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## Office of the President

5 February 2016

### MEMORANDUM CIRCULAR NO. 17

Series of 2016

**T O: College Deans, Department Heads and Faculty**

**R E: VSU's Sexual Harassment Policy**

It has come to the attention of this office that there is still a lack of awareness and understanding among our faculty with regard to the University's sexual harassment policy.

This office reiterates its declared policy that sexual harassment is unacceptable behavior and violation of Philippine laws and VSU rules and regulations. Sexual harassment shall not be tolerated and condoned by this administration. This office therefore, takes measures to prevent sexual harassment and eliminate conditions that give rise to sexual intimidation and exploitation (VSU IRR Rule III, Sec. 7).

VSU has its Implementing Rules and Regulation of the Anti-Sexual Harassment Act of 1995 (BOR Resolution No. 66, Series of 2002) which likewise adheres to the policies that are promulgated by the Civil Service Commission and the Commission on Higher Education, to wit: CSC Resolution No. 01-0940 Administrative Disciplinary Rules on Sexual Harassment Cases and CHED CMO 1, Series of 2015 on Establishing the Policies and Guidelines on Gender and Development in the Commission on Higher Education and Higher Education Institutions (HEIs), (Part XIV, Rule 1 on Compliance with Laws and Issuances on Women Empowerment specifically on Sexual Harassment and other related sexual offenses).

Towards this end, all College Deans and Department Heads are to conduct orientations on the university policy on sexual harassment and to require all their faculty to attend. The Anti-Sexual Harassment Unit (ASHU) is directed to conduct the orientation and submit a report to the President on the results of the orientation.

Attached is Appendix A and B on the relevant provisions in CHED CMO 1, Series of 2015 and CSC Resolution No. 01-0940, respectively.

Also, please be informed that all matters involving sexual harassment complaints should be referred directly to the ASHU (also known as the Committee on Decorum and Investigation or CODI) for appropriate action.

For compliance.

  
**EDGARDO E. TULIN**  
President

VSU - Villabon - ✓

VSU - Taloson -

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## APPENDIX A

### CMO 1, s. 2015 Establishing the Policies and Guidelines on Gender and Development in the Commission of Higher Education and Higher Education Institutions (HEIs)

#### PART XIV. COMPLIANCE WITH LAWS AND ISSUANCES ON WOMEN EMPOWERMENT

##### RULE I: SEXUAL HARASSMENT AND OTHER RELATED SEXUAL OFFENSES

**Section 1: Policy and Coverage.** All HEIs shall ensure the necessary policies and mechanisms are in place to prevent and punish sexual harassment and other related sexual offenses. The provisions herein shall govern the creation of the Committee on Decorum and Investigation (CODI) in all public and private HEIs, as well as the procedures to be followed in the prosecution and investigation of sexual harassment and other related sexual offenses in HEIs, in compliance with the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), the Civil Service Commission (CSC) Memorandum Circular No. 17 (23 July 2001), Department of Labor and Employment (DOLE) Administrative Order No. 250 (21 June 1995), the Anti-Rape Law of 1997 (Republic Act No. 8353) and the Rape Victim Assistance Law of 1998 (Republic Act No. 8505). The said procedures shall not be bound by technical rules of evidence but by those governing administrative cases.

In addition, HEIs shall ensure that in their collaborative arrangements with partner institutions and agencies relating to internship, practicum, and on-the-job training programs, the necessary provisions on sexual harassment and other related sexual offenses, and corresponding sanctions and penalties are included.

**Section 2: The CODI and Its Functions.** A CODI shall be created in all HEIs. The CODI shall perform the following functions:

- a. Receive complaints of sexual harassment or other related sexual offenses;
- b. Investigate complaints of sexual harassment complaints or other related sexual offenses in accordance with the prescribed procedure;
- c. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- d. Lead in the conduct of discussions about sexual harassment and other related sexual offenses within the institution to increase the community's understanding of, and prevent incidents of, sexual harassment and other related forms of sexual offenses; and
- e. Conduct such other activities that would engender a safe environment for women in school campuses and training-related programs in HEIs.

**Section 3: Composition.** The CODI shall be composed of at least one (1) representative each from the administration, employees or non-teaching personnel, trainers/coaches, teaching personnel (teachers, instructors, professors), and students or trainees, as the case may be, duly selected by the school's disciplining authority.



The HEI may formulate its own rules on the term of office of CODI members, which should not be more than two (2) years, and on other matters pertaining to the functions of the committee as contemplated in RA 7877 not otherwise provided in the Rules below.

**Section 4: Definition.** For the purpose of these Rules, the administrative offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for sexual favor, or other verbal or physical behavior of a sexual nature, committed by an employee or official in the work-, training- or education-related environment of this person complained of.

Education- or training-related sexual harassment is committed against one who is under the actual or constructive case, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

- a. submission to, or rejection of, the act or series of acts can be used as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration.
- b. the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
- c. the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.

Other forms of sexual offenses shall include verbal, physical and cyber harassment of sexual nature, the use of lewd language, voyeurism, and texting and bullying with sexual content.

The persons liable to commit sexual harassment and other related sexual offenses are those of the same or opposite sex who are:

- a. having authority, influence or moral ascendancy over another in any aspect of academic or administrative work, such as an officer, faculty member, employee, coach or trainer;
- b. in peer relationships; and
- c. students harassing faculty members or employees.

**Section 5: Site.** Sexual harassment may take place:

- a. within in the premises of the school or training institution;
- b. in any place where the parties were found as a result of education or training responsibilities or relations;
- c. at any education or training-related social function;
- d. while on official business outside the school or training institution or during school or training-related travel;

- e. at official conferences, fora, symposia or training sessions; or
- f. by telephone, cellular phone, fax machine, electronic mail or social media.

**Section 6: Assistance to Complainants.** The HEI may adopt mechanisms to provide assistance to an alleged victim of sexual harassment or other related sexual offense, as may be appropriate, which may include the following:

- a. Guidance and spiritual counseling;
- b. Referral to an agency offering professional help;
- c. Support from the GAD Focal Committee;
- d. Coordination with women's organizations and advocacy groups; and
- e. Available legal support.

HEIs may provide professional counseling to the alleged offender if so desired.

**Section 7: Duty to Report and Document.** Any or all persons who have knowledge of any acts of education- or training-related sexual harassment or other related sexual offenses shall report the same to the Head of Institution.

## **APPENDIX B**

### **CSC RESOLUTION NO. 01-0940**

#### **ADMINISTRATIVE DISCIPLINARY RULES ON SEXUAL HARASSMENT CASES**

##### **Rule X Classification of Acts of Sexual Harassment**

Section 53. Sexual harassment is classified as grave, less grave and light offenses.

- A. Grave Offenses shall include, but are not limited to:
  - 1. unwanted touching of private parts of the body (genitalia, buttocks and breast);
  - 2. sexual assault;
  - 3. malicious touching;
  - 4. requesting for sexual favor in exchange of employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance, and
  - 5. other analogous cases.
- B. Less Grave Offenses shall include, but are not limited to:
  - 1. unwanted touching or brushing against a victim's body;
  - 2. pinching not falling under grave offenses;
  - 3. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
  - 4. verbal abuse with sexual overtones; and
  - 5. other analogous cases.
- C. The following shall be considered Light Offenses;
  - 1. surreptitiously looking or staring a look of a person's private part or worn undergarments;
  - 2. telling sexist/smitty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
  - 3. malicious leering or ogling;
  - 4. the display of sexually offensive pictures, materials or graffiti;
  - 5. unwelcome inquiries or comments about a person's sex life;



6. unwelcome sexual flirtation, advances, propositions;
7. making offensive hand or body gestures at an employee;
8. persistent unwanted attention with sexual overtones;
9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
10. other analogous cases.

#### **Rule XI Administrative Liabilities**

Section 55. Any person who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense.

Section 56. The penalties for light, less grave, and grave offenses are as follows:

A. For light offenses:

- 1<sup>st</sup> offense - Reprimand
- 2<sup>nd</sup> offense - Fine or suspension not exceeding thirty (30) days
- 3<sup>rd</sup> offense - Dismissal

B. For less grave offenses:

- 1<sup>st</sup> offense - Fine or suspension of not less than thirty (30) days and not exceeding six (6) months
- 2<sup>nd</sup> offense - Dismissal

C. For grave offenses: Dismissal

Section 57. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.