10.1

Regulations and Internal Procedures for Handling Sexual Harassment Cases

Approved by:

Board of Directors
United World College Costa Rica Foundation

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In accordance and under the stipulations of Law 7476 dated February 3, 1995, published in the La Gaceta official journal on March 3, 1995, modified by Law 8805 on April 28, 2010, published in the La Gaceta official journal on June 2, 2010, establishing these regulations and internal procedures for handling cases involving sexual harassment at United World College Costa Rica:

GENERAL PROVISIONS AND SCOPE OF APPLICATION:

Objective of the Law:

The objective of this regulation to handle cases involving sexual harassment at United World College Costa Rica is in line with the policy to prevent, prohibit and punish sexual harassment as discriminatory based on gender, as going against the dignity of women and men on the job and in education. Anything not found in these Regulations will involve the complete and automatic implementation of the law called: Law Against Sexual Harassment on the Job and in Education:

The scope of these regulations is aimed at any cases of sexual harassment that need to be investigated, processed, and possibly sanctioned at United World College Costa Rica, when the aggrieved person is a student, a teacher, or an employee in the institution’s administrative area, as well as when the accused person is also a student, a teacher, or an administrative worker.

Responsibilities Related to Prevention:

United World College will comply fully with all the responsibilities related to prevention set out in Article 5 of the Law against Sexual Harassment on the Job and in Education, including the responsibility of maintaining employees on the staff with experience in the field of sexual harassment prevention.

INTERNAL PROCEDURE:
ARTICLE 1. Power to Lodge a Complaint and Where to Lodge It:

Any employee or student at United World College Costa Rica who has been harassed sexually may submit a complaint to the Institution’s General Director. When the accused person is the Director of the College, the offended parties may submit a complaint about processing to the President of the Board of Directors of the United World College Costa Rica Foundation.

When the aggrieved person is a minor student or even for adult students who need the assistance of the school’s General Director in cases involving sexual harassment, the General Director, to ensure impartiality and transparency during the process, should recuse him or herself from handling the complaint. Any subsequent stages in the administrative procedure related to the accused person and the proceedings shall be assumed immediately by the Academic Director during all stages in the process, including issuing the sanction or acquittal.

When the situation described in the preceding paragraph occurs, it must be understood that in those articles in the Regulations and Internal Procedures for Handling Sexual Harassment that assign any sort of competence to the General Director, said competence will be the responsibility of the Academic Director of United World College Costa Rica.

ARTICLE 2. Deadline for Lodging a Complaint:

The deadline for a student, teacher or administrative worker to file a complaint will be two years, to be calculated as of the last event involving sexual harassment or when any justified cause for not filing a complaint has ceased.

ARTICLE 3. How to Lodge a Complaint:

The complaint may be lodged verbally or in writing. However, to calculate the legal deadline to issue a ruling and prevent the statute of limitations from running or the loss of rights due the passage of time, a complaint should always
also be submitted in writing. The complaint may be lodged formally, or the simplest way possible, using a typewriter or a computer or may be handwritten without the need to be drafted in legal language or using legal formalities. Nevertheless, the events in the complaint must be clear, including the name of the person being accused (whether a student, teacher, or administrative worker) and the name of the aggrieved party (whether a student, teacher, or administrative worker). The complaint must be signed.

ARTICLE 4. Complaint Confidentiality:

Once the complaint has been received, it must be processed immediately and must be held to be absolutely confidential.

ARTICLE 5. Information to the Ministry of Labor:

The College's General Director, or if pertinent, the President of the Board of Directors of the United World College Costa Rica Foundation, shall comply with the law to communicate the existence of the complaint to the National Directorship and Job Inspection Section of the Ministry of Labor and Social Security.

ARTICLE 6. Creation of an Oversight Body for the Procedure:

Once the complaint has been filed that opens the investigation process for the alleged acts, the Director of the College, or in his or her absence, the Board of Directors of the United World College Costa Rica Foundation will proceed to create an Oversight Body for the Procedure, also called the Investigative Committee. The Body will be made up of three people and will have both genders represented. They will be College employees or even members of the Board of Directors of the United World College Costa Rica Foundation with knowledge related to sexual harassment and the disciplinary program.
The Oversight Body for the Procedure or the Investigative Commission will remain in place for the time that the procedure underlying its appointment endures.

**ARTICLE 7. Functions of the Oversight Body for the Procedure, Private Oral Appearances, and Evidence Assessment:**

The Oversight Body for the Procedure will direct the investigation related to the alleged acts and attempt to determine the truth about them. It will summon the parties to a private oral appearance to accept the evidence and arguments by the parties as pertinent. That occasion will provide the aggrieved party (whether a student, teacher or administrative worker) with a chance to delve into the facts in the complaint and provide more evidence. It will also give the accused (whether a student, teacher or administrative worker) a chance at the hearing to exercise their legitimate defense and provide any exculpatory evidence that they may have.

The evidence will be assessed in line with sound judgment, logic, and experience. If there is no direct proof, the circumstantial evidence will be evaluated, including all other sources related to common law in line with the particular principles governing matters of sexual harassment. If there is any doubt, whatever is most beneficial to the harassed party (whether a student, teacher or administrative worker) will apply with the express ban on considering the background of the party filing the complaint (whether a student, teacher or administrative worker), particularly concerning expressing their sexuality.

The summons to the hearing shall be issued eight working days in advance of the day the hearing is held, without including the day the notification is served or the day that the hearing is held.

In addition to the parties and the witnesses they supply, the College’s Legal Advisor and the Institution’s staff members who are strictly necessary for this type of proceeding may also attend. They must keep the case confidential. To
exercise the accused's right of defense during the entire proceedings, including
the private oral hearing. An attorney may accompany them if they deem there is
a need. The complainant will have the same right to receive advice from a
private attorney during the entire proceedings.

The fees or payments for the attorney’s fees by the complainant and the
defendant will be paid by the party that engaged the legal services.

Likewise, the parties may have the emotional or psychological support of
someone they trust during the different proceeding phases.

**ARTICLE 8. Recommendation by the Oversight Body for the Procedure:**

Once the parties have been heard and the evidence has been processed, the
appearance will end, and the Oversight Body for the Procedure will issue a
recommendation within the next three business days. The College’s Director will
issue the proposal, or in their absence, the Board of Directors of the United World
College Costa Rica Foundation. The recommendation by the Oversight Body for
the Procedure will not be binding or mandatory for the College’s Director or the
Board of Directors. For any of these parties to ignore the recommendation,
however, the reason behind the decision to do so must be properly documented
in writing.

**ARTICLE 9. Power to Issue a Sanction:**

Once the existence of sexual harassment has been proven and the pertinent
recommendation has been received, the Director of the College, or failing that,
the Board of Directors of the United World College Costa Rica Foundation will
have three business days to adopt, implement and communicate the sanction
based on the gravity of the situation.

**ARTICLE 10. Sanction Types:**

The sanctions that may be imposed on the accused are as follows:
If the accused is a teacher or an administrative worker, the sanction to be applied may be:

a) A written warning.

b) Suspension for one or more days without pay (this suspension may not exceed eight days).

c) Dismissal without employer responsibility.

If the accused is a student, the sanction to be applied should be proportionate to the offense incurred, taking into account the type of disciplinary sanctions stipulated in the code or the Conduct Manual for students at United World College Costa Rica, including the possibility of the student being expelled.

**ARTICLE 11. Appeals against Sanctions:**

A ruling issued by the College Director may be appealed to the Board of Directors of the United World College Costa Rica Foundation if it is filed within a period of three business days after service of notification. If the sanction is applied to the College Director by the Board of Directors of the United World College Costa Rica Foundation, the appeal for reconsideration may be lodged within the same period with the Foundation's Board of Directors. The appeal boards should issue a ruling on the appeals within a period of eight business days after filing.

**ARTICLE 12. Full Duration of the Proceedings:**

According to Article 5 of the Law Against Sexual Harassment on the Job and in Education, the Internal Procedure to process and rule on the claims of sexual harassment may never last more than three months after the claim of sexual harassment has been filed. The United World College Costa Rica Foundation must attempt to process the claims and issue a final ruling, applying the appropriate sanctions within the shortest periods of time possible within the terms of this procedure and the principle of due process.
In any case, the body with the power to issue sanctions must ensure that the statute of limitations for applying sanctions does not run its course. The deadline will be calculated based on Article 603 of the Labor Code, which implies that once the stages in the proceedings have ended, the employer’s rights and actions related to a justified discharge of workers or to discipline any problems end in one month.

Likewise, if the accused party is a student, once due process has been fulfilled and the evidence has been upheld, the General Director of the College must apply the disciplinary sanction to the student within one month at the latest.

**ARTICLE 13. Precautionary or Preventive Measures:**

If the accused is a teacher or administrative worker, in line with Articles 24 and 25 of the Law Against Sexual Harassment on the Job and in Education and its reforms, the Investigative Commission, upon request and through a reasoned decision, may ask the General Director of the College, or failing that, the Board of Directors of the United World College Costa Rica Foundation, to order the following as precautionary or preventive measures:

a) That the alleged harasser refrains from bothering the complainant.

b) That the alleged harasser refrains from interfering with the use and enjoyment of the harassed person’s work tools.

c) Job relocation.

d) That the position is changed.

e) As an exception, a temporary leave of absence with pay may be applied.

When the accused is a student, the Investigative Commission, upon request and through reasoned decision, may request the General Director of the College to order the following as precautionary or preventive measures:
a) That the alleged harasser refrains from bothering the complainant.

b) Transfer from the student residence, if possible.

c) Transfer to another group or course if possible.

When applying precautionary or preventive measures, the parties’ rights must be respected as they relate to a preventative application for both parties in the process, with the security of the victim being in the forefront, basically.

The precautionary or preventive measures must be issued on an emergency basis. The likely need for due process will determine the effective period for the actions.

Any ruling by the College's General Director or the Board of Directors, as pertinent, related to the preventive measures may not be appealed except for additions or clarifications.

ARTICLE 14. False Allegations:

Anyone making an allegation about another party related to sexual harassment must be completely sure of his or her claims, since otherwise, if the allegations prove to be false, they may involve conduct related to defamation of character, libel or slander based on the Criminal Code.

Likewise, suppose the party filing a claim is a student, and later, the administrative proceeding determines that the claim is false. In that case, the College may impose disciplinary sanctions on the student as established in the Code or the Conduct Manual at the school, including the possibility of the student being expelled.

ARTICLE 15. The Aggrieved Party's Right to Resort to Other Legal Remedies:
Any application of the penalty for sexual harassment does not preclude that the offended person may resort to the appropriate legal channels when the conduct of the person sanctioned is also punishable under the Criminal Code.

**ARTICLE 16. Effective Period:**

This procedure will go into force upon approval by the Board of Directors of the United World College Costa Rica Foundation.

This procedure has received final approval based on a motion by the Board of Directors of the United World College Costa Rica Foundation that was passed in Meeting Number 8 held in the city of Santa Ana at 1:00 p.m. on the 10th day of October 2007. An update to this procedure was approved in Meeting Number 15 held in the city of Santa Ana at 4:00 p.m. on the 23rd day of June 2009.

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