

(H. B. 1975)

**(No. 38)**

(Approved January 24, 2006)

## **AN ACT**

To amend Section 2 of Act No. 3 of January 4, 1998, as amended, known as the “Sexual Harassment in Learning Institutions Act,” in order to impose on the regulatory bodies the obligation to oversee that learning institutions have adopted the public policy on sexual harassment, and that the same is available and in a visible form therein.

### **STATEMENT OF MOTIVES**

It is our responsibility to prevent sexual violence and to encourage survivors to reveal the abuse. Sexual harassment is a form of discrimination for reason of gender, as well as an attempt against the dignity of a human being. Unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects the performance of a person in his/her study environment, such as schools and universities. It unreasonably interferes in the performance of the student and creates a hostile and intimidating environment.

Sexual harassment could occur in a variety of circumstances, including, among others, the following:

The victim as well as the harasser could be a man or a woman. The victim does not have to be of the opposite sex.

The harasser could be a member of the faculty, of the support personnel or another employee.

The conduct of the harasser affects the study environment.

Prevention is the best tool to eliminate sexual harassment in learning centers. This can be achieved by adopting well-defined policies and by informing the existence thereof to students. Through Act No. 3 of January 4, 1998, as amended, known as the “Sexual Harassment in Learning Institutions Act,” a public policy is adopted on sexual harassment in schools and public and private learning institutions of our Island.

In order for said Act to be effective, it is necessary for our students to be familiar with the contents of the Act and the public policy on sexual harassment in learning centers. Section 1 of Act No. 3, *supra*, establishes that “Sexual harassment of students in the learning institutions of Puerto Rico is hereby prohibited.” Through this Act, it is recognized that the dignity of our students is inviolable and that it is the obligation of the government to guarantee to the students an adequate environment for the development of the teaching and learning process.

In spite of the clear intention of said Act No. 3, *supra*, at present, many schools and learning centers do not have available for their students the policy established regarding sexual harassment in schools. This is not the way to comply with the clear mandate of the Act as to guaranteeing the students that they shall be able to conduct their studies free from the pressure and concern caused by sexual harassment.

Through the amendment introduced by this Act, the responsibility of ensuring that learning institutions have available the public policy on sexual harassment in schools and that the same is visibly accessible therein, is imposed upon the regulatory bodies of the Government of Puerto Rico, as defined in Section 3 of Act No. 3, *supra*.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Section 2 of Act No. 3 of January 4, 1998, as amended, known as the “Sexual Harassment in Learning Institutions Act,” is hereby amended to read as follows:

“Section 2.- It is the public policy of the Commonwealth of Puerto Rico to ensure that the students have the right to pursue their studies free from the pressure of sexual harassment in the learning institutions of Puerto Rico. Provided, that the regulatory bodies shall have the responsibility to oversee to the adoption of the public policy on sexual harassment in learning institutions and that the same is available, in a visible form, in said institutions.”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 38 (H.B. 1975) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 2 of Act No. 3 of January 4, 1998, as amended, known as the “Sexual Harassment in Learning Institutions Act,” in order to impose on the regulatory bodies the obligation to oversee that learning institutions have adopted the public policy on sexual harassment, and that the same is available and in a visible form therein,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 8<sup>th</sup> of May of 2006.

Francisco J. Domenech  
Director