

INVESTIGATION AND SANCTION PROTOCOL FOR COMPLAINTS OF NON-SEXUAL HARASSMENT, SEXUAL HARASSMENT, GENDER VIOLENCE, GENDER DISCRIMINATION AND ARBITRARY DISCRIMINATION AT THE ADOLFO IBÁÑEZ UNIVERSITY.

September 12, 2022

Article 1. Objective

Universidad Adolfo Ibáñez, in its commitment to an education that promotes the autonomy of individuals to make responsible decisions, urges its students to develop a personality based on the use of individual freedom and the exercise of personal responsibility.

In this context, the University has proposed to promote a culture of mutual respect and equality within the university community, ensuring that its spaces are safe for all its members, in which the rights and dignity of all members of the university community are respected.

In addition, this University has set itself the challenge of developing a comprehensive prevention policy to promote the values it fosters and to prevent situations of non-sexual harassment, sexual harassment, gender violence, gender discrimination and any other type of arbitrary discrimination.

The purpose of this action protocol, hereinafter referred to as the "protocol", is to provide the university community with a system for timely and comprehensive attention to complaints of this nature and, in turn, to ensure due process for those involved, in order to ensure spaces free of violence and discrimination.

Article 2. Principles

Universidad Adolfo Ibáñez recognizes the complexity of conduct constituting non-sexual harassment, sexual harassment, gender violence, gender discrimination and other types of arbitrary discrimination, and therefore undertakes to ensure at all times the confidentiality of the facts of which it becomes aware in the event of a complaint of such conduct.

Likewise, the University must ensure that during the investigation of the facts, the constitutional guarantee consisting of the presumption of innocence is safeguarded with respect to the accused party, as long as it is not disproved, in order to ensure the protection of the rights of the members of the university community involved.

Therefore, a duty of confidentiality will be imposed on the persons involved in the procedure, who will be obliged to keep strict confidentiality and reserve, and must not transmit or disclose information on the content of the complaints filed, resolved or in process.

They are exempt from the duty of confidentiality:

1. The persons who are obliged to channel the complaint received to any of the authorities or agencies indicated in article 7 and for that sole purpose.
2. The authority that instructs the investigation or the Investigating Commission, once the investigative stage has been exhausted and for the sole purpose of communicating the result thereof to the complaining party or the affected party, if different, and to the complained party.
3. The complainant or affected person, if different, and the witnesses who have given testimony in the process, who shall, in any case, keep the identity of the complained party strictly confidential.

Regarding the investigation process, the University will ensure that it complies at all times with the guarantees of due process, subject to the principles of speed in its processing, non-revictimization of the complainant or affected person, witnesses and proportionality in the sanction.

Complaints of non-sexual harassment, sexual harassment, gender-based violence, gender discrimination and arbitrary discrimination shall be kept confidential until the investigation is completed. The complainant and the respondent may have full access to all parts of the investigation only after the investigation is concluded. However, the complainant and the accused may request, at any time, general information from the University, regarding the status of the investigation and the main actions carried out, safeguarding, in any case, the development and progress of the investigation and its purposes.

In assessing the facts denounced, the University shall especially consider the principles and guarantees of freedom of expression and academic freedom, fundamental principles that this University is committed to safeguard.

Article 3. Treatment of funas

Considering the complexity of the conduct of non-sexual harassment, sexual harassment, gender-based violence, gender discrimination and arbitrary discrimination, and the University's duty to provide protection for all members of the

The University promotes the use of the different formal channels to present complaints under this protocol and declares that the funas, that is, any manifestation of denunciation and public repudiation against a person or group, do not constitute a desirable mechanism for the solution of this type of conflicts within the university community, while safeguarding the principles of due process and the presumption of innocence.

Notwithstanding the foregoing, in the event of a funa situation, the University will offer psychological support to the persons involved who are part of the University community, if so requested.

Article 4. Scope of application

The protocol must be respected by the entire university community, and therefore includes all those behaviors or situations that are carried out or that have as recipients people who study undergraduate and graduate programs, develop teaching, administration, research, or any other function related to the University, in the terms established in Article 6 of this protocol.

Persons working at the University under the subcontracting regime will also be subject to this protocol, when they are affected by a situation of non-sexual harassment, sexual harassment, gender violence, gender discrimination and arbitrary discrimination by any of the persons mentioned in the previous paragraph. In the event that the University receives a complaint for these behaviors against a person who is under subcontracting, it will apply the protocol for the sole purpose of investigating the facts, adopting the precautionary measures it deems appropriate and bringing the results to the attention of the employer, so that the latter may adopt the appropriate measures.

Without prejudice to the aforementioned, sexual harassment behaviors between people who are employees of the University will be investigated in accordance with the procedure established by the Labor Code and the respective Internal Regulations of Order, Hygiene and Safety.

Article 5. Definitions

For the purposes of the protocol, the following definitions shall be considered:

1. Non-sexual harassment:

Misconduct consisting of repeated aggression or harassment, of any nature, not consented to by the recipient, which is exercised by any means between a teacher and a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student, a teacher or a student.

teacher and assistant, assistant and student, University personnel and student, between students, or between University employees, causing harm, mistreatment, humiliation, or threat or prejudice to the work or academic situation of the recipient.

For the purposes of this protocol, it shall be understood that there is repetition of aggression or harassment when the person who receives one or both behaviors expresses his or her discomfort or annoyance to the perpetrator, notwithstanding the fact that he or she continues to apply it.

Non-sexual harassment conduct may include, but is not limited to, repeated and non-consensual conduct such as: following, stalking, unwanted contact through phone calls, messages, e-mails, social networks or unwanted gifts.

2. Sexual harassment:

2.1. Sexual harassment in the workplace:

It consists of a University employee improperly making, by any means, requests of a sexual nature, not consented to by another employee of the University and that threaten or harm his or her work situation or employment opportunities" (Article 2 of the Labor Code).

Sexual harassment in the workplace is governed by the rules of the Labor Code and shall be governed by the procedure provided for in the Labor Code and in the respective internal regulations on order, hygiene and safety.

2.2. Sexual harassment outside the workplace:

Any action or conduct of a sexual nature or connotation, whether verbal, non-verbal, physical, in person, virtual or telematic, unwanted or not consented to by the person receiving it, that violates a person's dignity, equal rights, freedom or physical, sexual, psychological or emotional integrity, or that creates an intimidating, hostile or humiliating environment, or that may threaten, harm or affect their opportunities, material conditions or work or academic performance, regardless of whether such behavior or situation is isolated or repeated.

For the purposes of this protocol, it shall be understood that there is no consent on the part of the recipient, provided that there is no agreement of wills or express acceptance of the conduct or offer of a sexual nature. For consent to exist, it must be free, informed and specific in relation to what has been consented to. Consequently, a "maybe", a "forced yes", silence or being unconscious, does not constitute consent.

The following conduct, among others, may constitute sexual harassment: sexual advances resulting or not in physical contact, improper non-consensual physical contact, comments of a sexual connotation directed at a person, harassment of a sexual connotation through telephone calls, messages, emails, social networks or other virtual media, non-consensual propositions of a sexual nature, sexual requests in exchange for offers of some type of benefit, sharing images or recordings of sexual acts or acts of a sexual nature without the consent of those involved, observation of people in private places such as bathrooms or dressing rooms, any unwanted invitation or request, implicit or explicit, whether or not accompanied by threats; any lewd looks or other gestures of a lewd nature related to sexuality; and any unnecessary physical contact, such as touching, fondling, pinching or assault.

3. Gender Violence:

Any action or conduct based on a person's sex, sexual orientation, sexual identity or gender expression that causes death, physical, sexual or psychological harm or suffering, whether in the public or private sphere.

The following behaviors, among others, may constitute gender-based violence: sexual harassment; jokes based on a person's sex, sexual orientation, sexual identity or gender expression; ridiculing, offending or belittling the capabilities, abilities and potential of people based on their sex, sexual orientation, sexual identity or gender expression; physical, verbal or social network aggressions based on a person's sex, sexual orientation, sexual identity or gender expression.

4. Gender Discrimination:

Any distinction, exclusion or restriction, based on a person's sex, sexual orientation, sexual identity or gender expression, which, lacking reasonable justification, causes deprivation, disturbance or threat to the legitimate exercise of their human rights and fundamental freedoms.

The following conduct, among others, may constitute gender discrimination: Making sexist jokes; Using homophobic or lesbophobic humor, deliberately refusing to name a person according to his or her recognized social name in accordance with internal regulations, ridiculing or belittling the abilities, skills and intellectual potential of people based on their sex, sexual orientation or gender identity, discriminatory behavior on the grounds of pregnancy, maternity or paternity of employees or students or for the exercise of rights of reconciliation of personal, family and professional life, ridiculing people who assume tasks traditionally assumed by the other sex and addressing in offensive manners to a person of the other sex.

person on the basis of sex, gender identity, gender expression or sexual orientation.

5. Arbitrary discrimination:

Any act or omission that generates differential treatment that lacks reasonable justification and causes deprivation, disturbance or threat to the legitimate exercise of the fundamental rights of the person receiving it, particularly when based on grounds such as race or ethnicity, nationality, socioeconomic status, language, ideology or political opinion, religion or belief, sex, sexual orientation, gender identity, marital status, age, affiliation, personal appearance, and illness or disability.

The following conduct, among others, may constitute acts of arbitrary discrimination: unjustified differential treatment of a derogatory nature, preventing admission on the basis of race or nationality, isolating or discrediting a person on the basis of racial or ethnic origin, religion or belief, disability, age, marital or social status, and disqualifications on any of the grounds set forth in the definition.

Article 6. Scope of the Power to Investigate and Sanction

6.1. Personal

This includes all behaviors or situations of non-sexual harassment, sexual harassment (not at work), gender violence, gender discrimination and arbitrary discrimination, which are carried out or which are aimed at people who meet any of the following conditions:

- a) Individuals in undergraduate and graduate programs at the university
- b) Persons who perform teaching, administrative or research functions, who are linked to the University through appointments, employment or fee contracts, or other mechanisms of a similar nature.
- c) Persons who perform other functions related to the University, such as: assistants, scholarship holders, lecturers and visitors; assistants and support personnel; and persons who perform their professional practice within the institution. Also included in this category are those who provide cleaning services, security, information technology, food, and in general those who provide their services on a permanent basis on University premises.

6.2. Spatial Scope

In order to exercise the power to investigate and sanction the conducts that are the object of this Protocol, it is necessary that they be carried out as indicated below:

a) Within institutional premises, whether or not they are academic or research spaces, such as: classrooms, offices, meeting rooms, patios, laboratories, casinos, gymnasiums, parking, university buses, bus stops inside the university, bathrooms, dressing rooms, cafeterias, among others, and whenever a teacher, researcher, administrative personnel, persons performing other functions related to the institution of higher education, or any of its students intervene as responsible or as a victim.

A situation of non-sexual harassment, sexual harassment, gender violence or arbitrary discrimination shall be understood to take place on a university campus, whether it occurs within the physical premises where the university campuses are located, or whether it occurs on the virtual university campus, that is, on platforms or social networks used by the University, whether to provide distance education or to develop its labor and administrative functions.

b) Outside the institutional premises:

b.1. These are activities organized or developed by the institution of higher education, and it involves as responsible or as a victim any teacher, researcher, administrative staff, person performing other functions related to the University, or any of its students.

b.2. These are activities organized or carried out by one or more professors, researchers or administrative personnel of the University, and involve as responsible or as victims any professor, researcher or administrative personnel.

b.3. The activities are organized or carried out by one or more students, and involve a teacher, researcher or administrative personnel as the responsible party or victim.

b.4. These are activities organized or developed by one or more students, and involve as victim(s) and responsible students of the University, when such events or situations affect the proper development of the aims and purposes of such institutions of higher education, or create an intimidating, hostile or humiliating environment for them.

Situations of non-sexual harassment, sexual harassment, gender-based violence, gender discrimination or arbitrary discrimination that take place on social networks that, by their nature endure over time, will be understood, for the purposes of this protocol, to have been committed on university premises, even if the messages or images constituting non-sexual harassment, non-work-related sexual harassment, gender-based violence, gender discrimination or arbitrary discrimination have been sent on days or at times when the University is not operating.

Article 7.

Any member of the university community who is a victim of non-sexual harassment, sexual harassment, gender violence, gender discrimination or any other type of arbitrary discrimination, or who receives serious and well-founded information about any fact constituting any of these behaviors, may report it by any of the following means:

1. In person at the Observatory, Ombuds, General Secretary's Office, Undergraduate Departments, Student Affairs Office or Academic Secretariats of the Faculty or School.
2. In writing to the Observatory, Ombuds, General Secretariat, Undergraduate Directorates, Directorate of Student Affairs, Deans or Academic Secretariats of Faculty or School.
3. Through the complaints line available on the institutional web page.

Regardless of the channel of complaint, the complainant must attach all the background information available to him/her.

The teaching and administrative staff and authorities of the University, who become aware by any means of a fact constituting non-sexual harassment, sexual harassment, gender violence, gender discrimination or any type of arbitrary discrimination, shall be obliged to report it to the General Secretariat or the Ombuds.

Exempt from the above obligation are professional psychologists belonging to the Student Counseling and Development Center (CADE) who, as part of counseling, become aware of situations of possible harassment on the part of a student and that the decision of whether or not to file a complaint is part of the therapeutic process. Notwithstanding the above, even these professionals will be obliged to report if the facts have the characteristics of a crime of public criminal action, i.e., whose complaint can be filed by any person.

Once a complaint has been received by the Ombuds, it shall be submitted to the General Secretariat, which shall determine whether to initiate an investigation, or may dismiss the complaint as not constituting any of the conducts indicated in the protocol, or, given its nature, shall adopt the measures it deems appropriate to repair or remedy the facts reported, and may submit the case to a mediation process as a collaborative form of conflict resolution.

Once a complaint has been received by the General Secretariat, it shall have two (2) working days to contact the complainant or the affected person, if different. Within the following three (3) working days and after analyzing the available background, the General Secretariat may, by means of a resolution, initiate an investigation procedure for the purpose of determining possible disciplinary responsibilities or declare the complaint inadmissible in the event that the facts denounced do not constitute the conduct indicated in article 5, or that it does not contain a clear identification of the person or persons affected or of the person denounced. The declaration of inadmissibility does not prevent the facts from being subject to investigation for infringement of a regulation other than that contained in this protocol.

The General Secretariat shall ensure that any statement made in the context of this protocol is made in the presence of the Investigation Commission, trying to avoid multiple statements by the alleged victims and witnesses, through videotaped interviews, provided that they so consent.

In the case of sexual harassment (labor) conduct among University employees, the procedure established by the Labor Code for these purposes shall be applicable.

At the request of the denounced party, the General Secretariat may initiate proceedings against the denouncing party for malicious or reckless denunciation. It shall be understood that a complaint is malicious when the complainant does so knowing that it is groundless and reckless when the complainant does so in a manifestly imprudent manner. The mere fact that the complaint has been dismissed as inadmissible or that the accused has been finally acquitted or acquitted does not in itself constitute a malicious or reckless complaint.

Malicious or reckless denunciation shall be considered a very serious breach of the duty of respect under the terms of the Code of Honor and the Code of Ethics, as the case may be.

Article 8.

The Observatory, Ombuds and the General Secretariat shall keep a statistical record of all complaints received, whether or not disciplinary investigation proceedings are instituted. This register will be confidential.

Article 9. Research

The investigation will be carried out by an Investigation Commission composed of a prosecutor and an actuary as a minister of faith, who will be of different genders,

One of them shall be a professional in the area of law and the other a professional in the area of psychology, so that the person affected by a situation described in article 5° has the possibility of choosing the gender of the person appointed as investigating prosecutor. Both members of the Investigation Commission may ask questions during the statements.

Both the prosecutor and the clerk that make up the Investigation Commission must be trained in human rights and gender perspective, and will have sufficient human and budgetary resources to carry out their functions.

The Investigation Commission may request the advice of experts or psychological expert opinions from the CEAP, both for the person affected and for the person denounced. The expert opinions shall, in all cases, be voluntary.

The University must ensure that the members of the Investigation Commission have the expertise to carry out this type of investigation.

Throughout the investigation process, the person affected by a situation of non-sexual harassment, sexual harassment, gender violence, gender discrimination or arbitrary discrimination, shall have the right to be accompanied by the person he/she determines, who shall also be subject to the duty of confidentiality established in this protocol.

The investigation shall not exceed ten (10) days from the date of acceptance of office, which period may be extended by the Secretary General for good cause, once only, and with a maximum limit of ten (10) additional days.

The Investigating Commission, in the first interview it conducts with both the affected party and the party complained of, shall inform them of their rights, the stages of the process and the applicable procedural rules.

The Investigating Commission shall summon in person or virtually the person denounced to inform him/her of the existence of a complaint against him/her, inform him/her of his/her rights, the stages of the process and applicable procedural rules, and for the purpose of hearing his/her version of the facts. The person denounced shall have the right to remain silent in his statement before the Investigating Commission. The statement may be given orally or in writing, as determined by the Investigating Commission. The hearing may be held in default of the person denounced in the event that, being summoned, he/she does not attend or does not give a statement.

The Investigating Committee shall refrain from investigating in the event of a well-founded reason that may affect its impartiality.

In order to safeguard the independence and impartiality at all stages of the process, during the investigation, the intervening parties may submit to the Secretary General the grounds for disqualification that affect the impartiality of the Investigating Committee and request its replacement. The Secretary

The Secretary General shall rule on these reasons, and if he accepts them, he shall appoint a new investigating prosecutor or clerk or shall order that the disqualified person abstain from participating in the decision of the matter, as the case may be. The resolution of the Secretary General shall be notified to the applicant.

The person who is appointed as a replacement in the event of ineligibility must be duly trained in human rights and gender perspective.

The statements shall be recorded in writing and signed by the declarant, or recorded by any means of voice recording, and in such case it shall not be necessary to transcribe them. All of the above shall be recorded in minutes and stored in a material support or electronic file. In any case, and at the request of the investigating prosecutor, the accused shall give his statement in writing, without prejudice to the other proceedings that the investigating prosecutor deems appropriate to decree.

The investigating prosecutor shall have the broadest powers to conduct the investigation and shall comply with the principle of objectivity. All members of the university community are obliged to promptly provide him with any cooperation he may request.

Any person affected by an investigation by the investigating prosecutor or the complainant may request or offer evidence in support of his or her claims. The investigating prosecutor shall be free to accept or reject such requests or offers for good cause.

During the investigation process, the persons involved shall have the right to be informed about the progress and stages of the process in the terms indicated in this protocol.

Article 10. Closure of the Investigation

Once the investigation has been completed, the Investigation Commission shall so declare, proposing the dismissal of the proceeding or charging the accused party, as appropriate, specifying the seriousness of the infraction and proposing a sanction.

If there is no merit, the Investigating Committee shall propose to the Subcommittee on Harassment, Gender Violence and Discrimination, the dismissal of the investigation. The dismissal may be temporary or definitive.

The investigating committee may issue its resolution under this protocol or in accordance with the internal disciplinary regulations of the University.

The request for dismissal of the Investigating Committee will be notified to the other intervening parties, who may attend the respective hearing in which the Subcommittee on Harassment, Gender Violence and Discrimination will hear the case.

The accused against whom charges are brought shall be notified and shall be given a full copy of the resolution of the Investigating Commission. The accused shall have a period of five days from the day following the date of notification to examine before the investigating prosecutor the evidence gathered in the investigation and to state before the Secretary General the existence of witnesses in his favor, for the purposes of his summons before the Subcommittee on Harassment, Gender Violence and Discrimination. Within that period, he/she may also submit to the Secretary General his/her reasons for questioning the impartiality of one or more members of the aforementioned Subcommittee and request their replacement.

Upon expiration of the aforementioned term, the Secretary General shall set the date, time and place of the meeting in which the Subcommittee on Harassment, Gender Violence and Discrimination shall hear the case, notifying the intervening parties.

The Secretary General shall summon all persons who are to testify before the aforementioned Subcommittee, by any means that guarantees their receipt, including e-mails.

The investigating prosecutor shall attend the session to support the charges. If he is unable to do so, he may entrust this function to an assistant. The other intervening parties may also be present.

The investigating prosecutor or his assistant shall give an account of the charges, in the presence of the other intervening parties appearing at the hearing.

The respondent may designate a representative at any time.

Both the affected party and the denounced party may resort to groups organized and recognized by the University, such as the Feminist Secretariat (SEFEM) or the Student Ombudsman's Office, to represent or accompany them during the process, who shall safeguard due reserve and confidentiality.

Article 11. Proof

The intervening parties may present all types of evidence during the process, which will be evaluated according to the rules of sound criticism.

When from the background information provided by the complainant, there is sufficient evidence that facts constituting non-sexual harassment, sexual harassment, gender violence, gender discrimination or arbitrary discrimination

have occurred, It shall be the responsibility of the party denounced to explain the grounds for its actions, in order to prove that the act or conduct was legitimately motivated.

The circumstance that the person affected by the facts presumably constituting the conducts included in the present protocol is part of a collective or group whose rights have traditionally been violated, may be considered as an element of proof in the process.

The statement of the affected party may constitute full evidence and will disprove the presumption of innocence of the accused, to the extent that it complies with the following copulative requirements.

1. **Subjective credibility:** There are no antecedents that highlight any hate, animosity, animosity, resentment, revenge or other spurious motive towards the perpetrator of the conduct.
2. **Objective credibility:** Verisimilitude based on objective data with probative aptitude, especially of the testimony and its circumstances, with internal coherence, and that is corroborated by peripheral evidence, such as, hearsay witness statements, reports, among others (external coherence). Special consideration will be given to whether the testimony is credible, coherent in its essence and relevance, without being fanciful or unbelievable according to the maxims of experience and logic.
3. **Persistence in the incrimination:** There are no substantial modifications in the statements or accounts provided by the victim.

Article 12.

Complaints of non-sexual harassment, non-occupational sexual harassment, gender violence, gender discrimination and arbitrary discrimination will be heard and resolved by a subcommittee called "Subcommittee on Harassment, Gender Violence and Discrimination", which will be composed of the following members, each of whom will have three (3) alternates: one (1) Dean, who will chair it and will have a casting vote; one (1) regular student of a career and two (2) academics, one of whom will be a lawyer and the other a psychologist. When the person denounced is a University employee, the Subcommittee will also include the University's Director of Personnel. The members of the Subcommittee, including the alternate members, shall have the independence to resolve the cases submitted to them, and shall be duly trained in human rights and gender perspective.

The University shall ensure that the members of the Subcommittee have sufficient human and budgetary resources to carry out their functions.

The members of the Harassment, Gender Violence and Discrimination Subcommittee shall be appointed by the Ethics and Compliance Committee, shall serve for a term of two years and may be re-elected indefinitely.

The Harassment, Gender Violence and Discrimination Subcommittee shall decide whether to declare the accused responsible for any of the conducts typified in this Protocol, or one or more violations of the Code of Ethics or Honor Code, as the case may be, or whether to absolve or dismiss him/her. Once responsibility has been declared, the applicable sanction shall be determined immediately. The sanction shall be determined by the Subcommittee, taking into account the seriousness of the facts and the attenuating and aggravating circumstances.

For well-founded and qualified reasons, the Subcommittee on Harassment, Gender Violence and Discrimination may suspend the session being held and decree measures for better resolution.

Then, whether or not such proceedings have been completed, the session will be resumed until the decision of the case, with the summons of all the intervening parties.

At the end of the process, the Subcommittee on Harassment, Gender Violence and Discrimination will issue a substantiated resolution sanctioning, acquitting or dismissing the accused person, depending on whether the existence and participation of any of the conducts of Article 5 of this protocol or other internal disciplinary regulations of the University has been determined.

The Subcommittee on Harassment, Gender Violence and Discrimination may resolve the merits of the matter by applying the internal disciplinary regulations of the University, safeguarding in all cases the right to defense and due process of the accused.

The internal unit in charge of the execution of the measures or sanctions applied, and the term within which they must report on their execution and effective compliance, shall be determined by the internal unit that resolves the case. Failure to comply with the aforementioned obligation may constitute a disciplinary non-compliance.

The Subcommittee shall meet at a University campus or other ad hoc location, if so determined by the Chairperson. It may also meet virtually if so determined by the Chairperson.

Article 13. Appeals

Against the resolution of the Subcommittee on Harassment, Gender Violence or Discrimination, the complainant, the accused and the affected party, if different

from the complainant, may lodge a complaint within five (5) days.

The decision of the Subcommittee on Harassment, Gender Violence and Discrimination shall be notified to the employee within two working days of the notification of the decision. An appeal for clarification may also be filed with the authority that issued the final decision.

The complaint shall be submitted in writing to the Secretary General. The complaint shall identify the complainant and the resolution of the Subcommittee being complained of, indicating its grounds and stating the evidence to be presented, if any. Once the complaint is presented within the deadline and in compliance with the aforementioned requirements, it will be brought to the attention of the president of the Review Board, in case the person complained of is a student, or to the president of the Ethics and Compliance Committee, in case the person complained of has a different status (academic, collaborator or other person linked to the University).

The intervening parties may raise disqualifications against one or more members of the Ethics and Compliance Committee or the Review Board, as the case may be. This shall be submitted in writing or by e-mail to the Secretary General.

The disqualification shall be resolved by the Secretary General. In case of acceptance, the disqualified member may not participate in the hearing or resolution of the complaint.

All members of the Ethics and Compliance Committee and the Review Board must have the necessary independence to resolve the cases submitted to them, and must be trained in human rights and gender perspective.

The resolutions that within the framework of this protocol are appealed before the Ethics and Compliance Committee or before the Review Board, as the case may be, shall be given preference for their hearing and decision.

Procedure before the Ethics and Compliance Committee or the Board of Reviewers.

The Chairman of the Ethics and Compliance Committee or the Board of Reviewers, as the case may be, shall set the date, time and place for the meeting to be held.

If deemed necessary, the intervening parties may be summoned to the session, as well as any other persons deemed pertinent.

All evidence to be submitted for consideration by the Ethics and Compliance Committee or the Board of Reviewers, as appropriate, for the best solution of the matter, must be submitted prior to the beginning of the meeting.

The Ethics and Compliance Committee or the Board of Reviewers, as the case may be, may suspend the session and order proceedings for a better resolution.

Then, once the hearing shall be resumed until the decision of the case, summoning all the intervening parties, if deemed necessary.

The Ethics and Compliance Committee or the Review Board, as the case may be, shall be constituted with the attendance of the majority of its members and shall adopt decisions by an absolute majority of those present. In the event of a tie vote, the Chairman shall have the casting vote.

The Chairman of the Ethics and Compliance Committee or the Board of Reviewers, as the case may be, is empowered to maintain order in the meeting.

Minutes shall be taken of each meeting, recording the matter known and the resolution adopted, as well as the dissenting votes, if any.

The Ethics and Compliance Committee or the Board of Reviewers, as the case may be, in the exercise of its powers, may absolve, reduce, maintain or increase the sanctions applied to the accused.

Article 15. Penalties

In the event of a violation of the rules established in this protocol or other internal disciplinary regulations of the University, the following sanctions may be imposed on students.

- a) Caution
- b) Censorship
- c) Letter of apology to the authority or person affected.
- d) Special expulsion
- e) Temporary suspension from the University
- f) Indefinite suspension,
- g) Rejection of the application for enrollment and
- h) Expulsion from the University.

The penalties set forth in letters a), b) and c) may only be applied in the event that the infringement is considered simple; those in letters d) and e) only in the event that the infringement is classified as serious and those in letters f), g) and h) only when the infringement is considered very serious.

The decision-making body, in qualified cases to be specified, may apply to a serious or very serious infraction the sanctions contemplated for simple infractions.

In addition, the sanctioned person may be required to participate in courses related to the promotion of respect and good treatment, human rights, gender equality, among others.

In the event of a violation of the norms established in this protocol, the following sanctions may be imposed on collaborating academics or personnel linked to the University, without prejudice to the other sanctions established in the internal regulations.

- a) Verbal warning;
- b) Written warning, with or without copy to the Labor Inspectorate;
- c) Cash penalties of up to 25% of remuneration; and
- d) Termination of the contract for the reasons established by law.

In the case of persons rendering services on a fee basis, the non-renewal or early termination of the contract may be ordered.

The sanction established in letter a) may only be applied in case the infraction is considered simple; that of letters b) and c) only in case the infraction is classified as serious and that of letter d) when the infraction is considered very serious and constitutes legal grounds for terminating the employment contract.

The decision-making body, in qualified cases to be specified, may apply to a serious or very serious infraction the sanctions contemplated for simple infractions.

In all of the above cases, an accessory sanction may also be imposed, consisting of the obligation for the sanctioned person to participate in courses related to the promotion of respect and good treatment, human rights, gender equality, among others.

For the determination of the specific sanctions to be applied in each case, the nature and seriousness of the infraction shall be considered, in addition to the concurrence of aggravating or extenuating circumstances.

The following may be considered aggravating circumstances:

1. The fact of maintaining with the University, jointly, the quality of student and collaborator or academic.
2. Abuse derived from a situation of hierarchical superiority.
3. Having been previously sanctioned for any of the conducts regulated in this protocol.
4. Situation of special vulnerability of the victim
5. Failure to comply with precautionary measures decreed in the framework of the complaint.

The previous irreproachable conduct of the accused and the effective collaboration in the process may be considered as extenuating circumstances at the time of imposing the sanction.

Without prejudice to the sanctions indicated, the Harassment, Gender Violence and Discrimination Subcommittee may decree in the final resolution that resolves the procedure, one or more of the following remedial measures:

1. Statement of responsibility and/or acknowledgement of the damage caused.
2. The delivery of written apologies, whether private or public
3. Follow-up actions for the continuation of the victim's studies or work activities, so that she resumes her activities in a manner similar to her original situation.
4. Intervention strategies aimed at reestablishing the environment in which the victim was before the situation of non-sexual harassment, sexual harassment, gender-based violence or discrimination.
5. Initiatives aimed at preventing the recurrence of new situations of non-sexual harassment, sexual harassment, gender violence or discrimination, either in relation to the aggressor in particular or in a general preventive manner in the university.

Article 16. Record and communications

The file may be kept in physical or digital format and a record must be kept of all the proceedings of the process.

The statements shall be recorded in writing and signed by the declarant, or recorded by any means of voice recording, and in such case it shall not be necessary to transcribe them. All of the above shall be recorded in minutes and stored in a material support or electronic file.

The Investigating Committee shall inform the complaining party, the accused and the affected person, if different, of all the stages of the process, including the dates on which the matter will be heard by the Subcommittee on Harassment, Gender Violence and Discrimination, the Review Board or the Ethics and Compliance Committee, as appropriate.

Article 17. Right of rectification

Once the proceedings have been concluded by means of a final decision, the denounced party may request from the General Secretariat a certificate stating the results of the investigation process followed against him/her, identifying whether he/she was acquitted, acquitted or convicted.

Prohibition of retaliation, obstruction and influence.

Any retaliatory action that affects academic or employment opportunities, as the case may be, towards the person filing a complaint under the Protocol, or towards the potential victim, is strictly prohibited,

witnesses or persons collaborating with the disciplinary process. Likewise, any conduct involving the manipulation of evidence or influencing the statements of victims, witnesses or collaborators in the disciplinary process is prohibited. Thus, by way of illustration, conduct involving intimidation, threats, dissuasion, censure, reprimand, violence, unfair or unfavorable treatment, and/or persecution of the aforementioned persons is prohibited. Conduct in this sense will have disciplinary effects in accordance with internal university regulations, being considered, for all purposes, as a very serious infraction, and may be accumulated to the pending disciplinary process or be subject to a new disciplinary process under the protection of internal regulations.

Article 19. Remedial measures

This protocol not only protects the individual rights of the members of the community, but also the healthy coexistence of all.

The University will adopt remedial measures, which are intended to minimize the impacts of non-sexual harassment, sexual harassment, gender-based violence, gender discrimination and arbitrary discrimination, by adopting mechanisms that contribute to mitigate the pain or suffering of the victims and amend, correct or remedy the effects of such conduct.

Therefore, the University will adopt the restorative measures of protection, rehabilitation and satisfaction described in the following articles.

Restorative measures of protection shall be understood as those that aim to restore the victim to the state prior to the situation of harassment or discrimination, ensuring the safety of the victim, protecting her right to work in spaces free of violence.

Rehabilitation measures are those aimed at restoring the victim's physical, psychological and social conditions.

Satisfaction measures, on the other hand, are intended to mitigate the pain and suffering of the victim and to restore his or her dignity.

Article 20. Restorative measures of protection

Restorative protection measures are those that aim to ensure the safety of the victim, especially during the investigation, protecting her right to work in spaces free of violence, harassment or discrimination.

The Secretary General may decree restitutive measures of protection in favor of the victim once the complaint has been received and throughout the course of the process, at the request of the persons involved or at the request of the investigating commission in accordance with the regulations in force. For the determination of the measure, the opinion of the complainant or affected person, if different, must always be heard. Likewise, it may also annul them ex officio or at the request of the intervening persons, when appropriate.

Upon receipt of a complaint of non-sexual harassment, sexual harassment, gender violence, gender discrimination or arbitrary discrimination, the Secretary General shall order, as a precautionary measure, the referral for psychological support, both for the affected person or complainant, as well as for the person against whom the complaint is filed.

The reasons justifying the adoption of these measures shall be the protection of the victims or the success of the investigation.

Among others, the following restitutive measures of protection may be decreed in favor of the victim:

- a) Restrictions on contact between the affected person and the denounced person;
- b) Labor Adjustments
- c) Curricular adjustments
- d) Temporary disqualification for the exercise of certain positions or functions.
- e) Suspension of the student status of the reported person, in exceptional and duly justified cases.
- f) Campus area restrictions;
- g) Relocation of the student to another course group;
- h) Justification for class absences;
- i) Change of venue;
- j) Rendering of free examinations; and
- k) Temporary suspension from office.

The aforementioned measures will take effect on university campuses, including gymnasiums, casinos, libraries, buses, bus stops on campus, parking lots and social networks.

Complaints against the precautionary measure may be filed with the Ethics and Compliance Committee or with the Review Board, as the case may be, within five (5) business days of notification of the measure.

In the event that the affected person is a student, the University shall adopt all necessary measures to safeguard the conditions that allow the fulfillment of his/her academic responsibilities during the time the investigation lasts.

The precautionary measures will be extinguished once the final resolution is final, unless the latter considers its maintenance as a permanent measure.

Article 21. Rehabilitation measures

Those who are affected by a situation of non-sexual harassment, sexual harassment, gender-based violence, gender discrimination or other types of discrimination may access the following accompaniment services free of charge:

a) Psychological support.

The Counseling and Student Development Center (CADE) seeks to provide timely support to students in those personal aspects that may affect academic performance. In the context of this protocol, CADE's team of psychologists will offer support, guidance and voluntary accompaniment during the time of the investigation and after it, if necessary.

In addition, the Center for Studies and Attention to Persons (CEAP) may offer its specialized psychological support services to both the complainant and the respondent, if required. In the event that both -complainant and defendant- are receiving psychological support from CEAP, the latter shall adopt the necessary measures to ensure that they are attended by different professionals and that the services are provided on different days and at different times, in order to avoid the encounter between the two in this space.

b) Legal Counsel.

The University shall provide legal guidance to the victims of such conduct, enabling them to know and defend their rights.

In this context, they should be informed of the possible courses of action to be taken in response to what has occurred, including the possible filing of a complaint with the courts in those cases in which the reported facts constitute misdemeanors or crimes.

The University will denounce the facts that could constitute crimes typified in the Penal Code that affect the students or that have taken place in the premises of the institution.

c) Accompaniment in the complaint.

The University will inform in a timely manner the names and contacts of the persons (staff and teachers of each faculty or school) who are specially assigned to the University.

trained to guide and accompany the whistleblower on the stages and channels of denunciation regulated in this protocol.

d) Social Support.

The University shall provide social support to the victims, in order to promote their reintegration and the strengthening of their networks and links with their direct environment, and may make labor or academic adjustments to facilitate this process, which will be evaluated on a case-by-case basis.

e) Medical support.

If required, first aid will be provided to the person affected by the behaviors described in article five, by health professionals. Likewise, after a psychological evaluation, the person may be referred to a specialist for an initial evaluation.

Article 22. Satisfaction measures

These measures may be agreed upon by the parties before the Ombuds through a mediation process, or decreed in the resolution that terminates the process. The measures may consist of, among others:

- a) Disseminate the truth of what happened;
- b) Delivery of public apology;
- c) Delivery of private apologies.

Additionally, the University will adopt measures to generate spaces for meeting and mutual aid for victims that will allow them to collaborate in repairing the damage caused to both the victim and the university community.

Article 23. Legal liability of students

The application of one or more sanctions in accordance with this Protocol shall not inhibit the University to exercise through its legal representatives the rights that correspond to it to enforce any kind of liability that the law attributes to students for the facts constituting a violation of the rules of conduct established in this protocol.

The application of this Protocol is without prejudice to any criminal, administrative, labor or civil actions that may be appropriate, as provided in Article 9 of Law No. 21,369.

Article 24. The Ombuds

The fundamental mission of the Ombuds is to ensure an adequate coexistence among all the people who make up the university community.

Its function is to be a welcoming space for dealing with situations contained in this Protocol, providing guidance and information, as well as offering collaborative conflict resolution mechanisms, such as mediation. In this context, the Ombuds seeks to generate meeting spaces that promote agreements based on the will of those who come to this instance of mediation, provided that the nature of the case makes it possible. The Ombuds will determine which cases, given their seriousness, circumstances or possible effects on the community, will not be susceptible to mediation and must be channeled through a complaint.

The agreements reached between the parties involved in the mediation process will be binding and may be enforced if necessary. In such instances, the parties may agree on reparation measures, such as:

- a) Acceptance of liability and/or acknowledgement of the damage caused
- b) The delivery of written apologies, whether private or public
- c) Follow-up actions for the continuation of the victim's studies or work activities, so that she resumes her activities in a manner similar to the original situation.
- d) Intervention strategies aimed at establishing the environment in which the victim was before the situation of harassment, sexual harassment, gender-based violence or discrimination.
- e) Initiatives aimed at preventing the recurrence of harassment, sexual harassment, gender violence or discrimination, either in relation to the aggressor in particular, or as a general preventive measure in the house of studies.

The Ombuds is subject to the principles of confidentiality, impartiality, informality and independence, and constitutes a protected space to which members of the university community can resort to address situations regulated in this protocol, through an instance other than an investigation process. The Ombuds will not be obliged to maintain the duty of confidentiality in cases that meet the following copulative requirements; they are qualified as serious, of repetition of facts of the same nature and circumstances that may compromise the entire university community. In these cases, the Ombuds will channel the complaint to the General Secretariat.

In the exercise of its functions, the Ombuds may request the General Secretariat to order one or more precautionary measures if the case so warrants.

On the other hand, the Ombuds also constitutes an instance before which members of the university community can file a complaint, as established in Article 7.

The Ombuds may have representatives at the University's locations. Both the Ombuds and its representatives shall be appointed by the Rector and shall remain in office as long as they have the exclusive confidence of the Rector.

The Ombuds and its representatives are responsible for permanently integrating the Observatory.

Article 25. The Observatory

The Observatory will be responsible for following up, monitoring and evaluating the action plans implemented and the different activities developed within the framework of the policy.

It shall prepare a public report once a year, with the results of the implementation of the policy and recommendations for improvement, which shall be presented to the Working Group for the updating of this Protocol.

It is composed of two (2) regular academics, each with their respective alternates, two (2) regular students of any career as regulars and two (2) alternates, by the Ombuds and by their representatives, if any. It may also have an executive secretary.

The academics will be appointed by the Academic Council of the University and the students by the Student Councils of the Peñalolén and Viña del Mar campuses, each with one member and one alternate. The members of the Observatory will be trusted by whoever designates them.

At the first session convened, the Observatory shall elect a president from among the members who are academics of the University. The president shall be responsible for convening ordinary and extraordinary sessions and for ensuring that the Observatory fulfills its functions.