



118th SPECIAL MEETING OF THE BOARD OF REGENTS

RESOLUTION NO. 07

Series of 2025

APPROVING THE VISAYAS STATE UNIVERSITY CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, AND OTHER FORMS OF SEXUAL MISCONDUCT (COPIES OF WHICH ARE HERETO ATTACHED AS ANNEX "F"; AND RESOLVING, FURTHER, THAT THE GOVERNING BOARD PROMULGATES THESE RULES AND REGULATIONS DEFINING THE ADMINISTRATIVE OFFENSE OF SEXUAL HARASSMENT AND OTHER FORMS OF SEXUAL MISCONDUCT AND PRESCRIBING THE STANDARD PROCEDURE FOR THE ADMINISTRATIVE INVESTIGATION AND RESOLUTION OF SEXUAL HARASSMENT CASES IN THE UNIVERSITY; AND RESOLVING, FINALLY, THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY AND SHALL SUPERSEDE ALL PRIOR RESOLUTIONS, INSTRUCTIONS, MEMORANDA, CIRCULARS, OR INSTRUMENTS INCONSISTENT HERewith

WHEREAS, Section 11, Article II of the 1987 Philippine Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Section 3, Article IX (B) of the 1987 Constitution, Section 1 and Section 12 (19), Subtitle A, Title I of Book V of the Administrative Code of 1987 (Executive Order No. 292) and Section 4 (B), Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees," empower the Civil Service Commission, as the central personnel agency of the Government, to adopt positive measures for the observance of substantive and procedural administrative standards, including standards for the personal conduct of government officials and employees, to promote morale, efficiency, integrity, responsiveness and progressiveness in the entire government bureaucracy

WHEREAS, CSC Resolution No. 2100064 specifies the duties of the Head of the agency in preventing and deterring the occurrence of sexual harassment cases, among which are to ensure the widest dissemination of the law and rules to all persons in the workplace, the conduct of orientations among employees and distribution of relevant information materials, and conduct of gender sensitivity training;

WHEREAS, every employer or head of agency is mandated to promulgate rules and regulations prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor;

WHEREAS, there is a need to devise uniform rules and regulations, particularly in the definition of the administrative offense of sexual harassment and the sanctions therefor, and the procedures for the administrative investigation, prosecution, and adjudication of sexual harassment cases aligned to the provisions stipulated in Republic Act 11313, or the "Safe Spaces Act" and CMO No. 03, s. 2022 or the Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions;

WHEREAS, public consultations were conducted with university stakeholders, specifically; *Students, Faculty, and Administrative Staff*, on the draft Code of Decorum and Administrative Rules on Sexual Harassment and suggestions and recommendations incorporated herein;

APPROVING THE VISAYAS STATE UNIVERSITY CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, AND OTHER FORMS OF SEXUAL MISCONDUCT (COPIES OF WHICH ARE HERETO ATTACHED AS ANNEX "F"; AND RESOLVING, FURTHER, THAT THE GOVERNING BOARD PROMULGATES THESE RULES AND REGULATIONS DEFINING THE ADMINISTRATIVE OFFENSE OF SEXUAL HARASSMENT AND OTHER FORMS OF SEXUAL MISCONDUCT AND PRESCRIBING THE STANDARD PROCEDURE FOR THE ADMINISTRATIVE INVESTIGATION AND RESOLUTION OF SEXUAL HARASSMENT CASES IN THE UNIVERSITY; AND RESOLVING, FINALLY, THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY AND SHALL SUPERSEDE ALL PRIOR RESOLUTIONS, INSTRUCTIONS, MEMORANDA, CIRCULARS, OR INSTRUMENTS INCONSISTENT HERewith

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WHEREAS sexual harassment violates the dignity of workers and their right to a humane, just, and safe work environment, defeats and impairs morale and efficiency in the workplace, and violates the merit and fitness principle in the civil service.

WHEREAS, the proposal was presented to the University Administrative Council on November 21, 2024, and obtained favorable action;

WHEREAS, Chair Valenzuela suggested including a provision on "cyberflashing" or sending unwanted sexual images, which involves being sent unwanted sexual images or videos that depict private acts and intimate body parts through traditional or digital means such as, but not limited to, Airdrop, or via Bluetooth or social media;

WHEREAS, finding the UADCO's recommendation in order, the Governing Board has agreed to approve the proposal;

NOW, THEREFORE, on motion, duly seconded, and unanimously approved, be it;

RESOLVED, as it is hereby resolved, that the Board of Regents of Visayas State University approves the VSU Code of Decorum and Administrative Rules on Sexual Harassment, and other forms of Sexual Misconduct (copies of which are hereto attached as Annex "F"; and

RESOLVED, further, that the Governing Board promulgates these Rules and Regulations defining the administrative offense of sexual harassment and other forms of sexual misconduct and prescribing the standard procedure for the administrative investigation and resolution of sexual harassment cases in the university; and

RESOLVED, finally, that this Resolution shall take effect immediately and shall supersede all prior resolutions, instructions, memoranda, circulars, or instruments inconsistent herewith.

IN WITNESS of our approval thereof, we hereby affix our signatures this 28th day of January 2025 at Hotel Lorenza, Tacloban City, Leyte, Philippines.

APPROVING THE VISAYAS STATE UNIVERSITY CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, AND OTHER FORMS OF SEXUAL MISCONDUCT (COPIES OF WHICH ARE HERETO ATTACHED AS ANNEX "F"; AND RESOLVING, FURTHER, THAT THE GOVERNING BOARD PROMULGATES THESE RULES AND REGULATIONS DEFINING THE ADMINISTRATIVE OFFENSE OF SEXUAL HARASSMENT AND OTHER FORMS OF SEXUAL MISCONDUCT AND PRESCRIBING THE STANDARD PROCEDURE FOR THE ADMINISTRATIVE INVESTIGATION AND RESOLUTION OF SEXUAL HARASSMENT CASES IN THE UNIVERSITY; AND RESOLVING, FINALLY, THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY AND SHALL SUPERSEDE ALL PRIOR RESOLUTIONS, INSTRUCTIONS, MEMORANDA, CIRCULARS, OR INSTRUMENTS INCONSISTENT HERewith


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HON. ETHEL AGNES P. VALENZUELA
CHED Commissioner and Chairperson-designate

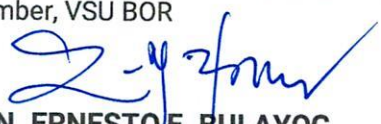

HON. PROSE IVY G. YEPES
VSU President and Vice Chairperson

absent
HON. BERNADETTE REMALLA-MAYBITUIN
Representing Hon. **ALLAN PETER S. CAYETANO**
Chairperson, Senate Committee on Higher,
Technical and Vocational Education
Member, VSU BOR

absent
HON. CARL NICOLAS C. CARI
Representing Hon. **MARK O. GO**
Chairperson, Committee on Higher & Technical
Education House of Representatives
Member, VSU BOR


HON. MEYLENE C. ROSALES
Regional Director, National Economic and
Development Authority Regional Office VIII
Member, VSU BOR

absent
HON. ANDREW RODOLFO T. ORAIS
Regional Executive Director, Department of
Agriculture-RO8
Member, VSU BOR


HON. ERNESTOF F. BULAYOG
Faculty Regent - VSU System Faculty Union of
Baybay Leyte
Member, VSU BOR


HON. OSCAR B. POSAS
President, VSU Federated Alumni Association
Member, VSU BOR


HON. RYAN C. ILAIDA
Student Regent - VSU Student Council Federation
Member, VSU BOR

Private Sector Representatives:

absent
HON. ALAIN CHARLES J. VELOSO
Member, VSU BOR
Villaba, Leyte


HON. RUPERTO O. APARRI, III
Member, VSU BOR
Tacloban City, Leyte



EXECUTIVE SUMMARY

SUBJECT

PROPOSED CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, AND OTHER FORMS OF SEXUAL MISCONDUCT OF THE VISAYAS STATE UNIVERSITY

RATIONALE

Visayas State University proposes for the approval of the Code of Decorum and Administrative Rules on Sexual Harassment and Other Forms of Sexual Misconduct. This Code is typically a set of guidelines and regulations put in place by the university to address and prevent instances of sexual harassment, misconduct, and related behaviours within a certain environment (such as a workplace, educational institution, or government). It is meant to outline acceptable behaviour, establish protocols for addressing allegations, and ensure that individuals feel safe and respected. These set of guidelines ensure that the university proactively addresses and works to prevent harassment, while also offering a clear and fair process for addressing grievances when they arise. It shall take measures to prevent sexual harassment and eliminate conditions that give rise to gender-based violence, sexual exploitation, and discrimination to ensure a safe and healthy learning and working environment for members of the VSU community.

This Code establishes a framework for promoting a safe, respectful, and supportive environment for all individuals within the university, a culture of accountability, respect, and safety, while providing effective tools for preventing and responding to sexual harassment and misconduct.

The Code outlines set of administrative rules for the following;

RULE	PARTICULARS	PAGE NO.
I	DECLARATION OF PRINCIPLES, SCOPE, AND DEFINITIONS	1-3
II	CODE OF DECORUM	4-8
III	THE ANTI-SEXUAL HARASSMENT UNIT (ASHU) AND THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI)	9-14
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This Code of Conduct shall apply to all administrators, faculty, staff, and students of the University.

LEGAL BASIS

- Sections 25 and 33 of Republic Act No. 11313, otherwise known as the "Safe Spaces Act,"
- Civil Service Commission Resolution No. 2100064 dated January 20, 2021
- CEB Resolution No. 061-2022 dated 8 February 2022 promulgating the "Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions," (CMO No. 03, s. 2022)

DESCRIPTION OF THE PROPOSAL


The proposal, once approved for implementation, amends and supersedes the University's Implementing Rules and Regulations of the Anti-Sexual Harassment Act of 1995.

ENDORSEMENT

The University Administrative Council endorsed the proposal during the November 21, 2024 regular meeting, subject to compliance of the comments and suggestions of the Council.

ATTACHMENT

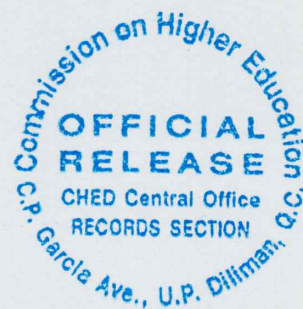
- CHED CMO No. 3, s. 2022, "A"
- Review Committee Report, "B"
- BOR Resolution No. 66, s. 2002, "C"
- CHED RO8 Office of the Solicitor General Comments, "D"
- Activity Report of Public Consultation, "E"
- Comparison Matrix, "F"
- Proposed Code of Decorum, "G"



Vision: A globally competitive university for science, technology, and environmental conservation.
Mission: Development of a highly competitive human resource, cutting-edge scientific knowledge and innovative technologies for sustainable communities and environment.



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION



CHED MEMORANDUM ORDER
No. 03
Series of 2022

Subject: GUIDELINES ON GENDER-BASED SEXUAL HARASSMENT IN HIGHER EDUCATION INSTITUTIONS

Pursuant to Section 8 (n) in relation to Section 2 of Republic Act No. 7722 the 20th Higher Education Act of 1994, and in accordance with Sections 25 and 33 of Republic Act No. 11313, otherwise known as the "Safe Spaces Act," its Implementing Rules and Regulations, as well as the Commission *en Banc* Resolution No. 061-2022 dated 8 February 2022, the following "*Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions*" are hereby issued.

RULE I
GENDER-BASED SEXUAL HARASSMENT CASES IN
HIGHER EDUCATION INSTITUTIONS AND
OTHER RELATED SEXUAL OFFENSES

SECTION 1. COVERAGE

These Guidelines shall govern all higher education institutions (HEIs), both public and private, in:

- a. Ensuring that the necessary policies and mechanisms are in place to prevent and punish sexual harassment and other related sexual offenses in its jurisdiction including, but not limited to, school-related activities such as in-and-off-campus student activities (local or foreign), on the job trainings (local or foreign), and faculty capacity-building activities (local or foreign);
- b. Creating the Committee on Decorum and Investigation (CODI), as well as the procedures to be followed in the investigation and punishment of sexual harassment and other related sexual offenses in HEIs;
- c. Safeguarding the rights of all stakeholders against Gender-Based Sexual Harassment (GBSH) that may be committed by any persons within the premises of the HEI.

SECTION 2. RATIONALE AND OBJECTIVES

For decades, Filipinos suffered from gender-based violence due to lack of information and support from the community. A “culture of silence” that pervades the domain of violence against women and children (VAWC) inhibits or prevents victims from coming forward and reporting their experience of gender abuse or assault. The passage of various legislations on the protection of women and children, however, has proved to deter gender-based violence. The country’s passage of various legislations on the protection of women and children has served to encourage victims to seek protection and redress, leading to an increase in complaints filed with law enforcement. According to an official publication of the Philippine National Police, within a relatively short gap since the passage of landmark legislation that criminalized VAW in the Philippines – that is, from 1995 when Republic Act No. 7877 or the Anti-Sexual Harassment Act was enacted, to 2004 when Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act was enacted, there was a sevenfold rise in reports of sexual violence and sexual assault. (From 1,100 in 1996, the number of cases rose to 7,383 in 2004, with the year 2001 registering the highest number of reports at 10,343).

In 2019, Republic Act No. 11313 or the Safe Spaces Act was passed to combat sexual harassment as a form of gender-based violence. This latest enactment steps up the campaign to eliminate gender-based violence in the country.

Philippine HEIs, as a facility of learning, nurture the consciousness of Filipinos. They are the catalyst for change and justice in the country. The Safe Spaces Act mandates the HEIs to fulfill their duty of shaping the future of the country to become free of gender-based violence in the form of sexual harassment. The law directs the Commission on Higher Education (CHED) to form policies that will protect the rights and welfare of all stakeholders of Higher Education in the country against gender-based sexual harassment.

As a response to the call of various sectors in the country to end gender-based violence and to fulfill its mandate and the direction of the Safe Spaces Act and the Anti-Sexual Harassment Act of 1995, the Commission hereby promulgates these **Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions** to assist HEIs in dealing with gender-based sexual harassment and putting an end to the cycle of violence against the dignity of persons.

SECTION 3. DEFINITION OF TERMS

For purposes of these Guidelines, the following terms are defined as follows:

- a. **Higher Education Institutions (HEIs)** are educational institutions, private or public, established in accordance with law and offering CHED-recognized higher education programs.
- b. **Gender-Based Sexual Harassment (GBSH)** refers to an act, or a series of acts, involving any unwelcome sexual advances, requests or demands for

sexual favors, or other verbal or physical behaviors of a sexual nature, committed by any individual.

- c. **Rape**, as defined by the Anti-Rape Law of 1997, is an act of sexual assault committed by the insertion of one's sex organ or any foreign instrument or object into another person's orifice, without the victim's consent or capability to give consent. This offense includes the rape of both males and females.
- d. **Students/Trainees** refer to those enrolled full-time or part-time in regular courses, or short-term or special training offered by the educational or training institutions. For purposes of these Guidelines, applicants shall be deemed as students/trainees as well.

SECTION 4. HOW GENDER-BASED SEXUAL HARASSMENT IS COMMITTED

Gender-based sexual harassment in HEIs, other education and training institutions and partner host establishments and/or organizations may be committed as follows:

- a. In a higher education institution, other education and training institutions and partner host establishments and/or organizations, as a place of work and as a place of learning, when any unwelcome act or series of acts of a sexual nature is employed in the following:
 - 1. As basis for any employment decision (including, but not limited to, hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the complainant;
 - 2. As requirement for a grade rating, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration to the complainant;
 - 3. As interference with the complainant's performance, which creates an intimidating, hostile or offensive work or academic environment; or
 - 4. As instrument that might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to the complainant.
- b. In a higher education institution, as a public space, when any unwelcome act or series of acts of a sexual nature constitutive of street-level and public-spaces sexual harassment are committed.

The different forms of Street-Level and Public-Space GBSH include but are not limited to:

- 1. catcalling and/or wolf-whistling;
- 2. unwanted invitations;
- 3. misogynistic, transphobic, homophobic and sexist slurs;
- 4. persistent uninvited comments or gestures on a person's appearance;
- 5. statements, comments and suggestions with sexual innuendoes;
- 6. persistent telling of sexual jokes; use of sexual names;
- 7. public masturbation or flashing of private parts;

8. groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces; or
 9. stalking.
- c. In the digital world, online gender-based sexual harassment includes:
1. acts of a sexual nature that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats;
 2. unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and/or comments online, whether publicly or through direct and private messages;
 3. invasion of victim's privacy through cyberstalking and/or incessant messaging;
 4. uploading and/or sharing without the consent of the victim any form of media that contains photos, audio, or video with sexual content;
 5. any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online;
 6. impersonating identities of victims online or posting lies about victims to harm their reputation; or
 7. filing false abuse reports to online platforms to silence victims.

SECTION 5. PLACES WHERE GBSH IS COMMITTED

Gender-based sexual harassment may be committed in the following:

- a. Within the territory of the HEIs where they have direct administration or jurisdiction;
- b. Within or outside the host training institutions, local or foreign, during or beyond the conduct school-related activities so long as the complainant or the respondent in the GBSH case is under their supervision, instruction or custody;
- c. In public spaces and/or online platforms which are used by stakeholders of the education and training institutions for their school-related activities; and/or
- d. Within any of the above areas where the gender-based sexual harassment is committed by a faculty, employee or student of the HEI even if the activity is not school-related and/or sanctioned by the institution.

SECTION 6. PERSONS LIABLE FOR GENDER-BASED SEXUAL HARASSMENT

Gender-based sexual harassment may be committed by the following:

- a. Persons of the same or opposite sex who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work, such as an officer, faculty member, employee, coach or trainer (e.g.,

faculty to students, administrator to faculty/employees, administrator to students, and coach/trainer to students);

- b. Persons in a peer relationship with the offended party (e.g., faculty to faculty, students to students, administrator to administrator, coach/trainer to coach/trainer);
- c. Students/student interns, faculty, administrators or employees of the HEI committing acts that constitute sexual harassment against faculty members, administrators, employees, third-party service providers or visitors of its institution;
- d. Third-party service providers engaged by HEIs such as sanitation, security and maintenance personnel;
- e. Personnel of other partner institutions which the HEIs have contracted to undertake school-related activities; or
- f. Visitors or third-parties who are within the premises, or around the vicinity of the institution.

RULE II ROLES AND RESPONSIBILITIES OF HIGHER EDUCATION INSTITUTIONS

SECTION 7. DEVELOPMENT OF A CODE OF CONDUCT

HEIs, both public and private, shall develop a Code of Conduct in consultation with the stakeholders (students, faculty, partner industries, etc.) that shall define GBSH, its coverage, forms, classifications, appropriate penalties, when and where it may be committed, and persons liable to commit such acts.

For the guidance of all stakeholders, especially students, this Code of Conduct shall unequivocally define GBSH, describing what constitutes GBSH. The Code of Conduct shall state the procedures on the filing and handling of complaints, resolution thereof, and the penalties that correspond to specific offenses enumerated in the matrix above.

Furthermore, the Code of Conduct should be included in the Student Handbook and Code of Discipline in the HEI and Information, Education and Communication (IEC) Materials should be posted within the premises of the HEI, its website and official social media accounts.

SECTION 8: SUPPORT TO A VICTIM OF GBSH

The HEI shall adopt mechanisms to protect the welfare of a complainant of sexual harassment or other related sexual offense, as may be appropriate, which may include the following:

- a. Psychosocial counseling;
- b. Referral to an agency offering professional help;
- c. Support from the Institution's GAD Focal Point System;
- d. Coordination with women's organizations and advocacy groups;
- e. Transfer to another class, office or partner institution, if needed; and
- f. Available legal support such as assistance in the filing of criminal cases in appropriate courts of justice.

SECTION 9. DUTY TO REPORT AND DOCUMENT

Any or all persons who have knowledge of acts of education- or training-related sexual harassment or other related sexual offenses committed within the purview of these Guidelines shall report the same to the Head of Institution and to the CHED Regional Offices with jurisdiction over the HEI pursuant to Section 11 of CHED Memorandum Order (CMO) No. 1, s. 2015 and other relevant CHED issuances as may hereinafter be promulgated.

SECTION 10. DUTIES AND RESPONSIBILITIES OF THE HEADS OF HEIS

The CMO No. 1, s. 2015, as well as the Higher Education GAD [Gender and Development] Accord of 2011 mandate the Heads of HEIs to prevent gender-based violence and address reports of these resolutely.

First and foremost, the Head of Institution shall ensure that the Guidance and Counseling Office shall have appropriate facilities and registered guidance counselors to provide adequate intervention services in cases of sexual harassment cases and related behavioral problems.

In addition, the Head of Institution shall:

- a. Disseminate or post a copy of the relevant laws and policies on sexual harassment, e.g., the Anti-Sexual Harassment Act (RA 7877) and Safe Spaces Act (RA 11313), its code of conduct, as well as these Guidelines, in a conspicuous place in the institution. This shall be done through, among others:
 1. Sending copies of the said mandates through official notices or means of communications among heads of different departments, bureaus,



offices, units or such subdivisions in an HEI for cascading to their members;

2. Posting a copy of the said mandates in the official website of the HEI; and
3. Conducting orientation on the said mandates, and providing copies of these in print or electronically, as well as preparing information materials such as primers, frequently asked questions, and the like.

Copies of the mandates should always be posted in areas within the HEI that are easily visible to students, especially in areas where they usually congregate.

The said mandates and the Implementing Rules and Regulations may be translated into a language easily understandable to the students/trainees.

- b. Provide measures that prevent GBSH in HEIs, including information campaigns, express inclusion in the student handbook, orientation of student organizations, and training of teaching and non-teaching staff, students, security officers, and other members of the school community.

Heads of HEIs shall ensure that all students will receive age-appropriate training on gender sensitivity and gender-based violence including sexual harassment and other GAD-related topics.

- c. Create an independent internal mechanism or CODI to investigate and address complaints of GBSH and carry out such functions as stated in Section 24(b) of the Anti-Sexual Harassment Act and Section 22(c) of the Safe Spaces Act.
- d. Cause the development and publication, in consultation with all stakeholders, of the Code of Conduct or school policy that shall:
 1. Expressly reiterate the prohibition on GBSH;
 2. Prescribe the procedures of the internal mechanism created under the law; and
 3. Set administrative penalties.
- e. Ensure that a program to capacitate the officials and staff of student services unit and the human resource department on the efficient and professional handling of sexual harassment cases or other related sexual offenses is institutionalized.
- f. Endeavor to raise the consciousness of its stakeholders on gender-based and sexual harassment towards their full elimination through the integration of such

efforts into the trilogical functions of higher education: (i) curriculum development and pedagogy; (ii) research; and (iii) extension. HEIs shall ensure that their GAD programs, activities and projects integrate the concepts, policies and provisions of the other laws on gender-based violence including the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance Law of 1998 (Republic Act No. 8505), the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act. No. 9262) and other such legislation to contribute in raising awareness of and support to the Anti-Violence-Against-Women efforts and similar initiatives of the PCW, CHED and other government organizations, non-government organizations, and Gender Resource Centers.

HEIs shall be conscious at all times that in their institutional undertakings, they are compliant with the provisions of all the laws governing Violence Against Women and Children, and endeavor to carry out advocacy campaigns to include the provision of support services to both alleged victims and alleged offenders.

SECTION 11. LIABILITY OF SCHOOL HEADS

In addition to liability for committing acts of GBSH, the Head of Institutions (principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an HEI) may also be held responsible for:

- a. Non-implementation of their duties under Section 24(b) of the Anti-Sexual Harassment Act of 1995 and Section 22 of the Safe Spaces Act, as provided in the penal provisions; or
- b. Failure to act on reported acts of GBSH committed in the educational institution.

Any person who, intentionally or through inaction, violates any of the above subsections may be found administratively liable for Gross Misconduct or Gross Negligence, notwithstanding any criminal liability under RA 11313.

SECTION 12. ROUTINE INSPECTION

CHED shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under the law. CHED shall include consultations with the student councils or the student body in the conduct of their inspection.

RULE III
COMMITTEE ON DECORUM AND INVESTIGATION (CODI)

SECTION 13. COMPOSITION

A Committee on Decorum and Investigation (CODI) shall be created by the Heads of HEIs. This shall serve as an independent internal grievance mechanism and shall act as the main body in the investigation and resolution of cases involving Gender-Based Sexual Harassment in the HEIs.

- a. **Sectoral Representation.** The CODI of HEIs and training institutions shall be composed of at least one representative each from the following:
 1. School Administration / Management
 2. Instructors / Professors or Trainers / Coaches, as the case may be and duly selected by the level concerned;
 3. Students or Trainees, as the case may be and duly selected by the level concerned;
 4. Employee from the Supervisory Rank;
 5. Rank-and-File Employee; and
 6. GAD Focal Point System of the institution.
- b. **Equitable Representation.** Every CODI shall be headed by a woman, and membership shall be divided equally between men and women, provided not less than half are women. The School Head or the Head of Institution may include representatives from equal representation from persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. The Head of Institution may also invite representatives from other groups, as may be applicable.
- c. **Permanent Alternates.** Aside from the regular members of the CODI, the Head of Institution shall also designate their respective permanent alternates who shall act on behalf of the regular members in their absence, temporary incapacity or voluntary or involuntary inhibition. The permanent alternates shall have the authority to render decisions so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.
- d. **Impartiality.** Members of the CODI should have no prior record of involvement as a respondent or defendant in any case of whatever nature of sexual harassment, including those which are still pending.
 1. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the School Head or Head of Institution.
 2. The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest impartiality, relation with the

respondent within the fourth degree of consanguinity or affinity, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause delay in the proceedings.

- e. **Terms of Office.** 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 and RA 11313 not otherwise provided in the succeeding provisions.

The HEI may include in its rules provision on the extension and hold-over of the CODI members until such time the HEI has designated the new members of the CODI.

SECTION 14. RESPONSIBILITIES AND FUNCTIONS OF THE CODI

The CODI shall have and perform the following functions:

- a. Receive complaints for offenses covered by these Guidelines;
- b. Investigate complaints for offenses covered by these Guidelines including preliminary investigation in accordance with the prescribed procedure;
- c. Observe, at all times, due process in the conduct of investigation;
- d. Within ten (10) days from the receipt of the written complaint, investigate and decide on the case and, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- e. Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure;
- f. Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible;
- g. Undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other GAD topics as needed;
- h. 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
- i. Conduct such other activities that would engender a safe environment for all genders, especially women, in school campuses and training-related programs in HEIs.

In case of non-performance or inadequate performance of functions, the members of the CODI shall be replaced by the Head of HEIs upon receipt of documentation that will substantiate such allegations.

RULE IV

STANDARD PROCEDURAL REQUIREMENTS AND COMPLIANCE WITH DUE PROCESS

HEIs shall formulate their own rules and standard procedural requirements on the CODI. The HEIs shall adopt the following minimum requirements:

SECTION 15. PRE-FILING STAGE

The HEI shall adopt mechanisms to provide assistance to an alleged victim of acts punishable by these guidelines which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

SECTION 16. COMPLAINT

- a. The complaint may be filed at any time with the Head of the HEI, the Office of the Immediate Supervisor of the Complainant or the alleged perpetrator, the Guidance Office, Discipline Office, Security Office, the CODI or the CHED Regional Office having jurisdiction over the HEI. Upon receipt of the complaint by any of the above offices, the same shall be transmitted to the CODI, if there is any. In the absence of a CODI, the Head of the HEI shall immediately cause the creation of a CODI in accordance with the law and rules, and transmit the complaint to the Committee.
- b. The complaint may be in any form, provided that the following information are indicated in the complaint:
 1. FULL NAME and CONTACT DETAILS of the Complainant. However, the filing of an anonymous complaint is not prohibited.
 2. FULL NAME, CONTACT DETAILS and/or POSITION of the Respondent, if known to the Complainant.
 3. STATEMENT OF RELEVANT FACTS.
 4. EVIDENCE TO SUPPORT THE ALLEGATION, provided that non-submission of evidence will not cause the dismissal of the complaint; and
 5. CERTIFICATION OR STATEMENT OF NON-FORUM SHOPPING.

If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require



the Complainant to submit a sworn Complaint within 24 hours from receipt of notice of compliance.

- c. The withdrawal of the complaint at any stage of the proceedings shall be without prejudice for the CODI to continue its investigation and make a report of its findings and recommendation to the disciplining authority when the evidence warrants.

SECTION 17. ACTION ON THE COMPLAINT

After evaluating the complaint, the CODI shall:

- a. *For complaints against an employee, faculty or student of the HEI:* Proceed with the investigation if the complaint is sufficient in form and substance. A complaint is sufficient in form and substance if all the elements provided in the immediately preceding provision are present.
- b. *For complaints against personnel of third-party service providers or partner institutions or guests or visitors of the HEI:* Recommend the referral of the complaint to the service provider, partner institution or to the proper government authorities for proper investigation and action.

The CODI shall likewise recommend to the School Head or Head of Institution to provisionally disallow the personnel of third-party service provider or of partner institutions complained of, or guests or visitors from entering the premises of the HEI or from transacting with the HEI while investigation is pending before the service provider, partner institution or to the proper government authorities.

SECTION 18. INVESTIGATION OF CASES BEFORE THE CODI

The CODI shall, at all times, observe due process and investigate and decide on said complaint within ten (10) working days or less upon receipt thereof, following the procedures, to wit:

- a. Within 24 hours of receipt of the written complaint, the CODI shall commence the investigation by notifying the Respondent of the Complaint filed against him / her with a directive to submit his / her Counter-Affidavit/Comment under oath and submit evidence in his/her defense within 72 hours from receipt of the notice and furnish a copy thereof to the Complainant. Otherwise, the Counter-Affidavit/Comment shall be considered as not filed.
- b. Upon receipt of the Counter-Affidavit/Comment under oath and evidence submitted by the Respondent, the CODI shall conduct an *ex-parte* examination of the documents submitted by the parties, including available records of the case.

SECTION 19. PREVENTIVE SUSPENSION

Upon petition of the Complainant or *motu proprio* upon the recommendation of the CODI, the disciplining authority may order the preventive suspension of the Respondent during the conduct of investigation before the CODI and the period of deliberation of the recommendation of the CODI pursuant to Section 20 hereof, if there are reasons to believe that he / she is probably guilty of the charges which would warrant his / her removal from the HEI.

An order of preventive suspension may be issued to temporarily remove the Respondent from the scene of his / her misfeasance or malfeasance and to preclude the possibility of his / her exerting undue influence or pressure on the witnesses against him / her or tampering of any evidence.

SECTION 20. WHEN CASE IS DECIDED

The disciplining authority shall decide the case within thirty (30) days of receipt of the CODI Investigation Report and Recommendation.

SECTION 21. FINALITY OF DECISIONS

A decision rendered by the disciplining authority where the penalty of reprimand, serious reprimand, suspension for not more than thirty (30) days, or a fine in the amount not exceeding thirty (30) days' salary is imposed, shall be final and executory and not appealable, unless a motion for reconsideration is seasonably filed. However, the Respondent may file an appeal within fifteen (15) days before the disciplining authority when the issue raised is a violation of due process.

If the penalty imposed is exclusion, dismissal, suspension exceeding thirty (30) days, or a fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal, and no such pleading has been filed. A motion for reconsideration may be filed before the disciplining authority by the Respondent within fifteen (15) days of receipt of the decision of the disciplining authority. The disciplining authority shall act or decide on the motion for reconsideration within thirty (30) days of receipt thereof.

SECTION 22. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES

The filing of a motion for reconsideration and appeal, and subsequent proceedings and other matters not covered by these Guidelines shall be governed by:

For Public HEIs:

- a. existing Civil Service Rules for those employed by the HEI; or
- b. the Manual of Regulations for Private Higher Education (MORPHE), applied suppletorily, for students of the institution.

For Private HEIs:

- a. the MORPHE, for students of the institution;
- b. labor laws and regulations, for those employed by the HEI. He or she may file an original action before the National Labor Relations Commission questioning the decision of the disciplining authority.

SECTION 23. PARALLEL AND COMPLEMENTARY ACTIONS

Nothing in these Guidelines shall be construed to limit the rights of the victims of GBSH from pursuing civil, criminal and other legal actions as may be provided by law.

RULE V OFFENSES AND PENALTIES

SECTION 24. TYPES OF OFFENSES AND CORRESPONDING ADMINISTRATIVE PENALTIES

The following matrix of offenses and the corresponding penalties may be adopted by HEIs in crafting their own code of conduct and other policies in relation to GBSH; provided, that in case where the offense and/or the penalty for acts of GBSH is not found in any policy of the HEI, this section shall apply suppletorily to the policies of the institution.

GRAVE OFFENSES	
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work	
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee	
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees	
<ul style="list-style-type: none">• unwanted touching of private parts of the body (genitalia, buttocks and breast)• rape or sexual assault• malicious touching• requests for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance	Dismissal from service; For students, expulsion
<ul style="list-style-type: none">• public masturbation or flashing of private parts• groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces	
<ul style="list-style-type: none">• uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content	

<ul style="list-style-type: none"> any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online impersonating identities of victims online or posting lies of a sexual nature about the victims to harm their reputation filing false abuse reports to online platforms to silence victims of sexual harassment stalking other analogous cases 	
D. Third-party service providers such as sanitation and maintenance personnel	
E. Personnel of Partner Institutions where school-related activities are conducted	
same as above	Permanent ban in the HEI; Termination of contract *For international partners, permanent ban from entering into contract with any PHEI
F. Guests / Visitors	
same as above	Permanent ban in the HEI

LESS GRAVE OFFENSES		
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work		
	1st offense	2nd offense
<ul style="list-style-type: none"> unwanted touching or brushing against a victim's body pinching not falling under major offenses derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person verbal abuse with sexual overtones unwanted invitations with sexual undertone misogynistic, transphobic, homophobic and sexist slurs persistent uninvited comments or gestures on a person's appearance relentless requests for personal details incessant messaging making statements, comments and suggestions with sexual innuendoes 	Suspension of one month and one day to six months	Dismissal from service; For students, exclusion or dismissal

<ul style="list-style-type: none"> the use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones other analogous cases 		
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee		
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees		
	1st offense	2nd offense
same as above	Suspension of one month and one day to three months; Probation for the entire semester	Dismissal from service; For students, exclusion or dismissal
D. Third-party service providers such as sanitation and maintenance personnel		
E. Personnel of Partner Institutions where school-related activities are conducted		
	1st offense	2nd offense
same as above	Serious reprimand by the HEI	Permanent ban in the HEI *For international partners, permanent ban from entering into a contract with any PHEI
	1st offense	2nd offense
F. Guests / Visitors	Serious reprimand	Permanent ban in the HEI

LIGHT OFFENSES

A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work			
	1st offense	2nd offense	3rd offense
<ul style="list-style-type: none"> surreptitiously looking or staring at a person's private part or worn undergarments making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar 	Reprimand	Suspension of one day to thirty days	Dismissal from service; For students, exclusion or dismissal

<ul style="list-style-type: none"> malicious leering or ogling the display of sexually offensive pictures, materials or graffiti unwelcome inquiries or comments about a person's sex life or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations). unwelcome sexual flirtation, advances, propositions making offensive hand or body gestures at the person persistent unwanted attention with sexual overtones unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver catcalling and/or wolf-whistling unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones other analogous cases 			
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee			
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees			
	1st offense	2nd offense	3rd offense
same as above	Written warning	Written reprimand and community service	Suspension
D. Third-party service providers such as sanitation and maintenance personnel			
E. Personnel of Partner Institutions where school-related activities are conducted			
	1st offense	2nd offense	3rd offense
same as above	reprimand by the HEI	severe reprimand by the HEI	permanent ban in the HEI *For international partners, permanent ban from entering into contract with any PHEI

	1 st offense	2 nd offense	3 rd offense
F. Guests / Visitors	Reprimand by the HEI	Severe reprimand by the HEI	Permanent ban in the HEI
Note: <ul style="list-style-type: none"> • If the perpetrator committed the offense twice against the same victim, the corresponding gravest penalty shall apply. • HEIs may provide gender sensitivity training and counseling to offenders. • The fine penalties provided for in the Implementing Rules and Regulations of RA 11313 may be applied under the conditionalities set forth in the Revised Rules on Administrative Cases in the Civil Service (RRACCS) issued by the Civil Service Commission. 			

SECTION 25. IMPOSITION OF PENALTIES

Minor students who, at the time of the commission of the act of GBSH, are found guilty under these Guidelines by the disciplining authority, shall likewise undergo gender-sensitivity training and psychosocial counseling sanctioned by the Institution's Guidance Office.

If the penalty of expulsion or exclusion is imposed upon a student, the same shall be subject to the confirmatory authority of CHED pursuant to Section 21 of the Implementing Rules and Regulations of the Safe Spaces Act and Section 106 of the MORPHE.

If the penalty of dismissal is imposed upon an employee of the HEI, the same shall be in accordance with the Civil Service Commission (CSC) or Department of Labor and Employment (DOLE) issuances, as the case may be.

If the penalty imposed is other than those provided above, e.g., termination of contract or permanent ban from the HEI, the same shall be final and immediately executory, and notice shall be furnished the Respondent or notice shall be posted around the premises of the institution as the case may be.

For termination of contract with a partner training organization, the institution shall report the same with the CHED Regional Office having jurisdiction over it.

SECTION 26. ACCESSORY PENALTY

A student shall not be allowed to graduate if he or she has a pending case of GBSH. The HEI reserves the right to revoke a student's diploma if it was inadvertently issued while a case for GBSH is pending against the student at the time of its conferment.

Any fees to be charged in the course of a victim's availment of psychosocial counseling and similar services shall be borne by the respondent proven guilty of the offense/s charges.

RULE VI
APPLICABILITY OF CIVIL SERVICE LAWS
AND OTHER RULES, REGULATIONS AND POLICIES

SECTION 27. OTHER APPLICABLE LAW PROVISIONS

The pertinent rules, circulars and issuances of the CSC and the DOLE are hereby adopted as integral parts of these Guidelines, particularly in the operation of public HEIs, i.e., State Universities and Colleges and Local Universities and Colleges, other specialized colleges and HEIs with charters.

All educational and training institutions that have an existing Code of Conduct of Policy on Sexual Harassment, including a CODI established under the Anti Sexual Harassment Act of 1995 (RA 7877), should amend these to conform to the Safe Spaces Act (RA 11313) and these Guidelines.

In addition, private HEIs should develop their policies and guidelines, including pertinent mechanisms, in accordance with DOLE Administrative Order No. 250 on sexual harassment. HEIs in the public sector shall comply with the standards set by the CSC.

All HEIs shall comply with the standards set by the Commission, accordingly. The Commission is committed in ensuring that HEIs are safe working and learning spaces free of any form of harassment including power-based harassment, as well as discrimination and persecution on the basis of class, religion, ethnicity, sexual orientation and gender identity, and shall endeavor to institutionalize an environment of higher education in the Philippines that respects the dignity of all.

RULE VII
MISCELLANEOUS PROVISIONS

SECTION 28. REPEALING CLAUSE

All CHED issuances inconsistent with these Guidelines are deemed repealed accordingly upon the effectivity of this CMO.

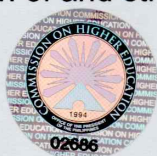
SECTION 29. SEPARABILITY CLAUSE

If for any reason, any portion or provision of these Guidelines is declared invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 30. EFFECTIVITY

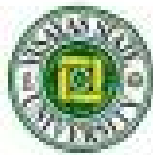
This CMO shall take effect fifteen (15) days after its publication in the Official Gazette or newspaper of general circulation and copies thereof are registered with the Office of the National Administrative Register (ONAR) at the University of the Philippines (UP) Law Center, UP Diliman, Quezon City.

Immediate dissemination of and strict compliance with this CMO are hereby ordered.



J. PROSPERO E. DE VERA, III, DPA
Chairman





23 February 2023

MEMORANDUM NO. 534
Series of 2023

T O:	Atty. Rysan C. Guinocor Mr. Bon Anthony Costillas Ms. Elmera Y. Bañoc Ms. Princess Rey Ann Lene E. Romo Mr. Bryan R. Gapasin Prof. Maria Aurora Teresita W. Tabada Ms. Letty Jean C. Lor	<ul style="list-style-type: none">- Chairperson- Member, faculty representative- Member, staff representative- Member, student representative- Member, GFPS - TWG- Ex-officio member, GRC Head- Committee Secretary
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R E: Reconstitution of the Review Committee on the Anti-Sexual Harassment Rules and Regulations

By virtue of the authority vested in me by the VSU Board of Regents, the Review Committee on the Anti-Sexual Harassment Rules and Regulations is hereby reconstituted effective immediately until December 31, 2023.

The Review Committee has the following functions:

1. Review the existing Anti-Sexual Harassment Rules and Regulations in the light of the Safe Spaces Act (RA 11313); and
2. Prepare draft proposal of the revised Anti-Sexual Harassment Rules and Regulations for BOR approval.

For compliance.


EDGARDO E. TULIN,
President



Leyte State University
Visca, Baybay, Leyte 6521 A
Philippines

Office of the Board Secretary

EXCERPTS OF APPROVED MINUTES OF THE
5th LSU Board of Regents Meeting
11 June 2002 * LNU, Tacloban City

IMPLEMENTING RULES AND REGULATIONS OF THE
ANTI-SEXUAL HARASSMENT ACT OF 1995

BOR Resolution No. 66, s. 2002

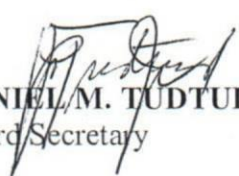
Approving the implementing rules and regulations of the
Anti-Sexual Harassment Act of 1995, as presented.

BOARD ACTION: **APPROVED**

Date : 11 June 2002

ATTACHMENT: X

Certified True and Correct:


DANIEL M. TUDTUD JR.
Board Secretary

OP

Received by: *jsml 10/27/05*



LEYTE STATE UNIVERSITY

Visca, Baybay, Leyte 6521 A

Philippines

Office of the Board Secretary

11 June 2002

**The Honorable Chairman and
Members of the LSU Board of Regents**

Ladies:Gentlemen:

I am hereby presenting to the Board of Regents the proposed **LSU Implementing Rules and Regulations (IRR) of the Anti-Sexual Harassment Act of 1995**. All agencies of government including educational institutions have been required by the Civil Service Commission (CSC) to come up with individual IRRs as contained in Rule XII, Section 58 of CSC Resolution No. 01-0940.

This IRR has been presented to the Administrative Council (ADCO) and the ADCO favorably endorses the proposal.

A summary of the salient points of the LSU Implementing Rules and Regulations of the Sexual Harassment Act of 1995 is likewise presented to facilitate deliberations.

Very truly yours,

PACIENCIA P. MILAN

President

Perla
Barbosa

SUMMARY OF THE SALIENT POINTS OF THE LSU IMPLEMENTING RULES AND REGULATIONS OF THE ANTI-SEXUAL HARASSMENT ACT OF 1995

The IRR integrates the salient points of the CSC Resolution No. 01-0940 or the Administrative Disciplinary Rules on Sexual Harassment Cases. However, additions have been made to take into consideration the context of the University environment.

Item	CSC Resolution (Standard)	LSU IRR
Preliminary Matters	<input type="checkbox"/> Rule III Sec 3 Definition of sexual harassment	<input type="checkbox"/> Sec 2(a) uses same definition <input type="checkbox"/> Sec 2 (b) - (f) defines the terms used: administrators, faculty members, staff, students and others
Coverage	<input type="checkbox"/> Rule II Sec 2	<input type="checkbox"/> Sec 3-5 Applies to all officials, employees, students of LSU and others who may have transactions with the university
Policies	<input type="checkbox"/> Affirms Sec 3, Art IX (B) of 1987 Phil. Constitution ; Sec 4(B) of RA 6713; RA 7877	<input type="checkbox"/> Adds the following policies: <ul style="list-style-type: none"> <input type="checkbox"/> Sec 8: Expands definition of SH cases to include not only abuse of authority or power but as well as those in peer relations or those involving harassment of faculty & staff by students. It covers cases involving persons of the same or opposite sex <input type="checkbox"/> Sec 12: Provision of all possible support services to all victims of SH <input type="checkbox"/> Sec 14: Adopt reasonable standard to determine if behavior constitutes SH; perspective of victim <input type="checkbox"/> Sec 15: Gross display of public affection is discouraged
Sexual Harassment	<input type="checkbox"/> Rule V Sec 5 Forms of harassment	<input type="checkbox"/> Added the following forms: <ul style="list-style-type: none"> <input type="checkbox"/> Sec 20 (a) Persistent, unwanted attempts to change a professional or educational relationship to a personal one <input type="checkbox"/> Sec 20 (f) Serious physical abuse which includes sexual assault and rape
Anti-Sexual Harassment Office	<input type="checkbox"/> Rule VI Sec 7 Committee on Decorum and Investigation to be created in all offices	<input type="checkbox"/> Sec 22 The University shall provide facilities for both informal and formal procedures for resolving cases or dealing with incidents of sexual harassment <input type="checkbox"/> Sec. 23 Creates an Anti-sexual harassment Office (ASHO) under the Office of the President composed of the following: all Vice-Presidents, Deans of Colleges, Faculty,

		<p>staff and student representatives to be appointed for a term of two years, Dean of Students and the ASHO Coordinator</p> <ul style="list-style-type: none"> □ Sec. 24 Its functions include to receive complaints, undertake information & educational activities, design or formulate informal procedures for handling such cases; provide security & support measures to victims; constitute a Hearing for the formal procedures □ Sec 26 A Hearing Committee will be constituted in every cases where a formal procedure is preferred or deemed necessary □ Sec 26 The ASHO will constitute a pool of faculty, staff and students who will serve as members of the Hearing Committee
Formal Procedures for SH cases	<ul style="list-style-type: none"> □ Rule VIII Sec 11-38 □ Rule IX Sec 39 – 52 	<ul style="list-style-type: none"> □ Rule VI Sec 29-33 (a) & (b) □ Rule VI Sec 33 (c)
Administrative Liabilities	<ul style="list-style-type: none"> □ Rule XI Sec 56 Penalties a. Light offenses <ul style="list-style-type: none"> 1st offense: reprimand 2nd offense: fine or suspension not exceeding thirty (30) days b. Less grave offenses <ul style="list-style-type: none"> 1st offense: fine or suspension not less than thirty (30) days and not exceeding six (6) months 2nd offense: dismissal c. Grave offenses <ul style="list-style-type: none"> 1st offense: dismissal 	<ul style="list-style-type: none"> □ Sec 37 Penalties a. Light offenses <ul style="list-style-type: none"> 1st offense: suspension for thirty (30) days for staff hard labor of not less than fifty (50) hours and not more than 100 hours for students 2nd offense: suspension of not less than sixty (60) days but not to exceed six (6) months for staff suspension of one (1) semester for students 3rd offense: dismissal for both staff and students b. Less grave offenses <ul style="list-style-type: none"> 1st offense: suspension of not less than sixty (60) days but not to exceed six (6) months for staff suspension of one (1) semester for students 2nd offense: dismissal for both staff and students c. Grave offenses <ul style="list-style-type: none"> 1st offense: dismissal from service and permanent disqualification from government employment within the LSU systems expulsion for students

LEYTE STATE UNIVERSITY

Visca, Baybay, Leyte

IMPLEMENTING RULES AND REGULATIONS OF THE ANTI- SEXUAL HARASSMENT ACT OF 1995

Pursuant to the provision of Section 4, of Republic Act No. 7877 entitled "Anti-Sexual Harassment Act of 1995" and Rule XII, Section 58 of the CSC Resolution No. 01-0940 entitled "Administrative Disciplinary Rules on Sexual Harassment Cases", the following rules and regulations are hereby promulgated for the purpose of prescribing the policy and proper decorum for administrators, faculty, staff, and students of the Leyte State University and for the resolution, settlement and disposition of cases of sexual harassment.

RULE I PRELIMINARY MATTERS

Section 1. Title. These rules shall be known as the Implementing Rules and Regulations on Anti-sexual harassment cases of the Leyte State University (LSU), or "Rules" for short.

Section 2. Definition of Terms. As used in the Rules and Regulations, the following terms shall mean and be understood as indicated below:

- (a) Sexual harassment means an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by any administrator, faculty, staff and student. In work-related or education/ training related cases, the person complained of exercises authority, influence or moral ascendancy over another person or individual.
- (b) Administrators refer to the President, Vice Presidents, Deans of Colleges, Center Directors, Department Heads, and Directors of Administrative Offices.
- (c) Faculty members refer to the pool of employees of the University holding academic positions and performing teaching, research and extension functions on a full-time or part-time basis.
- (d) Staff refer to the pool of employees holding non academic or administrative positions performing tasks in support of the instruction, research, and extension functions of the University.
- (e) Student refers to a person duly enrolled for a degree or special course, whether on a credit or audit basis, part-time or full time or in a short-term training, review course, thesis writing in any academic unit, training or review center of the University or are students hired as student assistants or graduate teaching assistants during semestral or summer breaks
- (f) Others refer to those who may have certain dealings/transactions with the University

RULE II COVERAGE

Section 3. Officials and employees - These rules and regulations shall apply to any administrator, faculty member, and staff of the University who complaints of or against whom a complaint for sexual harassment is filed.

Section 4. Students - These rules and regulations shall also apply to students who complain of or against whom an administrator, faculty member, staff or fellow student files a complaint of sexual harassment.

Section 5. Others - These rules and regulations shall apply to those who may have certain dealings/transactions and have complaints for sexual harassment against any administrator, faculty member, staff or student of the University.

RULE III POLICIES

Section 6. The Leyte State University, in the light of its mission, vision and goals believes in and upholds the human dignity of every faculty, staff and student in the University. As such, it strongly adheres to a school environment where administrators, faculty, staff and students respect one another and behave in accordance with the highest ethical standard. It, therefore, commits itself to the implementation of RA 7877 or the "Anti-sexual Harassment Act of 1995."

Section 7. The ethical obligation of the university is to provide an environment that is free from sexual harassment and from fear that it may occur. The entire educational community suffers when sexual harassment occurs in the academic and work atmosphere. It is, therefore, the declared policy of the University that sexual harassment is unacceptable behavior and a violation of the laws of the Philippines and the Rules and Regulations of the University, and shall not be tolerated and condoned. It shall take measures to prevent sexual harassment and eliminate conditions that give rise to sexual intimidation and exploitation within the purview of these Rules.

Section 8. Sexual harassment under these Rules is not limited to cases involving abuse of authority or power but includes as well those in peer relationships, such as in faculty-faculty, staff-staff or student-student relations, or those involving harassment of faculty members or staff by students. It contemplates cases of harassment involving persons of the same or opposite sex.

Section 9. Accordingly, sexual harassment is hereby declared a ground for administrative disciplinary action including the expulsion or termination as the case may be.

Section 10. All reported incidents or cases of sexual harassment shall be investigated and the appropriate disciplinary, criminal or any other legal action will be taken by the University authorities, with the consent of the victim and taking into account the integrity and other interests of the University.

Section 11. University officials, faculty members, staff and students entrusted with duties or functions connected with the implementation or enforcement of these Rules are required to observe confidentiality and respect individual privacy to the greatest extent possible in dealing with reports and complaints of sexual harassment.

Section 12. The University will provide all possible support services to faculty members, staff, and students who are victims of sexual harassment.

Section 13. All members of the University affected by a sexual harassment incident shall be treated with respect and given full opportunity to present their side of the incident.

Retaliation against parties directly or indirectly involved in any incident, case or report concerning sexual harassment will not be tolerated. Any act of retaliation in itself shall be a ground for disciplinary action.

Section 14. In the investigation of the case, the Committee shall adopt a reasonable standard to determine whether the conduct is unwelcome and sufficiently pervasive to amount to sexual harassment as viewed by both men and women. Using this standard, the proper focus is on the victim's perspective of the given conduct.

Section 15. The gross display of romantic affection in public otherwise known as public display of affection which includes, but is not limited to kissing, necking, petting and other intimate actions by faculty, staff and students is likewise discouraged.

RULE IV SEXUAL HARASSMENT

Section 16. Work-related sexual harassment. This is committed under the following circumstances:

- (a) Submission to or rejection of the act or series of acts is used as a basis for any employment decision including but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action affecting the applicant/employee
- (b) The act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating hostile or offensive work environment;
- (c) The above acts would impair the rights or privileges of the faculty member or staff under the Civil Service Law, rules or regulations; or
- (d) 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 co-employee, applicant, customer, or ward of the person complained of

Section 17. Education or training related sexual harassment. This is committed against one who is under the actual or constructive care, 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 is 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.

Section 18. Sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestion that a student could get a higher grade or a raise by submission to the sexual advances.

The suggestion or advance need not be direct or explicit. It can be implied from the conduct, circumstances, and relationship of the individuals involved.

Section 19. Sexual harassment may take place:

- (a) Within the premises of the University campus such as in the office, classroom, laboratory or training room;
- (b) In any place where the parties were found as a result of work or education or training responsibilities or relationships;
- (c) At work or education or training related social functions;
- (d) While on official business outside the University campus or during work or school or training-related travel;
- (e) At official conferences, fora, symposia or training sessions; and
- (f) By telephone, cellular phone, fax machine or electronic mail

Section 20. Forms of sexual harassment. Sexual harassment can consist of the following:

- (a) Persistent, unwanted attempts to change a professional or educational relationship to a personal one;
- (b) Unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people. Examples include but are not limited to the following:
 - (1) Unwelcome sexual advances;
 - (2) Derogatory, demeaning or lascivious comments about men and women in general, whether sexual or not;
- (c) Verbal
 - (1) Abuse of a sexual nature
 - (2) Graphic commentary about an individual's body, sexual prowess, or sexual deficiencies;
 - (3) Repeated sexual-oriented kidding, teasing, joking or flirting;
 - (4) Offensive crude language;
- (d) Physical
 - (1) Leering, whistling, touching, pinching, or brushing against another's body;
 - (2) Malicious touching
 - (3) Gestures with lewd insinuations
- (e) Visual such as the use or display of objects or pictures, graphics, letter or written notes which have sexual underpinnings that would create a hostile or offensive work or living environment
- (f) Serious physical abuse
 - (1) Sexual assault
 - (2) Rape

Section 21. Persons liable for sexual harassment. Any administrator, faculty, staff, students and others are liable for sexual harassment when he/she:

- (a) Directly participates in the execution of any act of sexual harassment as defined by this Rules;
- (b) Induces or directs another or others to commit sexual harassment as defined by this Rules;
- (c) Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; and
- (d) Cooperates in the commission of sexual harassment by another through previous simultaneous acts.

RULE V ANTI-SEXUAL HARASSMENT OFFICE

Section 22. The University shall provide facilities for both informal and formal procedures for resolving cases or dealing with incidents of sexual harassment.

- (a) Informal procedures. These are actions of the University through the appropriate officials or committees, which does not involve formal investigation, or filing of formal charges. It may consist of counseling, providing information, or other means of support. However, incidents of sexual harassment dealt with in this manner will be documented to determine whether patterns of sexual harassment are present.
- (b) The President shall establish facilities for informal procedures. This will be lodged in the ASHO to be created under the University structure.
- (c) If the case or situation requires resort to formal charge of sexual harassment, the procedures set out in Rule VI herein shall be complied with.

Section 23. The Anti-sexual Harassment Office (ASHO) is hereby created in the University under the office of the President. It shall be composed of the following:

- (a) As Chairperson on a rotating basis, the Vice-Presidents for Academic Affairs, the Vice-President for Administration, and the Vice-President for Research and Extension, or equivalent officials
- (b) Deans of Colleges where respondent and complainant belong
- (c) One representative each from the faculty, staff, and student sectors who shall be appointed by the President upon consultation with the respective sectors, for a term of two years each;
- (d) The Dean of Students
- (e) The Coordinator of the ASHO, who shall be a non-voting member

Section 24. The Office shall perform the following functions:

- (a) Receive complaints of sexual harassment and whenever needed, assists complainant in the preparation of a written complaint;

- (b) Undertake information and educational activities to ensure that the University policy, rules, regulations and procedures on sexual harassment are disseminated and become part of the academic culture
- (c) Creatively design or formulate informal procedures of such nature as to elicit trust and confidence on the part of interested parties in resolving problems arising from cases or incidents of sexual harassment, including counseling and grievance management; and
- (d) Provide security and support measures to aggrieved parties or victims in sexual harassment cases; and
- (e) In every appropriate case, constitute a Hearing Committee as required in the formal procedure set in Rule VI.

Section 25. It shall be headed by a Coordinator appointed by the President to serve on a full-time basis for a term of three years, which may be renewed. He or she shall be executive officer of the Office and shall be responsible for the efficient implementation of the decisions of the Office and of the President involving sexual harassment cases.

Section 26. The Office shall every year constitute a pool of such number of faculty, staff and students as may be necessary, from which shall be drawn the members of the Hearing Committee in every case where formal procedure is preferred or deemed necessary. The members of the pool shall come from all the campuses of the University. The sectoral representatives during the hearings will come from the concerned campuses. The members of the pool shall acquaint themselves with the university policy, rules, regulations and procedures concerning sexual harassment.

Section 27. Within 60 days from the effectivity of these Rules and Regulations, the President shall complete the organization of the Office and shall by appropriate public notice inform the academic community of the date it becomes thereby operational.

Section 28. Annual Report. The Coordinator of the Anti-sexual Harassment Office through the Office of the Vice-President for Administration shall submit an annual report to the President of the University, which shall contain an evaluation of the sexual harassment problems vis-à-vis the implementation of the University policy, rules and regulations contained herein, together with the recommendations.

RULE VI FORMAL PROCEDURE FOR SEXUAL HARASSMENT CASES

Section 29. Complaint.

- (a) Any administrator, faculty, staff or student who experiences sexual harassment is encouraged to file a complaint with the ASHO.
- (b) A formal complaint requires that the complainant be willing to identify the respondent so that a thorough investigation and hearing of the charge shall be conducted. A formal charge of sexual harassment will be filed only on a subscribed sworn complaint. Complaint procedures must conform to the principles of due process.
- (c) The complainant shall file a written complaint with the ASHO, which shall, upon receipt of the complaint, determine whether probable cause exists before giving due course to the complaint. Upon finding of probable cause, a Hearing Committee shall be constituted with members drawn from a pool as established under Section 26 of the Rules and Regulations.
- (d) The complaint shall forthwith be referred to the Committee.
- (e) No particular form is required for the complaint, but it must be in writing, signed and sworn to by the complainant. It must contain the following:
 - (1) the full name, address, position or course and year of the complainant;
 - (2) the full name, address, position or course and year of the respondent;
 - (3) a specification of the charge or charges;
 - (4) a brief statement of the relevant and material facts.

Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

- (f) In support of the complaint, the complainant may submit any evidence he or she has, including affidavits of witnesses, if any, together with the complaint.
- (g) A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation of the case.
- (h) The Committee shall notify the respondent in writing of the sexual harassment charge.

Section 30. Answer of the Respondent

- (a) Unless a different period is indicated in the notice issued by the Committee, the respondent shall be given not less than seventy-two (72) hours after receipt of the complaint to answer the charges.
- (b) The answer shall be in writing, signed and sworn to by the respondent, and copy furnished the complainant. No particular form is required but it is sufficient if the answer contains a specific admission or denial of the charge or charges and a statement of the relevant facts constituting the respondent's defense.

- (c) The respondent shall indicate in his/her answer whether or not he/she elects a formal investigation.
- (d) In support of the answer, the respondent shall submit any evidence he or she has, including affidavits of witnesses, if any, together with the answer.
- (e) Unless otherwise directed by the Committee, failure of the respondent to file an answer or to appear in the investigation shall be construed as a waiver to present evidence in his or her behalf.

Section 31. Hearing

- (a) After all the pleadings have been submitted, the Committee shall conduct a hearing not earlier than five (5) days nor later than ten (10) days from the date of receipt of the respondent's answer or complainant's reply, if any, and shall as far as possible conclude the hearing or investigation within thirty (30) days from the filing of the charges.
- (b) The Committee shall prepare a report within fifteen (15) days after the conclusion of the investigation or hearing and submit the report and its recommendations to the President.

Section 32. Preventive Suspension.

- (a) Upon the recommendation of the Committee, the President may suspend any administrator, faculty member or employee for not more than ninety (90) days pending an investigation, if the charge is for grave misconduct and the evidence of guilt is strong which would warrant the respondent's removal from service.
- (b) If the case against the administrator, faculty member or staff under preventive suspension is not finally decided within a period of ninety (90) days after the date of suspension, respondent shall be automatically reinstated in the service: Provided, that if the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of the delay shall not be counted in computing the period of suspension.

Section 33. Decision

- (a) Within fifteen (15) days from receipt of the Committee report and recommendation, the President shall render the decision.
- (b) The decision of the President shall be final and executory within ten (10) days after receipt of the copy thereof by the parties.
- (c) Any appeal of the decision shall be filed in accordance with Civil Service Commission rules and regulations regarding administrative cases.

RULE VII CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT

Section 34. 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 for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarships, 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 or threats with sexual overtones; and
 - (5) Other analogous cases
- (c) The following shall be considered light offenses:
 - (1) Surreptitiously looking or stealing a look at a person's private parts or worn undergarments
 - (2) Telling sexist/smutfy jokes or sending these through text, e-mail, or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing, even without such advice, when they are by their nature clearly embarrassing, offensive, or vulgar;
 - (3) Malicious leering or ogling;
 - (4) The display of private parts and 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 VIII ADMINISTRATIVE LIABILITIES

Section 35. The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee shall be charged with neglect of duty.

Section 36. Any administrator, faculty, staff or student who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding the gravity and seriousness of the offense.

Section 37. The penalties for light, less grave and grave offenses are as follows:

(a) For light offenses

1st offense - suspension for thirty (30) days for staff

hard labor of not less than 50 hours and not more than 100 hours for students

2nd offense - suspension not less than sixty days (60) days but not to exceed six (6) months for staff

suspension for one semester for students

3rd offense - dismissal for both staff and students

(b) For less grave offenses

1st offense - - suspension of not less than sixty days (60) days but not to exceed six (6) months for staff

suspension for one semester for students

2nd offense -- dismissal for both staff and students

(c) For grave offense

1st offense -- dismissal from service and

permanent disqualification 0

from government employment within the LSU system

expulsion for students

Section 38. 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.

RULE IX FORUM SHOPPING

Section 39. The filing of a complaint based on the herein rules shall preclude the filing of another administrative complaint under any other law.

RULE X EFFECTIVITY CLAUSE

Section 40. Effectivity. These Rules and Regulations shall take effect fifteen days from publication in the INFOWEB, AMARANTH or its counterpart student publication in the other campuses.

COMMENT ON THE CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, OTHER FORMS OF SEXUAL MISCONDUCT, AND INAPPROPRIATE BEHAVIOR OF THE VISAYAS STATE UNIVERSITY

PROVISIONS	REMARKS
	<p>The Code of Decorum and Administrative Rules on Sexual Harassment, Other forms of Sexual Misconduct, and Inappropriate Behavior of the VSU should be consistent with: (a) R.A. No. 7877; (b) R.A. No. 11313; (c) CHED Memorandum Order No. 3, s. 2022; (d) CSC MC No. 11, s. 2021 or the Revised Administrative Disciplinary Rules on Sexual Harassment Cases Revised Administrative Disciplinary Rules on Sexual Harassment Cases ; and (e) other pertinent issuances of the Civil Service Commission.</p> <p>CMO No. 3, s. 2022 provides:</p> <p style="text-align: center;">RULE VI</p> <p style="text-align: center;">APPLICABILITY OF CIVIL SERVICE LAWS AND OTHER RULES, REGULATIONS AND POLICIES</p> <p>SECTION 27. OTHER APPLICABLE LAW PROVISIONS</p> <p>Sec. 27 The pertinent rules, circulars and issuances of the CS C and the DOLE are hereby adopted as integral parts of these Guidelines, particularly in the operation of public HEIs, i.e., State Universities and Colleges and Local Universities and Colleges, other specialized colleges and HEIs with charters.</p> <p>All educational and training institutions that have an existing Code of Conduct of Policy on Sexual Harassment, including a CODI established under the Anti Sexual Harassment Act of 1995 (RA 7877), should amend these to</p>

	<p>conform to the Safe Spaces Act (RA 11313) and these Guidelines.</p> <p>In addition, private HEIs should develop their policies and guidelines, including pertinent mechanisms, in accordance with DOLE Administrative Order No. 250 on sexual harassment. HEIs in the public sector shall comply with the standards set by the CSC.</p> <p>All HEIs shall comply with the standards set by the Commission, accordingly. The Commission is committed in ensuring that HEIs are safe working and learning spaces free of any form of harassment including power-based harassment, as well as discrimination and persecution on the basis of class, religion, ethnicity, sexual orientation and gender identity, and shall endeavor to institutionalize an environment of higher education in the Philippines that respects the dignity of all.</p>
<p>SECTION 4. DEFINITIONS. As used in this Code, the following terms are defined as follows:...</p> <p>m) Inappropriate behavior</p> <ul style="list-style-type: none"> • Engaging in a dating, sexual, or amorous relationship or activity with personnel for whom one has or is scheduled to have a responsibility for assessing, supervising, advising, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care. • Engaging in a dating, sexual, or amorous relationship or activity with students who are 18 years old or older, who are not from Basic Education, and for whom one has or is scheduled to have a responsibility for assessing, supervising, advising, teaching, mentoring, training, 	<p>The VSU Code define acts constituting inappropriate behavior. However, such act is not among the prohibited acts under R.A. No. 7877, R.A. No. 11313, and CMO No. 3, s. 2022</p>

<p>guiding, counseling, selecting, or providing administrative support or pastoral care.</p> <ul style="list-style-type: none"> Any act classified as minor or moderate when the same is serious, persistent, or pervasive. 	
<p>SECTION 5. SEXUAL HARASSMENT DEFINED.</p> <p>Sexual harassment is an act, or a series of acts, involving any unwelcome advance, unwelcome request or demand for a sexual favor, or other verbal or physical behaviors of a sexual nature committed by any individual...</p>	<p>CSC MC No. 11, s. 2021 defined sexual harassment as follows:</p> <p>Section. 4. Definition of Terms.</p> <p>aa. SEXUAL HARASSMENT</p> <p>SEXUAL HARASSMENT IN THE WORKPLACE includes the following: "i. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals' employment or education, job performance or opportunities.</p> <p>"ii. A conduct of sexual nature affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems. iii. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient. "Sexual harassment in the workplace may also be committed by a government employee or official in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or</p>

remarks, between peers, and by a subordinate to a superior officer.

SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks. Sexual harassment in streets and public spaces includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

ONLINE SEXUAL HARASSMENT refers to: Gender-based online sexual harassment may be committed through an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear for personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photo's without consent, video and audio recordings, cyberstalking and online identity theft.

	<p>Gender-based online sexual harassment includes acts that use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.</p>
<p>SECTION 11. CLASSIFICATION OF ACTS. Sexual harassment in relation to Section 6 is classified as light, less grave, and grave offenses, as follows:..</p>	<p>The classification of acts of sexual harassment as light, less grave, and grave offenses should be consistent with Rule V of CMO No. 3, s. 2022.</p>
<p>SECTION 12. COMPOSITION. The Committee on Decorum and Investigation (CODI) shall be created by the VSU President. This shall serve as an independent internal grievance mechanism and shall act as the main body in the investigation and resolution of cases involving gender-based sexual harassment in the university.</p> <p>a) Sectoral Representation. The CODI shall be composed of:</p> <p>1) As Chairperson on a rotating basis, the Vice Presidents for Academic Affairs, the Vice-President for Administration, the Vice-President for Student Affairs,</p>	<p>CMO No. 3, s. 2022 provides that the head of HEI shall create the CODI. In the case of VSU, the head of the university is the governing board. Hence, the VSU BOR should ensure that the authority of the VSU President to create a CODI is delegated to him by the VSU Board.</p> <p>Consistent with the 2017 Omnibus Rules on Appointments and Other Human Resource Actions, Sec. 12(a)(2), is suggested to read as follows:</p> <p>One representative each from the faculty, staff, and students, who shall be designated by the</p>

<p>the Vice-President for Research, Extension, and Innovation, the Vice-President for Resource Generation, or equivalent officials;</p> <p>2) One representative each from the faculty, staff, and students, who shall be appointed by the President after consultation with their respective sectors;</p> <p>3) Dean of Students;</p> <p>4) Director of the Gender Resource Center;</p> <p>5) Coordinator of the Anti-Sexual Harassment Office, who shall be a non-voting member.</p>	<p>President after consultation with their respective sectors;</p>
<p>SECTION 18. SUPPORT SERVICES. The ASHU may, at any time, in either formal or informal procedure, coordinate with, refer to, and/or provide appropriate support services to both aggrieved party or persons/complainants and persons complained of/respondents.</p> <p>Support services may include but are not limited to: medical and legal services, counseling, transportation, communication, safety and security measures, medical/ laboratory procedures, and temporary shelter.</p> <p>The ASHU shall provide orientation/training to all those who are involved in providing support services to parties in the sexual harassment cases.</p>	<p>CMO No. 3, s. 2022 provides the following assistance to victims for acts punishable:</p> <p style="text-align: center;">RULE IV STANDARD PROCEDURAL REQUIREMENTS AND COMPLIANCE WITH DUE PROCESS</p> <p>HEIs shall formulate their own rules and standard procedural requirements on the CODI. The HEIs shall adopt the following minimum requirements:</p> <p>SECTION 15. PRE-FILING STAGE The HEI shall adopt mechanisms to provide assistance to an alleged victim of acts punishable by these guidelines which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.</p>
<p>SECTION 19. RIGHT TO REPRESENTATION. The University as complainant shall be represented by the President, as the case may be, or his/her designate.</p> <p>The complaining witness and the respondent may be assisted by their respective counsels of</p>	<p>In administrative cases, the parties may be represented by counsel.</p>

<p>choice, who are not connected with the University.</p> <p>The role of counsel shall be limited to advice to his/her client.</p>	
<p>SECTION 24. COMPLAINT. If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require the Complainant to submit a sworn Complaint....</p> <p>The withdrawal of the complaint at any stage of the proceedings shall be without prejudice for the CODI to continue its investigation and make a report of its findings and recommendation to the President when the evidence warrants.</p>	<p>CMO 3, s. 2022 provides that the submission of the sworn complaint must be made within 24 hours from receipt of notice of compliance.</p> <p>Moreover, as to the submission of investigation report, CMO 3, s. 2022 provides that the report shall be submitted to the disciplining authority or the VSU BOR.</p>
<p>SECTION 25. Action on the Complaint. After evaluating the complaint, the CODI shall:</p> <p>a) For complaints against an employee, faculty or student: Proceed with the investigation if the complaint is sufficient in form and substance. A complaint is sufficient in form and substance if all the elements provided in the immediately preceding provision are present.</p> <p>b) For complaints against personnel of third-party service providers or partner institutions or guests or visitors: Recommend the referral of the complaint to the service provider, partner institution or to the proper government authorities for proper investigation and action.</p> <p>The CODI shall likewise recommend to the President to provisionally disallow the personnel of third-party service provider or of partner institutions complained of, or guests or</p>	<p>CMO No. 3, s. 2022 provides that the power to provisionally disallow the personnel of third-party service provider or of partner institutions complained of, or guests or visitors from entering the premises of VSU is vested with the head of the institution, which is VSU BOR in this case.</p>

<p>visitors from entering the premises of VSU or from transacting with VSU while investigation is pending before the service provider, partner institution or to the proper government authorities.</p>	
<p>SECTION 26. INVESTIGATION OF CASES BEFORE THE CODI.</p> <p>The CODI shall, at all times, observe due process and investigate and decide on said complaint within ten (10) working days [RA 11313 Article V, Sec 22(b)] or less upon receipt thereof, following the procedures, to wit:</p> <p>a) Within 24 hours of receipt of the written complaint, the CODI shall commence the investigation by notifying the Respondent of the Complaint with a directive to submit Counter-Affidavit under oath and submit evidence in his/her defense within 72 hours from receipt of the notice and furnish a copy thereof to the Complainant. Otherwise, the Counter-affidavit/Comment shall be considered as not filed.</p> <p>b) Upon receipt of the Counter-Affidavit/Comment under oath and evidence submitted by the Respondent, the CODI shall conduct an ex-parte examination of the documents submitted by the parties, including available records of the case.</p> <p>c) Failure on the respondent to submit his Counter-Affidavit or appear in the investigation will mean waiver of his/her right to defend himself/herself and the CODI will proceed with the investigation.</p>	<p>CMO 3, s. 2022 provides that the report shall be submitted to the disciplining authority. In case of VSU, the disciplining authority is the VSU Board of Regents.</p>

<p>d) The results of this investigation will be submitted by the CODI to the President within the prescribed investigation period.</p>	
<p>SECTION 27. PREVENTIVE SUSPENSION. Upon petition of the Complainant or motu proprio upon the recommendation of the CODI, the President may order the preventive suspension of the Respondent during the conduct of investigation before the CODI and the period of deliberation of the recommendation of the CODI pursuant to Section 23 hereof, if there are reasons to believe that he/she is probably guilty of the charges which would warrant his/her removal from VSU.</p>	<p>Section 19 of CMO No. 3, s. 2022 provides that the preventive suspension shall be imposed by the disciplining authority, which is the VSU BOR.</p> <p>Section 23 as mentioned in Section 27 of the Code should refer to Section 28 of the Code.</p>
<p>SECTION 29. FINALITY OF DECISIONS</p> <p>A decision rendered by the President where the penalty of reprimand, serious reprimand, suspension for not more than thirty (30) days, or a fine in the amount not exceeding thirty (30) days' salary is imposed, shall be final and executory and not appealable, unless a motion for reconsideration is seasonably filed. However, the Respondent may file an appeal within fifteen (15) days before the President when the issue raised is a violation of due process.</p> <p>If the penalty imposed is exclusion, dismissal, suspension exceeding thirty (30) days, or a fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal, and no such pleading has been filed. A motion for</p>	<p>Section 21 of CMO No. 3, s. 2022 provides that the disciplining authority shall render the decision.</p>

<p>reconsideration may be filed by the Respondent within fifteen (15) days of receipt of the decision of the President. The President or the Board of Regents shall act or decide on the motion for reconsideration within thirty (30) days of receipt thereof.</p>	
<p>SECTION 30. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES</p> <p>The filing of a motion for reconsideration, motion appeal, and subsequent proceedings and other matters not covered by these Guidelines shall be governed by existing Civil Service Commission rules.</p>	<p>For consistency, the VSU Code should adopt Sec 22 of CMO No. 3, s. 2022, which provides:</p> <p>SECTION 22. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES</p> <p>The filing of a motion for reconsideration and appeal, and subsequent proceedings and other matters not covered by these Guidelines shall be governed by:</p> <p>For Public HEIs:</p> <ul style="list-style-type: none"> a. existing Civil Service Rules for those employed by the HEI; or b. the Manual of Regulations for Private Higher Education (MORPHE), applied suppletorily, for students of the institution



ACCOMPLISHMENT / ACTIVITY REPORT

Title of Activity: PUBLIC CONSULTATION WITH UNIVERSITY STAKEHOLDERS ON THE PROPOSED CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, OTHER FORMS OF SEXUAL MISCONDUCT, AND INAPPROPRIATE BEHAVIOR OF THE VISAYAS STATE UNIVERSITY

Objectives

1. To review the output of the review committee's harmonization of the existing university Anti-Sexual Harassment Rules and Regulations in the light of the Safe Spaces Act (RA 11313)

Date: 11 September 2024

Time Started: 08:00NN

Time Ended: 6:00PM

Venue: PhilRootcrops Hall, VSU

Implementing Office: GRC

Targeted Participants

- VSU Faculty, Staff, Students in the main and component colleges

Facilitators

1. GRC, Review Committee on the Anti-Sexual Harassment Rules and Regulations

Report on the Public Consultation for the Proposed Code of Decorum and Administrative Rules on Sexual Harassment, Other Forms of Sexual Misconduct, and Inappropriate Behavior at Visayas State University

On September 11, 2024 (Wednesday), the Review Committee on the VSU Anti-Sexual Harassment Rules and Regulations, established under OP Memorandum No. 524, Series of 2023, conducted a public consultation with various university stakeholders. The consultation at the PhilRootcrops Hall aimed to gather feedback on the proposed Code of Decorum and Administrative Rules on Sexual Harassment, Other Forms of Sexual Misconduct, and Inappropriate Behavior at Visayas State University (VSU). This initiative is part of the university's ongoing efforts to ensure a safe, inclusive, and respectful environment for all members of the VSU community.

The review committee, chaired by Atty. Rysan C. Guinocor, has been tasked with updating and harmonizing the university's existing Anti-Sexual Harassment Rules and Regulations in alignment with the provisions of the Safe Spaces Act (Republic Act No. 11313). The proposed Code of Decorum represents a comprehensive update that aims to address not only sexual harassment but also other forms of sexual misconduct and inappropriate behavior within the university.

The public consultation was organized into two sessions, each targeting different groups within the university community: students and faculty/administrative staff. These sessions were structured to allow for both discussion and collaborative feedback. The details of the sessions are as follows:

Batch 1: Students (AM Session)

This session was attended by a broad representation of the student body, including the Supreme Student Council Federation, Presidents of Student Organizations, and other interested students from various departments and academic units. The participants engaged in a detailed discussion of the proposed Code.

Batch 2: Faculty and Administrative Staff (PM Session)

This session involved key members of the faculty and administrative staff, including VSU Top Management, Chancellors, All College Deans, Directors, Department Heads, Unit Heads of Administrative Offices, and other interested faculty and staff members. Similar to the student session, it featured a review of the proposed Code, and participants were encouraged to provide their feedback and insights.

The primary objective of the consultation was to gather comments and feedback from various university stakeholders on the proposed Code of Decorum, ensuring that the document reflects the needs, concerns, and perspectives of both students, faculty, and staff. The proposed Code is a result of a careful harmonization process by the Review Committee, which sought to ensure that the university's existing policies are updated in compliance with the Safe Spaces Act (RA 11313). The input provided during the consultation is crucial in fine-tuning the proposed Code, particularly in terms of clarity, applicability, and effectiveness in promoting a safe and respectful environment.

The consultation was a resounding success, with active participation from both students and faculty/administrative staff. All attendees were given until October 31, 2024, to submit additional comments or suggestions to further refine the document. This timeline allows for an extended period of review, ensuring that all relevant stakeholders have ample opportunity to contribute.

The final draft of the proposed Code of Decorum will incorporate the comments and suggestions both from the actual consultation and from the additional period given to the stakeholders and will be submitted to the UADCO for further review. After the UADCO review, the document will be presented to the Board of Regents (BOR) for approval.

The Review Committee is committed to ensuring that this proposed Code serves as a clear and effective guideline for addressing sexual harassment, sexual misconduct, and inappropriate behavior in the university, fostering a safe, inclusive, and supportive environment for everyone.

This report underscores the collaborative effort involved in the development of the proposed Code of Decorum, highlighting the importance of stakeholder engagement in shaping policies that affect the entire university community. The consultation represents a crucial step toward strengthening the university's commitment to maintaining a harassment-free and inclusive academic and work environment.

Photodocumentation



Consultation with Students

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Consultation with Faculty and Staff

Prepared by:

LETTY JEAN C. LOR
Member, Revisions
Committee & OIC Head, GRC


OP Memo re: Public Consultation

  VISAYAS STATE UNIVERSITY	OFFICE OF THE PRESIDENT	
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Memorandum Circular No. 199
Series of 2024

TO: All Vice Presidents
All Chancellors
All Deans, Office Directors, and Department/Unit Heads
AdPA Officers
VSUFAN Officers
Supreme Student Council Federation Officers
Presidents of Student Organizations
Other Interested Faculty, Staff, and Students

RE: VSU Public Consultation on the Proposed Code of Decorum and Administrative Rules on Sexual Harassment, Other Forms of Sexual Misconduct, and Inappropriate Behavior

FROM: 
DR. PROSE IVY G. YEPES
University President


DATE: September 5, 2024

In coordination with the Review Committee on the VSU Anti-Sexual Harassment Rules and Regulations, VSU will conduct a public consultation with university stakeholders on the proposed *Code of Decorum and Administrative Rules on Sexual Harassment, Other Forms of Sexual Misconduct, and Inappropriate Behavior*.

The public consultation will be held on **September 11, 2024 (Wednesday)** at the **PhilRootcrops Hall** and will be conducted in two batches:

- **Batch 1 (9:00 AM - 12:00 NN)**
Supreme Student Council Federation Officers, Presidents of Student Organizations, and other interested students.
- **Batch 2 (2:00 PM - 5:00 PM): Faculty & Administrative Staff**
VSU Top Management, Chancellors, College Deans, Directors, Department Heads, Unit Heads of Administrative Offices, ADPA Officers, and VSUFAN Officers, and other interested faculty and staff.

OFFICE OF THE PRESIDENT
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No. **24-199**


Your participation and input in this consultation are crucial to ensure that the proposed rules and regulations are aligned with the needs and concerns of the VSU community. We highly encourage you to attend and share your insights.

For your information and usual support.

cc: Atty. Ryan C. Guinocor, Review Committee Chairperson
GRC Head

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V03 08-06-2024
No.

Review Committee on ASH Rules and Regulations

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No.2024-07



23 February 2023

MEMORANDUM NO. 534
Series of 2023

T O: Atty. Rysan C. Guinocor - Chairperson
Mr. Bon Anthony Costillas - Member, faculty representative
Ms. Elmera Y. Bañoc - Member, staff representative
Ms. Princess Rey Ann Lene E. Romo - Member, student representative
Mr. Bryan R. Gapasin - Member, GFPS - TWG
Prof. Maria Aurora Teresita W. Tabada - Ex-officio member, GRC Head
Ms. Letty Jean C. Lor - Committee Secretary

R E: Reconstitution of the Review Committee on the Anti-Sexual Harassment Rules and Regulations

By virtue of the authority vested in me by the VSU Board of Regents, the Review Committee on the Anti-Sexual Harassment Rules and Regulations is hereby reconstituted effective immediately until December 31, 2023.

The Review Committee has the following functions:

1. Review the existing Anti-Sexual Harassment Rules and Regulations in the light of the Safe Spaces Act (RA 11313); and
2. Prepare draft proposal of the revised Anti-Sexual Harassment Rules and Regulations for BOR approval.

For compliance.


EDGARDO E. TULIN
President

Attendance Sheet

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VISAYAS
STATE UNIVERSITY

GRC
GENDER RESOURCE CENTER

ATTENDANCE SHEET

Training/ Activity Title: VSU Public Consultation on the Proposed Code of Decorum and Administrative Rules on Sexual Harassment, Other

Forms of Sexual Misconduct, and Inappropriate Behavior (FACULTY & STAFF)

Implementing Office/ Unit: Gender Resource Center

Venue: PhilRootcrops Hall **Date (s) :** September 11, 2024

No.	Name	Sex (M/F)	Department/ Unit	Designated Position	VSU Email Address	Signature
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15.	Escasinas, Mary Joy	F	DES	SRA	
16.	Rodres, Nicka Fay, Maris A.	F	DPSS	SRA	

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








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106.							
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SUMMARY OF DIFFERENCES BETWEEN THE BOR-APPROVED 2002 AND PROPOSED 2024 ASH RULES

PROVISIONS	IMPLEMENTING RULES & REGULATIONS OF THE 1995 ANTI-SEXUAL HARASSMENT ACT LSU BOR NO. 66, S. 2002	CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, AND OTHER FORMS OF SEXUAL MISCONDUCT OF THE VISAYAS STATE UNIVERSITY
○ Legal basis	<ul style="list-style-type: none"> ○ Anti-Sexual Harassment Act of 1995 (RA 7877) ○ CSC Memorandum No. 01-0940 	<ul style="list-style-type: none"> ○ The Safe Spaces Act (RA 11313), ○ CHED CMO 03, s. 2022, and ○ CSC Memorandum No. 11, s. 2021.
○ Focus	<ul style="list-style-type: none"> ○ Focus on the work, education, and training (WET) environment (Sec 16-17) 	<ul style="list-style-type: none"> ○ Focus on place of work and place of learning, as a public space, and in the digital world (Sec 6)
○ Terms used	<ul style="list-style-type: none"> ○ Sexual harassment 	<ul style="list-style-type: none"> ○ Gender-based sexual harassment ○ Online sexual harassment ○ Public spaces sexual harassment
○ Coverage	<ul style="list-style-type: none"> ● Apply to officials and employees, students, and others (have dealings/transactions with university) (Sec 3-5) ● Definition of persons covered in Sec 3-5 are defined in Sec 2 (b) to (f) 	<ul style="list-style-type: none"> ● Detailed description of who are the administrators (Sec 3a), faculty (Sec 3b) and staff (Sec 3c), students (Sec 3d), others (Sec 3e) ● Added VSU Organizations (Sec 3f) ● Persons liable for GBSH. in addition to existing coverage, include third party service providers, personnel of other partner institutions which VSU has contracted to undertake school related activities, R E and I activities; visitors

		or third parties within VSU premises (Sec 8)
Definition of Terms	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Section 4 a) to l)
<ul style="list-style-type: none"> ○ Definition of sexual harassment 	<ul style="list-style-type: none"> ○ Refers to an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of sexual nature, committed by any administrator, faculty, staff, and student. ○ In work-related or education/training related cases, the person complained of exercises authority, influence, or moral ascendancy over another person or individual. (Sec 2 a) 	<ul style="list-style-type: none"> ○ refers to an act, or a series of acts, involving any UNWELCOME sexual advances, requests or demands for sexual favors, or other verbal or physical behaviors of a sexual nature, committed by any individual. (Sec 5)
<ul style="list-style-type: none"> ○ Additional provisions: Other forms of sexual misconduct 	<ul style="list-style-type: none"> ○ None 	<ul style="list-style-type: none"> ○ Other forms of sexual misconduct: voyeurism, child sexual abuse, rape, and sexual exploitation (Sec 9)
<ul style="list-style-type: none"> ○ Additional provisions: Consent 	<ul style="list-style-type: none"> ○ None 	<ul style="list-style-type: none"> ○ Defines consent as a consideration in determining whether sexual harassment has happened (Sec 10)

<ul style="list-style-type: none"> ○ Duty to report and Document 	<ul style="list-style-type: none"> ○ None 	<ul style="list-style-type: none"> ○ Requires all persons who have knowledge of acts of this nature to report the matter ASHU/CODI (Sec 20)
<ul style="list-style-type: none"> ○ Liability of VSU Administrators 	<ul style="list-style-type: none"> ○ Only the head of office is liable if fails to act within 15 days from receipt of any complaint for Sexual Harassment properly filed against any employee (Sec 35) 	<ul style="list-style-type: none"> ○ Includes any person in the university who has authority, influence, or moral ascendancy who intentionally or through inaction fail to (a) implement their duties under Section 24(b) of RA 7877 or Section 22 of RA 11313; or fails to report acts of GBSH committed in the educational institution (Sec 22)
<ul style="list-style-type: none"> ○ Routine Inspection 	<ul style="list-style-type: none"> ○ None 	<ul style="list-style-type: none"> ○ GRC as oversight body to conduct inspections and consultations to ensure compliance to this rules (Sec 23)
<ul style="list-style-type: none"> ○ Procedures 	<ul style="list-style-type: none"> ○ Have both preliminary investigation conducted by the ASH Com/CODI and formal investigation (if a formal charge for sexual harassment is issued by the President) undertaken by the formal hearing committee still composed of the expanded CODI members (Sec 29-33) 	<ul style="list-style-type: none"> ○ The CODI / Anti-Sexual Harassment Committee (ASH Com) conducts the investigation of all complaints and submits its recommendation to the President. The President then acts on the recommendation (Sec 24-29)
<ul style="list-style-type: none"> ○ Parallel and complementary actions 	<ul style="list-style-type: none"> ○ None 	<ul style="list-style-type: none"> ○ In case complainant is incapacitated or dies while case in ongoing, next of kin may take the place of the complainant (Sec 32)

<ul style="list-style-type: none"> ○ Offenses, Penalties, and Corresponding Administrative Penalties 	<ul style="list-style-type: none"> ○ Grave, less grave, light offense (Sec 37) ○ Penalties based on CSC rules (Sec 37) 	<ul style="list-style-type: none"> ○ Grave, less grave, light offense (Sec 33) ○ Penalties for others who are liable (Sec 33) ○ Additional corrective measures (Sec 34) ○ Accessory penalty for students (Sec 39),
<ul style="list-style-type: none"> ○ ASHU 	<ul style="list-style-type: none"> ○ The ASHO is directly under the Office of the President (Sec 23-24) 	<ul style="list-style-type: none"> ○ The ASHU is directly under the Office of the President (Sec 15). Since the GRC was established in July 2020, the ASHU became a part of the GRC
<ul style="list-style-type: none"> ○ ASH Committee 	<ul style="list-style-type: none"> ○ The CODI / Anti-Sexual Harassment Committee (ASH Com) is headed by a Vice President (usually Academic Affairs) ○ Composition is sectoral and had expanded membership. There is a separate formal hearing committee to conduct the investigation for a formal charge of sexual harassment. 	<ul style="list-style-type: none"> ○ The CODI also known as ASH Com. It is headed by a VP. ○ Composition is sectoral and there is only one Committee to do the preliminary investigation and formal investigation with Regular and Permanent Alternate members

<p>LEYTE STATE UNIVERSITY Baybay City, Leyte</p> <p>IMPLEMENTING RULES AND REGULATIONS OF THE ANTI-SEXUAL HARASSMENT ACT OF 1995</p>	<p>CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT, OTHER FORMS OF SEXUAL MISCONDUCT, AND INAPPROPRIATE BEHAVIOR OF THE VISAYAS STATE UNIVERSITY</p>
<p>Pursuant to the provision of Section 4, of Republic Act No. 7877 entitled “Anti-Sexual Harassment Act of 1995” and Rule XIII, Section 58 of the CSC Resolution No. 01-0940 entitled “Administrative Disciplinary Rules on Sexual Harassment Cases”, the following rules and regulations are hereby promulgated for the purpose of prescribing the policy and proper decorum for administrators, faculty, staff, students of the Leyte State University and for the resolution, settlement and disposition of cases of sexual harassment.</p>	<p>Pursuant to Section 7a of RA 9158 (Converting the Visayas State College of Agriculture into a State University to be known as the Leyte State University) and RA 9437 (Renaming the Leyte State University in Barangay Pangasugan, Municipality of Baybay, Province of Leyte as the Visayas State University), and in accordance with Sections 25 and 33 of Republic Act No. 11313, otherwise known as the "Safe Spaces Act," its Implementing Rules and Regulations, Civil Service Commission Resolution No. 2100064 dated January 20, 2021 promulgating the “Revised Administrative Disciplinary Rules on Sexual Harassment Cases” (MC No. 11, s. 2021) as well as the Commission on Higher Education’s <i>en banc</i> Resolution No. 061-2022 dated 8 February 2022 promulgating the "Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions,” (CMO No. 03, s. 2022) this Code of Decorum and Administrative Rules on Sexual Harassment, other Forms of Sexual Misconduct,</p>

	and Inappropriate Behavior of the Visayas State University, is hereby issued.
RULE I PRELIMINARY MATTERS	RULE I. DECLARATION OF PRINCIPLES, SCOPE, AND DEFINITIONS
<p>Section 1. <u>Title.</u> These rules shall be known as the Implementing Rules and Regulations on Anti-sexual harassment cases of the Leyte State University (LSU), or “Rules” for short.</p> <p>Section 2. <u>Definition of Terms.</u> As used in the Rules and Regulations, the following terms, shall mean and be understood as indicated below:</p> <ul style="list-style-type: none"> a) Sexual harassment means 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 any administrator, faculty, staff and student. In work-related or education/training related cases, the person complained of exercise authority, influence or moral ascendancy over another person or individual. b) Administrators refer to the President, Vice Presidents, Dean of Colleges, Center Directors, Department Heads, and Directors of Administrative Offices. c) Faculty members refer to the pool of employees of the University holding academic positions and performing teaching, research and extensions functions on a full-time or part-time basis. d) Staff refers to the pool of employees holding non academic or administrative positions performing tasks in support of the instruction, research, and extension functions of the University. 	<p>SECTION 1. DECLARATION OF PRINCIPLES. The University values and upholds the dignity of every faculty, staff, and student and guarantees the human rights of all members of the VSU community.</p> <p>VSU adheres strongly to a school environment where administrators, faculty, staff and students respect one another and behave in accordance with the highest ethical standards. It is also the ethical obligation of the university to provide an environment that is free from sexual harassment and from the fear that it may occur. The entire educational community suffers when sexual harassment occurs in the academic and work environment.</p> <p>It is the declared policy of the University that all forms of sexual harassment are unacceptable and a violation of the laws of the Philippines and the Rules of the University, and shall not be tolerated and condoned.</p> <p>It shall take measures to prevent sexual harassment and eliminate conditions that give rise to gender-based violence, sexual exploitation, and discrimination to ensure a safe and healthy learning and working environment for members of the VSU community.</p>

<p>e) Student refers to a person duly enrolled for a degree or special course, whether on a credit or audit basis, part-time or full time or in a short-term training, review course, thesis writing in any academic unit, training or review center of the University or are students hired as student assistants or graduate teaching assistants during semestral or summer breaks.</p> <p>f) Others refer to those who may have certain dealings/transactions with the University</p>	
<p>RULE II COVERAGE</p> <p>Section 3. <u>Officials and employees:</u> - These rules and regulations shall apply to any administrator, faculty member, and staff of the University who complaints of or against whom a complaint for sexual harassment is filed.</p> <p>Section 4. <u>Students</u> – These rules and regulations shall also apply to students who complain of or against whom an administrator, faculty member, staff or fellow student files a complaint of sexual harassment.</p> <p>Section 5. <u>Others</u> – These rules and regulations shall apply to those who may have certain dealings/transactions and have complaints for sexual harassment against any administrator, faculty member, staff or student of the University.</p>	<p>SECTION 2. POLICY STANDARDS AND GUIDELINES ON SEXUAL HARASSMENT. The following standards and guidelines shall be observed by the University:</p> <p>a) This Code of Conduct shall apply to all administrators, faculty, staff, and students of the University.</p> <p>b) Sexual harassment is unacceptable behavior and as such, the University shall undertake measures to prevent and eliminate sexual harassment.</p> <p>c) All reported incidents or cases of sexual harassment shall be investigated and appropriately acted upon by the University.</p> <p>d) The University shall provide all possible support services to parties to sexual harassment cases.</p> <p>e) Retaliation against parties directly or indirectly involved in any incident, case or report concerning sexual harassment will not be tolerated. Any act of retaliation in itself shall be a ground for disciplinary action.</p> <p>f) The University is committed to ensuring that any contracts of agreements with</p>

	<p>external parties, including contractors, training establishments hosting students for practicum, internship, on-the-job training, or similar programs, and institutions authorized to utilize space within the university campus, explicitly state their adherence to the Anti-Sexual Harassment Act of 1995 (R.A. No. 7877) , Safe Spaces Act (R.A. No. 11313), and relevant laws and regulations. Additionally, these parties are required to implement measures against sexual harassment and other forms of sexual misconduct and promptly address any related complaints.</p>
<p>RULE III POLICIES</p> <p>Section 6. The Leyte State University, in the light of its mission, vision and goals believes in and upholds the human dignity of every faculty, staff and student in the University. As such, it strongly adheres to a school environment where administrators, faculty, staff and students respect one another and behave in accordance with the highest ethical standard. It, therefore, commits itself to the implementation of RA 7877 or the “Anti-sexual Harassment Act of 1995”.</p> <p>Section 7. The ethical obligation of the university is to provide an environment that is free from sexual harassment and from fear that it may occur. The entire educational community suffers when sexual harassment occurs in the academic and work atmosphere. It is, therefore, the declared policy of the University that sexual harassment is unacceptable behavior and a violation of the laws of the Philippines and the Rules and Regulations of the University, and shall not be tolerated and condoned. It shall take measures to prevent sexual harassment and eliminate conditions that give rise to sexual intimidation and exploitation within the purview of these Rules.</p> <p>Section 8. Sexual harassment under these Rules is not limited to cases involving abuse of authority or power but</p>	<p>SECTION 3. COVERAGE. This Code applies to all members of the VSU community.</p> <p>The “VSU community” refers to persons, natural or juridical, as defined herein.</p> <ul style="list-style-type: none"> a) Administrators refer to the President, Vice Presidents, Deans of Colleges, Center Directors, Department Heads, and Directors of Administrative Offices. b) Faculty members refer to the pool of employees of the University, regardless of academic rank or status of appointment, performing teaching, research and extension functions on a full-time or part-time basis. c) Staff refers to the pool of employees holding nonteaching or administrative positions performing tasks in support to the instruction, research, and extension functions of the University, regardless of status of appointment. d) Student refers to any individual admitted and registered in any program of the University on a regular or part-time basis, including one who is officially on leave of absence and who has not yet been separated from the University formally through either transfer, graduation, honorable or dishonorable dismissal, expulsion or expiration of the period

includes as well those in peer relationships, such as in faculty-faculty, staff-staff or student-student relations, or those involving harassment of faculty members or staff by students. It contemplates cases of harassment involving persons of the same or opposite sex.

Section 9. Accordingly, sexual harassment is hereby declared a ground for administrative disciplinary action including the expulsion or termination as the case may be.

Section 10. All reported incidents or cases of sexual harassment shall be investigated and the appropriate disciplinary, criminal or any other legal action will be taken by the University authorities, with the consent of the victim and taking into account the integrity and other interests of the University.

Section 11. Universities officials, faculty members, staff and students entrusted with duties or functions connected with the implementation or enforcement of these Rules are required to observe confidentiality and respect individual privacy to the greatest extent possible in dealing with reports and complaints of sexual harassment.

Section 12. The University will provide all possible support services to faculty members, staff, and students who are victims of sexual harassment.

Section 13. All members of the University affected by a sexual harassment incident shall be treated with respect and given full opportunity to present their side of incident.

- Retaliation against parties directly or indirectly involved in any incident, case or report concerning sexual harassment will not be tolerated. Any act of retaliation in itself shall be a ground for disciplinary action.

Section 14. In the investigation of the case, the Committee shall adopt a reason standard to determine whether the conduct is

allowed for maximum residence, at the time of the commission of the act of sexual harassment, regardless of whether or not he/she is enrolled in any unit of the University at the time of the filing of the charge or during the pendency of the disciplinary proceedings, including any person undertaking on-the-job training.

e) "Others" refers to non-VSU contractual and job order workers, who are under a contractual teaching and non-teaching arrangement, including, but not limited to coach, mentor, trainer, consultant. It may also refer to those who may have dealings/transactions with the University such as service providers, suppliers, among others.

f) "VSU Organizations" refers to organizations or groups registered or recognized by the University or any of its offices/units.

<p>unwelcome and sufficiently pervasive to amount to sexual harassment as viewed by both men and women. Using this standard, the proper focus is on the victim's perspective of the given conduct.</p> <p>Section 15. The gross display of romantic affection in public otherwise known as public display of affection which includes, but is not limited to kissing, necking, petting and other intimate actions by faculty, staff and students is likewise discouraged.</p>	
	<p>SECTION 4. DEFINITIONS. As used in this Code, the following terms are defined as follows:</p> <ul style="list-style-type: none"> a) Catcalling refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs. b) Common carriers refer to persons, corporations, firms or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public. c) Cyberstalking is a form of stalking that is committed through an electronic medium in which online communication takes place. d) Gender refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them. e) Homophobic remarks or slurs are any statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or

	<p>actually have experienced same-sex attraction.</p> <p>f) Information and communications technology (ICT) shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.</p> <p>g) Misogynistic remarks or slurs are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.</p> <p>h) Public spaces refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.</p> <p>i) Rape, as defined by the Anti-Rape Law of 1997, is an act of sexual assault committed by the insertion of one's sex organ or any foreign instrument or object into another person's orifice, without the victim's consent or capability to give consent. This offense includes the rape of both males and females.</p> <p>j) Sexist remarks or slurs are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.</p> <p>k) Transphobic remarks or slurs are any statements in whatever form or however delivered, that are indicative of fear,</p>
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	<p>hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.</p> <p>l) Stalking refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.</p> <p>a) Inappropriate behavior</p> <ul style="list-style-type: none"> Engaging in a dating, sexual, or amorous relationship or activity with personnel for whom one has or is scheduled to have a responsibility for assessing, supervising, advising, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care. Engaging in a dating, sexual, or amorous relationship or activity with students who are 18 years old or older, who are not from Basic Education, and for whom one has or is scheduled to have a responsibility for assessing, supervising, advising, teaching, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care. Any act classified as minor or moderate when the same is serious, persistent, or pervasive.
	RULE II. CODE OF DECORUM
<p>RULE IV SEXUAL HARASSMENT</p> <p>Section 16. <u>Work-related sexual harassment</u> – This is committed under the following circumstances.</p>	<p>SECTION 5. SEXUAL HARASSMENT DEFINED.</p> <p>Sexual harassment is an act, or a series of acts, involving any unwelcome advance, unwelcome request or demand for a sexual</p>

<ul style="list-style-type: none"> a) Submission to or rejection of the act or series of acts is used as a basis for any employment decision including not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action affecting the applicant/employee. b) The act or series of act have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating hostile or offensive work environment. c) The above acts would impair the rights or privileges of the faculty member or staff under the Civil Service Law, rules and regulation; or d) The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense, or humiliation to a complaint who may be a co-employee, applicant, customer, or ward of the person complained of 	<p>favor, or other verbal or physical behaviors of a sexual nature committed by any individual.</p> <p>It includes inappropriate sexual advances or offensive remarks about a persons' sex, sexual orientation, or gender identity.</p> <p>The behavior or actions in questions do not necessarily have to be explicitly or obviously sexual in nature. They may possess implicit sexual elements, be sexually suggestive, or have underlying sexual connotations.</p> <p>It is not limited to cases involving abuse of authority or power, ascendancy, influence but includes as well those in peer relationships, or those involving harassment of faculty members or staff by students.</p> <p>It considers cases of harassment involving persons of the same or opposite sex, regardless of sexual orientation, gender identity, and expression.</p> <p>When assessing whether an act is of a sexual nature, all relevant factors must be considered, such as the overall circumstances, the complainant's experience and reasonable expectations, the complainant's vulnerability, and the specific details of the time, place, and manner involved. The motive of the person accused is irrelevant.</p>
<p>Section 17. <u>Education or training related sexual harassment.</u> This is committed against one who is under the actual or constructive care, 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:</p> <ul style="list-style-type: none"> a) Submission to or rejection of the act or series of acts is 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 	<p>When the acts of sexual harassment are shown to be organization-related or organization-based, the liability for sexual harassment shall extend to the officers of the organization, who are registered students during the commission of the offense, and the organization itself.</p>

<p>b) The act or series of acts have the purpose or effect of interfering with the performance, or creating and intimidating, hostile or offensive academic environment of the complainant; or</p> <p>c) The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense of humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.</p> <p>Section 18. The suggestion or advance need not be direct or explicit. It can be implied from the conduct, circumstances, and relationship of the individuals involved.</p>	
<p>Section 19. Sexual harassment may take place:</p> <p>a) Within the premises of the University campus such as in the office, classroom, laboratory or training room;</p> <p>b) In any place where the parties were found as a result of work or education or training responsibilities or relationships;</p> <p>c) At work or education or training related social functions;</p> <p>d) While on official business outside the University campus or during work or school or training related travel;</p> <p>e) At official conferences, fora, symposia or training sessions; and</p> <p>f) By telephone, cellular phone, fax machine or electronic mail.</p> <p>Section 20. <u>Forms of sexual harassment.</u> Sexual harassment can consist of the following:</p>	<p>SECTION 6. HOW GENDER-BASED SEXUAL HARASSMENT IS COMMITTED.</p> <p>It may be committed as a place of work and a place of learning; as a public space, and in the digital world.</p> <p>a) In VSU, other education and training institutions and partner host establishments and/or organizations, as a place of work and as a place of learning, when any unwelcome act or series of acts of a sexual nature is employed in the following:</p> <ol style="list-style-type: none"> 1) As basis for any employment decision (including, but not limited to, hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the complainant; 2) As requirement for a grade rating, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration to the complainant;

<ul style="list-style-type: none"> a) Persistent, unwanted attempts to change a professional or educational relationship to a personal one; b) Unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people. Examples include but are not limited to the following: <ul style="list-style-type: none"> 1) Unwelcome sexual advances; 2) Derogatory, demeaning or lascivious comments about men and women in general, whether sexual or not. c) Verbal <ul style="list-style-type: none"> 1) Abuse of a sexual nature 2) Graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; 3) Repeated sexual-oriented kidding, teasing, joking, flirting; 4) Offensive crude language; d) Physical <ul style="list-style-type: none"> 1) Leering, whistling, touching, pinching, or brushing against another's body, 2) Malicious, touching 3) Gestures with lewd insinuations e) Visual such as the use or display of objects or pictures, graphics, letter or written notes which have sexual underpinnings that would create a hostile or offensive work or living environment f) Serious physical abuse <ul style="list-style-type: none"> 1) Sexual assault 2) Rape 	<ul style="list-style-type: none"> 3) As interference with the complainant's performance, which creates an intimidating, hostile or offensive work or academic environment; or 4) As an instrument that might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to the complainant. <p>b) In VSU, as a public space, when any unwelcome act or series of acts of a sexual nature constitutive of street-level and public-spaces sexual harassment are committed. The different forms of street-level and public-space GBSH include but are not limited to:</p> <ul style="list-style-type: none"> 1) catcalling and/or wolf-whistling; 2) unwanted invitations; 3) misogynistic, transphobic, homophobic, and sexist slurs; 4) persistent uninvited comments or gestures on a person's appearance; 5) statements, comments, and suggestions with sexual innuendoes; 6) persistent telling of sexual jokes; use of sexual names; 7) public masturbation or flashing of private parts; 8) groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces; or 9) stalking 10) other analogous cases <p>c) In the digital world, online sexual harassment includes:</p> <ul style="list-style-type: none"> 1) acts of a sexual nature that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats; 2) unwanted sexual misogynistic, transphobic, homophobic, and sexist remarks and/or comments online,
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	<p>whether publicly or through direct and private messages;</p> <ol style="list-style-type: none"> 3) invasion of victim's privacy through cyberstalking and/or incessant messaging; 4) uploading and/or sharing without the consent of the victim any form of media that contains photos, audio, or video with sexual content; 5) any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online; 6) impersonating identities of victims online or posting lies about victims to harm their reputation; or 7) filing false abuse reports to online platforms to silence victims. 8) other analogous cases
	<p>SECTION 7. PLACES WHERE GENDER-BASED SEXUAL HARASSMENT IS COMMITTED. Gender-based sexual harassment may be committed in the following:</p> <ol style="list-style-type: none"> a) Within the territory of VSU where there has direct administration or jurisdiction; b) Within or outside the host training institutions, local or foreign, during or beyond the conduct school-related activities so long as the complainant or the respondent in the GBSH case is under their supervision, instruction, or custody; c) In public spaces and/or online platforms which are used by stakeholders of VSU and training institutions for their school-related activities; and/or d) Within any of the above areas where the gender-based sexual harassment is committed by a faculty, employee or student of VSU even if the activity is not school-related and/or sanctioned by the institution.
<p>Section 21. <u>Persons liable for sexual harassment.</u> Any administrator, faculty, staff,</p>	<p>SECTION 8. PERSONS LIABLE FOR GENDER-BASED SEXUAL HARASSMENT. Gender-based sexual</p>

<p>students and others are liable for sexual harassment when he/she:</p> <ul style="list-style-type: none"> a) Directly participates in the execution of any act of sexual harassment as defined by this Rules; b) Induces or directs another or others to commit sexual harassment as defined by this Rules; c) Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; and d) Cooperates in the commission of sexual harassment by another through previous simultaneous acts. 	<p>harassment may be committed by the following:</p> <ul style="list-style-type: none"> a) Persons of the same or opposite sex who have authority, influence, or moral ascendancy over the offended party in any aspect of academic or administrative work, such as an officer, faculty member, employee, coach or trainer (e.g. faculty to students, administrator to faculty/employees, administrator to students, and coach/trainer to students); b) Persons in a peer relationship with the offended party (e.g., faculty to faculty, students to students, administrator to administrator, coach/trainer to coach/trainer); c) Students/student interns, faculty, administrators, or employees committing acts that constitute sexual harassment against faculty members, administrators, employees, third-party service providers or visitors of the institution; d) Third-party service providers engaged by VSU such as sanitation, security and maintenance personnel; e) Personnel of other partner institutions which VSU have contracted to undertake school-related activities, research, extension, and innovation activities; or f) Visitors or third-parties who are within the premises, or around the vicinity of the institution.
	<p>SECTION 9. OTHER FORMS OF SEXUAL MISCONDUCT</p> <p>The University prohibits other forms of offensive conduct of a sexual nature, including but not limited to the following:</p> <ul style="list-style-type: none"> a) Voyeurism, which refers to the act of taking a photo, video, or other recording

	<p>of a person performing a sexual act or any similar activity or of capturing an image of the private parts of a person without the latter's consent, under circumstances in which such person has a reasonable expectation of privacy, even if the sexual act or activity is consensual. It also refers to the act of selling, copying, reproducing, broadcasting, sharing, distributing, showing, or exhibiting the photo, video, or recording of such sexual act or similar activity through any means, without the written consent of the person involved.</p> <p>b) Child sexual abuse, which refers to engaging in sexual intercourse, anal sex, oral sex, or any form of lewd conduct with a person below 18 years of age. It also includes sexual exploitation of a minor. Lack or absence of consent is conclusively presumed from the fact that the child is below 18 years of age.</p> <p>c) Rape, which refers to non-consensual sexual intercourse, anal sex, or oral sex with another person, or penetration of another person's genitals or anus through the use of one's fingers or other objects.</p> <p>d) Sexual exploitation, which refers to the use of threat, deception, coercion, abuse of a person's vulnerability or minority, or other similar means to make another person participate in prostitution or the production of pornographic materials.</p>
	<p>SECTION 10. CONSENT</p> <p>Common among infractions involving sexual encounters is the absence of consent. Consent must be a clear "yes," communicated by unambiguous words or actions and continuing throughout a sexual encounter. Consent previously given may be retracted at any time during the sexual encounter.</p>
	<p>SECTION 11. CLASSIFICATION OF ACTS.</p> <p>Sexual harassment in relation to Section 6 is classified as light, less grave, and grave offenses, as follows:</p>

	<p>a) Light offenses shall include, but are not limited to</p> <ol style="list-style-type: none"> 1) surreptitiously looking or staring at a person's private part or worn undergarments 2) making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, 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 or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations). 6) unwelcome sexual flirtation, advances, propositions 7) making offensive hand or body gestures at the person 8) persistent unwanted attention with sexual overtones 9) unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver 10) catcalling and/or wolf-whistling 11) unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages 12) invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones 13) other analogous case
	<p>b) Less grave offenses shall include, but are not limited to</p> <ol style="list-style-type: none"> 1) unwanted touching or brushing against a victim's body

	<ol style="list-style-type: none"> 2) pinching not falling under major 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 5) unwanted invitations with sexual undertone 6) misogynistic, transphobic, homophobic and sexist slurs 7) persistent uninvited comments or gestures on a person's appearance 8) relentless requests for personal details 9) incessant messaging 10) making statements, comments and suggestions with sexual innuendos 11) the use of information and communications technology in 12) terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones 13) other analogous cases
	<p>c) Grave offenses shall include, but are not limited to</p> <ol style="list-style-type: none"> 1) unwanted touching of private parts of the body (genitalia, buttocks and breast) 2) rape or sexual assault 3) malicious touching 4) requests for sexual favor in exchange for employment, 5) promotion, local or foreign travels, favorable working 6) conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance 7) public masturbation or flashing of private parts 8) groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces

	<ul style="list-style-type: none"> 9) uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content 10) any unauthorized recording and/or sharing of any of the 11) victim's photos, videos, or any information online 12) impersonating identities of victims online or posting lies of a sexual nature about the victims to harm their reputation 13) filing false abuse reports to online platforms to silence victims of sexual harassment 14) stalking / cyberstalking 15) other analogous cases
	RULE III. COMMITTEE ON DECORUM AND INVESTIGATION (CODI) AND THE ANTI-SEXUAL HARASSMENT UNIT (ASHU)
<p>RULE V ANTI-SEXUAL HARASSMENT OFFICE</p> <p>Section 22. The University shall provide facilities for both informal and formal procedures for resolving cases or dealing with incidents of sexual harassment.</p> <ul style="list-style-type: none"> a) Informal procedures. These are actions of the University through the appropriate officials or committees, which does not involve formal investigation, or filing of formal charges. It may consists of counseling, providing information, or other means of support. However, incidents of sexual harassment dealt with in this manner will be documented to determine whether patterns of sexual harassment are present. b) The President shall establish facilities for informal procedures. This will be lodged in the ASHO to be created under the University structure. 	<p>SECTION 12. COMPOSITION. The Committee on Decorum and Investigation (CODI) shall be created by the VSU President. This shall serve as an independent internal grievance mechanism and shall act as the main body in the investigation and resolution of cases involving gender-based sexual harassment in the university.</p> <ul style="list-style-type: none"> a) Sectoral Representation. The CODI shall be composed of: <ul style="list-style-type: none"> 1) As Chairperson on a rotating basis, the Vice Presidents for Academic Affairs, the Vice-President for Administration, the Vice-President for Student Affairs, the Vice-President for Research, Extension, and Innovation, the Vice-President for Resource Generation, or equivalent officials; 2) One representative each from the faculty, staff, and students, who shall be appointed by the President after consultation with their respective sectors; 3) Dean of Students; 4) Director of the Gender Resource Center;

<p>c) If the case or situation requires resort to formal charge of sexual harassment, the procedures set out in Rule VI herein shall be complied with.</p> <p>Section 23. The Anti-sexual Harassment Office (ASHO) is hereby created in the University under the Office of the President. It shall be composed of the following:</p> <ul style="list-style-type: none"> a) As Chairperson on a rotating basis, the Vice-Presidents for Academic Affairs, the Vice-President for Administration, and the Vice-President for Research and Extension, or equivalent officials b) Deans of Colleges where respondent and complaint belong c) One representative each from the faculty, staff and student sectors who shall be appointed by the President upon consultation with the respective d) The Dean of Students e) The Coordinator of the ASHO, who shall be a non-voting member. <p>Section 24. The Office shall perform the following functions:</p> <ul style="list-style-type: none"> a) Receive complaints of sexual harassment and whenever needed, assists complainant in the preparation of written complaint; b) Undertake information and educational activities to ensure that the University policy, rules, regulations and procedures on sexual harassment are disseminated and become part of the academic culture c) Creatively design or formulate informal procedures of such nature as to elicit trust and confidence on the part of 	<p>5) Coordinator of the Anti-Sexual Harassment Office, who shall be a non-voting member.</p>
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interested parties in resolving problems arising from cases or incidents of sexual harassment, including counseling and grievance management; and

- d) Provide security and support measures to aggrieved parties or victims in sexual harassment cases; and
- e) In every appropriate case, constitute a Hearing Committee as required in the formal procedure set in Rule VI.

Section 25. It shall be headed by a Coordinator appointed by the President to serve on a full-time basis for a term of three years, which may be renewed. He or she shall be executive officer of the Office and shall be responsible for the efficient implementation of the decisions of the Office and of the President involving sexual harassment cases.

Section 26. The office shall every year constitute a pool of such number of faculty, staff and students as may be necessary, from which shall be drawn the members of the Hearing Committee in every case where formal procedure is preferred or deemed necessary. The members of the pool shall come from all the campuses of the University. The sectoral representatives during the hearings will come from the concerned campuses. The members of the pool shall acquaint themselves with the university policy, rules, regulations and procedures concerning sexual harassment.

Section 27. Within 60 days from the effectivity of these Rules and Regulations, the President shall complete the organization of the Office and shall by appropriate public notice inform the academic community of the date it becomes thereby operational.

Section 28. Annual Report. The Coordinator of the Anti-sexual Harassment Office through the Office of the Vice-

<p>President for Administration shall submit an annual report to the President of the University, which shall contain an evaluation of the sexual harassment problems vis-à-vis the implementation of the University policy, rules and regulations contained herein, together with the recommendations.</p>	
	<p>b) Equitable Representation. The CODI shall be headed by a woman, and membership shall be divided equally between men and women, provided not less than half are women. The President may include representatives for equal representation from persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. The President may also invite representatives from other groups, as may be applicable.</p>
	<p>c) Permanent Alternates. Aside from the regular members of the CODI, the President shall also designate their respective permanent alternates who shall act on behalf of the regular members in their absence, temporary incapacity or voluntary or involuntary inhibition. The permanent alternates shall have the authority to render decisions so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.</p> <p>Both regular members and permanent alternates are regular, permanent employees of the university.</p>
	<p>d) Impartiality. Members of the CODI should have no prior record of involvement as a respondent or defendant in any case of whatever nature of sexual harassment, including those which are still pending.</p> <p>1) When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the President.</p>

	<p>The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest impartiality, relation with the respondent within the fourth degree of consanguinity or affinity, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause delay in the proceedings.</p>
	<p>e) Terms of Office. The term of office of CODI members should be (2) years without prejudice to reappointment after the term ends. Terms of office may be extended and be on hold-over until such time the VSU President has designated new members.</p> <p>For members who have not reached two (2) years yet may be reconstituted upon valid and justifiable reasons. New members replacing the members who have not served the two (2) year term will only serve the remaining period without prejudice to reappointment.</p>
	<p>SECTION 13. QUALIFICATIONS AND ATTRIBUTES OF THE UNIVERSITY CODI CHAIRPERSON AND MEMBERS.</p> <p>The Chairperson and members of the CODI must possess the following attributes:</p> <ul style="list-style-type: none"> a) Good moral character; b) Known integrity, probity, and independence; c) Proven and demonstrable understanding of gender issues; d) No prior record of involvement as a respondent, defendant, or accused in any case within or outside the University involving sexual harassment, other forms of sexual misconduct, inappropriate behavior, or any form of gender-based discrimination;

	<ul style="list-style-type: none"> e) No prior involvement in any case which may affect one's credibility; f) Excellent interpersonal skills and able to work collaboratively with others; g) Excellent verbal and written communication skills; and h) Able to analyze voluminous information and exercise critical thinking.
	<p>In addition to the above attributes:</p> <ul style="list-style-type: none"> a) The Chairperson must be a woman and a regular employee of the University for at least ten (10) years at the time of her appointment. She must have: <ul style="list-style-type: none"> 1) A proven track record of excellent leadership in an administrator position for at least five (5) years; 2) At least five (5) years experience in fact-finding and investigation of disciplinary cases; and 3) Demonstrable advocacy in promoting gender sensitivity and equality for at least five (5) years. b) Student representatives must be in good academic standing, must be nominated by the Student Council, and must be 18 years old at the time of their appointment. c) Employee representatives must be employees of VSU for at least three (3) years, regardless of the status or nature of their employment, and must have experience in fact-finding and investigation of disciplinary cases or similar experience.
	<p>SECTION 14. RESPONSIBILITIES AND FUNCTIONS OF THE CODI</p> <p>The CODI shall have and perform the following functions:</p>

	<ul style="list-style-type: none"> a) Receive complaints for offenses covered by these Guidelines; b) Investigate complaints for offenses covered by these Guidelines including preliminary investigation in accordance with the prescribed procedure; c) Observe, at all times, due process in the conduct of investigation; d) Within ten (10) days from the receipt of the written complaint, investigate and decide on the case and, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; e) Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure; f) Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible; g) Undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other GAD topics as needed; h) 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 i) Conduct such other activities that would engender a safe environment for all genders, especially women, in school campuses and training-related programs. <p>In case of non-performance or inadequate performance of functions, the members of</p>
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	<p>the CODI shall be replaced by the President upon receipt of documentation that will substantiate such allegations.</p>
	<p>SECTION 15. ANTI-SEXUAL HARASSMENT OFFICE (ASHO). The ASHO shall be directly under the Office of the President. It shall be headed by a Coordinator.</p> <p>The Coordinator shall be appointed by the President for a term of three (3) years, which may be renewed. He or she shall be the executive officer of the Office and shall be responsible for the efficient implementation of the decisions of the Office and of the President involving sexual harassment cases.</p> <p>a) The ASHO shall:</p> <ol style="list-style-type: none"> 1) Design and implement a continuing program of activities and initiatives for the prevention of sexual harassment; 2) Undertake information and educational activities to ensure that the University policy, rules, regulations, and procedures on anti-sexual harassment are disseminated and become part of the academic culture; 3) Formulate procedures for the alternative dispute resolution in resolving sexual harassment cases, including counseling and grievance management; 4) Coordinate security and support measures to aggrieved parties or victims in sexual harassment cases; 5) Serve as the secretariat of the ASH Committee and act as custodian of records; 6) Prepare and submit an annual report to the University President; 7) Monitor the implementation of decisions/orders of the appropriate disciplining authority; and 8) Perform such other functions which this Code and the President may delegate.

**RULE VI FORMAL PROCEDURE
FOR SEXUAL HARASSMENT CASES**

Section 29. Complaint.

- a) Any administrator, faculty, staff or student who experiences sexual harassment is encouraged to file a complaint with the ASHO.
- b) A formal complaint requires that the complainant be willing to identify the respondent so that a thorough investigation and hearing of the charge shall be conducted. A formal charge of sexual harassment will be filed only on a subscribed sworn complaint. Complaint procedures must conform to the principles of due process.
- c) The complainant shall file a written complaint with the ASHO, which shall, upon receipt of the complaint, determine whether the probable cause exists before giving due course to the complaint. Upon finding of probable cause, a Hearing Committee shall be constituted with members drawn from a pool as established under Section 26 of the Rules and Regulations.
- d) The complaint shall forthwith be referred to the Committee
- e) No particular form is required for the complaint, but it must be in writing, signed and sworn to by the complainant. It must contain the following:
 - 1) the full name, address, position or course and year of the complainant;
 - 2) the full name, address, position or course and year of the respondent;
 - 3) a specification of the charge or charges;
 - 4) a brief statement of the relevant and material facts.

Where the complaint is not under oath, the complaint shall be

SECTION 16. PROCEDURES. The University shall provide facilities for both informal and formal procedures for resolving cases or dealing with incidents of sexual harassment.

Informal procedures refer to actions of the University other than the formal procedure outlined in Section 19. It may include alternative dispute resolution (ADR) mechanisms, provision of support services, such as counseling, wellness programs, and other appropriate support.

Formal procedure refers to an administrative disciplinary proceeding initiated upon a sworn written complaint, an investigation, the resolution of the case, and imposition of the corrective measure, if any.

summoned by the Committee to swear to the truth of the allegations in the complaint.

- f) In support of the complaint, the complainant may submit any evidence he or she has, including affidavits of witnesses, if any, together with the complaint.
- g) A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation of the case.
- h) The Committee shall notify the respondent in writing of the sexual harassment charge.

Section 30. Answer of the Respondent

- a) Unless a different period is indicated in the notice issued by the Committee, the respondent shall be given not less than seventy-two (72) hours after receipt of the complaint to answer the charges.
- b) The answer shall be in writing, signed and sworn to by the respondent and copy furnished the complainant. No particular form is required but it is sufficient if the answer contains a specific admission or denial of the charge or charges and a statement of the relevant facts constituting the respondent's defense.
- c) The respondent shall indicate in his/her answer whether or not he/she elects a formal investigation.
- d) In support of the answer, the respondent shall submit any evidence he or she has, including affidavits of witnesses, if any, together with the answer.
- e) Unless otherwise directed by the Committee, failure of the respondent to file an answer or to appear in the investigation shall be construed as a waiver to

<p>present evidence in his or her behalf.</p> <p>Section 31. <u>Hearing</u></p> <p>a) After all the pledges have been submitted, the Committee shall conduct a hearing not earlier than five (5) days not later than ten (10) days from the date of receipt of the respondent's answer or complainant's reply, if any, and shall as far as possible conclude the hearing or investigation within thirty (30) days from the filing of charges.</p> <p>b) The Committee shall prepare a report within fifteen (15) days after the conclusion of the investigation or hearing and submit the report and its recommendations to the President.</p>	
	<p>SECTION 17. ALTERNATIVE DISPUTE RESOLUTION (ADR). As used in this code, ADR is limited to conciliation and mediation. It may be resorted to only in one complaint of sexual harassment. <i>Provided</i>, that the following requisites are present: it is the first complaint against the person being complaint of; the complaint is a light offense; the case is peer-to-peer. It is also understood that the complaint against the respondent is the first complaint filed in any of the component colleges.</p> <p>Complaints settled through ADR shall always be with the assistance of the ASHU.</p>
	<p>SECTION 18. SUPPORT SERVICES. The ASHU may, at any time, in either formal or informal procedure, coordinate with, refer to, and/or provide appropriate support services to both aggrieved party or persons/complainants and persons complained of/respondents.</p> <p>Support services may include but are not limited to: medical and legal services, counseling, transportation, communication, safety and security measures, medical/</p>

	<p>laboratory procedures, and temporary shelter.</p> <p>The ASHU shall provide orientation/training to all those who are involved in providing support services to parties in the sexual harassment cases.</p>
	<p>SECTION 19. RIGHT TO REPRESENTATION. The University as complainant shall be represented by the President, as the case may be, or his/her designate.</p> <p>The complaining witness and the respondent may be assisted by their respective counsels of choice, who are not connected with the University.</p> <p>The role of counsel shall be limited to advice to his/her client.</p>
	<p>SECTION 20. DUTY TO REPORT AND DOCUMENT</p> <p>Any or all persons including those from VSU component colleges or external campuses who have knowledge of acts of education- or training-related sexual harassment or other related sexual offenses committed within the purview of these Guidelines shall report the same to the CODI/Anti-Sexual Harassment Unit immediately.</p>
<p>Section 32. <u>Preventive Suspension</u></p> <p>a) Upon the recommendation of the Committee, the President may suspend any administrator, faculty member or employee for not more than ninety (90) days pending an investigation, if the charge is for grave misconduct and the evidence of guilt is strong which would warrant the respondent's removal from service.</p> <p>b) If the case against the administrator, faculty member or staff under preventive suspension is not finally decided</p>	<p>SECTION 21. DUTIES AND RESPONSIBILITIES OF THE VSU PRESIDENT</p> <p>The CMO No. 1, s. 2015, as well as the Higher Education GAD [Gender and Development] Accord of 2011 mandate the Presidents to prevent gender-based violence and address reports of these resolutely.</p> <p>In VSU, the president shall ensure that the office handling the Guidance and Counseling services shall have appropriate facilities and registered guidance counselors to provide adequate intervention services in</p>

<p>within a period of ninety (90) days after the date of suspension, respondent shall be automatically reinstated in the service: Provided, that if the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of the delay shall not be counted in computing the period of suspension.</p> <p>Section 33. <u>Decision</u></p> <ul style="list-style-type: none"> a) Within fifteen (15) days from receipt of the Committee report and recommendation, the President shall render the decision. b) The decision of the President shall be final and executory within ten (10) days after receipt of the copy thereof by the parties. c) Any appeal of the decision shall be filed in accordance with Civil Service Commission rules and regulations regarding administrative cases 	<p>cases of sexual harassment cases and related behavioral problems.</p>
	<p>In addition, the VSU President shall:</p> <ul style="list-style-type: none"> a) Disseminate or ensure the posting of a copy of relevant laws and policies on sexual harassment, e.g., the Anti-Sexual Harassment Act (RA 7877) and Safe Spaces Act (RA 11313), its code of conduct, as well as these Guidelines, in a conspicuous place in the institution. This shall be done through, among others: <ul style="list-style-type: none"> 1) Sending copies of the said mandates through official notices or means of communications among heads of different departments, bureaus offices, units or such subdivisions for cascading to their members;

	<p>2) Posting a copy of the said mandates in the official website;</p> <p>3) Conducting orientation on the said mandates, and providing copies of these in print or electronically, as well as preparing information materials such as primers, frequently asked questions, and the like.</p> <p>Copies of the mandates should always be posted in areas within VSU that are easily visible to students, especially in areas where they usually congregate. The said mandates and the Implementing Rules and Regulations may be translated into a language easily understandable to the students/trainees.</p> <p>a) Provide measures that prevent GBSH in VSU, including information campaigns, express inclusion in the student handbook, orientation of student organizations, and training of teaching and non-teaching staff, students, security officers, and other members of the school community.</p> <p>b) Create an independent internal mechanism or CODI / Anti-Sexual Harassment Committee to investigate and address complaints of GBSH and carry out such functions as stated in Section 24(b) of the Anti-Sexual Harassment Act and Section 22(c) of the Safe Spaces Act.</p> <p>c) Cause the development and publication, in consultation with all stakeholders, of the Code of Conduct or school policy that shall:</p> <ol style="list-style-type: none"> 1) Expressly reiterate the prohibition on GBSH; 2) Prescribe the procedures of the internal mechanism created under the law; and 3) Set administrative penalties. <p>d) Ensure that a program to capacitate the officials and staff of student services unit</p>
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	<p>and the human resource department on the efficient and professional handling of sexual harassment cases or other related sexual offenses is institutionalized.</p> <p>e) Endeavor to raise the consciousness of its stakeholders on gender-based and sexual harassment towards their full elimination through the integration of such efforts into the trilogical functions of higher education: (i) curriculum development and pedagogy; (ii) research; and (iii) extension.</p> <p>The President shall ensure that the GAD programs, activities, and projects integrate the concepts, policies and provisions of the other laws on gender-based violence including the Anti Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance Law of 1998 (Republic Act No. 8505), the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act. No. 9262) and other such legislation to contribute in raising awareness of and support to the Anti-Violence-Against Women efforts and similar initiatives of the PCW, CHED and other government organizations, non-government organizations, and Gender Resource Centers.</p> <p>The President shall be conscious at all times that in their institutional undertakings, they are compliant with the provisions of all the laws governing Violence Against Women and Children, and endeavor to carry out advocacy campaigns to include the provision of support services to both alleged victims and alleged offenders.</p>
	<p>SECTION 22. LIABILITY OF VSU ADMINISTRATORS</p> <p>In addition to liability for committing acts of GBSH, the VSU Administrators (President, Vice Presidents, Deans of Colleges, Center Directors, Department Heads, and Directors</p>

	<p>of Administrative Offices including Section Heads and Dorm Advisers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an HEI) may also be held responsible for:</p> <ul style="list-style-type: none"> a) Non-implementation of their duties under Section 24(b) of the Anti-Sexual Harassment Act of 1995 and Section 22 of the Safe Spaces Act, as provided in the penal provisions; or b) Failure to act on reported acts of GBSH committed in the educational institution. <p>Any person who, intentionally or through inaction, violates any of the above subsections may be found administratively liable for Gross Misconduct or Gross Negligence, notwithstanding any criminal liability under RA 11313.</p>
	<p>SECTION 23. ROUTINE INSPECTION</p> <p>The VSU Gender Resource Center shall conduct regular spontaneous inspections to ensure compliance of VSU Administrators with their obligations under the law. The GRC Director shall include consultations with the student councils or the student body in the conduct of their inspection.</p>
	<p>RULE IV</p> <p>STANDARD PROCEDURAL REQUIREMENTS AND COMPLIANCE WITH DUE PROCESS</p>
	<p>SECTION 24. PRE-FILING STAGE. When an alleged victim of sexual harassment files a complaint, he/she may avail of the services provided by the ASHU as stated in Section 16.</p>
	<p>SECTION 25. COMPLAINT</p>

	<p>a) The complaint may be filed at any time with the Coordinator of the Anti-Sexual Harassment Office (ASHU), Director of the Gender Resource Center (GRC), President, the Office of the Immediate Supervisor of the Complainant or the alleged perpetrator, the Guidance Office, Discipline Office, Security Office, directly to the CODI, or the CHED Regional Office.</p> <p>b) The ASHU Coordinator will assist the complainant in the preparation of the affidavit and its notarization.</p> <p>c) Upon receipt of the complaint by any of the above offices, the same shall be transmitted to the CODI. In the absence of a CODI, the President shall immediately cause the creation of a CODI in accordance with the law and rules, and transmit the complaint to the Committee.</p> <p>d) The complaint may be in any form, provided that the following information are indicated in the complaint:</p> <ol style="list-style-type: none"> 1) FULL NAME and CONTACT DETAILS of the Complainant. However, the filing of an anonymous complaint is not prohibited. 2) FULL NAME, CONTACT DETAILS and/or POSITION of the Respondent, if known to the Complainant. 3) STATEMENT OF RELEVANT FACTS. 4) EVIDENCE TO SUPPORT THE ALLEGATION, PROVIDED non-submission of evidence will not cause the dismissal of the complaint; and 5) CERTIFICATION OR STATEMENT OF NON-FORUM SHOPPING. <p>If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require the Complainant to submit a sworn Complaint.</p>
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	<p>The withdrawal of the complaint at any stage of the proceedings shall be without prejudice for the CODI to continue its investigation and make a report of its findings and recommendation to the President when the evidence warrants.</p>
	<p>SECTION 26. Action on the Complaint. After evaluating the complaint, the CODI shall:</p> <ul style="list-style-type: none"> a) <i>For complaints against an employee, faculty or student:</i> Proceed with the investigation if the complaint is sufficient in form and substance. A complaint is sufficient in form and substance if all the elements provided in the immediately preceding provision are present. b) <i>For complaints against personnel of third-party service providers or partner institutions or guests or visitors:</i> Recommend the referral of the complaint to the service provider, partner institution or to the proper government authorities for proper investigation and action. <p>The CODI shall likewise recommend to the President to provisionally disallow the personnel of third-party service provider or of partner institutions complained of, or guests or visitors from entering the premises of VSU or from transacting with VSU while investigation is pending before the service provider, partner institution or to the proper government authorities.</p>
	<p>SECTION 27. INVESTIGATION OF CASES BEFORE THE CODI.</p> <p>The CODI shall, at all times, observe due process and investigate and decide on said complaint within ten (10) working days [RA 11313 Article V, Sec 22(b)] or less upon receipt thereof, following the procedures, to wit:</p> <ul style="list-style-type: none"> a) Within 24 hours of receipt of the written complaint, the CODI shall commence

	<p>the investigation by notifying the Respondent of the Complaint with a directive to submit Counter-Affidavit under oath and submit evidence in his/her defense within 72 hours from receipt of the notice and furnish a copy thereof to the Complainant. Otherwise, the Counter-affidavit/Comment shall be considered as not filed.</p> <p>b) Upon receipt of the Counter-Affidavit/Comment under oath and evidence submitted by the Respondent, the CODI shall conduct an ex-parte examination of the documents submitted by the parties, including available records of the case.</p> <p>c) Failure on the respondent to submit his Counter-Affidavit or appear in the investigation will mean waiver of his/her right to defend himself/herself and the CODI will proceed with the investigation.</p> <p>d) The results of this investigation will be submitted by the CODI to the President within the prescribed investigation period.</p>
	<p>SECTION 28. PREVENTIVE SUSPENSION. Upon petition of the Complainant or <i>motu proprio</i> upon the recommendation of the CODI, the President may order the preventive suspension of the Respondent during the conduct of investigation before the CODI and the period of deliberation of the recommendation of the CODI pursuant to Section 23 hereof, if there are reasons to believe that he/she is probably guilty of the charges which would warrant his/her removal from VSU.</p> <p>An order of preventive suspension may be issued to temporarily remove the Respondent from the scene of his / her misfeasance or malfeasance and to preclude the possibility of his / her exerting undue influence or pressure on the witnesses against him/her or tampering of any evidence.</p>

	<p>SECTION 29. WHEN CASE IS DECIDED</p> <p>The President shall decide the case within thirty (30) days of receipt of the CODI Investigation Report and Recommendation.</p>
	<p>SECTION 30. FINALITY OF DECISIONS</p> <p>A decision rendered by the President where the penalty of reprimand, serious reprimand, suspension for not more than thirty (30) days, or a fine in the amount not exceeding thirty (30) days' salary is imposed, shall be final and executory and not appealable, unless a motion for reconsideration is seasonably filed. However, the Respondent may file an appeal within fifteen (15) days before the President when the issue raised is a violation of due process.</p> <p>If the penalty imposed is exclusion, dismissal, suspension exceeding thirty (30) days, or a fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal, and no such pleading has been filed. A motion for reconsideration may be filed by the Respondent within fifteen (15) days of receipt of the decision of the President. The President or the Board of Regents shall act or decide on the motion for reconsideration within thirty (30) days of receipt thereof.</p>
	<p>SECTION 31. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES</p> <p>The filing of a motion for reconsideration, motion appeal, and subsequent proceedings and other matters not covered by these Guidelines shall be governed by existing Civil Service Commission rules.</p>
	<p>SECTION 32. PARALLEL AND COMPLEMENTARY ACTIONS</p>

	<p>Nothing in these Guidelines shall be construed to limit the rights of the victims of GBSH from pursuing civil, criminal and other legal actions as may be provided by law.</p> <p>In the event that the complainant is incapacitated or dies while the case is ongoing, the next of kin may take the place of the complainant.</p>
<p>RULE VII CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT</p> <p>Section 34. Sexual Harassment is classified as grave, less grave and light offenses.</p> <p>a) Grave offenses shall include but are not limited to:</p> <ol style="list-style-type: none"> 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 for employment, promotion, local foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarships, or grants of benefits or payment of a stipend or allowance, and 5) Other analogous cases <p>b) Less grave offenses shall include but are not limited to</p> <ol style="list-style-type: none"> 1) Unwanted touching or brushing against a victim's body; 2) Pinching not falling under grave offenses; 3) Derogatory or degrading remarks or innuendos directed toward the members of one sex or one's sexual orientation 	<p>RULE V</p> <p>OFFENSES, PENALTIES AND CORRECTIVE MEASURES</p>

<p>or used to describe a person;</p> <p>4) Verbal abuse or threats with sexual overtones; and</p> <p>5) Other analogous cases</p> <p>c) The following shall be considered light offenses:</p> <p>1) Surreptitiously looking or stealing a look at a person's private parts or worn undergarments</p> <p>2) Telling sexist/smitty jokes or sending these through text, e-mail, or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing, even without such advice, when they are by their nature clearly embarrassing, offensive, or vulgar;</p> <p>3) Malicious leering or ogling</p> <p>4) The display of private parts and sexually offensive pictures, materials, or graffiti;</p> <p>5) Unwelcome inquiries or comments about a person's sex life;</p> <p>6) Unwelcome sexual flirtation, advances, propositions</p> <p>7) Making offensive hand or body gestures at an employee</p> <p>8) Persistent unwanted attention with sexual overtones;</p> <p>9) Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and</p>	
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10) Other analogous cases

**RULE VIII
ADMINISTRATIVE
LIABILITIES**

Section 35. The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee shall be charged with neglect of duty.

Section 36. Any administrator, faculty, staff or student who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding the gravity and seriousness of the offense.

Section 37. The penalties for light, less grave and grave offenses are as follows:

(a) For light offenses

1st offense – suspension for thirty (30) days for staff
hard labor of not less than 50 hours and not more than 100 hours for students

2nd offense - suspension not less than sixty days (60) days but not to

exceed six (6) months for staff

Suspension for one semester for students

3rd offense - dismissal for both staff and students

(b) For less grave offenses

1st offense – suspension of not less than sixty (60) days but not to

exceed six (6) months for staff

Suspension for one semester for students

GRAVE OFFENSES

A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work	
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee	
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees	
<ul style="list-style-type: none"> unwanted touching of private parts of the body (genitalia, buttocks and breast) rape or sexual assault malicious touching requests for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance public masturbation or flashing of private parts groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content 	Dismissal from service; For students, expulsion

- (c) For grave offense
 1st offense – dismissal from
 service and permanent
 disqualification from
 government employment
 within the LSU system
 expulsion for students.

Section 38. 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.

GRAVE OFFENSES

A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work

B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee

C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees

- unwanted touching of private parts of the body (genitalia, buttocks and breast)
- rape or sexual assault
- malicious touching
- requests for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance
- public masturbation or flashing of private parts
- groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces
- uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content

**Dismissal from service;
 For students, expulsion**

LESS GRAVE OFFENSES		
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work		
	1 st offense	2 nd offense
<ul style="list-style-type: none"> • unwanted touching or brushing against a victim's body • pinching not falling under major offenses • derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person • verbal abuse with sexual overtones • unwanted invitations with sexual undertone • misogynistic, transphobic, homophobic and sexist slurs • persistent uninvited comments or gestures on a person's appearance • relentless requests for personal details • incessant messaging • making statements, comments and suggestions with sexual innuendoes 	Suspension of one month and one day to six months	Dismissal from service; For students, exclusion or dismissal

LESS GRAVE OFFENSES		
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work		
	1 st offense	2 nd offense
<ul style="list-style-type: none"> • unwanted touching or brushing against a victim's body • pinching not falling under major offenses • derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person • verbal abuse with sexual overtones • unwanted invitations with sexual undertone • misogynistic, transphobic, homophobic and sexist slurs • persistent uninvited comments or gestures on a person's appearance • relentless requests for personal details • incessant messaging • making statements, comments and suggestions with sexual innuendoes 	Suspension of one month and one day to six months	Dismissal from service; For students, exclusion or dismissal

	<ul style="list-style-type: none"> the use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones other analogous cases 		
	B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee		
	C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees		
	same as above	1 st offense Suspension of one month and one day to three months; Probation for the entire semester	2 nd offense Dismissal from service; For students, exclusion or dismissal
	D. Third-party service providers such as sanitation and maintenance personnel		
	E. Personnel of Partner Institutions where school-related activities are conducted		
	same as above	1 st offense Serious reprimand by the HEI	2 nd offense Permanent ban in the HEI *For international partners, permanent ban from entering into a contract with any PHEI
		1 st offense	2 nd offense
	F. Guests / Visitors	Serious reprimand	Permanent ban in the HEI
	<ul style="list-style-type: none"> the use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones other analogous cases 		
	B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee		
	C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees		
	same as above	1 st offense Suspension of one month and one day to three months; Probation for the entire semester	2 nd offense Dismissal from service; For students, exclusion or dismissal
	D. Third-party service providers such as sanitation and maintenance personnel		
	E. Personnel of Partner Institutions where school-related activities are conducted		
	same as above	1 st offense Serious reprimand by the HEI	2 nd offense Permanent ban in the HEI *For international partners, permanent ban from entering into a contract with any PHEI
		1 st offense	2 nd offense
	F. Guests / Visitors	Serious reprimand	Permanent ban in the HEI

	LIGHT OFFENSES		
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work			
<ul style="list-style-type: none">• surreptitiously looking or staring at a person's private part or worn undergarments• making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar	1st offense <		

<ul style="list-style-type: none"> • malicious leering or ogling • the display of sexually offensive pictures, materials or graffiti • unwelcome inquiries or comments about a person's sex life or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations). • unwelcome sexual flirtation, advances, propositions • making offensive hand or body gestures at the person • persistent unwanted attention with sexual overtones • unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver • catcalling and/or wolf-whistling • unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages • invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones • other analogous cases 			
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee			
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees			
	1st offense	2nd offense	3rd offense
same as above	Written warning	Written reprimand and community service	Suspension

<p>Section 39. The filling of a complaint based on the herein rules shall preclude the filling of another administrative complaint under any other law.</p>	<p>corrective measures, regardless of the number of times the offense is committed, the following corrective measures may be imposed within the period of service of the corrective measure. These include the following, but are not limited to:</p> <ul style="list-style-type: none"> a) written or oral apology; b) counseling; and, c) attendance in appropriate or relevant trainings, seminars, and lectures, such as gender sensitivity trainings, or other such similar activities. <p>In determining whether corrective measures are appropriate or necessary, the following factors shall be taken into consideration:</p> <ul style="list-style-type: none"> a) nature and circumstances of the act committed; b) frequency and severity of the act; c) personal circumstances of the person complained of/ respondent (e.g., age, maturity, position, or rank) d) safety of the parties or community; and, e) such other relevant factors. <p>These corrective measures may also be adopted in complaints submitted for disposition under the informal procedure.</p>
	<p>SECTION 34. ALTERNATIVE CIRCUMSTANCES. – In the determination of the corrective measures to be imposed, the following circumstances attendant to the commission of the act shall be considered as alternately mitigating or aggravating:</p> <ul style="list-style-type: none"> a) physical illness; b) good faith; c) time and place of act; d) official position;

	<p>e) subordinate;</p> <p>f) disclosure of confidential information;</p> <p>g) use of government property in the commission of the act;</p> <p>h) habituality;</p> <p>i) employment of means to commit or conceal the act;</p> <p>j) education; or,</p> <p>k) other analogous circumstances.</p> <p>If the respondent is found guilty of two or more charges or counts, the corrective measures to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.</p>
	<p>SECTION 35. PRESCRIPTIVE PERIOD. – All complaints for sexual harassment shall be filed within four (4) years from the commission of the act complained of.</p>
	<p>SECTION 36. ANTI-SEXUAL HARASSMENT ORIENTATION AND CLEARANCE REQUIREMENT. – All members of the VSU system shall undergo an orientation on anti-sexual harassment, once every three (3) years. Anti-sexual harassment orientation and clearance shall henceforth be a component of student curriculum, personnel actions, such as hiring, tenure and promotion, and accreditation of service contractors, and partner entity engagements.</p>
	<p>SECTION 37. IMPOSITION OF PENALTIES Minor students who, at the time of the commission of the act of GBSH, are found guilty under these Guidelines by the President, shall likewise undergo gender sensitivity training and psychosocial counseling sanctioned by the Guidance Office.</p>

	<p>If the penalty of suspension beyond 30 days, expulsion or exclusion is imposed upon a student, the same shall be subject to the confirmatory authority of the Board of Regents and CHED pursuant to Section 21 of the Implementing Rules and Regulations of the Safe Spaces Act. (check this)</p> <p>If the penalty of dismissal is imposed upon an employee, the same shall be in accordance with the Civil Service Commission (CSC).</p> <p>If the penalty imposed is other than those provided above, e.g., termination of contract or permanent ban from VSU, the same shall be final and immediately executory, and notice shall be furnished the Respondent or notice shall be posted around the premises of the institution.</p> <p>For termination of contract with a partner training organization, the institution shall report the same with the CHED Regional Office having jurisdiction over it.</p>
	<p>SECTION 38. ACCESSORY PENALTY. A student shall not be allowed to graduate if he or she has a pending case of GBSH. VSU reserves the right to revoke a student's diploma if it was inadvertently issued while a case for GBSH is pending against the student at the time of its conferment.</p> <p>Any fees to be charged in the course of a victim's availment of psychosocial counseling and similar services shall be borne by the respondent proven guilty of the offense/s charges.</p>
	<p>RULE VI MISCELLANEOUS PROVISIONS</p>
	<p>SECTION 39. REPEALING CLAUSE. All VSU policy issuances inconsistent with this Code are deemed repealed accordingly upon the effectivity of this Code of Decorum and Administrative Rules.</p>

	<p>SECTION 40. REVIEW. The President shall call for the review of this Code or parts of it by members of the VSU system, if none has been made in ten (10) years. Any member of the VSU system may propose amendments to the Board of Regents. The amendment as approved by the BOR shall take effect on the first day of the succeeding semester.</p> <p>Each component college shall set up its respective ASHU, not later than three (3) years from effectivity of this Code.</p>
	<p>SECTION 41. REPEALING CLAUSE. This Code amends and supersedes the University's Implementing Rules and Regulations of the Anti-Sexual Harassment Act of 1995.</p> <p>This also amends and supersedes all resolutions and issuances inconsistent with the Code.</p>
<p>RULE X EFFECTIVITY CLAUSE</p> <p>Section 40. <u>Effectivity.</u> These Rules and Regulations shall take effect fifteen days from publication in the <u>INFOWEB</u>, <u>AMARANTH</u> or its counterpart student publication in other campuses.</p>	<p>SECTION 42. EFFECTIVITY. This Code shall take effect seven (7) days from publication in the VSU System official publication and website.</p>

Pursuant to Section 7a of RA 9158 (Converting the Visayas State College of Agriculture into a State University to be known as the Leyte State University) and RA 9437 (Renaming the Leyte State University in Barangay Pangasugan, Municipality of Baybay, Province of Leyte as the Visayas State University), and in accordance with Sections 25 and 33 of Republic Act No. 11313, otherwise known as the "Safe Spaces Act," its Implementing Rules and Regulations, Civil Service Commission Resolution No. 2100064 dated January 20, 2021 promulgating the "Revised Administrative Disciplinary Rules on Sexual Harassment Cases" (MC No. 11, s. 2021) as well as the Commission on Higher Education's *en banc* Resolution No. 061-2022 dated 8 February 2022 promulgating the "Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions," (CMO No. 03, s. 2022) this Code of Decorum and Administrative Rules on Sexual Harassment, and Other Forms of Sexual Misconduct of the Visayas State University, is hereby issued.

RULE I. DECLARATION OF PRINCIPLES, SCOPE, AND DEFINITIONS

SECTION 1. DECLARATION OF PRINCIPLES. The University values and upholds the dignity of every faculty, staff, and student and guarantees the human rights of all members of the VSU community.

VSU adheres strongly to a school environment where administrators, faculty, staff and students respect one another and behave in accordance with the highest ethical standards. It is also the ethical obligation of the university to provide an environment that is free from sexual harassment and from the fear that it may occur. The entire educational community suffers when sexual harassment occurs in the academic and work environment.

It is the declared policy of the University that all forms of sexual harassment are unacceptable and a violation of the laws of the Philippines and the Rules of the University, and shall not be tolerated or condoned.

It shall take measures to prevent sexual harassment and eliminate conditions that give rise to gender-based violence, sexual exploitation, and discrimination to ensure a safe and healthy learning and working environment for members of the VSU community.

SECTION 2. POLICY STANDARDS AND GUIDELINES ON SEXUAL HARASSMENT. The following standards and guidelines shall be observed by the University:

- a) This Code of Conduct shall apply to all administrators, faculty, staff, and students of the University.
- b) Sexual harassment is unacceptable behavior and as such, the University shall undertake measures to prevent and eliminate sexual harassment.
- c) All reported incidents or cases of sexual harassment shall be investigated and appropriately acted upon by the University.
- d) The University shall provide all possible support services to parties to sexual harassment cases.

- e) Retaliation against parties directly or indirectly involved in any incident, case or report concerning sexual harassment will not be tolerated. Any act of retaliation in itself shall be a ground for disciplinary action.
- f) The University is committed to ensuring that any contracts or agreements with external parties, including contractors, training establishments hosting students for practicum, internship, on-the-job training, or similar programs, and institutions authorized to utilize space within the university campus, explicitly state their adherence to the Anti-Sexual Harassment Act of 1995 (R.A. No. 7877), Safe Spaces Act (R.A. No. 11313), and relevant laws and regulations. Additionally, these parties are required to implement measures against sexual harassment and other forms of sexual misconduct and promptly address any related complaints.

SECTION 3. COVERAGE. This Code applies to all members of the VSU community.

The “VSU community” refers to persons, natural or juridical, as defined herein.

- a) Administrators refer to the President, Vice Presidents, Deans/Chancellors, Center Directors, Department Heads, and Directors of Administrative Offices.
- b) Faculty members refer to the pool of employees of the University, regardless of academic rank or status of appointment, performing teaching, research, and extension functions on a full-time or part-time basis.
- c) Staff refers to the pool of employees holding non-teaching or administrative positions performing tasks in support of the instruction, research, and extension functions of the University, regardless of the status of appointment.
- d) Student refers to any individual admitted and registered in any program of the University on a regular or part-time basis, including one who is officially on leave of absence and who has not yet been separated from the University formally through either transfer, graduation, honorable or dishonorable dismissal, expulsion or expiration of the period allowed for maximum residence, at the time of the commission of the act of sexual harassment, regardless of whether or not he/she is enrolled in any unit of the University at the time of the filing of the charge or during the pendency of the disciplinary proceedings, including any person undertaking on-the-job training.
- e) “Others” refers to non-VSU contractual and job order workers, who are under a contractual teaching and non-teaching arrangement, including, but not limited to coach, mentor, trainer, consultant. It may also refer to those who may have dealings/transactions with the University such as service providers, suppliers, among others.
- f) “VSU Organizations” refers to organizations or groups registered or recognized by the University or any of its offices/units.

SECTION 4. DEFINITIONS. As used in this Code, the following terms are defined as follows:

- a) **Catcalling** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
- b) **Common carriers** refer to persons, corporations, firms or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public.

- c) **Cyberstalking** is a form of stalking that is committed through an electronic medium in which online communication takes place.
- d) **Gender** refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them.
- e) **Homophobic** remarks or slurs are any statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.
- f) **Information and communications technology (ICT)** shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.
- g) **Misogynistic** remarks or slurs are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.
- h) **Public spaces** refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.
- i) **Rape**, as defined by the Anti-Rape Law of 1997, is an act of sexual assault committed by the insertion of one's sex organ or any foreign instrument or object into another person's orifice, without the victim's consent or capability to give consent. This offense includes the rape of both males and females.
- j) **Sexist** remarks or slurs are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.
- k) **Transphobic** remarks or slurs are any statements in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.
- l) **Stalking** refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

RULE II. CODE OF DECORUM

SECTION 5. SEXUAL HARASSMENT DEFINED.

Sexual harassment is an act, or a series of acts, involving any unwelcome advance, unwelcome request or demand for a sexual favor, or other verbal or physical behaviors of a sexual nature committed by any individual.

It includes inappropriate sexual advances or offensive remarks about a persons' sex, sexual orientation, or gender identity.

The behavior or actions in questions do not necessarily have to be explicitly or obviously sexual in nature. They may possess implicit sexual elements, be sexually suggestive, or have underlying sexual connotations.

It is not limited to cases involving abuse of authority or power, ascendancy, influence but includes as well those in peer relationships, or those involving harassment of faculty members or staff by students.

It considers cases of harassment involving persons of the same or opposite sex, regardless of sexual orientation, gender identity, and expression.

When assessing whether an act is of a sexual nature, all relevant factors must be considered, such as the overall circumstances, the complainant's experience and reasonable expectations, the complainant's vulnerability, and the specific details of the time, place, and manner involved. The motive of the person accused is irrelevant.

When the acts of sexual harassment are shown to be organization-related or organization-based, the liability for sexual harassment shall extend to the officers of the organization, who are registered students during the commission of the offense, and the organization itself.

SECTION 6. HOW GENDER-BASED SEXUAL HARASSMENT IS COMMITTED.

It may be committed as a place of work and a place of learning; as a public space, and in the digital world.

- a) In VSU, other education and training institutions and partner host establishments and/or organizations, as a place of work and as a place of learning, when any unwelcome act or series of acts of a sexual nature is employed in the following:
 - 1) As basis for any employment decision (including, but not limited to, hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the complainant;
 - 2) As requirement for a grade rating, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration to the complainant;
 - 3) As interference with the complainant's performance, which creates an intimidating, hostile or offensive work or academic environment; or
 - 4) As an instrument that might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to the complainant.
- b) In VSU, as a public space, when any unwelcome act or series of acts of a sexual nature constitutive of street-level and public-spaces sexual harassment are committed. The different forms of street-level and public-space GBSH include but are not limited to:

- 1) catcalling and/or wolf-whistling;
- 2) unwanted invitations;
- 3) misogynistic, transphobic, homophobic, and sexist slurs;
- 4) persistent uninvited comments or gestures on a person's appearance;
- 5) statements, comments, and suggestions with sexual innuendos;
- 6) persistent telling of sexual jokes; use of sexual names;
- 7) public masturbation or flashing of private parts;
- 8) groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces; or
- 9) stalking
- 10) other analogous cases

c) In the digital world, online sexual harassment includes:

- 1) acts of a sexual nature that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats;
- 2) unwanted sexual misogynistic, transphobic, homophobic, and sexist remarks and/or comments online, whether publicly or through direct and private messages;
- 3) invasion of victim's privacy through cyberstalking and/or incessant messaging;
- 4) uploading and/or sharing without the consent of the victim any form of media that contains photos, audio, or video with sexual content;
- 5) any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online;
- 6) impersonating identities of victims online or posting lies about victims to harm their reputation; or
- 7) filing false abuse reports to online platforms to silence victims.
- 8) other analogous cases

SECTION 7. PLACES WHERE GENDER-BASED SEXUAL HARASSMENT IS COMMITTED.

Gender-based sexual harassment may be committed in the following:

- a) Within the territory of VSU where there has direct administration or jurisdiction;
- b) Within or outside the host training institutions, local or foreign, during or beyond the conduct school-related activities so long as the complainant or the respondent in the GBSH case is under their supervision, instruction, or custody;
- c) In public spaces and/or online platforms which are used by stakeholders of VSU and training institutions for their school-related activities; and/or
- d) Within any of the above areas where the gender-based sexual harassment is committed by a faculty, employee or student of VSU even if the activity is not school-related and/or sanctioned by the institution.

SECTION 8. PERSONS LIABLE FOR GENDER-BASED SEXUAL HARASSMENT.

Gender-based sexual harassment may be committed by the following:

- a) Persons of the same or opposite sex who have authority, influence, or moral ascendancy over the offended party in any aspect of academic or administrative work, such as an officer, faculty member, employee, coach or trainer (e.g. faculty to students, administrator to faculty/employees, administrator to students, and coach/trainer to students);
- b) Persons in a peer relationship with the offended party (e.g., faculty to faculty, students to students, administrator to administrator, coach/trainer to coach/trainer);
- c) Students/student interns, faculty, administrators, or employees committing acts that constitute sexual harassment against faculty members, administrators, employees, third-party service providers or visitors of the institution;
- d) Third-party service providers engaged by VSU such as sanitation, security and maintenance personnel;
- e) Personnel of other partner institutions which VSU have contracted to undertake school-related activities, research, extension, and innovation activities; or
- f) Visitors or third-parties who are within the premises, or around the vicinity of the institution.

SECTION 9. OTHER FORMS OF SEXUAL MISCONDUCT

The University prohibits other forms of offensive conduct of a sexual nature, including but not limited to the following:

- a) Voyeurism, which refers to the act of taking a photo, video, or other recording of a person performing a sexual act or any similar activity or of capturing an image of the private parts of a person without the latter's consent, under circumstances in which such person has a reasonable expectation of privacy, even if the sexual act or activity is consensual. It also refers to the act of selling, copying, reproducing, broadcasting, sharing, distributing, showing, or exhibiting the photo, video, or recording of such sexual act or similar activity through any means, without the written consent of the person involved.
- b) Child sexual abuse, which refers to engaging in sexual intercourse, anal sex, oral sex, or any form of lewd conduct with a person below 18 years of age. It also includes sexual exploitation of a minor. Lack or absence of consent is conclusively presumed from the fact that the child is below 18 years of age.
- c) Rape, which refers to non-consensual sexual intercourse, anal sex, or oral sex with another person, or penetration of another person's genitals or anus through the use of one's fingers or other objects.
- d) Sexual exploitation, which refers to the use of threat, deception, coercion, abuse of a person's vulnerability or minority, or other similar means to make another person participate in prostitution or the production of pornographic materials.

SECTION 10. CONSENT 1

Common among infractions involving sexual encounters is the absence of consent. Consent must be a clear "yes," communicated by unambiguous words or actions and continuing throughout a sexual encounter. Consent previously given may be retracted at any time during the sexual encounter.

SECTION 11. CLASSIFICATION OF ACTS. Sexual harassment in relation to Section 6 is classified as light, less grave, and grave offenses, as follows:

a) Light offenses shall include, but are not limited to

- 1) surreptitiously looking or staring at a person's private part or worn undergarments
- 2) making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, 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 or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations).
- 6) unwelcome sexual flirtation, advances, propositions
- 7) making offensive hand or body gestures at the person
- 8) persistent unwanted attention with sexual overtones
- 9) unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver
- 10) catcalling and/or wolf-whistling
- 11) unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages
- 12) invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones
- 13) other analogous case

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 major 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
- 5) unwanted invitations with sexual undertone
- 6) misogynistic, transphobic, homophobic and sexist slurs
- 7) persistent uninvited comments or gestures on a person's appearance
- 8) relentless requests for personal details
- 9) incessant messaging
- 10) making statements, comments and suggestions with sexual innuendos
- 11) the use of information and communications technology in
- 12) terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones
- 13) other analogous cases

c) Grave offenses shall include, but are not limited to

- 1) unwanted touching of private parts of the body (genitalia, buttocks and breast)
- 2) rape or sexual assault
- 3) malicious touching
- 4) requests for sexual favor in exchange for employment,
- 5) promotion, local or foreign travels, favorable working
- 6) conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance
- 7) public masturbation or flashing of private parts

- 8) groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces
- 9) uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content
- 10) any unauthorized recording and/or sharing of any of the
- 11) victim's photos, videos, or any information online
- 12) impersonating identities of victims online or posting lies of a sexual nature about the victims to harm their reputation
- 13) filing false abuse reports to online platforms to silence victims of sexual harassment
- 14) stalking / cyberstalking
- 15) other analogous cases

RULE III

THE ANTI-SEXUAL HARASSMENT UNIT (ASHU) AND THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI)

SECTION 12. COMPOSITION. The Committee on Decorum and Investigation (CODI) shall be created by the VSU President. This shall serve as an independent internal grievance mechanism and shall act as the main body in the investigation and resolution of cases involving gender-based sexual harassment in the university.

a) **Sectoral Representation.** The CODI shall be composed of:

- 1) As Chairperson on a rotating basis, the Vice Presidents for Academic Affairs, the Vice-President for Administration and Finance, the Vice-President for Student Affairs and Services, the Vice-President for Research, Extension, and Innovation, the Vice-President for Planning and Resource Generation, or equivalent officials;
- 2) One representative each from the faculty, staff, and students, who shall be appointed by the President after consultation with their respective sectors;
- 3) Dean of Students;
- 4) Director of the Gender Resource Center;
- 5) Coordinator of the Anti-Sexual Harassment Unit, who shall be a non-voting member.

b) **Equitable Representation.** The CODI shall be headed by a woman, and membership shall be divided equally between men and women, provided not less than half are women. The President may include representatives for equal representation from persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. The President may also invite representatives from other groups, as may be applicable.

c) **Permanent Alternates.** Aside from the regular members of the CODI, the President shall also designate their respective permanent alternates who shall act on behalf of the regular members in their absence, temporary incapacity or voluntary or involuntary inhibition. The permanent alternates shall have the authority to render decisions so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.

Both regular members and permanent alternates are regular, permanent employees of the university.

d) **Impartiality.** Members of the CODI should have no prior record of involvement as a respondent or defendant in any case of whatever nature of sexual harassment, including those which are still pending.

- 1) When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the President.
- 2) The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest impartiality, relation with the respondent within the fourth degree of consanguinity or affinity, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause delay in the proceedings.

- e) **Terms of Office.** The term of office of the Chairperson and members of the CODI members should be (2) years without prejudice to reappointment after the term ends. Terms of office may be extended and be on hold-over until such time the VSU President has designated new members.

For members who have not reached two (2) years yet may be reconstituted upon valid and justifiable reasons. New members replacing the members who have not served the two (2) year term will only serve the remaining period without prejudice to reappointment.

SECTION 13. QUALIFICATIONS AND ATTRIBUTES OF THE UNIVERSITY CODI CHAIRPERSON AND MEMBERS. 2

The Chairperson and members of the CODI must possess the following attributes:

- a) Good moral character;
- b) Known integrity, probity, and independence;
- c) Proven and demonstrable understanding of gender issues;
- d) No prior record of involvement as a respondent, defendant, or accused in any case within or outside the University involving sexual harassment, other forms of sexual misconduct, inappropriate behavior, or any form of gender-based discrimination;
- e) No prior involvement in any case which may affect one's credibility;
- f) Excellent interpersonal skills and able to work collaboratively with others;
- g) Excellent verbal and written communication skills; and
- h) Able to analyze voluminous information and exercise critical thinking.

In addition to the above attributes:

- a) The Chairperson must be a woman³ and a regular employee of the University for at least ten (10) years at the time of her appointment. She must have:
 - 1) A proven track record of excellent leadership in an administrator position for at least five (5) years;
 - 2) At least five (5) years experience in fact-finding and investigation of disciplinary cases; and
 - 3) Demonstrable advocacy in promoting gender sensitivity and equality for at least five (5) years.
- b) Student representatives must be in good academic standing, must be nominated by the Student Council, and must be 18 years old at the time of their appointment.
- c) Employee representatives must be employees of VSU for at least three (3) years, regardless of the status or nature of their employment, and must have experience in fact-finding and investigation of disciplinary cases or similar experience.

SECTION 14. RESPONSIBILITIES AND FUNCTIONS OF THE CODI

The CODI shall have and perform the following functions:

- a) Receive complaints for offenses covered by these Guidelines;
- b) Investigate complaints for offenses covered by these Guidelines including preliminary investigation in accordance with the prescribed procedure;
- c) Observe, at all times, due process in the conduct of investigation;
- d) Within ten (10) days from the receipt of the written complaint, investigate and decide on the case and, submit a report of its findings with the corresponding recommendation to the President for decision;
- e) Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure;
- f) Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible;
- g) Undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other GAD topics as needed;
- h) 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
- i) Conduct such other activities that would engender a safe environment for all genders, especially women, in school campuses and training-related programs.

In case of non-performance or inadequate performance of functions, the members of the CODI shall be replaced by the President upon receipt of documentation that will substantiate such allegations.

SECTION 15. ANTI-SEXUAL HARASSMENT UNIT (ASHU). The ASHU shall be directly under the Office of the President. It shall be headed by a Coordinator. The Coordinator shall be appointed by the President for a term of three (3) years, which may be renewed. He or she shall be the executive officer of the unit and shall be responsible for the efficient implementation of the decisions of the unit and of the President involving sexual harassment cases.

- a) The ASHU shall:
 - 1) Design and implement a continuing program of activities and initiatives for the prevention of sexual harassment;
 - 2) Undertake information and educational activities to ensure that the University policy, rules, regulations, and procedures on anti-sexual harassment are disseminated and become part of the academic culture;
 - 3) Formulate procedures for the alternative dispute resolution in resolving sexual harassment cases, including counseling and grievance management;
 - 4) Coordinate security and support measures to aggrieved parties or victims in sexual harassment cases;
 - 5) Serve as the secretariat of the ASH Committee and act as custodian of records;
 - 6) Prepare and submit an annual report to the University President;
 - 7) Monitor the implementation of decisions/orders of the appropriate disciplining authority; and

- 8) Perform such other functions which this Code and the President may delegate.

SECTION 16. PROCEDURES. The University shall provide facilities for both informal and formal procedures for resolving cases or dealing with incidents of sexual harassment.

Informal procedures refer to actions of the University other than the formal procedure outlined in Section 19. It may include alternative dispute resolution (ADR) mechanisms, provision of support services, such as counseling, wellness programs, and other appropriate support.

Formal procedure refers to an administrative disciplinary proceeding initiated upon a sworn written complaint, an investigation, the resolution of the case, and imposition of the corrective measure, if any.

SECTION 17. ALTERNATIVE DISPUTE RESOLUTION (ADR). As used in this code, ADR is limited to conciliation and mediation. It may be resorted to only in one complaint of sexual harassment. *Provided that* the following requisites are present: it is the first complaint against the person being complained of; the complaint is a light offense; the case is peer-to-peer. It is also understood that the complaint against the respondent is the first complaint filed in any of the component colleges.

Complaints settled through ADR shall always be with the assistance of the ASHU.

SECTION 18. SUPPORT SERVICES. The ASHU may, at any time, in either formal or informal procedure, coordinate with, refer to, and/or provide appropriate support services to both aggrieved party or persons/complainants and persons complained of/respondents.

Support services may include but are not limited to: medical and legal services, counseling, transportation, communication, safety and security measures, medical/ laboratory procedures, and temporary shelter.

The ASHU shall provide orientation/training to all those who are involved in providing support services to parties in the sexual harassment cases.

SECTION 19. RIGHT TO REPRESENTATION. The University as complainant shall be represented by the President, as the case may be, or his/her designate.

The complaining witness and the respondent may be assisted by their respective counsels of choice. The counsel of the respondent must not be connected with the University.

The role of counsel shall be limited to advice his/her client.

SECTION 20. DUTY TO REPORT AND DOCUMENT

Any or all persons **including those from VSU component colleges or external campuses** who have knowledge of acts of education- or training-related sexual harassment or other related sexual offenses committed within the purview of these Guidelines shall report the same to the CODI/Anti-Sexual Harassment Unit immediately.

SECTION 21. DUTIES AND RESPONSIBILITIES OF THE VSU PRESIDENT

The CMO No. 1, s. 2015, as well as the Higher Education GAD [Gender and Development] Accord of 2011 mandate the Presidents to prevent gender-based violence and address reports of these resolutely.

In VSU, the president shall ensure that the office handling the Guidance and Counseling services shall have appropriate facilities and registered guidance counselors to provide adequate intervention services in cases of sexual harassment cases and related behavioral problems.

In addition, the VSU President shall:

- a) Disseminate or ensure the posting of a copy of relevant laws and policies on sexual harassment, e.g., the Anti-Sexual Harassment Act (RA 7877) and Safe Spaces Act (RA 11313), its code of conduct, as well as these Guidelines, in a conspicuous place in the institution. This shall be done through, among others:
 - 1) Sending copies of the said mandates through official notices or means of communications among heads of different departments, bureaus offices, units or such subdivisions for cascading to their members;
 - 2) Posting a copy of the said mandates in the official website;
 - 3) Conducting orientation on the said mandates, and providing copies of these in print or electronically, as well as preparing information materials such as primers, frequently asked questions, and the like.

Copies of the mandates should always be posted in areas within VSU that are easily visible to students, especially in areas where they usually congregate. The said mandates and the Implementing Rules and Regulations may be translated into a language easily understandable to the students/trainees.
- a) Provide measures that prevent GBSH in VSU, including information campaigns, express inclusion in the student handbook, orientation of student organizations, and training of teaching and non-teaching staff, students, security officers, and other members of the school community.
- b) Create an independent internal mechanism or CODI / Anti-Sexual Harassment Committee to investigate and address complaints of GBSH and carry out such functions as stated in Section 24(b) of the Anti-Sexual Harassment Act and Section 22(c) of the Safe Spaces Act.
- c) Cause the development and publication, in consultation with all stakeholders, of the Code of Conduct or school policy that shall:
 - 1) Expressly reiterate the prohibition on GBSH;
 - 2) Prescribe the procedures of the internal mechanism created under the law; and
 - 3) Set administrative penalties.
- d) Ensure that a program to capacitate the officials and staff of student services unit and the human resource department on the efficient and professional handling of sexual harassment cases or other related sexual offenses is institutionalized.
- e) Endeavor to raise the consciousness of its stakeholders on gender-based and sexual harassment towards their full elimination through the integration of such efforts into the trilogical functions of higher education: (i) curriculum development and pedagogy; (ii) research; and (iii) extension.

The President shall ensure that the GAD programs, activities, and projects integrate the concepts, policies and provisions of the other laws on gender-based violence including the Anti Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance Law of 1998 (Republic Act No. 8505), the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act. No. 9262) and other such legislation to contribute in raising awareness of and support to the Anti-Violence-Against Women efforts and similar initiatives of the PCW, CHED and other government organizations, non-government organizations, and Gender Resource Centers.

The President shall be conscious at all times that in their institutional undertakings, they are compliant with the provisions of all the laws governing Violence Against Women and Children, and endeavor to carry out advocacy campaigns to include the provision of support services to both alleged victims and alleged offenders.

SECTION 22. LIABILITY OF VSU ADMINISTRATORS

In addition to liability for committing acts of GBSH, the VSU Administrators (President, Vice Presidents, Deans of Colleges, Center Directors, Department Heads, and Directors of Administrative Offices including Section Heads and Dorm Advisers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an HEI) may also be held responsible for:

- a) Non-implementation of their duties under Section 24(b) of the Anti-Sexual Harassment Act of 1995 and Section 22 of the Safe Spaces Act, as provided in the penal provisions; or
- b) Failure to act on reported acts of GBSH committed in the educational institution.

Any person who, intentionally or through inaction, violates any of the above subsections may be found administratively liable for Gross Misconduct or Gross Negligence, notwithstanding any criminal liability under RA 11313.

SECTION 22. ROUTINE INSPECTION

The VSU Gender Resource Center shall conduct regular spontaneous inspections to ensure compliance of VSU Administrators with their obligations under the law. The GRC Director shall include consultations with the student councils or the student body in the conduct of their inspection.

RULE IV

STANDARD PROCEDURAL REQUIREMENTS AND COMPLIANCE WITH DUE PROCESS

SECTION 23. PRE-FILING STAGE. When an alleged victim of sexual harassment files a complaint, he/she may avail of the services provided by the ASHU as stated in Section 16.

SECTION 24. COMPLAINT

- a) The complaint may be filed at any time with the Coordinator of the Anti-Sexual Harassment Unit (ASHU), Director of the Gender Resource Center (GRC), President, the Office of the Immediate Supervisor of the Complainant or the alleged perpetrator, the Guidance Office, Discipline Office, Security Office, directly to the CODI, or the CHED Regional Office.
- b) The ASHU Coordinator will assist the complainant in the preparation of the affidavit and its notarization.
- c) Upon receipt of the complaint by any of the above offices, the same shall be transmitted to the CODI. In the absence of a CODI, the President shall immediately cause the creation of a CODI in accordance with the law and rules, and transmit the complaint to the Committee.
- d) The complaint may be in any form, provided that the following information are indicated in the complaint:
 - 1) FULL NAME and CONTACT DETAILS of the Complainant. However, the filing of an anonymous complaint is not prohibited.
 - 2) FULL NAME, CONTACT DETAILS and/or POSITION of the Respondent, if known to the Complainant.
 - 3) STATEMENT OF RELEVANT FACTS.
 - 4) EVIDENCE TO SUPPORT THE ALLEGATION, PROVIDED non-submission of evidence will not cause the dismissal of the complaint; and
 - 5) CERTIFICATION OR STATEMENT OF NON-FORUM SHOPPING.
- d) If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require the Complainant to submit a sworn Complaint.
- e) The withdrawal of the complaint at any stage of the proceedings shall be without prejudice for the CODI to continue its investigation and make a report of its findings and recommendation to the President when the evidence warrants.

SECTION 25. Action on the Complaint. After evaluating the complaint, the CODI shall:

- a) *For complaints against an employee, faculty or student:* Proceed with the investigation if the complaint is sufficient in form and substance. A complaint is sufficient in form and substance if all the elements provided in the immediately preceding provision are present.
- b) *For complaints against personnel of third-party service providers or partner institutions or guests or visitors:* Recommend the referral of the complaint to the service provider, partner institution or to the proper government authorities for proper investigation and action.

The CODI shall likewise recommend to the President to provisionally disallow the personnel of third-party service provider or of partner institutions complained of, or guests or visitors from entering the premises of VSU or from transacting with VSU while investigation is pending before the service provider, partner institution or to the proper government authorities.

SECTION 26. INVESTIGATION OF CASES BEFORE THE CODI.

The CODI shall, at all times, observe due process and investigate and decide on said complaint within **ten (10) working days** [RA 11313 Article V, Sec 22(b)] or less upon receipt thereof, following the procedures, to wit:

- a) Within 24 hours of receipt of the written complaint, the CODI shall commence the investigation by notifying the Respondent of the Complaint with a directive to submit Counter-Affidavit under oath and submit evidence in his/her defense within 72 hours from receipt of the notice and furnish a copy thereof to the Complainant. Otherwise, the Counter-affidavit/Comment shall be considered as not filed.
- b) Upon receipt of the Counter-Affidavit/Comment under oath and evidence submitted by the Respondent, the CODI shall conduct an ex-parte examination of the documents submitted by the parties, including available records of the case.
- c) Failure on the respondent to submit his Counter-Affidavit or appear in the investigation will mean waiver of his/her right to defend himself/herself and the CODI will proceed with the investigation.
- d) The results of this investigation will be submitted by the CODI to the President within the prescribed investigation period.

SECTION 27. PREVENTIVE SUSPENSION.

Upon petition of the Complainant or *motu proprio* upon the recommendation of the CODI, the President may order the preventive suspension of the Respondent during the conduct of investigation before the CODI and the period of deliberation of the recommendation of the CODI pursuant to Section 23 hereof, if there are reasons to believe that he/she is probably guilty of the charges which would warrant his/her removal from VSU.

An order of preventive suspension may be issued to temporarily remove the Respondent from the scene of his / her misfeasance or malfeasance and to preclude the possibility of his / her exerting undue influence or pressure on the witnesses against him/her or tampering of any evidence.

SECTION 28. WHEN CASE IS DECIDED

The President shall decide the case within thirty (30) days of receipt of the CODI Investigation Report and Recommendation.

SECTION 29. FINALITY OF DECISIONS

A decision rendered by the President where the penalty of reprimand, serious reprimand, suspension for not more than thirty (30) days, or a fine in the amount not exceeding thirty (30) days' salary is imposed, shall be final and executory and not appealable, unless a motion

for reconsideration is reasonably filed. However, the Respondent may file an appeal within fifteen (15) days before the President when the issue raised is a violation of due process.

If the penalty imposed is exclusion, dismissal, suspension exceeding thirty (30) days, or a fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal, and no such pleading has been filed. A motion for reconsideration may be filed by the Respondent within fifteen (15) days of receipt of the decision of the President. The **President or the Board of Regents** shall act or decide on the motion for reconsideration within thirty (30) days of receipt thereof.

SECTION 30. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES

The filing of a motion for reconsideration, motion appeal, and subsequent proceedings and other matters not covered by these Guidelines shall be governed by existing Civil Service Commission rules.

SECTION 31. PARALLEL AND COMPLEMENTARY ACTIONS

Nothing in these Guidelines shall be construed to limit the rights of the victims of GBSH from pursuing civil, criminal and other legal actions as may be provided by law.

In the event that the complainant is incapacitated or dies while the case is ongoing, the next of kin may take the place of the complainant.

RULE V

OFFENSES, PENALTIES AND CORRECTIVE MEASURES

SECTION 32. TYPES OF OFFENSES AND CORRESPONDING ADMINISTRATIVE PENALTIES

GRAVE OFFENSES	
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work	
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee	
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees	
<ul style="list-style-type: none"> unwanted touching of private parts of the body (genitalia, buttocks and breast) rape or sexual assault malicious touching requests for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance public masturbation or flashing of private parts groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content 	Dismissal from service; For students, expulsion
<ul style="list-style-type: none"> any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online impersonating identities of victims online or posting lies of a sexual nature about the victims to harm their reputation filing false abuse reports to online platforms to silence victims of sexual harassment stalking other analogous cases 	
D. Third-party service providers such as sanitation and maintenance personnel	
E. Personnel of Partner Institutions where school-related activities are conducted	
same as above	Permanent ban in the HEI; Termination of contract *For international partners, permanent ban from entering into contract with any PHEI
F. Guests / Visitors	
same as above	Permanent ban in the HEI

LESS GRAVE OFFENSES		
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work		
	1st offense	2nd offense
<ul style="list-style-type: none"> unwanted touching or brushing against a victim's body pinching not falling under major offenses derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person verbal abuse with sexual overtones unwanted invitations with sexual undertone misogynistic, transphobic, homophobic and sexist slurs persistent uninvited comments or gestures on a person's appearance relentless requests for personal details incessant messaging making statements, comments and suggestions with sexual innuendoes 	Suspension of one month and one day to six months	Dismissal from service; For students, exclusion or dismissal
<ul style="list-style-type: none"> the use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones other analogous cases 		
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee		
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees		
	1st offense	2nd offense
same as above	Suspension of one month and one day to three months; Probation for the entire semester	Dismissal from service; For students, exclusion or dismissal
D. Third-party service providers such as sanitation and maintenance personnel		
E. Personnel of Partner Institutions where school-related activities are conducted		
	1st offense	2nd offense
same as above	Serious reprimand by the HEI	Permanent ban in the HEI *For international partners, permanent ban from entering into a contract with any PHEI
F. Guests / Visitors		
	1st offense	2nd offense
	Serious reprimand	Permanent ban in the HEI

LIGHT OFFENSES			
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work			
	1 st offense	2 nd offense	3 rd offense
<ul style="list-style-type: none"> • surreptitiously looking or staring at a person's private part or worn undergarments • making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar 	Reprimand	Suspension of one day to thirty days	Dismissal from service; For students, exclusion or dismissal
<ul style="list-style-type: none"> • malicious leering or ogling • the display of sexually offensive pictures, materials or graffiti • unwelcome inquiries or comments about a person's sex life or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations). • unwelcome sexual flirtation, advances, propositions • making offensive hand or body gestures at the person • persistent unwanted attention with sexual overtones • unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver • catcalling and/or wolf-whistling • unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages • invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones • other analogous cases 			
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee			
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees			
	1 st offense	2 nd offense	3 rd offense
same as above	Written warning	Written reprimand and community service	Suspension

D. Third-party service providers such as sanitation and maintenance personnel			
E. Personnel of Partner Institutions where school-related activities are conducted			
	1 st offense	2 nd offense	3 rd offense
same as above	reprimand by the HEI	severe reprimand by the HEI	permanent ban in the HEI *For international partners, permanent ban from entering into contract with any PHEI
17			
	1 st offense	2 nd offense	3 rd offense
F. Guests / Visitors	Reprimand by the HEI	Severe reprimand by the HEI	Permanent ban in the HEI

SECTION 33. ADDITIONAL CORRECTIVE MEASURES. – In addition to the impossible corrective measures, regardless of the number of times the offense is committed, the following corrective measures may be imposed within the period of service of the corrective measure. These include the following, but are not limited to:

- a) written or oral apology;
- b) counseling; and,
- c) attendance in appropriate or relevant trainings, seminars, and lectures, such as gender sensitivity trainings, or other such similar activities.

In determining whether corrective measures are appropriate or necessary, the following factors shall be taken into consideration:

- a) nature and circumstances of the act committed;

- b) frequency and severity of the act;
- c) personal circumstances of the person complained of/ respondent (e.g., age, maturity, position, or rank)
- d) safety of the parties or community; and,
- e) such other relevant factors.

These corrective measures may also be adopted in complaints submitted for disposition under the informal procedure.

SECTION 34. ALTERNATIVE CIRCUMSTANCES. – In the determination of the corrective measures to be imposed, the following circumstances attendant to the commission of the act shall be considered as alternately mitigating or aggravating:

- a) physical illness;
- b) good faith;
- c) time and place of act;
- d) official position;
- e) subordinate;
- f) disclosure of confidential information;
- g) use of government property in the commission of the act;
- h) habituality;
- i) employment of means to commit or conceal the act;
- j) education; or,
- k) other analogous circumstances.

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

SECTION 35. PRESCRIPTIVE PERIOD. – All complaints for sexual harassment shall be filed within four (4) years from the commission of the act complained of.

SECTION 36. ANTI-SEXUAL HARASSMENT ORIENTATION AND CLEARANCE REQUIREMENT. – All members of the VSU system shall undergo an orientation on anti-sexual harassment, once every three (3) years. Anti-sexual harassment orientation and clearance shall henceforth be a component of student curriculum, personnel actions, such as hiring, tenure and promotion, and accreditation of service contractors, and partner entity engagements.

SECTION 37. IMPOSITION OF PENALTIES

Minor students who, at the time of the commission of the act of GBSH, are found guilty under these Guidelines by the President, shall likewise undergo gender sensitivity training and psychosocial counseling sanctioned by the Guidance Office.

If the penalty of suspension beyond 30 days, expulsion or exclusion is imposed upon a student, the same shall be subject to the confirmatory authority of the Board of Regents and CHED pursuant to Section 21 of the Implementing Rules and Regulations of the Safe Spaces Act.

If the penalty of dismissal is imposed upon an employee, the same shall be in accordance with the Civil Service Commission (CSC).

If the penalty imposed is other than those provided above, e.g., termination of contract or permanent ban from VSU, the same shall be final and immediately executory, and notice shall be furnished the Respondent or notice shall be posted around the premises of the institution.

For termination of contract with a partner training organization, the institution shall report the same with the CHED Regional Office having jurisdiction over it.

SECTION 38. ACCESSORY PENALTY. A student shall not be allowed to graduate if he or she has a pending case of GBSH. VSU reserves the right to revoke a student's diploma if it was inadvertently issued while a case for GBSH is pending against the student at the time of its conferment.

Any fees to be charged in the course of a victim's availment of psychosocial counseling and similar services shall be borne by the respondent proven guilty of the offense/s charges.

RULE VI MISCELLANEOUS PROVISIONS

SECTION 39. REPEALING CLAUSE. All VSU policy issuances inconsistent with this Code are deemed repealed accordingly upon the effectivity of this **Code of Decorum and Administrative Rules**.

SECTION 40. REVIEW. The President shall call for the review of this Code or parts of it by members of the VSU system, if none has been made in ten (10) years. Any member of the VSU system may propose amendments to the Board of Regents. The amendment as approved by the BOR shall take effect on the first day of the succeeding semester.

Each component college shall set up its respective ASHU, not later than three (3) years from effectivity of this Code.

SECTION 41. REPEALING CLAUSE. This Code amends and supersedes the University's Implementing Rules and Regulations of the Anti-Sexual Harassment Act of 1995.

This also amends and supersedes all resolutions and issuances inconsistent with the Code.

SECTION 42. EFFECTIVITY. This Code shall take effect seven (7) days from publication in the VSU System official publication and website.