

Code of Decorum and Administrative Rules

on Sexual Harassment,
Other Forms of
Sexual Misconduct, and
Inappropriate Behavior



ATENEIO DE MANILA UNIVERSITY

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ACRONYMS

CMO	CHED Memorandum Order
CODI	Committee on Decorum and Investigation
CHED	Commission on Higher Education
DepEd	Department of Education
IRR	Implementing Rules and Regulations
NTE	Notice to Explain
OHRMOD	Office of Human Resource Management and Organization Development
RA	Republic Act
RA 11313	Safe Spaces Act
SCODI	School Committee on Decorum and Investigation
SODI	School Office of Decorum and Investigation
UCODI	University Committee on Decorum and Investigation
UGDO	University Gender and Development Office
UODI	University Office of Decorum and Investigation

PART I

Statement
of Principles,
Scope, and
Definitions

Section 1. Statement of Principles

- 1.1. The Ateneo de Manila University upholds the dignity of every person. In consonance with the teachings in the Gospels and the Ignatian principles of conscience, competence, compassion, commitment, and Christ-centeredness, it strives to cultivate a strong culture of respect for human rights. It endeavors to promote justice that is rooted in genuine empathy and understanding of the struggle and suffering of others. Within the broad vision of a just, humane, and equal world, it rejects and confronts all forms of sexual and gender-based violence and discrimination.
- 1.2. The University adopts a **Zero-Tolerance Policy** against all forms of sexual and gender-based violence and discrimination, including sexual harassment, other forms of sexual misconduct, and inappropriate behavior. It shall impose disciplinary sanctions commensurate to the gravity of the infractions, up to termination or dismissal when warranted.
- 1.3. The University adopts the **Whole-of-University Approach** in building a culture of respect for human dignity and vigilance against all forms of abuse and discrimination, and in taking prompt and effective steps to address sexual harassment, other forms of sexual misconduct, and inappropriate behavior, prevent their recurrence, and remedy their effects. These efforts are the shared and coordinated responsibility of all the units, offices, and individual members of the University.
- 1.4. The University upholds the **Do-No-Harm Principle**. In all matters related to sexual harassment, other forms of sexual misconduct, and inappropriate behavior, the University shall decide and act in a way that is most conducive to promoting the well-being of persons who experience such acts, and will avoid exposing them to further harm, revictimization, and retraumatization, taking into consideration the totality of circumstances.
- 1.5. The University observes **Due Process** in the conduct of its administrative investigations. It shall give those alleged to have committed infractions an opportunity to be informed of the evidence against them, explain their side, and be notified of the decision on complaints filed against them. Its administrative disciplinary proceedings are intended to correct errant behavior, instill accountability for one's actions, repair the harm done, promote restoration for all persons concerned to the extent possible, and ensure a safe environment for all its members.

Section 2. Scope

- 2.1. This Code and Rules governs members of the University community as defined in Section 3(s), namely personnel and students of the University. It prescribes the proper decorum; defines and prohibits inappropriate behavior, sexual harassment, and other forms of sexual misconduct; sets the corresponding sanctions; lays down the procedures for addressing informal reports and formal complaints; and creates a University system to address the issues and institute preventive measures.
- 2.2. Any report or complaint of sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, and 7.2) committed by a member of the University against any person falls within the coverage of this Code and Rules, subject to the exceptions as provided in this Section.
- 2.3. This Code and Rules also applies to Basic Education with respect to acts committed by its personnel. For acts committed by its students, Basic Education shall adopt the appropriate policies and procedures taking into consideration the students' age and maturity.
- 2.4. Complaints against employees, authorized representatives, or agents of the following third party entities are not covered by this Code and Rules: (a) suppliers, service providers, or vendors (collectively referred to as "contractors") that perform tasks or deliver goods and/or services to the University; (b) host training establishments that accept students for practicum, apprenticeship, internship, on-the-job-training, or similar programs; and (c) institutions or organizations leasing or permitted to use space within the University campus.

Persons who wish to report incidents of sexual harassment or other forms of sexual misconduct committed by any of the above third party employee, representative, or agent may approach the Gender Hub for assistance. The Gender Hub, in cooperation with the appropriate offices, shall assist the complainant in reporting the incident to or filing a complaint with the concerned employer and extend such other assistance as may be appropriate, including referral to legal assistance for filing an action in court.

The University shall ensure that contracts or agreements with such third parties stipulate that they shall abide by the Safe Spaces Act (Republic Act No. 11313), Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), and related laws and issuances; undertake measures to prevent sexual harassment and other forms of sexual misconduct; and immediately address complaints regarding the same.

- 2.5. In determining whether there is a violation of University policies, the policy in effect at the time the act was committed is the applicable policy.

Section 3. Definitions

- a. **Adult** refers to a person who is 18 years old or older.
- b. **Basic Education** refers to Grade School, Junior High School, and Senior High School.
- c. **Catcalling** refers to wolf-whistling, unwanted sexual or sexually suggestive remarks or sounds directed towards a person, or unwanted comments on a person's physical appearance done while the complainant is passing by, when the parties cross paths, or in similar situations.
- d. **Circumstantial evidence** refers to proof that indirectly establishes a fact through inference from a set of proven facts or circumstances.
- e. **Code and Rules** refers to this Code of Decorum and Administrative Rules on Sexual Harassment, Other Forms of Sexual Misconduct, and Inappropriate Behavior.
- f. **Complaint** refers to the document submitted by a complainant in accordance with Sections 32 to 34 of this Code and Rules.
- g. **Complainant** refers to an offended party who has informally or formally reported having experienced being subjected to inappropriate behavior, sexual harassment, or other forms of sexual misconduct in violation of this Code and Rules; it also refers to others who are authorized by Section 32 of this Code and Rules to file a Complaint.
- h. **Days**, when used in reference to the time within which a document needs to be submitted or issued, or when a specific action should be taken, refers to Mondays to Fridays excluding public holidays, cancellation of classes, and official school holidays.
- i. **Direct evidence** refers to proof that, by itself, establishes a fact without needing to resort to inference, such as but not limited to admission of guilt; testimony of witnesses about what they personally saw or heard; CCTV, video, or audio recordings or photos of the act complained of; or letters, notes, or other messages written by the respondent on paper or sent by the respondent through text, e-mail, or other forms of electronic messaging.
- j. **Ex officio** means by virtue of one's position.

- k. **File** means to submit a document with the appropriate body.
- l. **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.
- m. **Gender identity and/or expression** refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, or may have a particular sex at birth but who identifies with another gender, or may have an identity that does not correspond to one's sex at birth or to one's primary or secondary sex characteristics.
- n. **Homophobic remarks or slurs** refers to any statements in whatever form or however delivered, which are indicative of fear of, hatred of, or aversion to 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.
- o. **Information and communication technology** refers to a system for generating, sending, receiving, storing, or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.
- p. **Intrusive behavior** refers to any conduct or statement that is not sexual in nature but is invasive of an individual's declared or reasonably expected boundaries.
- q. **Lascivious** means lustful or lewd.
- r. **Legal guardian** refers to a person appointed by the court to serve as the guardian of another person.
- s. **Members of the University community** refers to students and personnel of the University.
- t. **Minor or child** refers to a person who is below 18 years old.
- u. **Misogynistic remark or slur** refers to any statement, in whatever form or however delivered, that is indicative of the feeling of hating women or the belief that men are inherently better than women.

- v. **Moral damage** refers to physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury.
- w. **Offended party** refers to the person who experienced the incident reported or complained of.
- x. **Persistent** means continuing for a relatively long time.
- y. **Personnel** refers to academic personnel, academic support personnel, non-academic personnel, administrators, and officials of the University regardless of the nature of their contract, status of employment, position, or rank, including persons engaged with the University as visiting faculty or visiting staff.
- z. **Person exercising substitute parental authority** refers to the person who stands in as a parent/s of a minor when the parent/s is/are absent or incapacitated, namely: the grandparent; the oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and the child's actual custodian, over twenty-one years of age, unless unfit or disqualified, listed in order of preference.
- aa. **Person-in-authority** refers to an official, administrator, supervisor, or teacher.
- bb. **Pervasive** means frequently or routinely done.
- cc. **Prohibited relationship/activity** refers to the prohibited dating, sexual, or amorous relationship or activity between personnel in a work-related setting (Section 4.6) or between personnel and a student in an education/training-related setting (Section 5.3).
- dd. **Respondent** refers to a person reported or complained of as having committed sexual harassment, other form of sexual misconduct, or inappropriate behavior.
- ee. **School** refers to the Ateneo de Manila University Grade School, Junior High School, Senior High School, Loyola Schools, Graduate School of Business, School of Government, School of Law, or School of Medicine and Public Health.
- ff. **Sexist remark or slur** refers to a statement, in whatever form or however delivered, that is indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.
- gg. **Stalking** refers to conduct directed at a person involving a pattern of repeated visual or physical proximity, non-consensual communication, or a combination thereof, characterized by fixation or obsession, that causes or is likely to cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

- hh. **Student** refers to a person who has enrolled full-time or part-time in an academic program, short course, or special training offered by the University, whether for credit or for audit purposes, and who has not been separated from the University by completion of the program, course or training, school transfer, withdrawal, dismissal, expulsion, or expiration of the maximum period for residency.
- ii. **Teachers** refers to faculty members, including visiting faculty, regardless of the nature of their contracts and the status of their appointments; graduate and professional students, and postdoctoral fellows and associates, when they are serving as part-time instructors, teaching fellows, teaching assistants, or similar institutional roles, with respect to the students they are currently teaching or supervising; and other personnel who are entrusted with assessing, supervising, advising, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care to students or student organizations such as, but not limited to, coaches, trainers, formators, advisers, moderators, guidance counselors, and psychotherapists.
- jj. **Transphobic remark or slur** refers to any statement, in whatever form or however delivered, that is indicative of fear of, hatred of, or aversion to persons whose gender identity and/or expression do not conform with their sex assigned at birth.
- kk. **University** refers to the Ateneo de Manila University, including all or any of its school and administrative units, centers, and offices.
- ll. **Visiting Faculty** refers to an individual employed in a university overseas (home university) who takes on a temporary engagement in Ateneo de Manila University as a Visiting Lecturer, Visiting Professor, or Visiting Research Fellow.

PART II
Code of
Decorum

Section 4. Decorum of Personnel

- 4.1. University personnel act as ambassadors of the University. They are expected to observe high standards of conduct and are expected to behave with due regard to the values promoted by the University as a Filipino, Catholic, and Jesuit academic institution.
- 4.2. It is the responsibility of personnel to familiarize themselves and ensure compliance with this Code and Rules, the University Employee Code of Discipline, the University Code of Conduct and Ethics, related laws and administrative issuances, and policies, rules and regulations, and guidelines issued by the University.
- 4.3. Personnel are expected to handle relationships with colleagues, students, parents, and other stakeholders on a professional level.
- 4.4. Personnel should treat everyone with respect and dignity, without discrimination against or preference for anyone on the basis of age, gender, sexual orientation, race, ethnicity, national origin, religion, disability, status, or other circumstances or conditions.
- 4.5. Personnel are prohibited from dating, asking for a date with, engaging in amorous or sexual activities or relationships with, asking to engage in amorous or sexual activities or relationships with, or engaging in any activity designed to encourage or which does encourage an amorous or sexual relationship with, any student of Basic Education. The University considers the same as sexual harassment, and it may even constitute sexual assault, child sexual abuse, or other forms of sexual misconduct, depending on the circumstances.
- 4.6. Personnel are prohibited from dating, asking for a date with, engaging in amorous or sexual activities or relationships with, asking to engage in amorous or sexual activities or relationships with, or engaging in any activity designed to encourage or which does encourage an amorous or sexual relationship with, other personnel for whom they have or are scheduled to have a responsibility for assessing, supervising, advising, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care.
 - a. Should personnel have a consensual pre-existing relationship with each other, or should there be the slightest risk of personnel being possibly placed in violation of this prohibition, the duty falls on the personnel exercising authority, influence, or moral ascendancy over the other (referred to here as the "superior") to disclose this relationship or risk. Disclosure shall be made to the superior's immediate supervisor.

- b. The supervisor must then ensure, as much as possible, that the superior has no professional responsibilities that directly affect the performance or work environment of the other. Where it is impossible or highly impractical to do so, the supervisor shall arrange for the superior to share such responsibility with someone else.
 - c. To protect the interests of all parties, the supervisor shall keep a written record of the disclosure and actions taken.
 - d. Personnel who are or who had been involved in a dating, sexual, or amorous relationship or activity with a superior, and who do not consider the relationship to be truly consensual, have the right to file a Complaint for sexual harassment and/or other form of sexual misconduct under this Code and Rules.
- 4.7. Personnel who are not faculty members but are entrusted with assessing, supervising, advising, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care to students or student organizations, such as, but not limited to, coaches, trainers, formators, advisers, moderators, guidance counselors, psychotherapists, and teaching assistants, are considered teachers under this Code and Rules and are expected to abide by the decorum required of teachers as provided in Section 5.

Section 5. Decorum of Teachers

- 5.1. Teachers, regardless of the nature of their contract or status of appointment, have the obligation to observe the proper decorum expected of personnel as provided in Section 4.
- 5.2. The relationship between teachers and students is one of utmost trust. The inherent power imbalance in this relationship increases the potential for teachers to abuse their authority, influence, or moral ascendancy. Thus, teachers should not place themselves in scenarios in which their integrity and professionalism may be questioned, compromised, or undermined. In this regard, it is better for teachers to err on the side of caution rather than risk the slightest suspicion of impropriety.

The following are examples of how teachers may avoid placing themselves in compromising situations:

- a. Social interactions between students and teachers outside of class or campus should, as much as possible, be limited to official school functions, activities, or events.

- b. Teachers should be circumspect in their use of social media and messaging and call applications, especially when used to interact or communicate with their students. It is preferable that they use official modes of communication or official learning management platforms when communicating with students.
 - c. If teachers hold consultations outside of the classroom, these should preferably be held in designated spaces for consultation. For on-line consultations, it is preferable to use the school's official modes of communication or official learning management platforms.
 - d. Teachers should not enter into private tutoring arrangements with students belonging to the same school unit as theirs.
 - e. Teachers should avoid confiding in their students regarding their personal problems.
- 5.3. In addition to the prohibition in Section 4.5, teachers are prohibited from dating, asking for a date with, engaging in amorous or sexual activities or relationships with, asking to engage in amorous or sexual activities or relationships with, or engaging in any activity designed to encourage or which does encourage an amorous or sexual relationship with, students who are 18 years old or older, who are not from Basic Education, and for whom they have or are scheduled to have a responsibility for assessing, supervising, advising, teaching, mentoring, training, guiding, counseling, selecting, or providing administrative support or pastoral care. Relationships outside of these contexts, while not prohibited, may still pose risk of abuse. Teachers are discouraged from engaging in such relationships.
- a. Should teachers have consensual pre-existing relationships with students prior to the teachers' being hired or engaged as such by the University or prior to the students' enrollment, or should there be the slightest risk of teachers being possibly placed in violation of this prohibition, the duty falls on the teachers concerned to disclose the relationship or risk to their immediate supervisor.
 - b. The supervisor must then ensure, as much as possible, that the teacher concerned has no direct responsibilities over the student concerned. Where it is impossible to do so, the supervisor shall arrange for that teacher to share such responsibility with someone else.
 - c. To protect the interests of all parties, the supervisor shall keep a written record of the disclosure and actions taken.

- d. Students who are or who had been involved in a dating, sexual, or amorous relationship or activity with teachers, and who do not consider the relationships to be truly consensual, have the right to file a Complaint for sexual harassment and/or other forms of sexual misconduct under this Code and Rules.
- 5.4. In interacting with students, the greater burden to maintain a professional relationship and set the appropriate boundaries falls on the teacher rather than on the student.

Section 6. Decorum of Students

- 6.1. Students are expected to conduct themselves in a manner that promotes their continuing development as persons, as well as the continuing development of their peers, in accordance with the values of the University as a Filipino, Catholic, and Jesuit academic institution.
- 6.2. Students shall maintain harmonious and healthy relationships, and shall conduct themselves in a proper and irreproachable manner in their relations and dealings with others.
- 6.3. Students should conduct themselves in a manner that is respectful of their own human dignity, and that of others.
- 6.4. Students shall familiarize themselves and ensure compliance with this Code and Rules, the Student Handbook/Code of Conduct, and other related policies, rules and regulations, and guidelines issued by the University.

Section 7. Inappropriate Behavior

- 7.1. Complaints for prohibited relationship/activity in a work-related setting (Section 4.6) or education/training-related setting (Section 5.3) shall be filed with the University Office on Decorum and Investigation and processed as major infractions in accordance with Part IV of this Code and Rules. While these violations are treated as inappropriate behavior so long as there are no indications of sexual harassment or other forms of sexual misconduct, the scrutiny of the University CODI is required due to the potential for abuse on account of the inherent power differential in such situations.
- 7.2. Unwanted touching, pinching, or brushing against any part of the complainant's body, when not sexual or lascivious in nature but is invasive of one's personal boundaries, is inappropriate behavior. While acts of this nature are not by themselves sexual harassment, complaints involving these acts shall be filed with

the University/School CODI. For these acts to be considered inappropriate, complainants must have previously objected to the behavior, have made efforts to make known their disapproval, or the behavior may reasonably be expected to cause them to feel unsafe or uncomfortable even without their explicit objection or disapproval.

- 7.3. Reports or complaints for inappropriate behavior by personnel other than the acts described in Sections 7.1 and 7.2 shall be processed in accordance with the University Employee Code of Discipline.
- 7.4. Reports or complaints for inappropriate behavior by students other than the acts described in Section 7.2 shall be processed in accordance with the applicable Student Handbook/Code of Conduct.
- 7.5. Any complaint involving an incident that rises to the level of sexual harassment or other forms of sexual misconduct shall be processed as such in accordance with Part IV of this Code and Rules.

Section 8. Sexual Harassment

- 8.1. Sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, unwelcome request or demand for a sexual favor, or other unwanted conduct or statement of a sexual nature. The act or conduct need not be overtly or plainly sexual. It may be implicitly sexual, sexually suggestive, or may have sexual underpinnings.

In determining whether an act is sexual, the totality of circumstances shall be considered, including, but not limited to, the experience and reasonable expectations of the complainant; the vulnerability of the complainant; and the circumstances of time, place, and manner. The motive of the respondent is irrelevant.

- 8.2. Sexual harassment also refers to offensive gender-based statements, gestures, or acts, and unwanted requests for one's personal details.
- 8.3. Sexual harassment may be committed in different ways, such as verbal, written or spoken, auditory, visual, or physical; by using objects, images, graphics, drawings, videos, or photos; or through the use of information technology.
- 8.4. Sexual harassment is considered work-related when the act or series of acts that is sexual in nature is committed against personnel or an applicant by a supervisor, manager, or other personnel of the University, with or without moral ascendancy, influence, or authority over the complainant, and:

- a. the act or series of acts is made explicitly or implicitly a basis or condition for any job-related decision, including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits, opportunities, and any other personnel action affecting the complainant (*"quid pro quo" or "this for that" sexual harassment*); or
 - b. the act or series of acts has the purpose or effect, or might reasonably be expected to have the effect, of interfering with or having a detrimental effect on the complainant's work performance or conditions, or creating an intimidating, hostile, or offensive work environment for the complainant (*"intimidating, hostile, or offensive environment" sexual harassment*).
- 8.5. Sexual harassment is education/training-related when the act or series of acts that is sexual in nature is committed against a student by a teacher or other personnel who are entrusted with the care, custody, or supervision over the student, and:
- a. the act or series of acts is made explicitly or implicitly a basis or condition for any decision affecting the complainant, including but not limited to the giving of a grade, the granting of honors and scholarships, the payment of a stipend or allowance, or the giving of any benefit, privilege, or consideration (*"quid pro quo" or "this for that" sexual harassment*); or
 - b. the act or series of acts has the purpose or effect, or might reasonably be expected to have the effect, of interfering with academic performance, or creating an intimidating, hostile, or offensive learning environment for the complainant (*"intimidating, hostile, or offensive environment" sexual harassment*).
- 8.6. For both work-related and education/training-related sexual harassment, the environment becomes difficult to work, learn, or study in because of a single act that is serious or a pattern of behavior that is pervasive or persistent, which creates an atmosphere of fear for the complainant or threatens the complainant's sense of safety and security (*intimidating environment*), a pervading mood of antagonism or opposition (*hostile environment*), or an unpleasant atmosphere characterized by discomfort, humiliation, embarrassment, or other negative effect on the complainant's psychological or mental well-being (*offensive environment*).
- 8.7. While sexual harassment often takes place in situations where there is a power differential, it is not limited to such situations. It may be present in peer-to-peer or subordinate-to-superior situations, or between persons of the same status in

the University, regardless of sex, gender identity or expression, or sexual orientation.

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. Consent¹

- 10.1. 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.

¹ Adapted from Yale University, Yale Sexual Misconduct Policies and Related Definitions, *available at* smr.yale.edu/find-policies-information/yale-sexual-misconduct-policies-and-related-definitions (last accessed Aug. 11, 2020).

- 10.2. While consent may be expressed verbally or otherwise, verbal consent is the more reliable form of gauging and ensuring that both parties freely and knowingly engage in sexual activities.
- 10.3. In no situation may consent be implied from a person's manner of dressing.
- 10.4. Consent cannot be implied from a person's failure to object or say "no," from the fact that a person has a romantic relationship with another, or from an absence or lack of resistance.
- 10.5. Consent to one sexual act is not consent to engage in another, and consent to past acts is not consent to present or future acts.
- 10.6. Consent is absent when the complainant is incapable of saying "yes" or "no" because of threat, force, intimidation, deception, violence, or other similar means; in instances of intoxication, being affected by drug use, mental or physical incapacity, or other similar condition; or because the complainant is asleep or unconscious. In determining whether intoxication, being affected by drug use, mental or physical incapacity, or other similar condition has the effect of making a person incapable of giving consent, the circumstances should be such that the individual becomes physically helpless or substantially incapable of communicating consent or unwillingness to engage in sexual contact or to fully appreciate the consequences of one's acts.
- 10.7. For the purposes of this Code and Rules, the University deems any Basic Education student as incapable of giving consent to any form of sexual or amorous relationship or activity with personnel of the University.

Section 11. Classification of Infractions and Corresponding Sanctions

- 11.1. Disciplinary sanctions correspond to the gravity of the infractions.

Major infractions involve serious, persistent, or pervasive acts. Serious infractions are characterized by gross violations against persons or moral standards of the University as a Catholic and Jesuit institution; abuse of power, authority, influence, or moral ascendancy; use of threat, force, or violence; or similar circumstances. A pattern of behavior is persistent if it continues for a relatively long time. It is pervasive if it is frequently or routinely done. Major infractions usually result in serious moral damages.

Major infractions include:

- a. Sexual harassment

- i. Sexual relationship/activity between personnel and a student of Basic Education (Section 4.5)
- ii. Work-related sexual harassment (Sections 8.4 and 8.6)
- iii. Education/training-related sexual harassment (Sections 8.5 and 8.6)
- iv. Unwanted touching, pinching, brushing against, or groping of private parts of the body (genitalia, buttocks, and breast), even if done over clothing
- v. Unwanted sexual or lascivious touching, pinching, brushing against, or groping any other part of the complainant's body, even if done over clothing
- vi. Unwanted sexual advance, invitation, or flirtation with non-consensual and lascivious touching
- vii. Terrorizing the complainant through: unauthorized recording and sharing of any of the complainant's photos, videos, or information online; impersonating the identity of the complainant online; posting lies about the complainant to harm the complainant's reputation; or posting false abuse reports online to silence victims
- viii. Stalking
- ix. Exposing or flashing private parts, public masturbation, or similar acts committed for the sexual gratification of the respondent with the effect of demeaning, harassing, threatening, or intimidating the complainant
- b. Other forms of sexual misconduct
 - i. Voyeurism (Section 9[a])
 - ii. Child sexual abuse (Section 9[b])
 - iii. Rape (Section 9[c])
 - iv. Sexual exploitation (Section 9[d])
- c. Inappropriate behavior
 - i. 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 (Section 4.6)

- ii. 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 (Section 5.3)
- d. Any act classified as minor or moderate when the same is serious, persistent, or pervasive
- e. Other analogous acts

Table 2
Sanctions for Major Infractions

No. of infractions	Personnel	Students
1st infraction	Termination	Suspension of one (1) term to one (1) year, or Dismissal
2nd infraction	Not applicable	Dismissal

11.2. **Moderate infractions** involve unwanted sexual behavior with no physical contact or repeated minor infractions. Moderate infractions usually result in significant but not serious moral damages.

The following are moderate infractions:

- a. Unwanted sexual advance, invitation, or flirtation with no lascivious touching
- b. Request or demand for any unwanted sexual favor or invitation
- c. Offensive sexual remarks about a person’s physical appearance
- d. Sending to the complainant, through the use of information and communication technology or other means, photos, audio recordings, or videos with sexual content causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive, or vulgar
- e. Telling sexist, sexual, or smutty jokes or comments to the complainant or sending these through text or electronic mail messages, or other means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or, even without such

advise, when they are by their nature clearly embarrassing, offensive, or vulgar

- f. Offensive sexual body gestures
- g. Repeated but not serious, pervasive, or persistent minor infractions
- h. Other analogous acts

Table 2
Sanctions for Moderate Infractions

No. of infractions	Personnel	Students
1st infraction	Suspension of six (6) months to one (1) year	Suspension of 16 to 30 days (or the equivalent of the maximum number of absences allowed in a term)
2nd infraction	Termination	Suspension of one (1) term to one (1) year, or Dismissal
3rd infraction	Not applicable	Dismissal

11.3. **Minor infractions** involve non-repetitive or isolated instances of intrusive behavior or offensive gender-based remarks or gestures. Minor infractions usually result in minimal moral damages.

The following are minor infractions:

- a. Sexual harassment
 - i. Catcalling
 - ii. Cursing with sexual content directed at the complainant
 - iii. Use of words, gestures, or actions that ridicule on the basis of the complainant’s sex, gender, or sexual orientation, identity and/or expression, including misogynistic, transphobic, homophobic, or sexist remarks, slurs, words, or comments
 - iv. Ogling or leering
 - v. Unwanted requests for one’s personal details such as name, contact and social media details, or destination
- b. Inappropriate behavior

- i. Unwanted touching, pinching, or brushing against any part of the complainant’s body when not sexual or lascivious in nature, but is invasive of one’s personal boundaries, and carried out even after the complainant previously objected to the behavior or after disapproval was made known by the complainant, or the behavior may reasonably be expected to cause the complainant to feel unsafe or uncomfortable even without explicit objection or disapproval
- c. Other analogous acts

Table 3
Sanctions for Minor Infractions

No. of infractions	Personnel	Students
1st infraction	Written Reprimand; or, if successfully mediated/conciliated, written warning	Written Reprimand; or, if successfully mediated/conciliated, written warning
2nd infraction	Suspension of 1-15 days	Suspension of 1-15 days
3rd infraction	Suspension of six (6) months to one (1) year	Suspension of 16 to 30 days (or the equivalent of the maximum number of absences allowed in a term)
4th infraction	Termination	Suspension of 1 year, or Dismissal

- 11.4. Termination or dismissal automatically includes the accessory sanction of non-readmission in any School, unit, or office of the University. Non-readmission of a student/personnel is a bar to such student’s/personnel’s enrollment, employment, or work engagement with any School, unit, or office of the University.
- 11.5. Under no circumstances may any mitigating factor reduce an infraction from major to moderate or from moderate to minor.
- 11.6. The cleansing period referred to in Part II, Section 3 of the University Employee Code of Discipline shall not apply to any of the infractions listed in Sections 11.1 to 11.3 of this Code and Rules.

- 11.7. In addition to the sanctions prescribed in the previous Sections, any one or a combination of the following corrective measures may likewise be imposed, depending on the circumstances:
- a. Written/personal apology;
 - b. Formation sessions (counseling, moral guidance, anger management, etc.);
 - c. Community service;
 - d. Loss/temporary suspension of privileges;
 - e. Mandatory psychological/clinical assessment and compliance with the recommendations of an accredited specialist;
 - f. Restriction against participation in School and University activities/further contact with aggrieved parties;
 - g. Suspension or expulsion from on-campus housing;
 - h. Ban from entering campus, facilities, office, or sites;
 - i. Deferment of graduation;
 - j. Removal from office;
 - k. Disqualification from administrative appointment;
 - l. Disqualification from promotion in rank;
 - m. Non-renewal of contract;
 - n. Prohibition from re-hiring;
 - o. Non-readmission;
 - p. Other similar measures.
- 11.8. The University reserves the right to recommend to the Department of Education or the Commission on Higher Education the expulsion of a student found to have committed a major infraction should there be strong justification to have the student disqualified for admission to any public or private education institution in the Philippines.
- 11.9. If the conduct complained of and proven to have been committed constitutes two or more violations of this Code and Rules for which different sanctions are imposable, the more serious sanction shall be imposed.
- 11.10. The University reserves its right to impose disciplinary sanctions for other actions which may be in violation of the provisions of the Labor Code of the

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OTHER FORMS OF SEXUAL MISCONDUCT, AND INAPPROPRIATE BEHAVIOR

Philippines and other relevant laws and regulations, University-issued circulars, memoranda, directives, and the like.

PART III

The University
Decorum and
Investigation
System

Section 12. The University Decorum and Investigation System

- 12.1. The University Decorum and Investigation System is hereby established to ensure a Whole-of-University Approach in building a culture of respect for human dignity and vigilance against all forms of abuse and discrimination, and in taking prompt and effective steps to address sexual harassment, other forms of sexual misconduct, and inappropriate behavior, prevent their recurrence, and remedy their effects.
- 12.2. The University Decorum and Investigation System shall be composed of the following:
 - a. University Committee on Decorum and Investigation (University CODI);
 - b. School Committee on Decorum and Investigation (School CODI);
 - c. University/School CODI Hearing Panel;
 - d. University Office of Decorum and Investigation (UODI);
 - e. School Office of Decorum and Investigation (SODI);
 - f. Gender Hub; and
 - g. University Gender and Development Office (UGDO)
- 12.3. Each component body of the University Decorum and Investigation System has the authority to formulate and implement internal procedures and other protocols to ensure the effective delivery of services; provided that such procedures and protocols are consistent with this Code and Rules.
- 12.4. The University Decorum and Investigation System shall ensure that interrelated processes are streamlined and multiplicity of interviews is avoided.

Section 13. The University Committee on Decorum and Investigation

- 13.1. The University President shall establish a University CODI, which shall perform the following functions:
 - a. Serve as an independent internal mechanism that will investigate all incidents or complaints involving sexual harassment (Section 8), other forms of sexual misconduct (Section 9), and inappropriate behavior (Sections 4.6, 5.3, and 7.2) within the scope of this Code and Rules;

- b. Propose to the University Gender and Development Office policies, procedures, and guidelines to enhance prevention, investigation, protection, and assistance to parties including, but not limited to, proposals to amend or supplement this Code and Rules;
 - c. Develop internal guidelines to ensure the proper handling of cases by the University/School CODI and University/School CODI Hearing Panels; and
 - d. Perform such other functions as may be necessary to enable it to achieve its mandate.
- 13.2. The University CODI shall be composed of a Chairperson, a Co-Chairperson, and the following regular members:
- a. Chairperson of the School CODI (ex officio);
 - b. Faculty (one representative each for Grade School, Junior High School, Senior High School, Loyola Schools Undergraduate Program, Loyola Schools Graduate Program, Graduate School of Business, Law School, School of Government, and School of Medicine and Public Health);
 - c. Office staff (one representative each for Grade School, Junior High School, Senior High School, Loyola Schools Undergraduate Programs, Loyola Schools Graduate Programs, Graduate School of Business, Law School, School of Government, and School of Medicine and Public Health);
 - d. Professionals (one representative);
 - e. Administrator (one representative for Central Administration Offices);
 - f. Jesuits (one representative);
 - g. Students (two representatives each for Senior High School and Loyola Schools Undergraduate Programs, and one representative each from Loyola Schools Graduate Programs, Graduate School of Business, Law School, School of Government, and School of Medicine and Public Health);
 - h. Residence Halls (one representative each for Senior High School and Loyola Schools);
 - i. University Athletics (one representative);
 - j. Ateneo Employees and Workers Union or AEWU (one representative); and
 - k. Parent Association (one representative each for Ateneo School Parents Council, Parent Union for School and Home, and Ateneo Grade School Parents Auxiliary Council).

The membership composition of CODI must, as far as practicable, reflect a diversity of sexual orientation, gender identity, and/or expression.² At least half of the University CODI members must be women.³ Among the members listed above, there must be a psychologist and a lawyer.

- 13.3. Each regular member of the University CODI shall have a permanent alternate, who shall, in the absence of the regular member, serve as proxy with authority to vote or render a decision so as not to delay the proceedings being undertaken.⁴ Permanent alternates must possess the same qualifications and attributes as a regular member.

Section 14. Qualifications and Attributes of the University CODI Chairperson, Co-Chairperson, and Members

- 14.1. The Chairperson, Co-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,⁵ 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.
- 14.2. In addition to the above attributes:

² Sec. 33(b), IRR of the Safe Spaces Act.

³ Sec. 33(c), IRR of R.A. 11313 or the Safe Spaces Act.

⁴ Sec. 33(b), IRR of the Safe Spaces Act.

⁵ Sec. 33(d), IRR of the Safe Spaces Act.

- a. The Chairperson must be a woman⁶ and a regular employee of the University for at least ten (10) years at the time of her appointment. She must have:
 - i. A proven track record of excellent leadership in an administrator position for at least five (5) years;
 - ii. At least five (5) years experience in fact-finding and investigation of disciplinary cases; and
 - iii. Demonstrable advocacy in promoting gender sensitivity and equality for at least five (5) years.
- b. The Co-Chairperson must be an employee of the University, regardless of the status or nature of employment, for at least ten (10) years at the time of appointment. The Co-Chairperson must have:
 - iv. A proven track record of excellent leadership in an administrator position for at least five (5) years;
 - v. At least five (5) years experience in fact-finding and investigation of disciplinary cases; and
 - vi. Demonstrable advocacy in promoting gender sensitivity and equality for at least five (5) years.
- c. 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. The Committee on Graduate Student Concerns must nominate the representative of the Loyola Schools Graduate Programs.
- d. Parent representatives must be members in good standing of and nominated by the recognized parent association.
- e. Employee representatives must be employees of the University 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.
- f. The AEWU representative must be selected by vote among its members.⁷ The failure of AEWU to elect its representative shall not prevent the University CODI from performing its functions, and shall not affect any requirement for a quorum.

⁶ Sec. 33(c), IRR of the Safe Spaces Act.

⁷ Sec. 33(a), IRR of the Safe Spaces Act.

Section 15. Selection of the University CODI Chairperson, Co-Chairperson, and Members

- 15.1. The University President shall select the Chairperson, Co-Chairperson, and the regular and alternate members of the University CODI from a list of nominees submitted by the Vice Presidents, except for the AEWU representative who shall be elected by its members. In putting together their list of nominees, the Vice Presidents shall set a period of fifteen (15) days within which any interested member of their units or offices may apply or nominate an individual for a position or membership in the University CODI.
- 15.2. The Chairperson and Co-Chairperson of the University CODI, and the head of the UODI shall serve as the Screening Committee that will review the resumes of the pool of nominees submitted by the Vice Presidents, and recommend to the University President a shortlist of candidates qualified for University CODI membership.
- 15.3. The University President shall announce to the University community, at least sixty (60) days prior to the expiration of the terms of the outgoing University CODI Chairpersons or members, the names and brief summary of the relevant experience of the incoming appointees, the dates their terms will begin and end, and the sectors they represent.

Section 16. Term of the University CODI Chairperson, Co-Chairperson, and Members

- 16.1. The University CODI Chairperson, Co-Chairperson, and members shall each have a term of two (2) years.⁸
- 16.2. The University CODI Chairperson, Co-Chairperson, and members may hold a maximum of two (2) consecutive terms, and may be re-appointed after a break of at least one (1) year after two (2) consecutive terms.

Section 17. Responsibilities of the University CODI Chairperson and Co-Chairperson

- 17.1. The following are the responsibilities of the University CODI Chairperson and Co-Chairperson:

⁸ Rule 1, Sec. 3, CMO 1, s. 2015.

- a. Periodically review the University CODI's mandate and ensure that the University CODI complies with its mandate;
 - b. Ensure that meetings are called and held in accordance with the University CODI's mandate;
 - c. Set the agenda for and preside over the meetings of the University CODI en banc (as a full committee);
 - d. Sit as Chairperson of the University CODI Hearing Panel;
 - e. Designate the members of the University CODI Hearing Panel;
 - f. Serve as each other's permanent alternate; and
 - g. Perform such other duties as may be necessary for the effective functioning of the University CODI.
- 17.2. The University CODI Chairperson and Co-Chairperson shall preside over the meetings of the University CODI en banc and sit as Chairperson of the University CODI Hearing Panel by turns.

Section 18. Responsibilities of the University CODI Members

Members of the University CODI have the following responsibilities:

- a. Serve as the voice of the sector they represent;
- b. Attend CODI meetings;
- c. Serve as members of the Hearing Panel when designated by the CODI Chairperson and Co-Chairperson;
- d. Attend mandatory training upon their appointment and continuing training programs on this Code and Rules, gender-sensitivity, providing psychosocial assistance, and related matters; and
- e. Support the efforts of the University CODI and carry out individual tasks as may be assigned.

Section 19. University CODI En Banc

- 19.1. The University CODI shall meet as a full committee once every quarter, on the first month of each quarter of the fiscal year. The Chairperson may call for special meetings as the need arises.

- 19.2. Majority of the appointed members of the University CODI shall constitute a quorum.
- 19.3. The University CODI members are entitled to one vote each. The Chairperson or Co-Chairperson shall be entitled to vote only to break a tie when presiding over a meeting.
- 19.4. Proposals by the University CODI to amend, supplement, or repeal this Code and Rules or any of its provisions require the approval of a majority of the University CODI. All other matters require a simple majority of the members in attendance, provided that there is a quorum.

Section 20. School CODI

- 20.1. The Vice President for Basic Education, Loyola Schools, and Professional Schools shall establish a School CODI, which shall perform the following functions:
 - a. Serve as the main body that will investigate all complaints against students involving sexual harassment (Section 8), other forms of sexual misconduct (Section 9), and inappropriate behavior (Section 7.2) within the scope of this Code and Rules;
 - b. Notify the UODI and UGDO of complaints filed within the coverage of this Code and Rules, and update them on the progress of the case;
 - c. Ensure that persons who experience sexual harassment, other forms of sexual misconduct, or inappropriate behavior who are members of the School are provided with the appropriate assistance;
 - d. Propose to the University CODI policies, procedures, and guidelines to enhance prevention, investigation, protection, and assistance to parties;
 - e. Prepare and submit to the UODI and UGDO a quarterly report on the incidents and complaints on sexual harassment, other forms of sexual misconduct, or inappropriate behavior between students of the School, and on the School's progress in the implementation of this Code and Rules;
 - f. Meet as a full committee once every quarter, on the second month of each quarter of the fiscal year, and for such special meetings called by the Chairperson as the need arises; and
 - g. Conduct other activities that would engender a safe environment for the School.
- 20.2. The Vice President for Basic Education, Loyola Schools, and Professional Schools shall appoint the School CODI Chairperson, Co-Chairperson, and members

following, as far as practicable, the selection process for the University CODI. In the School CODI membership:

- a. At least half of the members must be women;
 - b. There must be a representative of the student body who must be at least 18 years old at the time of appointment; and
 - c. For Basic Education, their School CODI must have a representative from the Parents Association recognized by the School.
- 20.3. The Chairperson, Co-Chairperson, and members of the School CODI shall, to the extent practicable, possess the same qualifications and attributes of the University CODI Chairpersons and members.
- 20.4. The term of the Chairperson, Co-Chairperson, and members of the School CODI shall be the same as that of the University CODI Chairperson, Co-Chairperson, and members.

Section 21. University/School CODI Hearing Panel

- 21.1. Complaints shall be investigated by a University/School CODI Hearing Panel to be constituted by the University/School CODI Chairperson and Co-Chairperson.
- 21.2. The Hearing Panel shall be composed of a Chairperson who must be the University/School CODI Chairperson or Co-Chairperson, and four CODI members. The sector/s to which the parties belong must be represented among the members of the Hearing Panel.
- 21.3. The presence of majority of the Hearing Panel is necessary to carry out its functions.
- 21.4. The Chairperson and Members of the CODI Hearing Panel must be impartial, should not be related to the complainant or the respondent within the fourth degree of consanguinity or affinity, and should not have any business or other affiliations or relationships with either party (e.g., being a godparent to either party, having a close friendship with either party or either party's family, and similar relationships that may affect a person's impartiality).⁹ They shall sign a Declaration of No Conflict of Interest (Annex A) prior to assuming their positions in the Hearing Panel.
- 21.5. The identities of the CODI Hearing Panel shall be disclosed only to the parties to the case and their witnesses, and may be disclosed to school personnel on a

⁹ Sec. 33(d), IRR of the Safe Spaces Act.

need-to-know basis, to protect the Hearing Panel from being swayed by pressure, undue influence, or public opinion.

- 21.6. The CODI Hearing Panel shall investigate complaints and recommend the appropriate disciplinary action or disposition to the University President (for University CODI cases) or the School Disciplining Authority (for School CODI cases).
- 21.7. The CODI Hearing Panel has the power to perform the following functions in aid of investigation:
 - a. Review all the evidence submitted by the parties involved, including statements of witnesses;
 - b. Verify the authenticity of evidence presented;
 - c. Request parties and their witnesses to appear during the hearing for clarificatory questions, if any, and summon other persons that may shed light on the incident;
 - d. Require any or all relevant offices or personnel of the University to submit relevant documents and appear before the Hearing Panel;
 - e. Issue No Contact Orders, Cease and Desist Orders, and such other orders as may be necessary to ensure the protection of the parties and their witnesses, and/or to protect the confidentiality of the proceedings before the Hearing Panel; and
 - f. Perform such other functions as may be necessary.
- 21.8. The Chairperson of the Hearing Panel has the responsibility to ensure, and to issue such orders as may be necessary to ensure, that the hearing is conducted in an orderly manner that is respectful of the rights of both parties and their witnesses, and is free of any disruptive behavior, including but not limited to insulting, derisive, or abusive language. The Chairperson has the authority to exclude persons from the hearing when their presence is disruptive or when they do not have the authority to be present in the hearing.

Section 22. University/School Office of Decorum and Investigation

- 22.1. The University President shall establish the UODI to perform the following functions:

- a. Assist in the screening and selection of the University CODI Chairperson, Co-Chairperson, and members;
- b. Receive formal complaints on behalf of the University CODI;
- c. Record and prepare the minutes of the meetings of the University CODI, and document the proceedings of the University CODI Hearing Panels;
- d. Assist the University CODI Hearing Panels in the conduct of investigations;
- e. Inform the parties of the investigation procedure and guide them through the process;
- f. Provide the parties with copies of documents submitted to or issued by the University CODI when furnishing of copies is required by this Code and Rules;
- g. Coordinate the conciliation or mediation of minor offenses when appropriate;
- h. Draft the University CODI Hearing Panel's recommendation for review and approval by the Hearing Panel;
- i. Serve as the records custodian of the University CODI;
- j. Establish and manage a central database and records-keeping system for the University and School CODI;
- k. Establish and manage a system to receive and monitor CODI Alerts;
- l. Investigate, when necessary and to the extent possible, incidents reported via CODI Alert, determine the appropriate action to be taken, and ensure that the appropriate action is implemented;
- m. Provide the University CODI a monthly report on the CODI Alerts;
- n. Coordinate with the appropriate offices to ensure that sanctions imposed on respondents are implemented;
- o. Coordinate with Gender Hub, OHRMOD, and other concerned offices to ensure that the complainants, respondents, and their witnesses are provided the appropriate assistance;
- p. Coordinate with the School CODI to ensure the proper implementation of this Code and Rules at the School level;
- q. Prepare the Semi-Annual Reports and other reports, for the review and approval of the University CODI, that may be required by the University and government agencies such as, but not limited to, the Department of Education, Commission on Higher Education, and the Philippine Commission on Women;

- r. Ensure that the UGDO is notified of all University and School CODI en banc meetings; and
 - s. Perform such other functions as may be directed by the University CODI.
- 22.2. The head of the UODI shall possess the same qualifications as the University CODI Co-Chairperson.
- 22.3. Each School shall designate an office that will serve as the SODI that will receive formal complaints and provide administrative support to the School CODI, and to the extent practicable, perform all the other functions of the UODI at the School level. The SODI shall be under the supervision of the School head.

Section 23. Gender Hub

- 23.1. Within thirty (30) days from the effectivity of this Code and Rules, the University President shall expand the jurisdiction of the Loyola Schools Gender Hub to serve all the units of the University and ensure that there is a Gender Hub representative or satellite office in each campus. The University President shall determine the appropriate structure and personnel to ensure the effective and efficient delivery of the services of the Gender Hub to all the units.
- 23.2. The Gender Hub shall serve as a safe space where students and personnel of the University who experience sexual harassment, other forms of sexual misconduct, or inappropriate behavior are provided refuge and support, and an environment to speak about their experience without fear of judgment or discrimination.
- 23.3. The Gender Hub shall provide the following services to persons who report of having experienced sexual harassment, other forms of sexual misconduct, or inappropriate behavior:
- a. Safe Spaces – facilitate physical, social, and online safe spaces.
 - b. Care Services – provide counseling services to help offended parties process their experience, and advise them on what remedies they may take.
 - c. Case Companion Services – explain the investigation process, assist in writing the Complaint and preparing supporting documents including statements of witnesses, assist in filing the Complaint with the CODI, and accompany the complainant throughout the investigation process.
 - d. Protection Services – provide the appropriate assistance to ensure the health, safety, and well-being of the offended parties, such as:

- i. Seek the assistance of health services, counseling, and/or security services when offended parties are in need of emergency care. Persons are in need of emergency care when they:
 - Exhibit highly disruptive behavior (e.g. hostility, aggression, violence, etc.);
 - Experience emotional breakdown, are unable to communicate clearly, or display loss of contact with reality (e.g. seeing or hearing things which others cannot see or hear);
 - Have overtly suicidal thoughts or behavior (e.g. communicate suicidal intent, express plans of committing suicide, behavior indicates self-harm, attempt to jump off the window);
 - Have suffered physical injuries that require immediate medical attention; or
 - There is imminent threat to their life or safety, or they have an imminent feeling of being physically unsafe.
- ii. Facilitate the signing of a No Contact Agreement when requested by the offended party. A No Contact Agreement is a voluntary written agreement between the offended party and the respondent for them not to communicate with each other directly or indirectly, or be in close proximity with each other, in order to prevent further aggravation between the two. A copy of the No Contact Agreement shall be furnished to the relevant offices that need to ensure and monitor compliance with the Order.
- iii. If offended parties wish to report to the police, assist them through the process.
- iv. Coordinate with academic affairs services/office heads when academic accommodations/work arrangements are necessary.
- v. Coordinate with the Residence Halls Director when there is a need to adjust on-campus housing arrangements.
- e. Referral Services – refer the offended party to specialized services, such as medical services, therapy, and legal services when appropriate.

The Gender Hub shall extend the same assistance to persons who report and/or file a complaint for retaliatory acts.

24. The Gender Hub shall create and conduct needs-specific gender sensitivity trainings and collaborate with the UGDO in developing standard trainings.

Section 24. University Gender and Development Office

- 24.1. The Gender and Development Focal Point System shall be established as an office to be named as the University Gender and Development Office which shall, at a minimum, have a Director and an Administrative Assistant. The Director shall have the same qualifications and attributes as the CODI Co-Chairperson.
- 24.2. The UGDO shall have the following functions and responsibilities:
- a. Oversee, monitor, and evaluate the University Decorum and Investigation System and the implementation of this Code and Rules;
 - b. Develop and coordinate the implementation of Gender and Development policies and programs including, but not limited to, preventive measures, for recommendation to the University President;
 - c. Develop and coordinate the implementation of curriculum and information, education, and communication programs on Gender and Development and this Code and Rules, in collaboration with the relevant offices and committees,;
 - d. Coordinate the formulation and implementation of mandatory on-boarding and continuing training programs for all the members of the University Decorum and Investigation System and other University personnel;
 - e. Coordinate the formulation and implementation of the mandatory orientation and refresher training programs for all University personnel;
 - f. Prepare the annual Gender Plan and Budget for submission to CHED;
 - g. Coordinate, monitor, and evaluate the implementation of the GAD plan;
 - h. Establish a system to monitor, evaluate, and ensure the University's compliance with Gender and Development laws and issuances;
 - i. Address grievances in relation to Section 27 of this Code and Rules;
 - j. Facilitate the audit of the University Decorum and Investigation System as provided in Section 26 of this Code and Rules; and
 - k. Perform such other functions as may be necessary.
- 24.3. In line with UGDO's monitoring and auditing functions, it shall be given access to all the relevant records, and shall sit as a Permanent Observer in the University and School CODI en banc meetings.

Section 25. Semi-Annual Report

- 25.1. The UODI shall submit a Semi-Annual Report to the President's Council within thirty (30) days from the end of the sixth and twelfth months of the fiscal year. The Semi-Annual Report shall contain the following information:
- a. General statistical information regarding formal complaints received by the University/School CODI, including the number of formal complaints categorized by the nature of the charge (i.e., minor, moderate, or major infraction); sex disaggregated information on the number of complainants and persons complained of; number of persons found guilty/not guilty; number of decisions requested by a party to be reconsidered by the University President and number of resolutions by the President on such requests (categorized as granted, partially granted, or denied); number of decisions appealed with Department of Education/Commission on Higher Education or regular courts and number of appeals decided by such bodies (categorized as granted, partially granted, or denied);
 - b. General statistical information regarding informal reports, including the number of informal reports received by the University/School CODI categorized by the nature of the incidents reported (i.e., minor, moderate, or major infraction), sex disaggregated information on the number of persons offended and reported offenders, and brief summary of actions taken in response to the reports;
 - c. Issues and recommendations; and
 - d. Other relevant matters.
- 25.2. The Semi-Annual Report shall not disclose the identities of the parties, any personally identifiable information, or other details regarding the proceedings.
- 25.3. The President shall share with the University community the Semi-Annual Report submitted to and approved by the President's Council.

Section 26. Audit of the University Decorum and Investigation System

The UGDO shall facilitate an audit of the University Decorum and Investigation System once every three years.

Section 27. Grievance Mechanism

- 27.1. Any issues regarding the University's efforts to address sexual harassment and other forms of sexual misconduct or concerns arising from the implementation or gaps in the implementation of this Code and Rules, other than those that may be raised by the parties to a case that are proper grounds for a motion to inhibit, motion for reconsideration, or appeal, shall be addressed to the UGDO.
- 27.2. Personnel appointed to any of the offices or committees of the University Decorum and Investigation System and student representatives to the CODI who fail to perform their duties may be subject to disciplinary action under the relevant rules of the University Employee Code of Discipline or the Student Handbook/Code of Conduct, respectively. The disciplinary action shall be processed in accordance with the same rules.

PART IV

Administrative
Disciplinary
Rules

Section 28. General Rights and Responsibilities of the Parties

- 28.1. Both complainants and respondents have the right to:
- a. Invoke the provisions of this Code and Rules;
 - b. Be informed of and have access to campus resources for counseling, guidance, medical services, and referral to legal services;
 - c. Gender-sensitive, humane, and empathic interviews and proceedings;
 - d. Confidentiality of the identities of the parties and the proceedings;¹⁰
 - e. Fair, impartial, and timely proceedings;
 - f. Be furnished with copies of all the documents and evidence that the other party submits in support of that party's claims or defenses, as well as all resolutions, decisions, and issuances of the CODI addressed to one party;
 - g. Receive timely information on the status of the case;
 - h. Adduce evidence in their own behalf;
 - i. Have such evidence duly considered in the decision-making process; and
 - j. Be informed promptly of the Decision.
- 28.2. Both complainants and respondents have the responsibility to:
- a. Comply with this Code and Rules;
 - b. Abide by agreements that may be entered into;
 - c. Be truthful; and
 - d. Engage in a respectful manner in all proceedings.
- 28.3. Complainants have the right to:
- a. Be informed of the options of redress that are available;
 - b. Be free from pressure to downplay or not to report or complain about an incident;
 - c. Be free from being forced to file a Complaint;
 - d. Be free from victim-blaming;
 - e. Be protected against retaliation for having reported or complained;

¹⁰ Sec. 33 (e), IRR of the Safe Spaces Act.

- f. Have access to a gender-sensitive environment that is conducive to truth-telling; and
 - g. Withdraw their Complaint.
- 28.4. Complainants have the responsibility to:
- a. Comply with the requirements for filing a Complaint if they wish to initiate disciplinary proceedings; and
 - b. Give a factual account of the incident complained of.
- 28.5. Respondents have the right to:
- a. Be presumed innocent until proven otherwise by substantial evidence;
 - b. Be informed in writing of the nature and cause of the accusation against them;
 - c. Answer the charges against them or waive their right to do so;
 - d. Be informed of the evidence against them; and
 - e. Be free from false accusation.
- 28.6. Respondents have the responsibility to:
- a. Refrain from any retaliatory action against complainants and their witnesses for their participation in the disciplinary process; and
 - b. Comply with the sanctions imposed by final decision.

Section 29. How to Report Incidents of Sexual Harassment or Other Forms of Sexual Misconduct

- 29.1. Suspected, possible, or impending sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, or 7.2) may be reported formally or informally.
- 29.2. A **formal report** is a Complaint submitted in accordance with Sections 32 to 34 of this Code and Rules. Disciplinary proceedings may be initiated only by filing a Complaint.
- 29.3. An **informal report** is a report to the Gender Hub, or any person-in-authority, which does not comply with the requirements of Sections 32 to 34 of this Code and Rules. It may be done verbally or in writing or by using the University's web-based reporting hotline or the **CODI Alert form (Annex B)**.

Reporting may be done anonymously; however, it may limit the University's ability to effectively respond to the report.

Section 30. Duty to Report

- 30.1. All members of the University community are expected to report any suspected, possible, or impending sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, or 7.2), and to assist in arriving at the truth to the extent of one's knowledge and ability. While reporting may be in any form, members of the University are encouraged to accomplish and submit a **CODI Alert form (Annex B)** to the Gender Hub as soon as possible.
- 30.2. Persons-in-authority as defined in Section 3(aa) who witness, are informed of, have knowledge, or reasonably know about any suspected, possible, or impending sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, or 7.2) have the **mandatory duty** to accomplish a **CODI Alert form (Annex B)** and submit it to the Gender Hub within forty-eight (48) hours from knowledge. Failure to do so is a ground for disciplinary action under the University Employee Code of Discipline.
- 30.3. The duty to report does not apply to those who are informed of a suspected incident of sexual harassment, other form of sexual misconduct, or inappropriate behavior when such was disclosed under a priest-penitent, lawyer-client, physician-patient, or counselor-counselee relationship, unless otherwise provided in their respective professional codes of ethics.

Section 31. Action on Reports of Sexual Harassment or Other Sexual Misconduct

- 31.1. Formal reports shall be processed in accordance with Section 32 and succeeding Sections.
- 31.2. Informal reports by the offended party
 - a. Persons-in-authority who receive informal reports personally from the offended party shall act as first responders and shall observe the following **ALERT** protocol:
 - **Active Listening** - Actively listen to the offended party. Active listening involves one's full attention, listening without making any judgment, giving verbal affirmations (e.g., saying "I see" or "I understand") or non-verbal cues (e.g., eye contact and nodding one's head), and confirming if one

understands correctly what has been said. While one may ask questions to clarify things, detailed questions should be avoided to prevent multiple interviews.

- **Emergency Referral** – Call emergency services and UODI/SODI immediately if the offended party needs urgent medical intervention, counseling, or security services. Refer the offended party to the Gender Hub in non-emergency cases.
 - **Timely Report** - Inform CODI in writing by submitting a **CODI Alert form (Annex B)** to the Gender Hub within forty-eight (48) hours from learning about the incident. The Gender Hub shall then submit the accomplished CODI Alert to UODI/SCODI within forty-eight (48) hours from receipt of the same from the person-in-authority.
- b. If the offended party reports to the Gender Hub, the Gender Hub shall:
- i. Attend/reach out to the offended party following established intake procedures;
 - ii. Contact emergency services when necessary;
 - iii. Inform the offended party about its services, explain the procedure for filing a Complaint and the process for investigating the Complaint, and provide written information on those processes;
 - iv. If the offended party does not wish to file a Complaint, determine the reasons and find ways to remove barriers to the extent possible;
 - v. If the offended party decides not to file a Complaint despite efforts to address the concerns, explain to the offended party that without a Complaint, the University may be limited in its capacity to investigate and impose disciplinary sanctions on the respondent; and
 - vi. The Gender Hub shall submit the accomplished **CODI Alert form (Annex B)** to the UODI/SODI within forty-eight (48) hours from receiving the informal report.
- c. When the offended party does not wish to file a Complaint, the UODI/SODI shall examine the available information and determine if there are other possible sources of direct or circumstantial evidence, such as individuals who personally witnessed the incident who may be willing to be interviewed, or CCTV or audio/video recordings, photos, or written messages. The UODI/SODI shall submit a report to the CODI Chairperson summarizing the actions taken and the evidence gathered, if any.

- i. Upon receipt of the report from the UODI/SODI, the University/School CODI Chairperson in consultation with the Co-Chairperson shall review the same. If the Chairperson determines that there are other direct or circumstantial evidence that are adequate to prove the incident, the Chairperson shall direct the head of the Gender Hub to file the Complaint and act as the complainant.
 - ii. Mere uncorroborated hearsay or rumor does not constitute substantial evidence, and may not serve as a basis for disciplinary action.¹¹
 - iii. If there are no other adequate direct or circumstantial evidence, the University/School CODI Chairperson shall submit a **Disposition Report** to the President of the University, and provide copies of the Disposition Report to the Vice President, Dean, and Department Chairperson/Office Head of the unit to which the person who experienced the incident and the respondent belong; person who reported the incident directly to the Gender Hub or UODI/SODI; and offended party.
- d) The Gender Hub shall extend its Care, Protection, and Referral Services to the offended party even if the offended party does not wish to file a Complaint.

31.3. Informal reports by other sources

- a. Persons-in-authority who receive informal reports from other sources shall accomplish a **CODI Alert form (Annex B)** and submit it to the Gender Hub within forty-eight (48) hours from receipt of the informal report.
- b. The Gender Hub shall:
 - i. Gather as much details as possible;
 - ii. If the offended party is identified, determine if the offended party is in need of emergency care, and make arrangements for the appropriate emergency intervention to be given to the extent possible;
 - iii. Determine if the offended party is willing to be contacted by the Gender Hub, and if willing, the Gender Hub shall do so following its internal protocols;
 - iv. If the offended party is not willing to be contacted by the Gender Hub, explain the services that the Gender Hub may extend, provide written information about such services, and request the person reporting to relay the same information to the offended party;

¹¹ Ang Tibay v. Court of Industrial Relations, G.R. No. 46496, [February 27, 1940], 69 PHIL 635-645.

- v. Request the person reporting to accomplish a **CODI Alert form (Annex B)**; if the reporting party is not willing to do so, the Gender Hub personnel shall accomplish it.

Section 32. Who May File A Complaint

The following may file a Complaint for sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, or 7.2) subject to Section 2 of this Code and Rules:

1. Person who experienced the incident complained of or against whom the acts complained of were directed;
2. Anyone who personally witnessed the incident; provided, that reasonable and documented efforts have been taken to remove the barriers that prevent the person who experienced the incident from filing the Complaint and the absence or impairment of consent may be proven by the circumstances personally witnessed by the complainant (e.g., the act was done at gunpoint or with the use of other deadly weapons, the act was done with violence, or the complainant was unconscious), or the act or series of acts may reasonably be expected to cause the complainant to feel discriminated against, unsafe, uncomfortable, insulted, slighted, embarrassed, or humiliated even without the complainant's testimony to this effect.
3. The Gender Hub; provided, that reasonable and documented efforts have been taken to remove the barriers that prevent the complainant from filing the Complaint, there are other direct or circumstantial evidence that are adequate to prove the incident, and the gravity of the incident compels the University, through the Gender Hub, to stand as the complainant.

Section 33. When and Where to File a Complaint

33.1. When to file the Complaint

- a. Any Complaint for sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, or 7.2) must be filed with the UODI/SODI within five (5) years from the commission of the act; provided, that complaints for major infractions may be filed at any time. In all instances, the person complained of must still be an employee or student of the University at the time the Complaint is filed.
- b. The University shall not conduct disciplinary proceedings if the Complaint is filed beyond the prescribed period or submitted when the respondent is no

longer a member of the University community. The Complaint, however, shall be documented and kept on the record of the respondent.

33.2. Where to file a Complaint

- a. Complaints against personnel must be filed with the UODI.
- b. Complaints against students must be filed with the SODI.
- c. If the Complaint involves both students and personnel, the Complaint must be filed with UODI.
- d. If the Complaint involves infractions that fall under the purview of the University CODI and other infractions that fall under the purview of a separate disciplinary body, the Complaint must be filed with the UODI if the infractions arise from or are related to the same incident.

Section 34. Form and Substance of the Complaint

- 34.1. The Complaint must be in writing and signed by the complainant.¹²
- 34.2. If the complainant is a minor, the parents, legal guardian, or person exercising substitute parental authority shall co-sign the Complaint together with the minor, or shall sign the Complaint on behalf of the minor.
- 34.3. The Complaint must contain the following:
 - a. Full name, age, grade/year level/course and School enrolled in, or designation/title and office of the complainant;
 - b. Full name, age, grade/year level/course and School enrolled in of the student-respondent, or position/title and office of the employee-respondent;
 - c. A statement of the relevant facts, i.e., what was the act committed, and how, where, and when it took place;
 - d. A **Certification of Truthfulness and Authenticity (Annex C)**¹³ signed in the presence of an authorized representative of the UODI/SODI;
 - e. The written statements of the witnesses in support of the Complaint, if any, signed by the witnesses and containing a **Certification of Truthfulness and Authenticity (Annex C)** signed in the presence of an authorized representative of UODI/SODI; and

¹² If CHED requires notarization in its amended rules, this provision is deemed revised accordingly.

¹³ In lieu of notarization.

- f. Other supporting evidence such as but not limited to photos, videos, or text or other electronic messages.

Section 35. Sufficiency in Form

- 35.1. The Complaint shall be filed in two originally-signed copies.
- 35.2. Immediately upon receipt of a Complaint, the UODI/SODI shall examine the Complaint and determine if it complies with the requirements prescribed in Section 34. If it is not sufficient in form, the complainant shall be informed of what is lacking and shall be referred to the Gender Hub for assistance in revising the Complaint. The complainant may re-file the Complaint with the UODI/SODI after the Complaint is revised to comply with the prescribed form.
- 35.3. If the Complaint is sufficient in form, the UODI/SODI shall assign a University/School CODI Case Number to the Complaint, mark the two originally signed copies with the Case Number, and stamp the copies as having been received for Preliminary Investigation, indicating the date and time of receipt. One of the copies shall be returned to the complainant.

Section 36. Procedure for Minor Infractions

- 36.1. Upon receipt of a Complaint that involves a minor infraction, the UODI/SODI with the approval of the Chairperson, in consultation with the Co-Chairperson, shall refer the Complaint for conciliation or mediation to a neutral third party who is a member of the University experienced in handling conciliation or mediation.
- 36.2. Conciliation or mediation shall be resorted to only if the following conditions are met:
 - a. The incident involves a minor infraction;
 - b. It is the first time that the respondent is complained against for sexual harassment or other form of sexual misconduct;
 - c. The parties agree in writing to go through conciliation or mediation; and
 - d. The Gender Hub certifies that it has assessed the Complaint and has determined that it is proper for conciliation or mediation.
- 36.3. The agreement to conciliate or mediate and a summary of the result of the conciliation or mediation shall be submitted by the conciliator/mediator to the UODI/SODI immediately after the mediation or conciliation is concluded.

- 36.4. If the parties do not agree to conciliation or mediation, or the conciliation or mediation fails, the School/University CODI following the procedure in the succeeding Sections of this Code and Rules shall investigate the Complaint.

Section 37. Procedure for Moderate and Major Infractions

37.1. Preliminary Investigation

a. Notice to Explain (NTE)

- i. Within three (3) days from receipt of a Complaint the UODI/SODI shall issue a NTE to the respondent.
- ii. The NTE shall contain a brief statement of the fact that a Complaint had been filed; the specific infractions or violations based on the facts alleged in the Complaint; instruction to submit a signed written Explanation within a period of five (5) days from receipt of the NTE; and a No Contact Order prohibiting the respondent from contacting or communicating with the complainant, the complainant's witnesses, and, when necessary, other persons associated with the complainant.
- iii. The NTE may also contain a Cease and Desist Order directing the respondent to stop or refrain from doing anything that may aggravate the situation, or any such orders to prevent any further harm.
- iv. A copy of the Complaint with all the supporting documents shall be attached to the NTE.
- v. If the respondent is a minor, the parents, legal guardian, or person exercising substitute parental authority shall also be given a copy of the NTE.
- vi. The NTE is considered received from the date that it is delivered personally to the respondent/parents/guardians/person with substitute parental authority of the respondent, or on the date that it is sent by courier to their last known address if personal delivery is not practicable.

b. Explanation

- i. The Explanation of the respondent must be in writing and signed by the respondent. It shall be submitted to the UODI/SODI within five (5) days from receipt of the NTE.

- ii. If the respondent is a minor, the parents, legal guardian, or person exercising substitute parental authority shall also sign the Explanation.
 - iii. The Explanation must address the allegations in the Complaint.
 - iv. The Explanation must contain a Certification of Truthfulness and Authenticity (Annex C) signed in the presence of an authorized representative of UODI/SODI.
 - v. Written statements of the witnesses in support of the Explanation, if any, must be signed by the witnesses and must contain a Certification of Truthfulness and Authenticity (Annex C) signed in the presence of an authorized representative of UODI/SODI.
 - vi. The respondent may submit, together with the Explanation, other supporting evidence such as but not limited to photos, videos, or text or other electronic messages.
 - vii. An Explanation that does not comply with the requirements prescribed herein shall not be considered as having been submitted to CODI.
 - viii. Failure to submit an Explanation within five (5) days from receipt of the NTE shall be deemed a waiver of one's right to file one, but it shall not bar the respondent from appearing at the hearing when summoned by the Hearing Panel.
- c. Opportunity to Comment
- i. Within three (3) days from receipt of a copy of the respondent's Explanation, the complainant may submit written comments on the Explanation. The respondent likewise has three (3) days from receipt of the complainant's comments to respond.
 - ii. Failure to submit comments or a response within the prescribed period shall be deemed a waiver to do so.
- d. Examination of Evidence
- i. The UODI/SODI shall examine all the evidence submitted to determine whether there is a prima facie case of sexual harassment or other form of sexual misconduct. Prima facie case means that there appears to be reasonable basis to presume that a person committed sexual harassment, other form of sexual misconduct, or inappropriate behavior.
 - ii. To aid in the investigation, the UODI/SODI may request the parties to provide additional supporting documents. The Secretariat may also request School or University offices for copies of relevant documents or

other evidence in the possession of such offices without need of obtaining consent from either or both of the parties.

e. Preliminary Investigation Resolution

- i. Within ten (10) days from submission of the respondent's response to the complainant's comments or waiver thereof, the UODI/SODI shall issue its Preliminary Investigation Resolution addressed to the parties. The Resolution shall state whether or not the Complaint was filed within the prescriptive period as stated in Section 33.1; whether or not there is a prima facie case for sexual harassment, other form of sexual misconduct, or inappropriate behavior justifying the issuance of a Notice of Charge; and a brief explanation of the reason for the same.
- ii. The complainant may file an appeal to the CODI Chairperson if the Complaint is dismissed or referred to another body on the ground of misappreciation of evidence. No other ground for appeal shall be entertained. The appeal must be signed by the complainant and submitted to the CODI Chairperson within three (3) days from receipt of the Resolution. The CODI Chairperson, in consultation with the Co-Chairperson, shall decide the appeal within three (3) days. No Motion for Reconsideration or further appeal shall be entertained.

37.2. Notice of Charge

- a. Simultaneous with the issuance of the Resolution or immediately after a decision on Appeal finding a prima facie case, the UODI/SODI shall issue a Notice of Charge to the respondent.
- b. The Notice of Charge shall contain the following:
 - i. A summary of the allegations and evidence submitted by both parties;
 - ii. The ground/s for disciplinary action;
 - iii. Instruction to the respondent to submit a written Answer, if the respondent wishes to do so, within five (5) days from receipt of the Notice of Charge; and
 - iv. A statement placing the respondent on preventive suspension, if applicable.

37.3. Answer

- a. Within five (5) days from receipt of the Notice of Charge, the respondent may submit an Answer to the charge if the respondent has additional arguments

and evidence that may not have been included in the Explanation during the preliminary investigation.

- b. Failure to submit an Answer within the given period shall be deemed a waiver of the respondent's right to do so, but written statements and supporting evidence already submitted by the respondent during the preliminary investigation shall be taken into consideration by the Hearing Panel in its decision.
- c. The University/School CODI and the University President/Vice President shall endeavor to decide a Complaint within ten (10) days from filing of an Answer or from the lapse of the period to file an Answer with no Answer being filed.

37.4. Constitution of the Hearing Panel

- a. Upon issuance of the Notice of Charge, the School/University CODI Chairperson and Co-Chairperson shall immediately constitute a Hearing Panel to be composed of either of them as chair of the Hearing Panel and four (4) CODI members. Of the four (4) members, two (2) must be women, and the sector to which each of the parties belong must be represented.
- b. The School CODI shall coordinate with UODI to ensure that a University CODI representative is designated by the University CODI Chairperson to sit as a member of the School CODI Hearing Panel.
- c. The presence of majority of the Hearing Panel is necessary to carry out its functions. If the Chairperson or any member is unavailable, the permanent alternate shall take the Chairperson's place.
- d. The investigation proceedings and decisions of the Hearing Panel shall not be affected by any change in the composition of the Hearing Panel or the CODI.

37.5. Hearing

- a. The Hearing Panel shall hear the case after the respondent submits the Answer or after the lapse of the 5-day period and no Answer is filed.
- b. During the hearing, the Hearing Panel shall interview the complainant and the respondent separately for clarificatory questions, if any. The Hearing Panel may also interview the witnesses whose written statements are attached to the Complaint and the Explanation. If either party submits any other new documentary evidence during the hearing or raises new matters during the interview which may substantially affect the Decision, the other party shall be given time to comment on the same.

- c. The hearings before the CODI Hearing Panel are confidential and not open to the public. Only the CODI Hearing Panel, authorized personnel, and the parties, their witnesses (only when called to testify), and support persons (when accompanying the party who testifies) are allowed to be present at the hearings.
- d. The hearings are non-adversarial, and are not bound by the Rules of Court. Parties are not given an opportunity to cross-examine each other, or each other's witnesses.
- e. The Hearing Panel shall take measures to ensure that the complainant and the respondent, as well as their respective witnesses, do not encounter each other while waiting to be called in for the hearing, during the hearing, and as they exit from the hearing.
- f. The complainant and the respondent may each be accompanied by a maximum of two support persons to provide emotional and moral support. The support person may be the party's parent or person exercising substitute parental authority, a member of the University community, the Gender Hub case companion, or any two persons of their choice.
 - i. The support person shall not be allowed to participate in the hearing, but may sit beside the complainant/respondent during the hearing. The Hearing Panel shall instruct the support persons not to prompt, sway, or influence the complainant/respondent.
 - ii. One of the support persons may be a lawyer, however, the lawyer may only observe and shall not be permitted to raise objections, comment, interrupt, or prevent a party from responding to questions. The CODI Hearing Panel may order the lawyer to leave the investigation room if the lawyer violates this rule.
 - iii. If the support person chosen by the complainant/respondent is also a witness, the Hearing Panel may disapprove the choice if it is sufficiently established that the attendance of the support person during the testimony of the party would pose a substantial risk of influencing or affecting the content of the testimony of the party.
 - iv. If the support person who is also a witness is allowed by the Hearing Panel to accompany the complainant/respondent, the support person's testimony shall be presented ahead of the testimony of the complainant/respondent.

- v. Hearings shall not be postponed due to the unavailability of the support person.
- g. Hearings shall be audio-recorded and minutes of the hearing shall be taken; transcriptions are not required. Copies of recordings, minutes, and transcriptions, if any, shall be provided to the parties only in response to a valid subpoena.

37.6. Request to Inhibit

- a. At any time before the Hearing Panel submits its recommendation to the University President, either party may request to inhibit the Chairperson or any member of the Panel on the ground of conflict of interest or manifest partiality.¹⁴ The Chairperson or members may also inhibit on their own initiative on the ground of conflict of interest.
- b. No Motion to Inhibit the entire Hearing Panel shall be entertained.
- c. The CODI Hearing Panel shall determine whether the Motion to Inhibit should be granted or denied, and it shall notify both parties in writing of its decision within three (3) days from receipt of the Motion to Inhibit.

37.7. Prohibited Motions and Submissions

No motions, requests, and other submissions shall be entertained unless these Rules state that such motion, request, or submission is allowed.

37.8. Report of the Hearing Panel

- a. The University CODI Hearing Panel shall submit its report to the University President, and the School CODI Hearing Panel to the School Disciplining Authority, within seven (7) days from its receipt of the Answer or the lapse of the period to file an Answer with no Answer being filed.
- b. The report shall summarize the proceedings, findings, and recommendation of the Panel.
- c. The recommendation must be approved by at least a majority (50% plus 1) of the Hearing Panel. It shall state whether or not the Panel recommends that the respondent be found guilty as charged, the sanction and corrective measures to be imposed, if any, and the reasons for the same.
- d. When the University President is the subject of the Complaint, the Board of Trustees shall render the decision by majority vote.

¹⁴ Sec. 33(d), par. 2, IRR of the Safe Spaces Act.

37.9. Decision

- a. The University President (for cases investigated by the University CODI) or the School Disciplining Authority (for cases investigated by the School CODI) shall issue a Decision within three (3) days from receipt of the pertinent Report.
- b. The Decision must state whether or not the respondent is guilty as charged, the reason for the same, the sanction imposed, and the available remedy should either party be dissatisfied with the outcome.
- c. A Decision finding the respondent guilty as charged must be supported by substantial evidence. Substantial evidence refers to evidence that is sufficient to lead a reasonable person to conclude that a certain act was committed. It is not necessary to conclude without a doubt that the act was committed. It is enough that one can say after considering all the evidence presented that the act was most likely committed.
- d. A copy of the Decision will be provided to the complainant and respondent by the UODI/SODI. This Decision will be explained to them separately, in a manner best determined by the University/School CODI Chairperson.

37.10. Motion for Reconsideration or Appeal

- a. In cases involving personnel as respondents, the party adversely affected by the Decision may file a Motion for Reconsideration with the University President within a non-extendible period of fifteen (15) days from receipt of the Decision. Only one Motion for Reconsideration shall be allowed. The Decision shall become final and executory after the lapse of fifteen (15) days and no Motion for Reconsideration is filed, or immediately after a Motion for Reconsideration is ruled upon.
- b. In cases where the respondent is a student, the Decision of the Disciplining Authority shall be appealable to the Vice President of the School Unit within a non-extendible period of fifteen (15) days from receipt of the Decision. Only one appeal is allowed and no Motion for Reconsideration of the Decision on Appeal shall be entertained. The Decision of the Disciplining Authority shall be final and executory after the lapse of fifteen (15) days and no Appeal is filed, or immediately after an Appeal is ruled upon.

The Office of the President shall not entertain any appeal on the decision of the Vice President.

- c. The Motion for Reconsideration or Appeal shall be based on any of the following grounds which, if taken into consideration, will materially affect the Decision:

- i. New evidence that existed at the time of the hearing but could not have been discovered with reasonable diligence prior to the Decision;
 - ii. Violation of due process; or
 - iii. Errors of fact or law.
- d. The Motion for Reconsideration shall be resolved within ten (10) days from its filing. The Appeal shall likewise be resolved within ten (10) days from its filing.
- e. Parties who are not satisfied with Decisions that have become final and executory may appeal to the appropriate government regulatory body (such as CHED or DepEd) in accordance with its rules or with the regular courts following the applicable provisions of the Rules of Court.

37.11. Departure from the Prescribed Periods

The following periods of delay shall be excluded in determining compliance with the prescribed period within which an action by the University/School must be taken:

- a. Delay resulting from a written request from either party for extension of time (if allowed) to submit evidence or procure the attendance of witnesses, provided that there can be no further extension of a period already extended;
- b. Delay resulting from a written request for postponement of hearing based on highly meritorious grounds, such as but not limited to serious illness, injury, or physical incapacity evidenced by a medical certification;
- c. Delay resulting from causes outside of the University's reasonable control, including acts of God and force majeure; and
- d. Other analogous circumstances that result in reasonable delay when the ends of justice and best interests of the parties outweigh the speedy disposition of the case.

37.12. Implementation of the Sanction

It is the responsibility of the OHRMOD, in coordination with the concerned units, and the appropriate student formation or disciplinary office to ensure that personnel and student respondents, respectively, comply with the disciplinary sanctions and corrective measures imposed. More serious sanctions may be imposed in the event that the respondent fails to comply with the sanctions initially imposed.

Section 38. Protective Measures

38.1. At any time upon the issuance of a Notice of Charge, the University/School CODI or the Hearing Panel, whichever is appropriate, may order protective measures as may be necessary to ensure orderly proceedings or prevent aggravation or damage. These measures may include, but are not limited to, preventive suspension, No Contact Order, Cease and Desist Order, and Adjustment in Work/Class/Living Arrangements.

OHRMOD shall be notified of all protective measures affecting personnel for proper recording and implementation.

Heads of Offices that are involved in the implementation of protective measures affecting students shall likewise be notified of such measures.

38.2. Preventive Suspension

a. Personnel respondents shall be placed on preventive suspension if the charge involves a major or moderate infraction and their continued presence poses a serious and imminent threat to the well-being of any of the members of the University community, may jeopardize the evidence, or may expose the complainant and witnesses to undue influence or pressure.

As a general rule, the preventive suspension shall not be more than 30 days. Should it be extended beyond 30 days for meritorious reasons, the respondent shall be restored in the payroll after the 30-day period. In no case shall the period of preventive suspension be more than the duration of the impossible sanction for the charge.

b. Student respondents may be preventively suspended from entering the school premises and attending classes if the complaint involves a moderate or major infraction, the evidence of guilt is strong, and their continued stay during the period of the investigation is detrimental to the normal operations of the School or poses a risk or danger to the life of persons and property in the School.¹⁵

The preventive suspension of students shall not be more than 20% of the class days for the term or quarter, and in no case more than the duration of the impossible sanction for the charge.¹⁶

¹⁵ Sec. 106, paragraph 1, *Manual of Regulations for Private Higher Education*.

¹⁶ Sec. 136(a), *Manual of Regulations for Private Schools in Basic Education*;
Sec. 106(1), *Manual of Regulations for Private Higher Education*.

- c. The period served on preventive suspension shall not be deducted from the period of suspension imposed in the Decision of the case.
- d. A person placed on preventive suspension shall be prohibited from:
 - i. Attending classes or rendering work in any form for the University;
 - ii. Entering any of the campuses, offices, or buildings of the University unless authorized in writing by the CODI;
 - iii. Using any of the facilities and services of the University, such as clinic, library, IT, gym, and others;
 - iv. Participating in University activities on or off-campus; and
 - v. Representing the University in any activity.

38.3. No Contact Order

A No Contact Order is a protective measure employed by the University/School CODI or Hearing Panel prohibiting one party from communicating with the other, or both parties from communicating with each other, either directly or through emissaries, to protect the safety and general welfare of the parties involved. The No Contact Order may extend to prohibiting communication with a party's family, friends, and witnesses, as may be necessary depending on the circumstances.

A copy of the No Contact Order shall be furnished to the relevant offices that need to ensure and monitor compliance with the Order.

38.4. Cease and Desist Order

A Cease and Desist Order is issued by the University/School CODI or Hearing Panel to parties and/or their witnesses, or by the University/School CODI to persons not directly involved in a case, to prevent them from doing acts that are contrary to law or the provisions of this Code and Rules and are harmful to persons or undermines CODI processes.

38.5. Adjustment in Work/Class/Living Arrangements

To the extent practicable, the University/School CODI or Hearing Panel, in coordination with the heads of the affected Schools/offices/departments, may order adjustments to work assignments or location, housing arrangements, and class arrangements, if the circumstances of the case necessitate.

If the respondent is a teacher and the complainant is a student, the arrangement should be that which would be least disruptive for the student and the most

conducive to protecting the student's best interests without compromising the academic standards of the School.

Section 39. Effect of Resignation or Transfer

- 39.1. The resignation of an employee or withdrawal of a student from the University shall not prevent the University from investigating and deciding on a Complaint against such employee or student if the Complaint is submitted to the UODI/SODI before the employee resigns or before being notified of the student's withdrawal.
- 39.2. The University shall impose an academic and/or financial hold on respondents during the pendency of investigations, hearings, or other pertinent proceedings under this Code and Rules, with no degrees to be awarded, official transcripts to be provided, or other official University documents to be released (such as certificates of good moral character, transfer credentials, and the like) until the Complaint is resolved with finality.

Section 40. Effect of Withdrawal of the Complaint

The withdrawal by the complainant of the Complaint at any stage prior to the issuance of a Decision by the University President or School Disciplining Authority shall not preclude the Hearing Panel from proceeding with the investigation when there are other direct or circumstantial evidence that can prove the allegations.¹⁷

Section 41. Effect of Filing a Criminal Action

The filing of a criminal action for sexual harassment, other forms of sexual misconduct, or inappropriate behavior does not preclude a person from filing or proceeding with a Complaint for the same acts under this Code and Rules.

Section 42. Confidentiality

- 42.1. The identities of the parties, and the proceedings and records of the University Decorum and Investigation System involving specific incidents (including but not limited to all statements, documents, and evidence submitted by the parties, and communications and reports issued by the Gender Hub, University/School CODI, and Hearing Panels) are confidential information. Confidential information may be disclosed only to authorized persons and cannot be disseminated to the public,

¹⁷ Sec. 9(a), CM0 1, s. 2015.

except for general statistical information required to be disclosed in the CODI Semi-Annual Report as provided in Section 25.

- 42.2. The complainant, respondent, and their witnesses will obtain confidential information in the course of their participation in the proceedings before the Gender Hub, the UODI/SODI, the University/School CODI, and the Hearing Panel. They cannot disclose this confidential information to anyone except to their:
- a. Lawyers;
 - b. Immediate family members, i.e., parents or persons exercising substitute parental authority as defined in Section 3(z), siblings, and spouse;
 - c. Support persons as identified in Section 37.5(f);
 - d. Guidance counselor, psychotherapist, psychologist, and other mental health or medical professionals;
 - e. Religious confessor bound by the seal of confession or spiritual director who is a priest or other religious minister;
 - f. Case Companion designated by the Gender Hub;
 - g. Class adviser or moderator (if the complainant, respondent, or witness is a student);
 - h. Union/association officers (if the complainant or respondent is an official member of AEWU, or a union or workers association duly registered with the Department of Labor and Employment); and
 - i. Confidant who is a member of the University community, subject to the approval of the University/School CODI Chairperson.

They may also disclose confidential information to persons authorized by the University/School CODI Chairperson on a need-to-know basis, who need to access the confidential information to perform an official duty, function, or obligation; and other persons as allowed by existing or future laws and regulations.

- 42.3. OHRMOD shall be notified of all protective measures, orders, and decisions that affect personnel who are parties or witnesses to a case. The progress of the case shall also be disclosed to OHRMOD on a need-to-know basis.
- 42.4. Personnel who have authorized access to confidential information or acquire such information in the course of their work have the obligation to safeguard the information and prevent its disclosure to unauthorized persons.
- 42.5. Members of the University Decorum and Investigation System shall not confirm the existence of or otherwise comment about specific investigations or cases,

whether ongoing or decided, to media, student publications, and other unauthorized persons.

- 42.6. Unauthorized disclosure of confidential information, whether done intentionally or through negligence, could violate individual privacy rights and personnel non-disclosure agreements; prejudice the rights of the parties; unfairly damage the reputation of a person; endanger a person's safety and security; and undermine the independence of the University's established processes for investigating and resolving disputes.

Unauthorized disclosure of the identities of the parties or the proceedings and records of the University Decorum and Investigation System may be subject to disciplinary action and other legal remedies; provided, that nothing herein shall prevent individuals from reporting, talking, or speaking about their experience of sexual harassment, other forms of sexual misconduct, or inappropriate behavior whether it is happening to them or someone else. In so doing, however, they are expected to act responsibly by respecting the dignity, personality, and privacy of others, and by observing honesty and good faith.

- 42.7. It shall be the duty of the University/School CODI to ensure confidentiality to the greatest extent possible.¹⁸ To this end, the University/School CODI or the Hearing Panel, whichever is appropriate, has the responsibility to:
- a. Provide guidance to persons seeking clarity as to who confidential information may be shared with;
 - b. Raise awareness and understanding of the community about confidentiality restrictions, the need for such, and the consequences of breach;
 - c. In case of unauthorized disclosure, require persons concerned to stop posting or sharing, through any means, confidential information to the public or any unauthorized person;
 - d. Report any confidentiality violation to the University Legal and Compliance Office and the University Data Protection Office for the appropriate legal action; and
 - e. Adopt such other measures as may be necessary and reasonable to ensure confidentiality.

The Hearing Panel shall initiate the necessary action if the action is addressed to the parties and witnesses to the case being heard by the Panel; otherwise, the University/School CODI shall initiate the action.

¹⁸ Sec. 33(e), IRR of the Safe Spaces Act.

- 42.8. The University/School CODI may file on its own initiative an incident report for violation of confidentiality with the OHRMOD (for violations by personnel) or the appropriate School Disciplining Authority (for violations by students); provided, that direct or circumstantial evidence of the breach is available. The incident report shall serve as a complaint and may be consolidated with the complaint, if any, of the affected party or data subject.

Section 43. Non-Retaliation

- 43.1. Committing or insinuating acts of retaliation due solely to the filing of an informal report or Complaint, or to participation in administrative procedures or investigations under this Code and Rules is a major infraction that is subject to disciplinary action, up to and including termination or dismissal.
- 43.2. Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or any adverse action related to employment or education against a person who reports an incident of sexual harassment or other form of sexual misconduct, or who testifies, assists, or participates in any proceeding, investigation, or resolution of a sexual harassment/sexual misconduct report or Complaint.
- 43.3. The filing of a disciplinary complaint or other legal action against one who instituted a false Complaint/report for sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts under this Code and Rules or who bore false witness in proceedings under this Code and Rules is not retaliation if there is a reasonable basis for such disciplinary complaint or legal action.
- 43.4. Persons who wish to report and/or file complaints for retaliatory acts may avail themselves of the Gender Hub's services.
- 43.5. A complaint for retaliation shall be filed with the OHRMOD (for violations by personnel) or the appropriate School Disciplining Authority (for violations by students) copy furnished the UODI/SODI.
- 43.6. The University/School CODI Chairperson shall designate a member of the CODI to sit as a member of the Disciplinary Committee investigating or hearing the complaint for retaliation.

Section 44. False Complaint

- 44.1. Any employee or student who makes a false Complaint/report of sexual misconduct, sexual harassment, inappropriate conduct, or analogous acts under this Code and Rules shall be subject to disciplinary action. The School/University CODI, on its own accord, or the complainant may file an appropriate Complaint

(against the one who makes the false Complaint/report) with the OHRMOD (for violations by personnel) or the appropriate School Disciplining Authority (for violations by students).

- 44.2. The mere fact that a Complaint of sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts under this Code and Rules is dismissed or the respondent is not found guilty of such charges does not necessarily constitute a false complaint. A Complaint is false only if there is proof that the allegations were fabricated and the Complaint was filed with malice.

PART V
**Miscellaneous
Provisions**

Section 45. Screening and Training of Personnel

- 45.1 All hiring of University personnel, regardless of the nature of their engagement or employment, must adopt a vetting process to ensure that applicants do not have any previous record or are not the subject of any pending investigation involving sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts.

If the applicant was a personnel or former student of the University, the hiring unit shall check with UODI if the applicant has any record of being charged with or found guilty of any disciplinary record with such unit involving sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts.

The hiring units shall ensure that applicants are required to disclose if there are any pending or decided administrative, civil, or criminal complaints filed against them involving sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts.

- 45.2. All University personnel must undergo a mandatory orientation on this Code and Rules, gender-sensitivity, relevant laws and issuances, and other related topics upon hiring and a mandatory refresher training every three (3) years thereafter.
- 45.3. All members of the University Decorum and Investigation System shall undergo, in addition to the general training program for personnel, an orientation prior to the assumption of their tasks and continuing skills-based training programs specializing on administrative due process; interview and investigation skills and techniques; gender sensitive and child-appropriate approaches; and other relevant topics.

Section 46. Screening of Student Applicants

- 46.1. Admissions offices of the School Units shall ensure that those applying to be accepted as students in their respective units are required to disclose if there are any pending or decided administrative, civil, or criminal complaints filed against them involving sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts.
- 46.2. If the applicant is a former student of a School Unit of the University, the concerned admissions office shall check with UODI if the applicant has any record of being charged with or found guilty of any disciplinary record with such School Unit involving sexual misconduct, sexual harassment, inappropriate behavior, or analogous acts.

Section 47. Transitory Provisions

- 47.1. The University President shall constitute the University CODI in accordance with Part II of this Code and Rules at least sixty (60) days prior to the expiration of the term of the interim CODI. The School Head shall constitute the School CODI within sixty (60) days from effectivity of this Code and Rules.
- 47.2. The first set of University CODI Chairperson, Co-Chairperson, and members to be appointed in accordance with this Code and Rules shall have staggered terms, with a three-year term for the Chairperson, two years for the Co-Chairperson, three years for a third of the University CODI members, and two years for the rest of the members. Thereafter, all appointees shall have a term of two years.
- 47.3. The UODI shall be established within six (6) months from the effectivity of this Code and Rules. The OHRMOD shall serve as the UODI in the interim. Upon the establishment of the UODI, all records on sexual harassment cases and related documents shall be turned over by OHRMOD to UODI. OHRMOD shall retain copies of the charge, payroll resumption memorandum, and disciplinary action memorandum for the 201 files of concerned employees.

Section 48. Repealing Clause

This Code and Rules repeals the University Anti-Sexual Harassment Policy of 2018 and all other University policies, circulars, and memoranda that are inconsistent with this Code and Rules.

Section 49. Separability Clause

In the event that any portion of this Code and Rules is repealed by operation of law, or declared void by a court or quasi-judicial body of competent jurisdiction, the other provisions of this Code and Rules shall remain valid.

Section 50. Rules of Interpretation

- 50.1. In case of conflict between this Code and Rules and a mandatory provision of the implementing rules and regulations of the appropriate government regulatory body (such as the Department of Education or the Commission on Higher Education), the latter shall prevail.
- 50.2. In case of conflict between the University Employee Code of Discipline and the provisions of this Code and Rules, this Code and Rules shall prevail.

- 50.3. Any gaps or deficiencies in this Code and Rules shall be supplied with the relevant provisions of the University Employee Code of Discipline or the applicable Student Handbook/Code of Conduct.
- 50.4. When personal appearance or physical submission or issuance of documents is required by this Code and Rules, but it is impossible to do or it cannot be done within a reasonable time due to extraordinary circumstances, it may be done online subject to specific rules that the University/School CODI may issue.

Section 51. Review of this Code and Rules

- 51.1. This policy will be reviewed periodically every three years from its effectivity.
- 51.2. At any other time prior to the review period, the University President may order the amendment or repeal of this Code and Rules or any of its provisions to prevent any violation of due process, to promote justice, or to comply with law, jurisprudence, and administrative issuances.
- 51.3. The Annexes to this Code and Rules may be revised by the OUDI with the approval of the University CODI without need of approval by the University President; provided, that the amendments do not change any of the substantive provisions of this Code and Rules.

Section 52. Effectivity of this Code and Rules

This Code and Rules shall take effect within thirty (30) days from the date of its approval by the University President.

PART VI

Forms and
Quick
Reference
Guides

Annex A. Declaration of No Conflict of Interest

Declaration of No Conflict of Interest

I, _____, of legal age, hereby declare that:

- I am not related within the fourth degree of consanguinity or affinity with any of the parties in University/School CODI Case No. _____.
- I do not have any business or other affiliations or relationships (e.g., being a godparent to either party, having a close friendship with either party or either party's family, and similar relationships that may affect one's impartiality) that will or may create a conflict of interest in relation to my appointment as Chairperson/member of the University/School Hearing Panel in the same case.
- Should any such conflict of interest arise while I sit as a member of the Hearing Panel, I shall immediately disclose the same and recuse myself from membership in the Hearing Panel.

I attest to the truthfulness and voluntariness of this Declaration.

Signed this ____ day of _____, 202_, in _____ City.

[Signature above printed name]

Annex B. CODI Alert

CODI ALERT

This CODI Alert must be accomplished and submitted to the Gender Hub within 48 hours from witnessing, being informed of, having knowledge, or reasonably knowing about suspected, possible, or impending sexual harassment, other forms of sexual misconduct, or inappropriate behavior. Please provide as much information as possible. The more details, the better the University may be able to intervene.

Information on the person reporting

Full name: _____ ID Number: _____
School/Unit/Affiliation: _____ Designation/Position: _____
Phone Number: _____ E-mail Address: _____
Relationship with the person who experienced the incident:
 I am the person who experienced the incident.
 I am reporting an incident experienced by someone else.
Date the incident/information was made known to me: _____
Time the incident/information was made known to me: _____

Information on the person who experienced the incident (referred to as offended party)

Full name: _____ ID Number: _____
Phone Number: _____ E-mail Address: _____
School/Unit/Affiliation: _____ Designation/Position: _____
At the time the infraction was committed, the offended party was:
 A member of the University community
 Not a member of the University community

Information on the person who committed the incident (referred to as respondent)

Full name: _____ ID Number: _____
School/Unit: _____ Designation/Position: _____
Phone Number: _____ E-mail Address: _____
At the time the infraction was committed, the respondent was:
 A member of the University community:
 An employee, authorized representative, or agent of a:
 Supplier, service provider, or vendor that performs tasks or deliver goods and/or services to the University
 Host training establishment that accepts students for practicum, apprenticeship, internship, on-the-job-training, or similar programs
 Institutions or organization leasing or permitted to use space within the University campus
 None of the above

CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT,
OTHER FORMS OF SEXUAL MISCONDUCT, AND INAPPROPRIATE BEHAVIOR

Please tick off the box that describes what acts were committed. Refer to the Definitions portion at the end of this form for your guidance.

<p>MAJOR INFRACTIONS</p> <p>Sexual harassment</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sexual relationship/activity between personnel and a student of Basic Education (Section 4.5) <input type="checkbox"/> Work-related sexual harassment (Sections 8.4 and 8.6) <input type="checkbox"/> Education/training-related sexual harassment (Sections 8.5 and 8.6) <input type="checkbox"/> Unwanted touching, pinching, brushing against, or groping of private parts of the body (genitalia, buttocks, and breast), even if done over clothing <input type="checkbox"/> Unwanted sexual or lascivious touching, pinching, brushing against, or groping any other part of the complainant's body, even if done over clothing <input type="checkbox"/> Unwanted sexual advance, invitation, or flirtation with non-consensual and lascivious touching <input type="checkbox"/> Terrorizing the complainant through: unauthorized recording and sharing of any of the complainant's photos, videos, or information online; impersonating the identity of the complainant online; posting lies about the complainant to harm the complainant's reputation; or posting false abuse reports online to silence victims <input type="checkbox"/> Stalking <input type="checkbox"/> Exposing or flashing private parts, public masturbation, or similar acts committed for the sexual gratification of the respondent with the effect of demeaning, harassing, threatening, or intimidating the complainant <p>Other forms of sexual misconduct</p> <ul style="list-style-type: none"> <input type="checkbox"/> Voyeurism (Section 9[a]) <input type="checkbox"/> Child sexual abuse (Section 9[b]) <input type="checkbox"/> Rape (Section 9[c]) <input type="checkbox"/> Sexual exploitation (Section 9[d]) <p>Inappropriate behavior</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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 (Section 4.6) <input type="checkbox"/> 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 (Section 5.3) <p>Others</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any act classified as minor or moderate when the same is serious, persistent, or pervasive <input type="checkbox"/> Other analogous acts 	<p>MODERATE INFRACTIONS</p> <p>Sexual harassment</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unwanted sexual advance, invitation, or flirtation with no lascivious touching <input type="checkbox"/> Request or demand for any unwanted sexual favor or invitation <input type="checkbox"/> Offensive sexual remarks about a person's physical appearance <input type="checkbox"/> Sending to the complainant, through the use of information and communication technology or other means, photos, audio recordings, or videos with sexual content causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive, or vulgar <input type="checkbox"/> Telling sexist, sexual, or smutty jokes or comments to the complainant or sending these through text, electronic mail or other means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive, or vulgar <input type="checkbox"/> Offensive sexual body gestures <input type="checkbox"/> Repeated but not serious, pervasive, or persistent minor infractions <input type="checkbox"/> Other analogous acts <p>MINOR INFRACTIONS</p> <p>Sexual harassment</p> <ul style="list-style-type: none"> <input type="checkbox"/> Catcalling <input type="checkbox"/> Cursing with sexual content directed at the complainant <input type="checkbox"/> Use of words, gestures or actions that ridicule on the basis of sex, gender, or sexual orientation, identity and/or expression, including misogynistic, transphobic, homophobic, or sexist remarks, slurs, words, or comments <input type="checkbox"/> Ogling or leering <input type="checkbox"/> Unwanted requests for one's personal details such as name, contact and social media details, or destination <p>Inappropriate behavior</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unwanted touching, pinching, or brushing against any part of the complainant's body when not sexual or lascivious in nature but is invasive of one's personal boundaries, and carried out even after the complainant previously objected to the behavior or after disapproval was made known by the complainant, or the behavior may reasonably be expected to cause the complainant to feel unsafe or uncomfortable even without explicit objection or disapproval <p>Others</p> <ul style="list-style-type: none"> <input type="checkbox"/> Other analogous acts
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------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Information on the incident

Date of Incident:

Location of Incident:

Brief description of the incident:

[Signature above printed name of person reporting]

Date signed:

(TO BE ACCOMPLISHED BY THE GENDER HUB)

Date received

Time received

Received by

Supporting documentation received

Statements (please specify whose statements)

Photo/s

Video/s

E-mail

Images or screen capture/s of post/s,

message/s, text/s, and similar

communication

Others (please specify)

None

Is the offended party willing to file a Complaint?

Summary of actions taken

Other comments

[Signature above printed name of person reporting]

Date signed:

RECEIVED BY UODI/SODI

Date of receipt:

Time of receipt:

Name of recipient:

Signature of recipient:

DEFINITIONS

Catcalling

Wolf-whistling, unwanted sexual or sexually suggestive remarks or sounds directed towards a person, or unwanted comments on a person’s physical appearance done while the complainant is passing by, when the parties cross paths, or on similar situations

Child sexual abuse

Engaging in sexual intercourse, anal sex, oral sex, or any form of lewd conduct with a person below 18 years old; 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 old

**Education/
training-related
sexual
harassment***

An act or series of acts that is sexual in nature and committed against a student by a teacher or other personnel who are entrusted with the care, custody, or supervision over the student, and:

- a) the act or series of acts is made explicitly or implicitly a basis or condition for any decision affecting the complainant, including but not limited to the giving of a grade, the granting of honors and scholarships, the payment of a stipend or allowance, or the giving of any benefit, privilege, or consideration (“quid pro quo” or “this for that” sexual harassment); or

- b) the act or series of acts has the purpose or effect, or might reasonably be expected to have the effect, of interfering with academic performance, or creating an intimidating, hostile, or offensive learning environment for the complainant (“intimidating, hostile, or offensive environment” sexual harassment).

Rape

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

Sexual exploitation

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

Work-related sexual harassment*

An act or series of acts that is sexual in nature and committed against personnel or an applicant by a supervisor, manager, or other personnel of the University, with or without moral ascendancy, influence, or authority over the complainant, and:

- a) the act or series of acts is made explicitly or implicitly a basis or condition for any job-related decision, including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits, opportunities, and any other personnel action affecting the complainant (“quid pro quo” or “this for that” sexual harassment); or
- b) the act or series of acts has the purpose or effect, or might reasonably be expected to have the effect, of interfering with or having a detrimental effect on the complainant’s work performance or conditions, or creating an intimidating, hostile, or offensive work environment for the complainant (“intimidating, hostile, or offensive environment” sexual harassment).

* *For both work-related and education/training-related sexual harassment, the environment becomes difficult to work, learn, or study in because of a single act that is serious or a pattern of behavior that is pervasive or persistent, which creates an atmosphere of fear for the complainant or threatens the complainant’s sense of safety and security (intimidating environment), a pervading mood of antagonism or opposition (hostile environment), or an unpleasant atmosphere characterized by discomfort, humiliation, embarrassment, or other negative effect on the complainant’s psychological or mental well-being (offensive environment).*

Annex C. Certification of Truthfulness and Authenticity

CERTIFICATION OF TRUTHFULNESS AND AUTHENTICITY

I, _____, hereby certify that:

- I have prepared or caused the preparation of the Complaint/Explanation/Statement (choose the appropriate document) dated _____.
- All the statements in the Complaint/Explanation/Statement are true and correct, and are based on my personal knowledge (or on information provided by my son/daughter who is a minor and on whose behalf I am filing this Complaint).
- All the documents attached to my Complaint/Explanation/Statement and/or submitted in relation thereto are authentic.

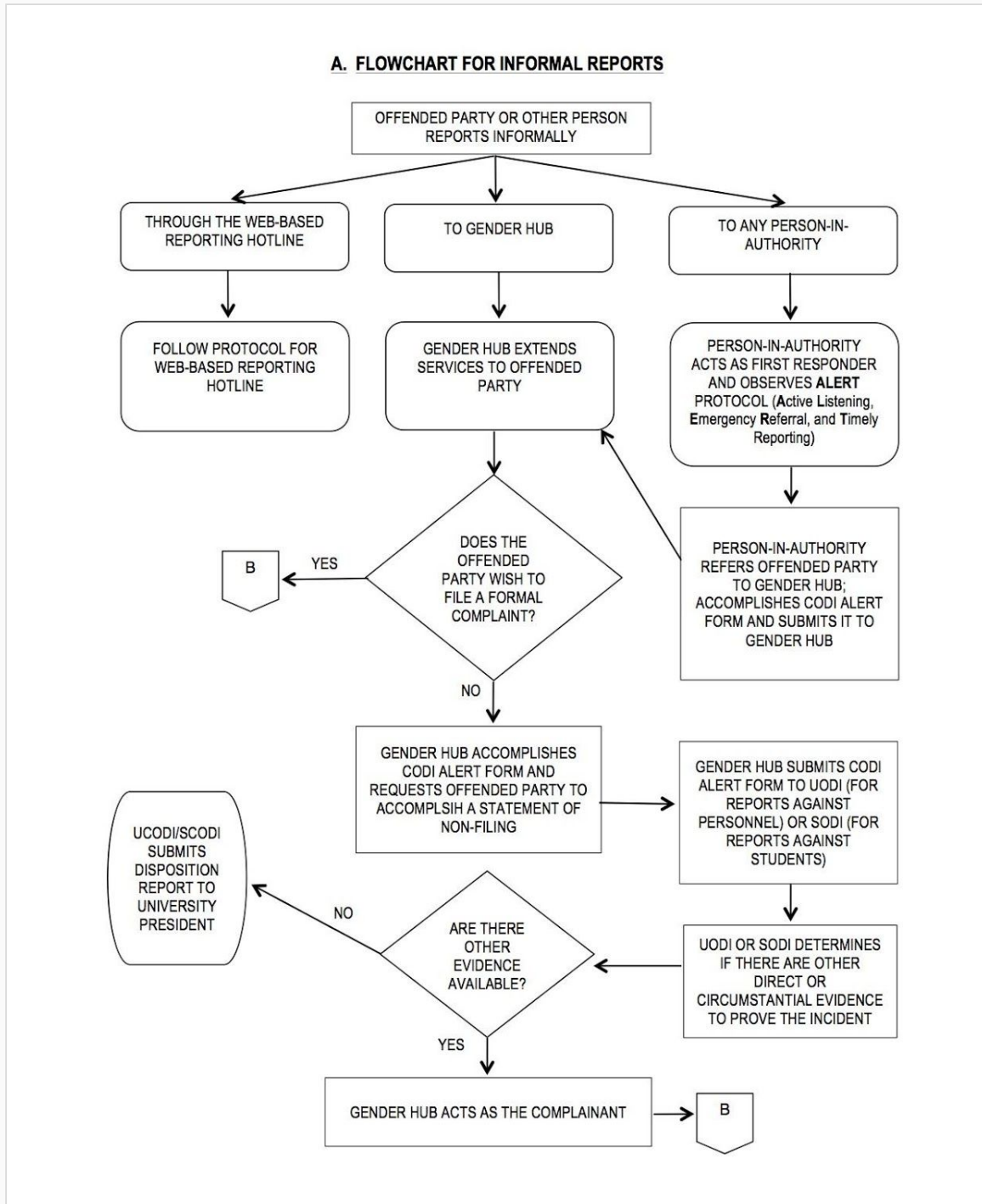
Signed this ___ day of ____, 20___, in _____ City.

[Signature above printed name]

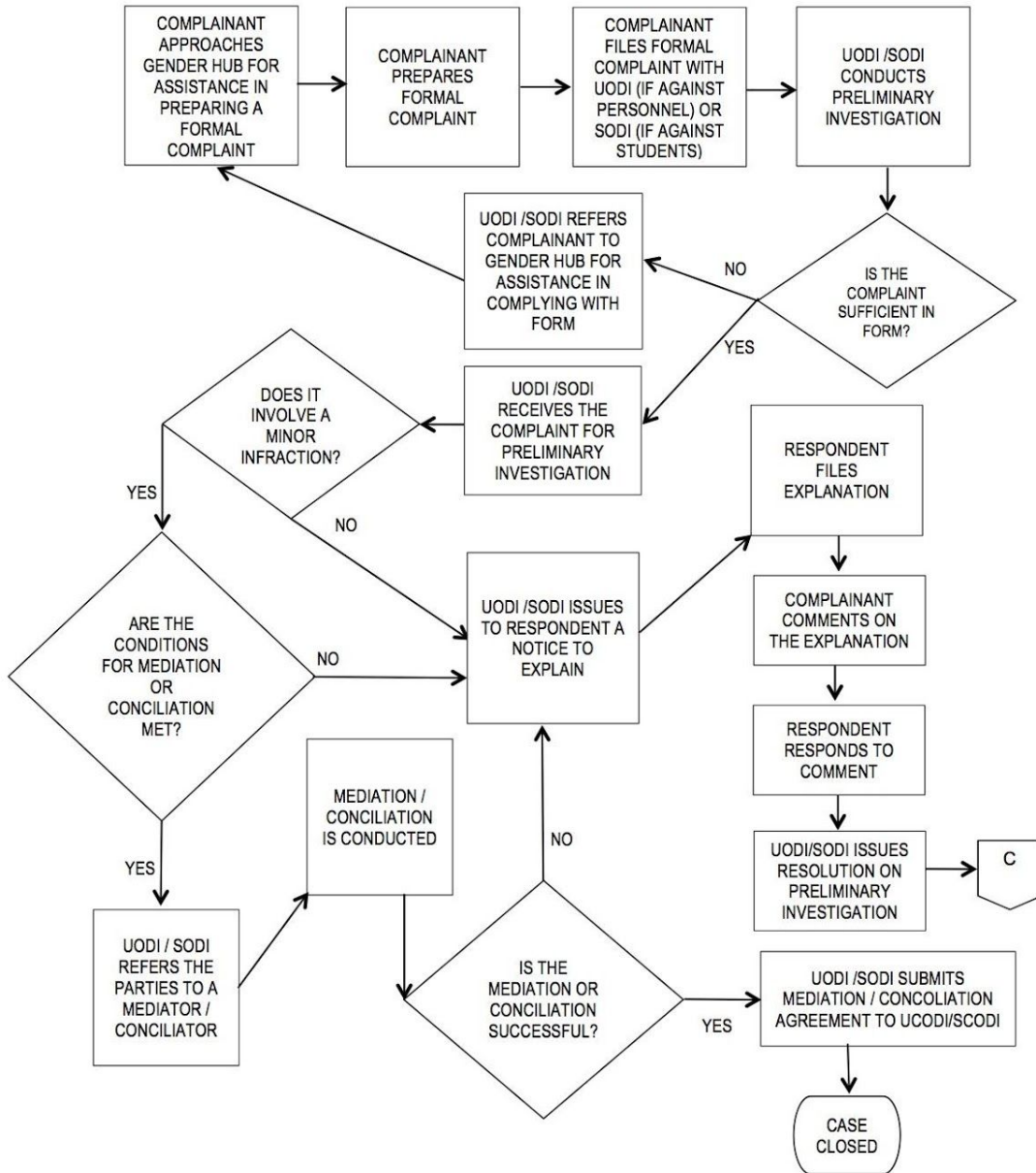
Witnessed by:

[Signature above printed name of authorized representative of UODI/SODI]

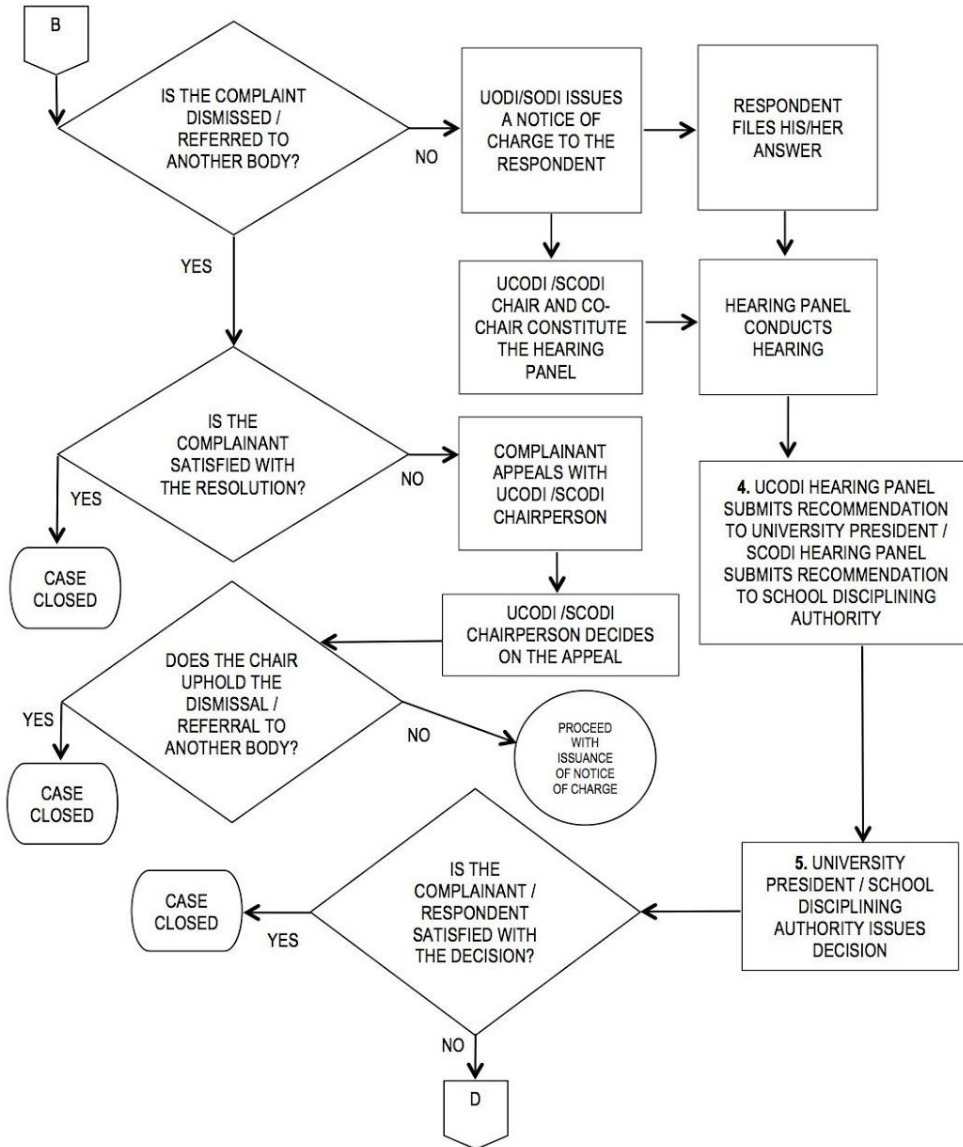
Annex D. Flowchart of Processes



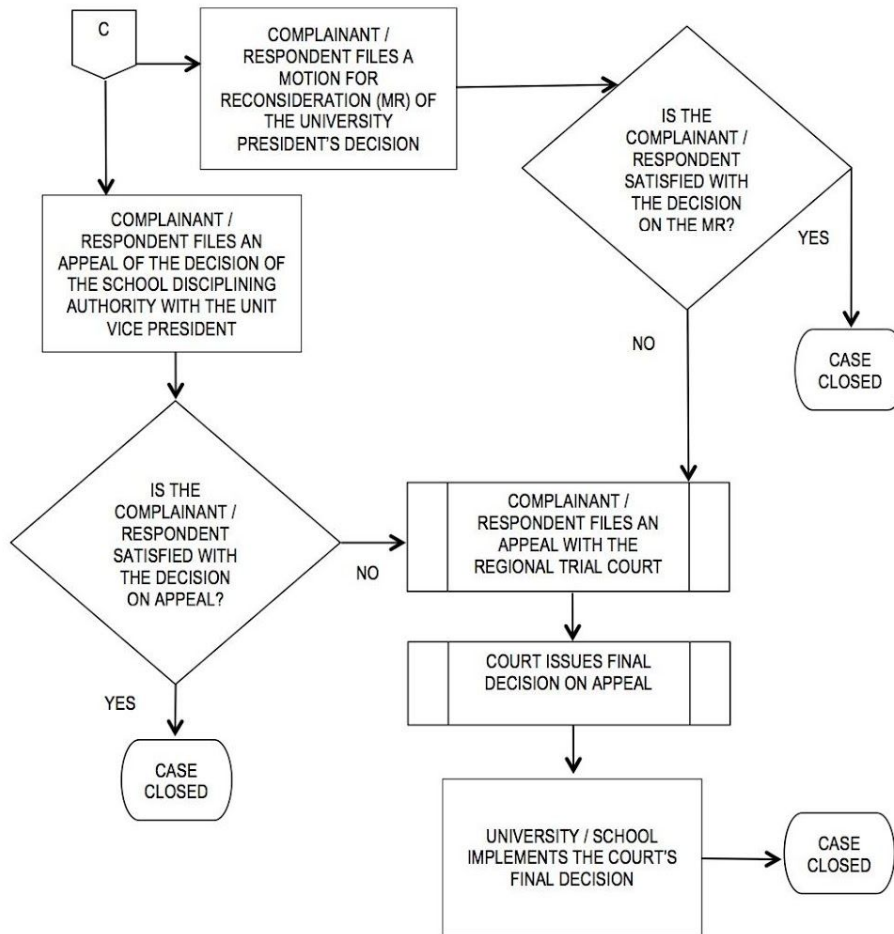
B. FLOWCHART FOR PRELIMINARY INVESTIGATION



C. FLOWCHART FOR FORMAL CHARGE AND HEARING
(continued from Flowchart B)



D. FLOWCHART FOR MOTION FOR RECONSIDERATION AND APPEAL
(continued from Flowchart B)



Annex E. Table of Periods

ACTION REQUIRED	PERIOD
1 For a person-in-authority to submit a CODI Alert to the Gender Hub	Within 48 hours from witnessing, being informed of, having knowledge of, or reasonably knowing about the incident
2 For Gender Hub to submit the completed CODI Alert to UODI/SODI	Within 48 hours from receipt of CODI Alert or information about the incident
3 For complainant to file a Complaint with UODI/SODI for a Minor or Moderate Infraction	Within 5 years from the time the act was committed for as long as the respondent is still a member of the University community
4 For complainant to file a Complaint with UODI/SODI for a Major Infraction	At any time for as long as the respondent is still a member of the University community
5 For UODI/SODI to issue a Notice to Explain to the respondent	Within 3 days from receipt of the Complaint
6 For respondent to file an Explanation with UODI/SODI	Within 5 days from receipt of the Notice to Explain
7 For complainant to comment on the Explanation	Within 3 days from receipt of the Explanation
8 For respondent to respond to complainant's comment on the Explanation	Within 3 days from receipt of the comment
9 For UODI/SODI to issue the Resolution on Preliminary Investigation	Within 10 days from receipt of respondent's response to the comments on the Explanation
10 For complainant to file an Appeal of the Resolution with the UCODI/SCODI Chairperson	Within 3 days from receipt of the Resolution
11 For the UCODI/SCODI Chairperson to decide on the Appeal	Within 3 days from receipt of the Appeal

CODE OF DECORUM AND ADMINISTRATIVE RULES ON SEXUAL HARASSMENT,
OTHER FORMS OF SEXUAL MISCONDUCT, AND INAPPROPRIATE BEHAVIOR

12	For UODI/SODI to issue a Notice of Charge	Simultaneous with the issuance of the Resolution or immediately after a decision on Appeal finding a prima facie case
13	For the respondent to file an Answer	Within 5 days from receipt of the Notice of Charge
14	For the UODI/SODI to constitute the Hearing Panel	Upon issuance of the Notice of Charge
15	For the CODI Hearing Panel to decide on a Motion to Inhibit	Within 3 days from receipt of the Motion to Inhibit
16	For the UCODI Hearing Panel to submit its report to the President, and the School CODI Hearing Panel to the School Disciplining Authority	Within 7 days from UCODI/School CODI's receipt of the Answer
17	For the University President (for cases investigated by the UCODI) or the School Disciplining Authority (for cases investigated by the SCODI) to issue a Decision	Within 3 days from receipt of the Report
18	For a party (in a case against personnel) to file a Motion for Reconsideration with the University President	Within 15 days from receipt of the Decision
19	For a party (in a case against a student) to file an Appeal of the Decision of the Disciplining Authority with the Vice President of the School Unit	Within 15 days from receipt of the Decision
20	For the University President to decide a Motion for Reconsideration (item 18 above) or for the Disciplining Authority to decide an Appeal (item 19 above)	Within 10 days from receipt of the Motion for Reconsideration or Appeal

A departure from the prescribed periods is justified under the circumstances indicated in Section 37.11 of the Code and Rules.



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