



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

VPA Circular No. 29  
AY 2022-2023

**TO: ALL SMU EMPLOYEES, STUDENTS, CONTRACT OF SERVICE PERSONNEL,  
PROJECT STAFF, CONCESSIONAIRES, SECURITY /JANITORIAL STAFF,  
PERSONNEL OF PARTNER INSTITUTIONS AND VISITORS**

**RE: SMU ANTISEXUAL HARASSMENT POLICY AND GUIDELINES**

**DATE: 17 JULY 2023**

Everyone is hereby notified and directed to strictly abide with the updated SMU Anti-Sexual Harassment Policy and Implementing Guidelines a set forth herein.

### **SMU ANTI-SEXUAL HARASSMENT POLICY AND IMPLEMENTING GUIDELINES**

#### **SECTION 1. STATEMENT OF POLICY.**

The University strongly condemns any form of sexual harassment, exploitation and intimidation. In keeping with this declaration, any act or conduct constituting work-, education- or training-related sexual harassment or Gender-based sexual harassment ('GBSH') shall render the perpetrator liable for administrative sanctions to be enforced in a manner as herein provided.

These updated Guidelines are based on Republic Act No. 7877 or the *Anti-Sexual Harassment Act of 1995*, Republic Act No. 9262 or the *Anti- Violence Against Women and Their Children Act of 2004*, Republic Act No. 11313 or the *Safe Spaces Act of 2019* and more recently, CHED Memorandum Order No. 3, Series of 2022 or the *Guidelines on Gender-based Sexual Harassment in Higher Education Institutions* and other relevant laws and guidelines.

Pursuant to the above policy, the process for reporting and responding to complaints of sexual harassment shall be posted in conspicuous bulletin boards in the University. In the same manner, the Committee on Decorum and Investigation (CODI), the Human Resource Development Office (HRDO), the Office of the Dean of Student Affairs and Services (DSAS), and Prefects of Discipline (POD) shall undertake regular and continuing awareness campaign program in order to effectively prevent, to promptly correct, and if necessary, to impartially deal on violation of this policy by any member of the University community.

#### **SECTION 2. PERSONS LIABLE FOR GENDER-BASED SEXUAL HARASSMENT**

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



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

---

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

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

### **SECTION 3. PLACES WHERE GBSH IS COMMITTED**

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

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

### **SECTION 4. HOW GENDER-BASED SEXUAL HARASSMENT IS COMMITTED**

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

- a. In a higher education institution, other education and training institutions and partner host establishments and/or organizations, as a place of work and as a place of learning, when any unwelcome act or series of acts of a sexual nature is employed in the following:



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

---

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

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

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

1. catcalling and/or wolf-whistling;
  2. unwanted invitations;
  3. misogynistic, trans-phobic, homophobic and sexist slurs;
  4. persistent uninvited comments or gestures on a person's appearance;
  5. statements, comments and suggestions with sexual innuendoes;
  6. persistent telling of sexual jokes; use of sexual names;
  7. public masturbation or dashing of private parts;
  8. groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces; or
  9. stalking.
- c. In the digital world, online gender-based sexual harassment includes:
1. acts of a sexual nature that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats;
  2. unwanted sexual misogynistic, trans-phobic, homophobic and sexist remarks and/or comments online, whether publicly or through direct and private messages;
  3. invasion of victim's privacy through cyber-stalking and/or incessant messaging;
  4. uploading and/or sharing without the consent of the victim any form of media that contains photos, audio, or video with sexual content;



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

5. any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online;
6. impersonating identities of victims online or posting lies about victims to harm their reputation; or
7. filing false abuse reports to online platforms to silence victims.

### SECTION 5. TYPES OF OFFENSES AND CORRESPONDING ADMINISTRATIVE PENALTIES

The following is the matrix of offenses and the corresponding penalties.

<b>GRAVE OFFENSES</b>		
<ol style="list-style-type: none"> <li>1. unwanted touching of private parts of the body (genitalia, buttocks and breast)</li> <li>2. rape or sexual assault</li> <li>3. malicious touching</li> <li>4. requests for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing or higher grade, the granting of honors scholarship, or the grant of benefits or payment of a stipend or allowance</li> <li>5. public masturbation or flashing of private parts</li> <li>6. groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces</li> <li>7. uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content</li> <li>8. any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online</li> <li>9. impersonating identities of victims online or posting lies of a sexual nature about the victims to harm their reputation</li> <li>10. filing false abuse reports to online platforms to silence victims of sexual harassment</li> <li>11. stalking</li> <li>12. other analogous cases</li> </ol>		
<p><b>Penalty when a Grave offense is committed by persons in conditions A, B, and C,</b></p> <ol style="list-style-type: none"> <li>A. Persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work.</li> <li>B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee.</li> <li>C. Students/student interns harassing (with sexual undertone) faculty members, administrators, personnel, or employees</li> </ol>		
OFFENDER	PENALTY FOR FIRST GRAVE OFFENSE	REMARKS
Employee	Dismissal from service	Follow DOLE requirements
Students	Expulsion	Subject to confirmation by CHED



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

Penalty when a Grave Offense is committed under conditions D, E, F.		
OFFENDER	PENALTY FOR FIRST GRAVE OFFENSE	REMARKS
D. Third-party service providers such as sanitation and maintenance personnel	Permanent ban in SMU; Termination of contract	
E. Personnel of Partner Institutions where school-related activities are conducted	Permanent ban in SMU; Termination of contract  *For international partners, permanent ban from entering into contract with any PHEI	Report to CHED Regional Office
F. Guest/ Visitors	Permanent ban in SMU	

LESS GRAVE OFFENSES		
<ol style="list-style-type: none"> <li>1. unwanted touching or brushing against a victim's body</li> <li>2. pinching not falling under major offenses</li> <li>3. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person</li> <li>4. verbal abuse with sexual overtones</li> <li>5. unwanted invitations with sexual undertone</li> <li>6. misogynistic, trans-phobic, homophobic and sexist slurs</li> <li>7. persistent uninvited comments or gestures on a person's appearance</li> <li>8. relentless requests for personal details</li> <li>9. incessant messaging</li> <li>10. making statements, comments and suggestions with sexual innuendoes</li> <li>11. the use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones</li> <li>12. other analogous cases</li> </ol>		
<b>Penalty for less grave offense committed by:</b> <b>A. persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work</b>		
OFFENDER	PENALTY FOR FIRST OFFENSE	PENALTY FOR SECOND OFFENSE
Employee	Suspension of one month and one day to six months	Dismissal from service
Students	Suspension of one month and one day to six months	exclusion or dismissal
<b>Penalty for less grave offense committed by:</b> <b>B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. Employee</b> <b>C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees</b>		



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA. PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

OFFENDER	PENALTY FOR FIRST OFFENSE	PENALTY FOR SECOND OFFENSE
Employee	Suspension of one month and one day to three months	Dismissal from service
Students	Probation for the entire semester	For students, exclusion or dismissal
<p><b>Penalty for less grave offenses committed by:</b></p> <p><b>D. Third-party service providers such as concessionaires, sanitation and maintenance personnel, etc.</b></p> <p><b>E. Personnel of Partner Institutions where school-related activities are conducted</b></p>		
OFFENDER	PENALTY FOR FIRST OFFENSE	PENALTY FOR SECOND OFFENSE
Third-party service providers	Serious reprimand by SMU	Permanent ban in SMU
Personnel of Partner Institutions		*For international partners, permanent ban from entering into a contract with any PHEI

LIGHT OFFENSES			
<ol style="list-style-type: none"> <li>1. surreptitiously looking or staring at a person's private part or worn undergarments</li> <li>2. making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar</li> <li>3. malicious leering or ogling</li> <li>4. the display of sexually offensive pictures, materials or graffiti</li> <li>5. unwelcome inquiries or comments about a person's sex life or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations).</li> <li>6. unwelcome sexual flirtation, advances, propositions</li> <li>7. making offensive hand or body gestures at the person</li> <li>8. persistent unwanted attention with sexual overtones</li> <li>9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver</li> <li>10. catcalling and/or wolf-whistling</li> <li>11. unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages</li> <li>12. invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones</li> <li>13. other analogous cases</li> </ol>			
<p><b>Penalty when committed by:</b></p> <p><b>A. Persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work</b></p>			
OFFENDER	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
Employee	Reprimand	Suspension of one day to thirty days	Dismissal from service;
Student	Reprimand	Suspension of one day to thirty days	exclusion or dismissal



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

<b>Penalty when committed by:</b> <b>B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. Employee</b>  <b>C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees</b>			
<b>RESPONDENT</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>
Employee	Written warning	Written reprimand and community service	Suspension
Student	Written warning	Written reprimand and community service	Suspension
<b>Penalty when committed by:</b> <b>D. Third-party service providers such as concessionaires, sanitation and maintenance personnel</b> <b>E. Personnel of Partner Institutions where school-related activities are conducted</b>			
<b>OFFENDER</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>
Third Party Service Providers and Personnel of partner institutions	reprimand by the HEI	severe reprimand by SMU	permanent ban in SMU "For international partners, permanent ban from entering into contract with any PHEI"
<b>Penalty when committed by:</b> <b>F. Guests/ Visitors</b>			
	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> offense</b>	<b>3<sup>rd</sup> offense</b>
Guests/ Visitors	<b>Reprimand by SMU</b>	<b>Severe reprimand by SMU</b>	<b>Permanent ban in SMU</b>
<b>Note:</b> 1. If the perpetrator committed the offense twice against the same victim, the corresponding gravest penalty shall apply. 2. SMU may provide gender sensitivity training and counseling to offenders.			

### SECTION 6. IMPOSITION OF PENALTIES

- a. Minor students who, at the time of the commission of the act of GBSH, are found guilty under these Guidelines by the disciplining authority, shall likewise undergo gender-sensitivity training and psychosocial counseling sanctioned by the Guidance and Testing Office.
- b. If the penalty of expulsion or exclusion is imposed upon a student, the same shall be subject to the confirmatory authority of CHED pursuant to Section 21 of the



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

Implementing Rules and Regulations of the Safe Spaces Act and Section 106 of the MORPHE.

- c. If the penalty of dismissal is imposed upon an employee of SMU, the same shall be in accordance with the Department of Labor and Employment (DOLE) issuances.
- d. If the penalty imposed is other than those provided above, e.g., termination of contract or permanent ban from SMU, the same shall be final and immediately executory, and notice shall be furnished the Respondent or notice shall be posted around the premises of the institution as the case may be.
- e. For termination of contract with a partner training organization, the institution shall report the same with the CHED Regional Office having jurisdiction over it.

### SECTION 7. ACCESSORY PENALTY

- a. A student shall not be allowed to graduate if he or she has a pending case of GBSH. The University reserves the right to revoke a student's diploma if it was inadvertently issued while a case for GBSH is pending against the student at the time of its conferment.
- b. Any fees to be charged in the course of a victim's availment of psychosocial counseling and similar services shall be borne by the respondent proven guilty of the offense/s charges.

### SECTION 8. COMPOSITION OF THE CODI

- a. The University President, in consultation with the Advisory Board, shall appoint the chairperson and members of the Committee on Decorum and Investigation (CODI) for a term of two (2) years which may be renewed thereafter. This committee shall serve as an independent internal grievance mechanism and shall act as the main body in the investigation and resolution of cases involving Sexual Harassment in the University.
- b. The members of the CODI shall be appointed by the University President from the following sectors, provided that women representation shall not be less than 50%:

Regular members	Alternate members
1. ADSAS Women as Chair	POD for Women in Basic Education level
2. Department Head	Coordinator in Basic Education





# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

3. Non-supervisory faculty member	Non-supervisory teacher in basic education
4. Non Academic personnel	Non Academic personnel in Basic Education
5. SCC Officer in tertiary level	Student Officer in Senior High School
6. GAD Focal Person	Employee with GAD Training

- c. Alternate members shall act on behalf of the regular members in their absence, temporary incapacity or voluntary or involuntary inhibition. The alternates shall have the authority to render decisions so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.
- d. Impartiality. Members of the CODI should have no prior record of involvement as a respondent, accused, or defendant in any case of whatever nature of sexual harassment, including those which are still pending.
- e. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof.
- f. The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest impartiality, relation with the respondent within the fourth degree of consanguinity or affinity, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause delay in the proceedings.
- g. The Terms of Office of CODI members shall be two academic years which may be renewed at the option of the University President. Upon expiration of the term, the members may function on hold-over capacity until such time the University President has designated the new members of the CODI.

### SECTION 9. RESPONSIBILITIES AND FUNCTIONS OF THE CODI

The CODI shall have and perform the following functions:

- a. Receive complaints for offenses covered by these Guidelines;
- b. Investigate complaints for offenses covered by these Guidelines including preliminary investigation in accordance with the prescribed procedure;
- c. Observe, at all times, due process in the conduct of investigation;



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

---

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

- d. Within ten (10) days from the receipt of the written complaint, investigate and decide on the case and, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- e. Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure;
- f. Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible;
- g. Undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other GAD topics as needed;
- h. Lead in the conduct of discussions about sexual harassment and other related sexual offenses within the institution to increase the community's understanding of, and prevent incidents of, sexual harassment and other related forms of sexual offenses; and
- i. Conduct such other activities that would engender a safe environment for all genders, especially women, in school campuses and training-related programs in SMU
- j. In case of non-performance or inadequate performance of functions, the members of the CODI shall be replaced by the University President upon receipt of documentation that will substantiate such allegations.

### **SECTION 10. PRE-FILING STAGE**

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

### **SECTION 11. COMPLAINT**

- a. The complaint may be filed at any time with the University President, Vice Presidents, Academic Deans, Principals, the Office of the Immediate Supervisor of the Complainant or the alleged perpetrator, the Guidance and Testing Office, Office of the ADSAS Men or Women, Prefect of Discipline, Security Office, or the CODI. Upon receipt of the complaint by any of the above offices, the same shall be transmitted to the CODI without delay.
- b. The complaint shall be in any form, provided that the following are indicated in the complaint:



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

---

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

1. FULL NAME and CONTACT DETAILS of the Complainant. However, the filing of an anonymous complaint is not prohibited.
2. FULL NAME, CONTACT DETAILS and/or POSITION of the Respondent, if known to the Complainant.
3. STATEMENT OF RELEVANT FACTS.
4. EVIDENCE TO SUPPORT THE ALLEGATION, provided that non- submission of evidence will not cause the dismissal of the complaint; and
5. VERIFICATION and CERTIFICATION OR STATEMENT OF NON-FORUM SHOPPING.

If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require the Complainant to submit a sworn Complaint within 24 hours from receipt of notice of compliance.

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

## SECTION 12. ACTION ON THE COMPLAINT

After evaluating the complaint, the CODI shall:

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



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

### **SECTION 13. INVESTIGATION OF CASES BEFORE THE CODI**

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

- a. Within 24 hours of receipt of the written complaint, the CODI shall commence the investigation by notifying the Respondent of the Complaint filed against him / her with a directive to submit his / her Counter-Affidavit/Comment under oath and submit evidence in his/her defense within 72 hours from receipt of the notice and furnish a copy thereof to the Complainant. Motion to Dismiss is not allowed. Otherwise, the Counter-Affidavit/Comment shall be considered as not filed or that the Respondent shall be declared in default.
- b. Upon receipt of the Counter-Affidavit/Comment under oath and evidence submitted by the Respondent, the CODI shall conduct an *ex-parte* examination of the documents submitted by the parties, including available records of the case.
- c. With the agreement of both parties, the possibility of amicable settlement, mediation, conciliation or submission to alternative modes of dispute resolution is explored. In such case, a written agreement signed by both parties shall specify the conditions and penalty, which should be compliant with the penalties stated in Section 4.
- d. The factual issues to be resolved by the Committee shall only be limited to those which were alleged in the Complaint. For this reason, the complainant cannot present evidence on issues that are not tackled in the Complaint. In the same manner, the respondent can present evidence to support the allegations in the Answer but not on matters which are not mentioned therein. The Committee may stop the presentation of evidence which were not tackled in the Complaint and in the Answer. For this purpose, either party has the right to demand for a copy of the Complaint and/or Answer;
- e. The complainant has the burden of proving the veracity of his/her allegations. His/Her failure to establish the liability or culpability of the respondent, through substantial evidence, will result to the dismissal of the



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

---

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

case. On the other hand, the respondent has the right to rebut the allegations of the complainant by presenting his/her own evidence;

- f. Since the proceedings being undertaken is administrative in nature, no direct confrontation or cross-examination of witnesses will be allowed. The parties, however, may be allowed to submit suggested written clarificatory questions that the Committee may propound to the party/witnesses;
- g. The failure or refusal of either or both parties to appear before the Committee to present their respective evidence constitutes a waiver, unless there is justifiable cause in writing;
- h. The parties should refrain from communicating with any of the witnesses before, during and immediately after they have deposed their testimony before the Committee. The parties and the witnesses are bound to keep the confidentiality of the proceedings;
- i. It is the duty of the parties to submit the list of witnesses to the Committee. Thereafter, it becomes the duty of the Committee to notify the witnesses on the date of the reception/deposition of their statement. However, because it is important that every effort be made to keep the incident confidential, the Committee shall exercise its sound discretion in determining which witnesses are indeed necessary to the investigation;
- j. The Committee, on its own, may call on other resource persons for additional information or verify information from files available in different offices of the University;
- k. The parties shall bind themselves to respect the decision/s of the Committee pertaining to the conduct of the investigation. Any objection on the manner by which the Committee is handling the investigation must be reduced into writing and submitted to the Office of the University President for its consideration;
- l. The parties understand that members of the Committee are bound by the rules on confidentiality and are expected to be impartial. The parties, therefore, should refrain from communicating with any of its members on matters related to the case during the pendency of the investigation; and
- m. At any stage of the proceedings, the respondent may seek the assistance or advise of a counsel. His /Her counsel, however, is not allowed to directly participate in the proceedings.

### SECTION 14. PREVENTIVE SUSPENSION

- a. Upon petition of the Complainant or *motu proprio* upon the recommendation of the CODI, the disciplining authority may order the preventive suspension of the Respondent during the conduct of investigation before the CODI and the period of deliberation of the recommendation of the CODI pursuant to Section 20 hereof, if there



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

---

## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

are reasons to believe that he / she is probably guilty of the charges which would warrant his / her removal from SMU.

- b. An order of preventive suspension may be issued to temporarily remove the individual being accused of wrongdoing from their current position or environment. This measure aims to prevent the person from potentially exercising undue influence or applying pressure on witnesses who may testify against them. Additionally, it serves to safeguard the integrity of the evidence by ensuring that there is no tampering or interference with any relevant information or proof that could be crucial to the investigation or administrative proceedings.
- c. During the period of preventive suspension, the salary and other benefits of the respondent-employee shall be withheld and shall be barred from performing his duties and responsibilities. The period of preventive suspension may be extended beyond 30 days but in which case, the respondent shall be paid his salary and other benefits.
- d. If the respondent is a student, he shall be barred from entering the campus during the period of preventive suspension.
- e. If, after investigation, it is established that the respondent-employee is not guilty of the charge/s, he/she shall forthwith be paid his/her salaries and other benefits withheld during the time he/she was placed under preventive suspension. He/she shall also be allowed to perform his/her duties and responsibilities.
- f. In the case of students, if he/she is absolved of the charge/s, he/she shall be allowed admittance to the University campus, and shall be given sufficient opportunity to make up for quizzes, tests and other requirements missed during his/her preventive suspension.

### **SECTION 15. DISCIPLINING AUTHORITY**

The disciplining authority consisting of the Committee on Arbitration (COA) composed of the Vice Presidents and the Legal Counsel shall decide the case within thirty (30) days of receipt of the CODI Investigation Report and Recommendation.

### **SECTION 16. FINALITY OF DECISIONS**

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



and not appealable, unless a motion for reconsideration is seasonably filed. However, the Respondent may file an appeal within fifteen (15) days before the disciplining authority when the issue raised is a violation of due process.

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

## **SECTION 17. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES**

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

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

## **SECTION 18. PARALLEL AND COMPLEMENTARY ACTIONS**

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

## **SECTION 19. MOTU PROPIO INVESTIGATION.**

Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student, staff, or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of Gender Based Sexual Harassment (GBSH) or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which such act of GBSH or sexual violence were committed and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of GBSH or sexual violence could have been committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

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## OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

address their effects. This shall include the conduct of an investigation, on its own initiative, and referral of the offended party for appropriate psychosocial or medical services. (IRR-RA11313-Rule VII.2)

### **SECTION 20. ROMANTIC RELATIONSHIPS.**

Romantic relationships between employees and students who are both single, especially when the former directly supervises the education or training of the latter, are strongly discouraged. On the other hand, romantic relationships involving married personnel with another personnel or student, married or not, shall be dealt with in accordance with the Code of Proper Conduct for SMU Employees or the SMU Student Handbook.

### **SECTION 21. PUBLIC DISPLAY OF AFFECTION**

Public display of affection (PDA) within the campus, or during school activities done outside the campus, is prohibited. SMU recognizes that genuine feelings of affection may exist between two students or between two employees. However, students or employees shall refrain from all Public Displays of Affection (PDA) while on campus or while attending and/or participating in a school-related activity outside of the campus.

Being overly affectionate at school can be offensive and is generally in poor taste. The expression of feelings toward one another is a personal concern between the two individuals and thus should not be shared with others in the general vicinity. PDA includes any physical contact that may make others in close proximity uncomfortable or serves as a distraction for themselves as well as innocent onlookers. Some specific examples of PDA include but are not limited to kissing, embracing, hugging, holding hands, close body contact, and analogous cases.

If the PDI is committed outside of the campus by individuals who are in University uniform, they shall be dealt with in accordance with the Code of Proper Conduct for SMU Employees or the SMU Student Handbook.

### **SECTION 22. REPEALING CLAUSE.**

This Implementing Rules supersedes all policies, circulars and memoranda earlier issued and which are inconsistent with the above provisions.

In the event that a provision/s of this Implementing Rules is/are amended or revised by subsequent policies, circulars or memoranda, or repealed by provisions of law, the remaining provisions shall not be affected and remain valid and enforceable.

### **SECTION 23. RESERVATION CLAUSE.**

The University, in the exercise of its sole and exclusive prerogative, reserves the right to amend, revise or altogether set aside this policy. Subsequent amendments or revision, however, shall not take effect until after reasonable dissemination in campus by posting in the bulletin boards or university website.





# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

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OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION

## **SECTION 24. EFFECTIVITY CLAUSE.**

This updated Guidelines shall take effect on the first day of July 2023. To ensure its dissemination to the University community, a copy of this Implementing Guidelines shall be posted in the SMU website, Employee FB Group, HRDO Bulletin Board, and if practicable, must be annexed in the Student's Handbook and Manuals for Academic and Non-Academic Personnel.

Consolidated by:

(SGD)JOHN G. TAYABAN, PhD  
*Vice President for Administration*

Approved:

(SGD) JOHN OCTAVIOUS S. PALINA, Ph.D.  
*University President*



# SAINT MARY'S UNIVERSITY

BAYOMBONG, NUEVA VIZCAYA, PHILIPPINES

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OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION