

July
7/10/17

**BENGUET STATE UNIVERSITY
ANTI-SEXUAL HARASSMENT POLICIES AND PROCEDURES**

I. LEGAL BASIS

Pursuant to Section 4 of Republic Act No. 7877 otherwise known as "An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes"; CSC MC No. 17, Series of 2001 implemented through CSC Resolution No. 01-0940; and CHED Memorandum Order No. 1. Series of 2015; the following rules and regulations are hereby adopted and issued by Benguet State University to effectively carry out the law on Anti-Sexual Harassment within its jurisdiction.

II. POLICY STATEMENT

It is the State's declared policy to value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.¹

BSU affirms this policy. Thus, these prescribed rules and regulations are established to provide a safe learning and working environment for all BSU personnel and students that is free from sexual harassment and all forms of sexual exploitation.

III. POLICY GUIDELINES

1. These rules and regulations shall apply to all officials, faculty members, non-teaching employees, and non-permanent personnel of the University within its jurisdiction. In addition, it also covers all sexual harassment complaints from applicants for any university position or for admission as students.
2. The administrative offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a university employee, official, student, or non-permanent personnel in a work-related, training or education related environment.²
3. The University defines sexual harassment as:
 - a. Any unwelcome sexual advances or requests for sexual activity by a university employee in a position of power or authority to a university employee or a member of the student body;

¹ Republic Act 7877 Section 2. Declaration of Policy
² Civil Service Commission Resolution No. 01-0940

- b. other unwelcome verbal or physical conduct of a sexual nature by a university employee or a member of the student body to a university employee or a member of the student body, when:
- 1) submission to or rejection of such conduct is used as a condition for academic or employment decisions;
 - 2) the purpose or effect of such conduct is to interfere unreasonably with the work or academic performance of the person being harassed; or
 - 3) the purpose or effect of such conduct, to a reasonable person, is to create an intimidating, hostile, or offensive environment.
4. Sexual harassment is committed by demanding, requesting or otherwise requiring any sexual favor from the offended person, regardless of whether or not the demand, request or requirement for submission is accepted by the latter.
5. Sexual harassment shall include, but shall not be limited to the following modes:
- a. Physical
 - malicious touching;
 - overt sexual advances;
 - gestures with lewd insinuation.
 - b. Verbal, such as requests or demands for sexual favors, and lurid remarks.
 - c. Use of objects, pictures or graphics, letters or written notes, with sexual underpinnings.
 - d. Other acts analogous to the foregoing.
6. In a work-related environment whether this be research, extension, academic or administrative, sexual harassment is committed when:
- a. The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the offended person in any way that would discriminate, deprive or diminish the employment opportunities or otherwise adversely affect said person;
 - b. The above acts would impair the rights or privileges of the offended person under existing laws, rules or regulations; or
 - c. The above acts would result in an intimidating, hostile or offensive employment environment for the offended person.
7. In the school or training environment, sexual harassment is committed:
- a. Against a student, trainee or one who is under the care, custody, or supervision of the offender; or

b. Against one whose education, training, apprenticeship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

- 1) the sexual favor is deemed to be a condition to the giving of an admission to the university, a passing grade, the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations;
- 2) the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive environment for the student, trainee or apprentice.
- 3) the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who maybe a trainee, apprentice, intern, tutee or ward of the person complaint of.

8. Sexual harassment may take place:

- a. in the premises of the workplace or office, or of the university;
- b. in any place where the parties were found as a result of work, education, training, research, or extension responsibilities or relations;
- c. at work, education, training, research, or extension related social functions;
- d. while on official business outside the office or university, on R & E, or school or training-related travel;
- e. at official conferences, fora, symposia or training sessions;
- f. by telephone, cellular phone, fax machine or electronic mail; or
- g. social media or world wide web.

9. Any personnel or student, regardless of sex, is liable for sexual harassment when he/she:

- a. directly commits sexual harassment;
- b. induces or directs another person to commit such sexual harassment;
- c. cooperates through an act without which sexual harassment would not have been accomplished, shall be held accountable and liable for sexual harassment; or
- d. cooperates in the commission of the sexual harassment by another through previous or simultaneous acts.

Personnel refers to all persons working at the Benguet State University that includes the following:

- a. Faculty member – personnel who are engaged in the teaching service, regardless of academic rank or category;
- b. Non-Teaching employees - person who holds appointment in any office of the University and includes permanent, contractual
- c. Non-permanent (Job order or Contract of Service) personnel – persons who are engaged to undertake a specific work for a certain period or on daily basis either as Job Orders or Contracted Service.

A student is any person duly enrolled for a degree course or in a short-term training or review program in any academic unit or training center of the University.

10. The university has an affirmative obligation to investigate complaints of sexual harassment. Upon receiving notification of a sexual harassment complaint, the university is required to investigate such complaints for the protection of all students and employees from sexual harassment.

Accordingly, there shall be a Committee on Decorum and Investigation (CODI) in the University that shall address and investigate all complaints on sexual harassment. Further, the CODI shall also be responsible in disseminating this policy to the University community. Further still, the CODI will lead in the conduct of discussions about sexual harassment within the University to increase understanding and prevent incidents of sexual harassment.

IV. MECHANISMS

A. Filing A Complaint

1. The offended party or anyone who witnesses or discovers the commission of any act of sexual harassment may file a complaint or report the incident/act in writing to the CODI, or to any school official, faculty or staff. If not directly filed with the CODI, the complaint or the report shall be endorsed to the CODI within twenty-four (24) hours from the receipt of such report by the recipient.
2. The written complaint must be signed and sworn to by the complainant. It shall contain the following³:
 - a. the full name and address of the complainant;
 - b. the full name, address, and position of the respondent;
 - c. a brief statement of the relevant facts;
 - d. evidence in support of the complaint, if any;
 - e. a certification of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling.

3. Where 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 may require the submission of a complaint under oath within a period of three (3) days from receipt thereof. Failure on the part of the complainant to comply therewith shall cause the dismissal of the complaint.
4. The investigation shall be conducted by the CODI. Action/investigation of the sexual harassment complaint/report shall commence upon receipt of a complaint that is sufficient in form and substance.


³ CSC Resolution 01-0940 Rule VIII, Section 12b

B. Opportunities for Redress Mechanism

1. Guidelines for Informal Procedures

- a. After the initial investigation, the CODI may consult the complainant and the person complained of to determine if there is interest in resolving the matter informally.
- b. Informal procedure refers to University action through appropriate officials or committees, which does not involve formal investigation nor filing of formal charges.
- c. Informal resolution may result in an amicable agreement.
- d. If the aggrieved or complaining party decides not to pursue informal resolution or the informal resolution fails, then formal resolution of the case shall proceed.

2. Guidelines for Formal Procedures

- a. If the case or situation resorts to a formal charge of sexual harassment, the procedure set out in Rule VIII - XI (Administrative Disciplinary Rules on Sexual Harassment Cases) of CSC Resolution 01-0940 shall be adopted as the mechanism in handling the sexual harassment case. If the offender be a student, said student shall be proceeded against through the mechanism established under the BSU Student Code of Conduct.
- b. The CODI must ensure that investigations conform to University policy. The investigation process must be fair to both the complaint or aggrieved person and the offender or person under investigation.
- c. The CODI shall submit a recommendation to the President.
- d. Disciplinary action shall be imposed if warranted and only after compliance with the requirements of due process.
- e. All records and proceedings shall be considered confidential.
- f. The complainant and person complained of shall be informed of the results of the investigation and the resolution of the complaint/report.

C. Retaliation

BSU will not permit retaliation against anyone who brings a complaint of sexual harassment, or to one who speaks as a witness in the investigation of the complaint.

V. REPEALING CLAUSE

In cases where provisions of this policy overlap, contradict or runs counter with those of the law (i.e., the law, CSC rules), the latter shall prevail.

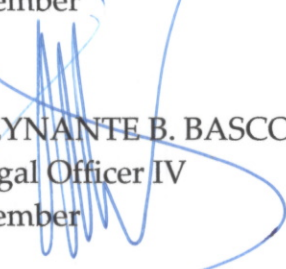
VI. EFFECTIVITY


This policy shall take effect fifteen (15) days upon its approval by the Board of Regents.

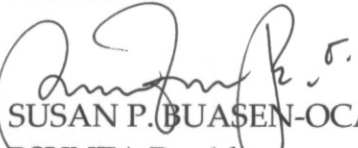
COMMITTEE ON DECORUM AND INVESTIGATION


[Special Order No. 238, s. 2016 dated of July 14, 2016]



MATIAS C. ANGIWAN JR.
CAO-Administrative Division
Member



REYNANTE B. BASCO
Legal Officer IV
Member


FRANCES NOELLE G. ESCALERA
Director, Gender and Development
Member


SUSAN P. BUASEN-OCASEN
BSUNTA President
Member


WAGNER F. GRANDE
SAO-HRMO
Member


RICHARD H. KINNUD
BSUGEA President
Member


LOUISA P. PLADIO
President, Faculty Club
Member


JOEL V. LUBRICA
Director, OSS
Member


ESTRELLITA M. DACLAN
VP-Administration and Finance
Chairperson

Approved:


FELICIANO G. CALORA JR.
President

NOTE: For presentation to the Administrative Council in its meeting of 28 June 2017.