

REGULATION AGAINST SEXUAL HARASSMENT, VIOLENCE AND GENDER DISCRIMINATION IN HIGHER EDUCATION



Universidad de
los Andes

Introduction

Recognizing the inalienable sanctity of human dignity is an essential principle underlying everything we do at Universidad de los Andes. It is precisely because each person is unique and irreplaceable, created by God and radically free, that his or her excellence stands out above all else and must always be recognized as "somebody": as a subject of rights and duties, irreducible to any form of exploitation or subservience to an end. Ultimately, the University's efforts to foster knowledge and to serve society by disseminating the truth are built around personal welfare —of each person and of society as a whole—, thus aspiring to contribute to true human progress and the creation of a fairer society that effectively recognizes the dignity of each person.

Our conviction about the value of each person, far from remaining merely theoretical, has materialized at Universidad de los Andes as part of our everyday reality: caring for shared spaces and buildings, providing personalized attention to each student, promoting open and respectful dialogue, establishing a trusting atmosphere in which human relations can flourish, and striving to help every University member to develop their abilities to the fullest.

It is against this backdrop of profound respect for each person and healthy coexistence that we hereby introduce the following regulations, with the purpose of preserving and protecting these valuable elements within our university community.

Introduction.

1. DEFINITIONS

1.1 Sexual harassment, violence, and gender discrimination in higher education are contrary to the dignity of individuals, their freedom, personal integrity and equal rights, and to the prohibition of arbitrary discrimination.

1.2 For the purposes of these regulations, the following definitions will apply:

(i) **Sexual harassment:** any action or conduct of a sexual nature or connotation, whether verbal, non-verbal, physical, face-to-face, virtual or telematic, unwanted or not consented to by the person receiving it, that violates the dignity of a person, equal rights, freedom or physical, sexual, psychological or emotional integrity, or that creates an intimidating, hostile or humiliating environment, or that may affect, harm, or have an impact on their opportunities, material conditions or work or academic performance, regardless of whether such behavior or situation is isolated or repeated.

(ii) **Gender-based violence:** any action or conduct based on a person's sex, sexual orientation, gender identity or gender expression that causes death, physical, sexual or psychological harm or suffering, whether in public or in private.

(iii) **Gender discrimination:** any distinction, exclusion or restriction based on a person's sex, sexual orientation, gender identity or gender expression that, lacking reasonable justification, causes deprivation, disturbance or threat to the legitimate exercise of their human rights and fundamental freedoms.

2. UNIVERSITY STANCE AGAINST SEXUAL HARASSMENT, VIOLENCE AND GENDER DISCRIMINATION IN HIGHER EDUCATION.

2.1 The University respects and advances the rights of all those who are part of the University community. The inherent dignity and honor of the human person is one of its core values.

2.2 Therefore, the University does not accept, nor encourage nor tolerate any kind of affectation to such rights and values; on the contrary, it supports, encourages, fosters, promotes and safeguards them in their entirety.

2.3 Among others, part of the University's orientation and policies is the rejection of any type of conduct that may constitute sexual harassment, violence and/or gender discrimination, as it is an illicit conduct inconsistent with human dignity and contrary to peaceful coexistence at the University.

2.4 Against this background, the University accepts its duty as a higher education institution to actively embrace any policies necessary to prevent and eradicate sexual harassment, gender-based violence and gender discrimination, undertaking the task of fostering kind interpersonal relations and gender equality among all members of the university community.

3. OBJECTIVES AND SCOPE OF THE REGULATION.

Notwithstanding: (i) any additional obligations that Universidad de los Andes may voluntarily undertake; (ii) any applicable criminal, administrative, labor, or civil proceedings; and (iii) the powers of those involved, to resort to the mechanisms and remedies provided for in other legal bodies, shall be subject to these regulations:

3.1 Regarding the persons involved, as responsible parties or as victims:

Any and all the behaviors or situations of sexual harassment, violence or gender discrimination carried out or aimed at individuals who meet any of the following conditions, and which take place in the context of academic, sporting, artistic or any other activities organized or conducted by individuals who meet any of the following conditions:

- a) Attend undergraduate and graduate programs. That is, to be a student of any program taught by Universidad de los Andes.
- b) Perform teaching, administrative or research duties. Be part of the academic or research group, authority, official or worker, whether they are affiliated to the Universidad de los Andes through appointments, work contracts, fee contracts, or any other similar mechanisms.
- c) Perform other duties related to Universidad de los Andes. This includes: assistants, fellows, lecturers and visitors, assistants and support staff, people who conduct their professional internship within Universidad de los Andes. Cleaning, security, information technology, food or other services providers, who provide their services permanently in the premises of Universidad de los Andes, are also included.

3.2 Regarding the location:

The regulation does not only apply to conducts taking place at Universidad de los Andes premises intended for teaching or research, but also extends to premises destined for other purposes, such as offices, meeting rooms, libraries, laboratories, dining halls, cafeterias, bathrooms, dressing rooms, warehouses, study centers, gyms, theaters, extension centers, recreation areas, common areas, parking lots of the institutions, etc. This also applies to the premises of the University Clinic, the San Bernardo Health Center (Centro de Salud de San Bernardo) and the Legal Clinic (Clínica Jurídica).

It also includes spaces outside the institutional premises, such as clinical fields, places for professional internships and field trips, student residences, and any other environments where University members can organize other types of activities, such as parties, field trips, graduations, graduation ceremonies, sporting events, among others.

In short, according to the law in force, Universidad de los Andes is required to investigate and sanction facts and conducts, whenever they take place:

- I. Within institutional premises. Whether or not they are academic or research spaces, whenever it involves a teacher, researcher, administrative staff, people who perform other duties related to Universidad de los Andes or any of its students.
- II. Outside institutional premises, provided that:
 - a. Activities organized or conducted by Universidad de los Andes, whenever this involves a teacher, researcher, administrative staff, people who perform other duties related to Universidad de los Andes, or any of its students.
 - b. Activities organized or carried out by one or more teachers, researchers or administrative personnel of Universidad de los Andes, and involving any teacher, researcher or administrative staff or student as the responsible

party or victim.

- c. Activities organized or carried out by one or more students, involving a teacher, researcher or administrative staff as the responsible party or victim; and
- d. Activities organized or carried out by one or more students, and involving students of Universidad de los Andes as victim(s) and responsible party(ies), whenever such events or situations affect the proper execution of the aims and purposes of such higher education institutions, or create an intimidating, hostile or humiliating environment in them.

For situations in which the parties involved have different ties with the University —either as responsible parties or as victims—, the applicable regulatory framework will be determined on a case-by-case basis, depending on the nature of the parties involved and the specific requirements of the conducts governed by these rules, among others. Accordingly, these regulations will not apply in cases that must be governed by the University's Internal Regulations on Order, Hygiene, Safety and Security according to its own provisions and according to the provisions of Article 2 of the Labor Code, since both the complainant and the respondent are tied to the University by means of an employment agreement.

4. INVESTIGATION AND DISCIPLINARY PROCEDURE.

Procedure for reporting, investigating, and determining sexual harassment, violence and gender discrimination.

Undergraduate Student Regulations.

4.1 In cases of sexual harassment, violence, and gender discrimination in which both the complainant and the alleged victim are undergraduate students, the provisions of the Regulations for Undergraduate Students shall apply with regard to the complaint, investigation, and disciplinary action.

Deadlines and statute of limitations.

4.2 All terms and deadlines for the actions under this proceeding will be counted in calendar days.

The action to report acts constituting sexual harassment, violence, and gender discrimination governed by this regulation will expire within one year from the date of the facts, notwithstanding the general deadlines set forth in the criminal legislation.

Complaint:

4.3 The alleged victim or a third party who is directly aware of the fact constituting sexual harassment, violence, and gender discrimination may report it in writing to the

University's Legal Department. The investigation proceedings, however, will only begin with the consent of the alleged victim.

4.4 Where the complainant is a third party, the alleged victim must be notified immediately so that, if they so wish it, they may formally declare their intention to become a party to the proceedings within 5 days of such notification. All the actions taken by the "complainant" and all their established rights shall thereafter also apply to the alleged victim, both of them henceforth being deemed as complainants for all purposes in connection to the proceeding.

Should the alleged victim not consent to an investigation being initiated, the Legal Department must record this in writing and proceed to file the case. The University will then refrain from investigating indefinitely, or until the alleged victim declares otherwise and files a new complaint, notwithstanding the applicable statute of limitations.

Complaint requirements:

4.5 The complaint must be in writing and state the following:

(i) the names, surnames and Chilean taxpayer identification number (RUT) of the complainant and/or the alleged victim, their e-mail address, the role or position held at the University and the specific Unit to which they belong; (ii) a detailed statement of the facts behind the complaint, stating, where possible, the date, time and place where the alleged facts took place, the means by which they were allegedly carried out and the names of the persons who witnessed them or who became aware of them by other means, if any;

(iii) the name and all other data known to him/her of the alleged offender, such as physical description, clothing, etc.; and,

(iv) the date and signature of the complainant.

4.6 The Legal Department will be authorized to request the complainant to supplement or clarify the contents of the complaint in order to ensure due compliance with the requirements set forth in the preceding paragraph. If the contents of the complaint suggest the possible perpetration of a conduct typified by law as an offense, the Legal Department will refer the complaint and the background information submitted with it to the competent authority. The University will refrain from investigating until either party, after the termination of such proceeding through a final judgment or other equivalent action, files a new complaint to enforce these regulations. In the meantime, the University will take the necessary safeguards referred to in Article 4.10.

4.7 The Legal Department will confirm receipt of the complaint. The recipient must sign it, indicating his or her full name and position and specifying the date and time of receipt. It must also submit a copy of the complaint, either in physical or digital format, with such

evidence to the person filing the complaint. The date stamped on this document will determine the deadlines for action and completion of the investigation.

4.8 The duty of confidentiality will apply to the entire proceeding.

Effects of filing a complaint:

4.9 The filing of the complaint will suspend the statute of limitations to report the facts constituting sexual harassment, violence, and gender discrimination governed by these regulations.

Any complaint filed under the terms set forth in the foregoing must be investigated by an investigation Commission appointed by the University, within a maximum term of 90 days.

4.10 Once the complaint has been submitted, in view of the merits of the facts described therein, the University, through its Legal Department, may take the necessary protective measures with respect to the parties involved, with the purpose of ensuring the safety of the victim, especially during the investigation, protecting their right to work in spaces free of gender-based violence and discrimination, as well as promoting or ensuring effective enforcement of the decision.

Such measures may consist of: Temporary suspension of the accused party from certain positions and duties vis-à-vis the complainant, prohibition of contact between the parties involved, labor adjustments, suspension of the student status of the accused party, in exceptional and duly justified cases, separation of the physical spaces between the involved parties, redistribution of working hours or the assignment of one of the parties to another place, job relocation, prohibition of direct contact between the complainant and the accused party, adjustment of the evaluation calendar, extension of the deadlines for rectification, subject relocation, section or room relocation, or other measures aimed at avoiding re-victimization of the complainant, as well as avoiding aggression or retaliation by the accused. A psychological first aid session will also be provided through the Wellness Unit. In exceptional cases, the accused may be dismissed from his/her duties pending the complaint's resolution.

The investigation Commission, upon initiating the proceeding, may enforce any other protective measures it deems pertinent, and may also annul or modify any previously decreed measures.

Notification to the Investigation Commission:

4.11 At year end, the University, through the Registrar General's Office, with the approval of the Vice Rector's Office for Students and Alumni, will appoint a permanent and independent investigation Commission, with duly trained personnel in human rights and gender issues, and with sufficient human and budgetary resources to carry out its duties, made up by impartial and suitable members to conduct the investigations (hereinafter referred to as the "Commission"), which will consist of 3 regular members (at least one

them a woman) and 5 alternate members (at least two of them women), who will remain in office for the following calendar year, and may be reappointed indefinitely. The Commission may be integrated by University faculty or administrative staff. By consensus of the majority of its members, the Commission will appoint a chairman and may also appoint a person to act as assistant, as well as legal and/or other advisors related to the subject matter, who may be external advisors.

The University's Legal Department shall immediately notify each of the Commission's members, whether they are full members or one or more alternates in their absence, of the fact that a complaint has been filed, and the Commission must be constituted within two days after the last notification given to its members. The Commission may be constituted with at least two members.

4.12 All Commission members are bound by the duty of confidentiality and must not be subject to conflicts of interest with respect to the subject matter and the parties involved in the complaint. Should any member of the Commission breach the duty of confidentiality, they will be sanctioned in accordance with the provisions of the University's Internal Regulations on Order, Hygiene and Safety.

Principles and general action guidelines for research:

4.13 The Commission shall respect the principles of presumption of innocence, confidentiality, bilaterality, due process, proportionality, equality, protection of victims, prohibition of revictimization and independence of the institutional bodies responsible for the functions of investigation and punishment of sexual harassment, violence and gender discrimination, and shall leave and keep a written record of all the proceedings, of the statements made by the parties involved or witnesses and the evidence provided by the parties. This record may be physical or digital.

4.14 The procedural acts of all intervening parties must be conducted in good faith, and the Commission may take any necessary measures to ensure this.

4.15 The Commission shall be constituted and/or operate on University premises or remotely.

4.16 In the event of incapacity or supervening impediment of one or more of the members of the Commission during the investigation, the Commission may continue to operate with the members not affected by the incapacity or impediment and with the respective alternate member or members. Its decisions will be reached by majority vote.

4.17 The Commission must avoid repeated and unjustified exposure of the involved parties to instances seeking to establish the perpetration of the facts under investigation. They will preferably conduct videotaped interviews, avoiding unnecessary repetition of the facts by the victims, complainants, and witnesses during the investigation and sanctioning proceedings. Nevertheless, the victim, the complainant, and the witnesses

may refuse to videotape their interviews, in which case the Commission will be barred from videotaping. An alternative mechanism will be the transcription of the statements and questions asked in a record to be signed by the respective party, or other alternative mechanisms that may be necessary, suitable and proportionate depending on the details of the case, and that are compatible with the purpose of preventing the repetition of their testimonies as much as possible.

Preliminary interview:

4.18 Upon notification of the three Commission members, the investigation should begin within 10 days.

4.19 Upon commencing the investigation, the Commission must summon the parties by the most suitable means (leaving a record thereof), so that they may attend separate interviews within 10 days following the summons, with the special purpose of explaining formal aspects of the proceeding, its stages and/or procedures, the dates involved, the rights of each party, clarifying doubts and any other aspects they may consider relevant. A copy of the complaint will be given to the accused party during the interview, which may omit sections related to personal information and that need to be clearly protected, if deemed appropriate and necessary to protect the complainant and/or third parties involved in the complaint.

4.20 Upon this same instance, each party will be served a summons to take a deposition and ask them to submit or provide evidence. This preliminary interview may be conducted by one of the members of the Commission, with the participation of the person assigned as assistant and one or more appointed advisors, where applicable.

4.21 During the same interview, the Commission may request from each party suitable and necessary information to determine the applicable protection measures.

Preliminary Declaration:

4.22 The parties must give separate statements to the Commission, and to the assistant and external advisors, if applicable, within 30 days after the date on which the investigation begins, and they will be notified of this during the preliminary interview. The statement made must be signed by the person giving testimony and all those present.

Evidence:

4.23 In general, the evidence that each party intends to submit must be relevant to the facts described in the complaint and in the preliminary declaration. Testimonies other than those of witnesses may be submitted at the preliminary declaration and up to 18 days following it.

4.24 Nevertheless, testimonial evidence can be submitted only within 18 days following the date of the preliminary declaration. To this end, the Commission may coordinate with

the party and/or the witness(es) directly about the time and date for submission, within the aforementioned time period. A faithful written record of the testimony rendered will be signed by the declarant and everybody present. Witnesses must observe the confidentiality and secrecy of the entire proceeding and the disclosed information.

Preliminary report:

4.25 The Commission must review the background information that is part of the proceeding, assess it and decide on the complaint based on the conclusions drawn from the merits of the investigation. Said decision and conclusions must be substantiated and be included in a preliminary report of the investigation to be signed by all its members. If the conclusions and/or decision are not unanimous, the report shall also be signed by all members, adding the dissenting member's conclusions and decisions. The preliminary report must be completed and notified through the most appropriate means (keeping a record thereof) to the parties within 30 days following the deadline for the receipt of witness statements.

4.26 The report must identify the parties involved, the witnesses who testified, provide an account of the facts, the procedures carried out, the evidence presented by the parties, the analysis and weighing of the facts and their grounds, the conclusions reached by the Commission and the recommended measures and sanctions for the case, as appropriate.

Definition of the behaviors constituting sexual harassment, violence and gender discrimination covered by this regulation, their corresponding penalties and remedies.

4.27 Conduct punishable insofar as it accounts for or constitutes the elements of any of the definitions contained in item 1.2 above:

- (1) Making persistent and suggestive eye contact or staring, with sexual overtones.
- (2) Making sexual noises, moaning, sighing, whistling.
- (3) Making sexual gestures.
- (4) Making comments regarding the physical appearance or body of a person, with sexual overtones.
- (5) Making unjustified demands to spend time in private; for example, forcing a student to sit assessments at the professor's home or office; forcing a student to take time off to spend time with a superior in order to obtain a promotion, etc.
- (6) Making impertinent, inappropriate and/or persistent sexual advances.
- (7) Making promises and offering benefits in exchange for sexual favors (money, raising grades, passing the course, better job position, salary increase, providing documentation in advance, etc.).
- (8) Making threats to harm the person if the sexual proposals are rejected (failure to pass

the course, lower grades, dismissal, deliberate administrative obstacles, etc.).

(9) Offering and/or granting employment or student benefits, or giving money, to those who consent to participate in sexual activities.

(10) Send emails and/or instant messages with sexual innuendos, comments, jokes or photographs with sexually charged content.

(11) Making anonymous calls, messages or notes with sexual content.

(12) Forcing to view pornography or exhibitionism.

(13) Unnecessary physical contact (hugging, touching the waist or legs, caresses, attempts to kiss on the mouth, kisses on the hands or head, etc.).

(14) Committing sexual abuse (act of sexual significance affecting the genitals, anus or mouth of the victim, even if there is no bodily contact).

(15) Engaging in forcible attempted sexual intercourse.

(16) Forcing sexual contact or intercourse with a third person.

(17) Committing rape.

(18) Deliberately and maliciously ignoring the social name or gender of a person after formal counterclaim by the relevant authority, with the purpose of causing harm and/or undermining them.

(19) Physically or psychologically assaulting a person on account of their sex, gender, gender identity or sexual orientation.

(20) Referring in a derogatory and offensive manner to a person's sex, sexual orientation, gender identity or gender expression.

(21) To make offensive oral or written comments about the female or male genders or to the sexual condition or orientation of a person, which undermines the dignity of people belonging to these groups.

(22) Publicly criticize a person with reference to male or female gender or sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(23) Insulting verbally or in writing by alluding to somebody's female or male gender or their sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(24) Make verbal or written threats to someone by alluding to their female or male gender or their sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(25) Humiliate and mistreat someone by referring to their female or male gender or to their sexual condition or orientation, in terms that are offensive or that undermine the dignity of people belonging to these groups.

(26) Use and/or disseminate the image of a person without their consent and at the expense of the person's dignity by making reference to their gender or sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(27) Treating a person as inferior based on sex, sexual orientation or gender identity.

(28) Preventing a person from participating in decision-making instances in accordance with their post, rank or position, by referring to their male or female gender, or to their sexual condition or orientation, in offensive terms or those that undermine the dignity of people belonging to such groups.

(29) Addressing a person with gestures, looks, finger sounds, or similar as an expression of contempt.

(30) Distorting arguments in such a way that a person frequently appears to be guilty of everything bad going on, referring to their gender or sexual condition or orientation, in terms that are offensive or that undermine the dignity of people belonging to these groups.

(31) Publicly mock or laugh at a person due to their gender, sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(32) Humiliating somebody in front of another, belittling them due to their gender, sexual condition or orientation, using terms that are offensive or undermine the dignity of people belonging to these groups.

(33) Carrying out arbitrary and recurrent surveillance or monitoring of a person on the basis of their gender, sexual condition or orientation, in terms that are offensive or that undermine the dignity of people belonging to these groups.

(34) Discredit someone due to their sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(35) Making decisions based on prejudices related to somebody's gender or sexual condition or orientation, in terms that are offensive or undermine the dignity of persons belonging to such groups.

(36) Engaging in acts of arbitrary exclusion, deprivation or denial that hinder the work or student activities by referring to someone's gender or to their sexual condition or orientation, in terms that are offensive or undermine the dignity of people belonging to these groups.

(37) Making sexual, humiliating, hostile or offensive remarks, language or jokes (including references to female bodies or reproductive cycles to shame someone).

(38) Making threats or spreading rumors of a sexual nature, photographs or videos in situations that may be uncomfortable for the victim.

(39) Inappropriate advances, cornering, or harassment.

(40) Engaging in any other conduct not specifically described in the preceding paragraphs and that falls within the definition of sexual harassment, and/or gender-based violence and/or discrimination set out in item 1.2 herein.

4.28 Penalties and remedies

In view of the severity of the facts and the type of existing ties with the University, the applicable measures and sanctions will depend on the gravity of the established facts, and insofar as they are applicable to the accused found guilty, will be as follows:

- (i) Verbal reprimand, may or may not be included in the public registry of the competent authority, as the case may be.
- (ii) Written reprimand, may or may not be included in the public registry of the competent authority, as the case may be.
- (iii) Inability to access extraordinary financing,
- (iv) Loss of honorary distinctions.
- (v) Prohibition of access to any and all premises owned or held by Universidad de los Andes for use and/or administration purposes.
- (vi) Suspension of academic activities for two or more school weeks, in the case of students.
- (vii) Temporary or permanent loss of all or part of any scholarship awarded to the student by the University.
- (viii) Inability to be a teaching assistant for a fixed or indefinite period of time.
- (ix) Definitive expulsion of the student; that is, the immediate and definitive loss of the student's status as a student of the University, permanently barring the student from re-entering any of its courses or study programs.
- (x) A discount of between 10% and 20% of the monthly salary if the person responsible for the reported behavior is related to the University by means of a service provision agreement.
- (xi) Immediate termination of a fee agreement or any other type of contract that is not an employment agreement.

- (xii) A discount of up to 25% of the daily compensation of the person responsible for the reported conduct, if this person is tied to the University by means of an employment agreement.
- (xiii) If the person is tied to the University through an employment agreement, termination of said employment agreement of the person responsible for the reported conduct, pursuant to the provisions of Article 160-1b), of the Labor Code, namely, under the grounds entitled "conduct of sexual harassment", or pursuant to the provisions of Article 160-1f), of the Labor Code, namely, under the grounds entitled "conduct of labor harassment".
- (xiv) Suspension and temporary or permanent disqualification from holding certain positions and performing certain duties.

Regarding reparation measures, that is, measures aimed at minimizing the impacts of sexual harassment, violence and gender discrimination, the following mechanisms may contribute to mitigate the pain or suffering of the victims, redress them and amend, correct or remedy the effects of these conducts, by restoring their dignity, autonomy, freedom or gender equality, together with restoring a safe environment for the educational community, free of these acts and conducts. They are as follows:

- Acceptance of responsibility and/or acknowledgement of the damage caused.
- The rendering of written, private, or public apologies.
- Follow-up actions to ensure that the victim resumes their studies or work activities, as similarly as possible as before.
- Intervention strategies aimed at restoring the environment where the victim was before the sexual harassment, violence or gender discrimination event.
- Initiatives aimed at preventing the recurrence of further sexual harassment, gender-based violence or discrimination events at Universidad de los Andes, either with regard to the specific perpetrator, or as a general preventive measure throughout the organization.

These measures may be agreed upon by the responsible party and the victim, or decreed by Universidad de los Andes through the Investigation Commission.

Regarding support measures for victims: if appropriate, the necessary liaison and coordination actions will be carried out with external public or private programs or institutions, to comply with this legal requirement.

Regarding social support measures for victims: if appropriate, measures will be implemented to help restore and/or strengthen their networks and links with their

immediate environment, especially with regard to family, friends and fellow students.

4.29 To determine the specific sanction, the following shall be considered as:

(i) aggravating circumstances:

- Repetition in the perpetration of conduct that qualifies as sexual harassment, violence and gender discrimination (even if they are separate events),
- Retaliating against the complainant or the victim,
- Having acted in a group,
- Publicizing, in any way or form, the sanctioned conduct,
- Verticality in the relationship between the complainant and the respondent,
- The existence of pecuniary and/or moral damage caused to the victim and/or third parties.

(ii) extenuating circumstances:

- Active and effective collaboration to clarify the facts,
- The effort put into repairing or actively seeking to repair the harm caused
- Not having a disciplinary record,
- Having self-reported.

4.30 The sanctions above may also be enforced against the complainant if the Commission concludes that the complaint was false, based on non-existent or unfounded facts, or filed with the deliberate intention of damaging the image and reputation of the complainant. In this case, repeated occurrence of this type of complaint shall also constitute an aggravating circumstance.

4.31 The foregoing is notwithstanding that it may be appropriate to also submit the records to the ordinary courts of justice, in which case, the University will be represented by its Legal Department.

4.32 The parties are entitled to access the investigation file originating from the complaint, from the date on which they are notified of the preliminary report, notwithstanding the provisions of Law No. 19,628 on the protection of personal data or any other legal provision on the protection of personal data or privacy.

Observations to the test and/or submission of supplementary evidence.

4.33 The parties may make any observations on the preliminary report, as well as submit additional evidence within 5 days from the date of notification of the preliminary report.

Final report:

4.34 The Commission must present, analyze and weigh the new information and/or observations made by the parties and issue a final report containing the definitive conclusions under the same terms required for the preliminary report. This report shall be finalized and notified to the parties no later than 6 days after the deadline for submitting observations on the evidence. The report must be sent to the University's Legal Department within 5 days from the date of issuance of the report.

Implementation of conclusions and final measures:

4.35 Within 10 calendar days from the date of the last notification of the final report, the University, through the respective unit, must order and enforce the measures or sanctions defined by the Commission. The University will be represented for such purposes by the Vice Rector for Students and Alumni if the sanctioned party is one or more students, or by the Secretary General in all other cases.

5. CLOSING RULE

In all matters not covered by these regulations and insofar as they seem compatible with them, the rules set forth in the Regulations for Undergraduate Students, or in the Regulations for Graduate and Postgraduate Students, or in the University's Internal Regulations on Order, Hygiene, Safety and Security will apply, as the case may be, subject to any such modifications as may be prudent to accomplish Universidad de los Andes' duty to carry out any and all measures conducive to prevent, investigate, punish and eradicate sexual harassment, gender-based violence and discrimination, and to protect and redress the victims within higher education, particularly fostering egalitarian gender relations, using all the necessary, appropriate and proportional means to this end.

All these instruments are permanently available at <https://www.uandes.cl/alumnos/reglamentos/>