with the Guard or his/her counterpart, and the person involved will prepare a **Personal Security Plan** that must consider the following factors:

9.5.1 Risk situations in which the victim is positioned

9.5.2 Degree of danger posed by the aggressor

9.5.3 Exposure of minors to abuse

9.5.4 Economic and shelter needs of the victim and children

9.5.5 Threat from the aggressor to the victim's family or friends

9.5.6 Risks for the students, employees/students, or visitors of the campus

9.6 People in the areas affected or involved in the situation will be informed of the recommendations in the case and the safety plan prepared.

9.7 If there is no protection order, an order will be sought through the Office of Legal Counseling, if necessary.

9.8 The victim/survivor will be referred to the corresponding agencies or the organizations specialized in domestic violence to receive support services.

9.9 The situation will be monitored, as necessary.

9.10 The following forms will be used in the management of the case.

X. Personal security plan

The School, through the Campus Director, will prepare a personal security plan for every employee/student affected by acts of domestic violence in accordance with the elements of violence and risk. Taking the available resources into account, a plan will be designed within the next 72 hours from the time the incident is reported.

Some short-term suggestions are:

10.1 Offer protection to the affected person to the parking area or temporarily provide him/her a place close to the security officer.

10.2 Place the person in a more secure place within the school, away from doors or windows; place physical barriers that make access to the victim difficult.

10.3 Consider "carpooling," so that the person does not travel alone to and from home. Offer orientation about alternate routes to follow or lodging/boarding houses.

10.4 Identify the agencies with which they should communicate, such as the Puerto Rico Police, the courts, shelters, and others.

10.5 Obtain a photograph of the aggressor to be included on the record as a part of the Personal Security Plan and for the staff of the Security Office to be able to identify this person.

10.6 Retain evidence such as faxes, electronic mails, and letters sent to the victim, if threats are involved.

10.7 Other.

XI. Other provisions

11.1 Escuela Hotelera de San Juan is not liable for any damage, act, or omission caused by the professionals to whom the employees/students have made a referral.

11.2 If the employee/student rejects the recommendations of the Campus Director or fails to respond to the external aid he/she has sought and as a consequence thereof exhibits a conduct that adversely affects the place of study, the employee/student will be subject to the appropriate disciplinary measures.

11.3 The Campus Director will maintain the most stringent confidentiality rules in the assistance offered to the employee/student. A separate record will be prepared for every employee/student who receives services. Said records will be filed and kept under strict security measures. The only person who will have access to the record will be the Campus Director or any other person whose functions so require.

11.4 The School will take the necessary measures to guarantee the confidentiality of the communications and of the information received by the employee/student during the course of the services rendered to prevent and intervene with victims of domestic violence. All communications will be privileged and protected by the Confidentiality privilege laid down in the Rules of Evidence of Puerto Rico.

11.5 Participation of the employee/student will be voluntary and once he/she freely accepts the services he/she will sign the consent; the employee/student will choose the public, or private professional resources available he/she deems necessary to solve the problem.

11.6 Among other resources, the School will utilize the directory of Resources provided by the Office of the Solicitor for Women to offer the assistance the employee/student needs.

11.7 The Campus Director will obtain the employee/student's written consent to disclose or seek information in relation to the situation he/she presents, under the previously established conditions.

11.8 Escuela Hotelera de San Juan reserves the right to deviate from the steps established in this Protocol, depending on the circumstances in every case, and no cause of action originates against the Institution in connection therewith.