



Benguet State University
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Proposed BSU Student Code

INTRODUCTION **Basis of Conduct and Discipline**

The Benguet State University is a government institution. While every citizen is free to seek admission in the different courses, those who satisfy the entrance requirements are eligible for enrollment. The University enrolls students subject to its admission requirements. In order that learning is optimized, rules and regulations are set to be observed.

Upon enrolment, a student imposes upon himself/herself all the responsibilities appropriate to his/her status; to learn and become morally upright, well-disciplined, civic-minded and vocationally efficient. The student acknowledges his/her responsibilities towards the administration, faculty members, fellow students and the community. In return, the University assures the student all the respect and protection of his/her rights and privileges.

These rules are promulgated to cultivate values and encourage virtues that make the Filipino proud. These values aim to strengthen character and nurture a community of scholars by upholding honor and inspiring excellence, which mark and distinguish BSU quality education.

While character cannot be created by legislation, the good virtues within each individual may be strengthened to achieve a degree of concern for others, selflessness, the pursuit of learning and wisdom, a sense of justice and fairness, the courage to stand for moral principles, and the encouragement of an environment where persons can flourish.

The University respects and upholds the students' right of association. The University supports legitimate student organizations and activities as initiatives of students to show their capacity for autonomous governance and leadership. It recognizes and promotes this training as preparation for their role in the governance of our nation with accountability, humility and love of country.

This Code is neither intended to restrict nor unnecessarily limit student activities but rather to provide the institutional parameters within which student activities can flourish. Certain primary institutional or social benefits are generated by the due observation of these parameters, among which are hospitality and security, the promotion of valuable initiatives, social cooperation and collective welfare.

The University has exclusive jurisdiction over matters of its student misconduct. The University has the right to define standards and norms of proper conduct of students, and therefore considers departures from said standards as acts of misconduct and as violations of this Code.

The University prescribes the procedure for cases of student discipline, duly recognizing the rights of students to due process. The disciplinary proceedings are administrative in nature, not open to the public, and the Rules of Court shall not apply.

The University has the right to define standards of intellectual honesty on students, and exact norms of academic scholarship. The University considers acts of intellectual dishonesty as violations of academic integrity.

CONDUCT OUTSIDE THE SCHOOL

Section 1. While outside the campus, a student should observe generally accepted rules of conduct and norms of behavior:

1. A student identifies himself/herself with BSU and must reflect

good image of the University. He/she has the responsibility to uphold that image under all circumstances.

2. The student has the responsibility to exercise decency and self-discipline. He/she has to respect the rights of his/her fellow students, the faculty members and the administrators.

When acting as an official representative of the University, he/she has the responsibility to abide by all the instructions of the competent authorities, written and oral.

He/she has the responsibility to conduct himself with dignity and deportment.

1. A student shows civic consciousness by participating in community projects, parades, meetings, civic programs and the like. The University encourages students' activities so long as the activities will not be contrary to the aims and purposes of the University and the community;
2. The student is expected to perform his/her civic duties by cooperating with local government officials in the implementation of ordinances, rules and regulations;
3. The student is enjoined to keep away from indecent places, such as night clubs, drinking bars, gambling joints and other places of ill repute and to shun the company of men and women of questionable moral character and mean conduct;
4. Any student caught violating any written or unwritten moral laws will be subjected to disciplinary action by duly constituted authorities of the University; and
5. Student organizations are created mainly to uphold and promote student welfare, any act contrary to such an objective violates not only the rights of its members but the right of the University as well.

Section 2. *Applicability* - This Code shall apply to all campuses of Benguet State University and in all its programs, until such time as the individual campuses shall have formulated their own.

Section 3. *Nature of Proceedings* - The investigation and hearing before the student administrative disciplinary authorities shall be

summary in nature and shall not directly adhere to the technical rules of procedure and evidence applicable in judicial proceedings. The provisions of the Revised Rules of Court may only be applicable in a suppletory character.

Section 4. Confidentiality of Proceedings; Confidentiality Rule

- The proceedings for disciplinary and non-disciplinary cases shall be treated with utmost confidentiality. The members of the investigating body/office and all involved during the proceedings shall be barred from communicating the status of the case to any other person save the parties and only when the request for an update is made in writing. A violation of this rule shall be treated as an administrative violation and shall be dealt with correspondingly.

Section 5. Referral of Case or Matter to the Proper Office - In the event that a student administrative case or matter is filed before any of the bodies described herein, but jurisdiction over such case or matter properly belongs to another body, the same shall be forwarded to the appropriate office.

Definitions

Section 6. For purposes of this Code, the following terms shall be defined thus:

1. **Academic Activity** - any activity that involves academics such as, but not limited to, classes, tutorials, seminars, conferences, lectures, examinations, fulfillment of academic requirements and others of the same nature.
2. **Academic Year** - as determined by the University.
3. **Actual Damages** - as defined by law.
4. **Reprimand** - a written formal reproof.
5. **Alternative Dispute Resolution (ADR)** - any process to amicably settle a dispute involving less serious misconduct of purely personal in nature by which the dispute is resolved by

the parties themselves with the assistance of a neutral third party, which includes mediation and conciliation.

6. **Apology** - a signed and accepted written expression of contrition or remorse for wrong done.
7. **Clearance** - a written certification from the University that the student is cleared of all accountabilities.
8. **College** - all academic units such as but not limited to College, School, Institute, Center or Program.
9. **Community Service** - any rehabilitative activity as provided by the disciplinary authority designed to provide for the public good in keeping with the overall goals of the community, and agreed upon by the disciplinary authority and the respondent/s, provided that it should not displace regular employees, supplant employment opportunities ordinarily available, or impair contracts for services. Formula to convert suspension to community service:

Using fifteen (15) units as the minimum full load, fifteen (15) hours per week of community service will be deemed equivalent to a suspension of one (1) week. For example, a two-week suspension may be converted into thirty (30) hours of community service. Community service may be rendered within a period that is not more than two (2) times the length of the suspension.

<i>Suspension</i>	<i>Equivalent in Community Service</i>	<i>Maximum Period of Implementation</i>
One (1) week	Fifteen (15) hours	Two (2) weeks
One (1) month	Sixty (60) hours	Two (2) months
One (1) semester	Fifteen (15) hours/week throughout the semester	Two (2) continuous semesters

Only penalties of one-semester suspension or less may be converted to community service.

10. **Day, Week, Month, Year** - "It shall be understood that years are of three hundred sixty-five (365) days each; months, of thirty (30) days; days, of twenty-four (24) hours; and nights, from sunset to sunrise. If months are designated by their name, they shall be computed by the number of days which they respectively have. In computing a period, the first day shall be excluded, and the last day included."¹
11. **Exclusion** - permanent disqualification from attendance in the Benguet State University (BSU).
12. **Fraud** - deliberately making a false statement and practicing any deception for financial or personal gain.
13. **Forum Shopping** refers to the filing of several administrative actions or complaint either simultaneously or successively before another agency of any tribunal having jurisdiction over the case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues either pending in, or already resolved adversely by, some other tribunal or agency.
14. **Gambling** - any activity that involves wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods, without prejudice to fund-raising activities by student organizations expressly allowed by the University, such as bingo and raffle.
15. **Hearing** - an opportunity for the parties to be heard.

¹ New Civil Code of the Philippines

16. **Intellectual Dishonesty** - any fraudulent act performed by a student to achieve academic advantage or gain for oneself or others, including but not limited to:
 - a. **Plagiarism**, defined as “the appropriation of another person’s ideas, processes, results or words without giving appropriate credit”;
 - b. **Fabrication**, defined as “making up data or results”; **falsification**, or “manipulating research materials, equipment, or processes or changing or omitting data or results such that the research is not accurately represented in the research record”; **distortion and/or destruction of data**;
 - c. Copying or providing the means or accessing means to copy exam answers, homework, projects, laboratory experiments, term papers, etc.; possession and/or use of cheat devices during an examination; allowing another person to take an examination in one’s name, and/or impersonating another student or allowing someone to impersonate oneself in an academic activity; and manipulating a corrected exam paper;
 - d. Submission of the same work in two (2) or more courses without the instructors’ consent; and
 - e. Other acts analogous to a, b, c, and/or d.
17. **Intellectual Property** - as defined by existing University Intellectual Property Rights Policy/ies.
18. **Official Report** - includes any report duly submitted in writing to any proper authority in the University by a faculty member, member of the University security force, any officer of a college or unit, or any officer of the University administration.

19. **Reparation** - appropriate compensation to the aggrieved party for damage and/or loss.
20. **Recognized Student Organization** - a group of students officially registered by the University or College.
21. **Restitution** - return of property to reverse unjust enrichment.
22. **Retention** - continuing status as student of the University by satisfying retention requirements such as good academic standing or retention grades.
23. **Rules of Court** - the rules promulgated by the Supreme Court which apply to judicial proceedings.
24. **Semester** - academic period as determined by the University pursuant to its existing policies.
25. **Student** - any individual admitted to and enrolled in a degree or non-degree program, or cross-enrolled in any course of the University on a regular or part-time basis, including one who is officially on leave of absence; and who has not yet been separated from the University formally through either transfer, graduation, honorable or dishonorable dismissal, exclusion or expiration of the period allowed for maximum residence, at the time of the commission of the misconduct, regardless of whether or not he/she is enrolled in any unit of the University at the time of the filing of the charge or during the pendency of the disciplinary proceedings against her/him.
26. **Suspension** - an involuntary, temporary leave from the University wherein a student shall not:
 - a. Attend classes or academic activities;
 - b. Use campus facilities, including but not limited to athletic facilities, libraries and computer laboratories,

except dormitories for dormitory residents under suspension for less than one (1) semester;

- c. Enter academic buildings and their premises;
 - d. Participate in student activities within University premises;
 - e. Hold jobs in the University;
 - f. Take academic examinations and other graded academic activities such as quizzes, assignments, and the like; and,
 - g. Avail of any other privilege attendant to being a BSU student.
27. **Aspulan** - a space or spaces designated within the University which the members of a Recognized Student Organization officially occupy for a specified period in order to conduct organization activities. The term is derived from the Ibaloi language which basically refers to a “gathering place”;
28. **University Official** - for purposes of this Code, includes all University employees, such as teaching and non-teaching staff, regular and contractual, and independent contractors (those under Contracts of service or job order status).
29. **University Premises** - as defined by the University’s certificates of title or landholdings documents and all areas owned by the University.

All terms, unless specifically defined, should be understood in their ordinary meaning, provided they are not inconsistent with other existing University rules and regulations.

Section 7. Guidelines for Students and Recognized Student Organizations

The University encourages students to engage in activities that help them flourish as individuals and as groups. Students and recognized student organizations may not be subjected to any disciplinary proceeding except as provided in this Code.

Section 8. Acts of Misconduct and Corrective Measures for Students

Acts of Misconduct (See Appendix A.)	Corrective Measures (See Appendix B.)
Intellectual Dishonesty	
Committing any form of intellectual dishonesty such as, but not limited to:	
a. Plagiarism;	<ol style="list-style-type: none"> 1. For the first violation, suspension for a minimum of two (2) months to one (1) semester. 2. For the second violation, suspension for a minimum of one (1) semester and one (1) day to one (1) year. 3. For the third violation, exclusion.
b. Fabrication, falsification, distortion and/or destruction of data;	<ol style="list-style-type: none"> 1. For the first violation, suspension for a minimum of two (2) months to one (1) semester. 2. For the second violation, suspension for a minimum of six (6) months and one (1) day to one (1) year.

	<p>3. For the third violation, exclusion.</p>
<p>c. Copying or providing the means or accessing means to copy exam answers, homework, projects, laboratory experiments, term papers, etc.; possession and/or use of cheat devices during an examination; allowing another person to take an examination in one's name, and/or impersonating another student or allowing someone to impersonate oneself in an academic activity; and manipulating a corrected exam paper;</p>	<p>1. For the first violation, suspension for a minimum of two (2) months to one (1) semester.</p> <p>2. For the second violation, suspension for a minimum of six (6) months and one (1) day to one (1) year.</p> <p>3. For the third violation, exclusion.</p>
<p>a. Submission of the same work in two (2) or more courses without the instructors' consent;</p>	<p>1. For the first violation, suspension for a minimum of two (2) months to one (1) semester.</p> <p>2. For the second violation, suspension for a minimum of six (6) months and one (1) day to one (1) year.</p> <p>3. For the third violation, exclusion.</p>
<p>e. Other acts analogous to a, b, c, and/or d.</p>	<p>1. For the first violation, suspension for a minimum of two (2) months to one (1) semester.</p> <p>2. For the second violation, suspension for a minimum of six (6) months and one (1) day to one (1) year.</p>

	3. For the third violation, exclusion.
<p>f. Additional corrective measures for all acts of Intellectual Dishonesty:</p> <ol style="list-style-type: none"> 1. Revocation of degree 2. Withdrawal of honors 3. Disqualification from graduation with honors 4. Cancellation of enrollment 5. Withdrawal of Information Technology (IT) privileges as defined by the current policies on IT uses and resources of the University. 	
<p>Section 9. Fraud - Employment of fraud in the following shall be dealt with administratively:</p>	
<p>a. Making a false statement and practicing any and deception or fraud in connection with and for purposes of admission to the University;</p>	<p>The admission to the University of any student found to have committed the misconduct shall be declared by the University Registrar to be null and void; he/she shall be permanently barred from admission.</p>
<p>b. In connection with enrollment in the University;</p>	<ol style="list-style-type: none"> 1. For the first violation, suspension for a minimum of two (2) months to one (1) semester. 2. For the second violation, suspension for a minimum of six (6) months and one (1) day to one (1) year. 3. For the third violation, exclusion. <p>Possible additional corrective measures:</p> <ol style="list-style-type: none"> a. Cancellation of enrollment in the course/s for which

	<p>the fraudulent act was committed</p> <p>b. No refund of tuition and other fees</p> <p>c. Disqualification from graduation with honors</p> <p>d. Revocation of degree</p>
c. In connection with retention in the University;	<p>1. For the first violation, suspension for a minimum of two (2) months to one (1) semester.</p> <p>2. For the second violation, suspension for a minimum of six (6) months and one (1) day to one (1) year.</p> <p>3. For the third violation, exclusion.</p> <p>Possible additional corrective measures:</p> <p>a. Cancellation of enrolment for the course/s for which the fraudulent act was committed</p> <p>b. No refund of tuition and other fees</p> <p>c. Disqualification from graduation with honors</p> <p>d. Withdrawal of degree upon recommendation of disciplinary body</p>
d. In connection with graduation from the University;	<p>Exclusion.</p> <p>The degree granted to any student found</p>

	<p>to have committed the misconduct shall be recommended to the Board of Regents (BOR) for revocation.</p> <p>Disqualification from graduation with honors.</p>
<p>e. In connection with application to and/or receiving any scholarship or grant funded or managed by the University and its affiliated institutions for the purpose of receiving the grant;</p>	<p>a. For the first violation</p> <p>a. Suspension for a minimum of one (1) semester to one (1) year; or reimbursement of the full cost of the grant, its processing, plus interest; and</p> <p>Possible additional corrective measure:</p> <p>Permanent disqualification from all scholarships or grants funded or managed by the University and its affiliated institutions.</p> <p>b. For the second violation, exclusion and/or reimbursement of the full cost of the grant, its processing, plus interest.</p>
<p>f. In connection with stealing/malversation/misuse of organization funds collected in connection with student activities and/or student organizations, recognized or not;</p>	<p>1. For the first violation</p> <p>a. Suspension for a minimum of one (1) week to one (1) month;</p> <p>b. Restitution, or the return of the funds to the rightful owner, and</p> <p>c. Reparation, or compensation to the</p>

	<p>aggrieved party for damage or loss.</p> <p>2. For the second violation</p> <ul style="list-style-type: none"> a. Suspension for a minimum of one (1) month and one (1) day to six (6) months; b. Restitution, or the return of the funds to the rightful owner, and c. Reparation, or compensation to the aggrieved party for damage or loss. <p>3. For the third violation</p> <ul style="list-style-type: none"> a. Suspension for a minimum of six (6) months and one (1) day to one (1) year; b. Restitution, or the return of the funds to the rightful owner, and c. Reparation, or compensation to the aggrieved party for damage or loss.
<p>g. In connection with recognition of student organizations;</p>	<p>1. For the first violation, suspension of student/s responsible for a minimum of one (1) week to one (1) month.</p> <p>2. For the second violation, one (1) and one (1) day to six (6) months suspension.</p>

	3. For the third violation, six (6) months and one (1) day to one (1) year suspension.
h. In connection with the use of University facilities by, or in the name of student organizations, recognized or not;	<p>1. For the first violation, suspension of officers and students who applied for the use of the University facilities under the name of the organization for a minimum of one (1) week to one (1) month; they shall be solidarily liable for the payment of the actual cost of use of the facility.</p> <p>2. For the second violation, suspension of one (1) month and one (1) day to two (2) months.</p> <p>3. For the third violation, two (2) months and one (1) day to six (6) months suspension.</p>
i. In connection with the use of intellectual property of the University, which results in gain, material or otherwise.	<p>1. For the first violation, suspension for a minimum of one (1) month to six (6) months.</p> <p>2. For the second violation, suspension of six (6) months and one (1) day to exclusion.</p>
Harm	
Section 10. Harm to Persons	
a. Creating and/or engaging in disorder, tumult, breach of peace, or serious disturbance such as, but not limited to, rumbles, within the University	1. For the first violation, suspension for a period ranging from one (1) week to fifteen (15) days.

<p>premises, resulting in harm to persons;</p>	<ol style="list-style-type: none">2. For the second violation, suspension for sixteen (16) days to one (1) month.3. For the third violation, suspension for one (1) month and one (1) day to exclusion. <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert, the corrective measure shall be as follows:</p> <ol style="list-style-type: none">1. For the first violation, suspension of the students involved in the disorder for fifteen (15) days to one (1) semester;2. For the second violation, suspension of six (6) months and one (1) day to exclusion. <p>Provided further, that if the misconduct involves the use of deadly weapons, measure shall be:</p> <ol style="list-style-type: none">1. For the first violation, suspension of the students involved in the disorder for one (1) month to one (1) semester.2. For the second violation, suspension of six (6)
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	<p>months and one (1) day to exclusion.</p>
<p>b. Attacking a person resulting in physical and/or psychological injury;</p>	<p>1. For the first violation, the sanction shall be:</p> <ul style="list-style-type: none">a. If the victim is medically certified to have sustained injury but is not incapacitated, e.g., able to attend classes or work, suspension for one (1) week to thirty (30) days;b. If the victim is not hospitalized or is hospitalized for less than seven (7) days and is medically certified to be incapacitated, e.g., unable to attend classes or work, suspension for one (1) month and one (1) day to two (2) months;c. If the victim is hospitalized at least seven (7) days as a consequence of the act, suspension for two (2) months and one (1) day to six (6) months, andd. If the victim dies as a result of the act, exclusion.

	<p>Provided further, that if the physical attack is committed by two (2) or more persons acting in concert, the corrective measure shall be suspension for one (1) month and one (1) day to six (6) months.</p> <p>2. For the second violation, six (6) months and one (1) day suspension to exclusion.</p> <p>Provided further that if the victim is an employee of the BSU and the act was committed in relation to the performance of the functions of employee, the measure shall be suspension of one (1) semester to exclusion.</p> <p>c. For the third offense, exclusion.</p>
<p>c. Engaging in any of the acts described in RA 8049, otherwise known as the Anti-Hazing Law;</p>	<p>1. Exclusion of the officers of the organization actually and directly involved and members involved in the act.</p> <p>2. The neophyte who allows himself / herself to be subjected to such rites and rituals shall be suspended for one (1) week to one (1) semester and shall be required to undergo counseling.</p>

<p>d. Disrespect towards any person, which includes, but not limited to, insulting, discriminatory and/or threatening behavior;</p>	<p>1. For the first violation, suspension for one (1) week to fifteen (15) days and a verified written apology acceptable to the offended party.</p> <p>Provided, that if the misconduct is committed against a University official, faculty member or person in authority, suspension for a minimum of one (1) month and one (1) day to one (1) academic year and a verified written apology acceptable to the offended party.</p> <p>Provided further, that if the misconduct is committed by two (2) or more persons acting in concert, suspension for a minimum of one (1) month and a verified written apology acceptable to the offended party.</p>
<p>e. All acts described in the Anti-Sexual Harassment Act of 1995 (R.A. 7877) and its Implementing Rules and Regulations (IRR).</p>	<p>1. For the first violation, a minimum suspension for one (1) week to fifteen (15) days and a verified written apology acceptable to the offended party.</p> <p>Provided, that if the misconduct is committed against a University official, faculty member or person in authority, suspension for a minimum of one (1) month to one (1) academic year and a</p>

	<p>verified written apology acceptable to the offended party.</p> <p>Provided further, that if the misconduct is committed by two (2) or more persons acting in concert, suspension for a minimum of one (1) month and a verified written apology acceptable to the offended party.</p>
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Section 11. Damage to Property

<p>a. Damaging or defacing property within University premises, including but not limited to, littering and vandalism;</p>	<ol style="list-style-type: none"> 1. For the first violation, suspension from one (1) week to two (2) weeks, or community service. 2. For the second violation, suspension from fifteen (15) days to two (2) months. 3. For the third violation, suspension for a period of two (2) months and one (1) day to one (1) semester. <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert and/or committed on the occasion of violent confrontations or any similar disturbance, the corrective measure shall be as follows:</p> <ol style="list-style-type: none"> 1. For the first violation, suspension for fifteen (15) days to one (1) month.
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	<p>2. For the second violation, suspension from one (1) month and one (1) day to one (1) semester. This penalty shall also apply to succeeding violations.</p> <p>In all cases, the students shall be required to repair the damage done at their expense or to pay the costs incurred in repairing such damage. Suspension shall remain until such damage is fully compensated by the students. In no case shall the reparation of the damages be converted to suspension or community service.</p> <p>If the victim is the University or any of its employees, the measure shall include a verified written apology.</p>
b. Stealing.	<ol style="list-style-type: none">1. For the first violation, suspension for one (1) week to two (2) weeks or community service;2. For the second violation, suspension for fifteen (15) days to one (1) month;3. For the third violation, suspension for a period of one (1) month to one (1) semester;4. Any succeeding violation shall be punished with exclusion.

Provided, that if the misconduct is committed by two (2) or more persons acting in concert and/or committed on the occasion of violent confrontations or any similar disturbance, the corrective measure shall be as follows:

1. For the first violation, suspension for one (1) month to two (2) months.
2. For the second violation, suspension for two (2) months and one (1) day to six (6) months.

In all cases, the students shall be required to make restitution and/or reparation, and repair the damage done at their expense or to pay the costs incurred in repairing such damage, suspension shall remain until the stolen property is returned or replaced and any damage is fully compensated by the students.

In no case shall the reparation of the damages be converted to suspension or community service.

If the victim is the University or any of its employees, the measure shall include a verified written apology.

Section 12. Other Inappropriate Behavior	
a. Drinking of alcoholic beverages, except where and when expressly allowed, and/or drunken behavior within University premises;	Admonition with suspension for three (3) to fifteen (15) days or community service.
b. Smoking in violation of the provisions of R.A. 9211;	Admonition with suspension for three (3) to fifteen (15) days or community service.
c. Possession and/or use within the University premises of any dangerous or deadly or potentially deadly object or material such as, but not limited to, firearm; any bladed or pointed object; stick, pipe, or any similar object; and chemicals, unless required in his/her course or official activity;	<p>1. For the first violation, suspension for one (1) week to one (1) month.</p> <p>Provided, that should the deadly weapon be a firearm, explosive, or any similar device, the corrective measure shall be suspension of at least two (2) months.</p> <p>2. For the second violation, suspension for two (2) months and one (1) day to one (1) year.</p> <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert, the corrective measure shall be exclusion.</p> <p>3. For the third violation, exclusion.</p>
d. Unauthorized possession, manufacture, storage and/or use of regulated or prohibited drugs or substances as defined in the	1. For the first violation, suspension for one (1) month to three (3) months.

1. For the first violation, suspension for one (1) week to one (1) month. Provided, that should the deadly weapon be a firearm, explosive, or any similar device, the corrective measure shall be suspension of at least two (2) months.

2. For the second violation, suspension for two (2) months and one (1) day to one (1) year. Provided, that if the misconduct is committed by two (2) or more persons acting in concert, the corrective measure shall be exclusion.

3. For the third violation, exclusion.

<p>prevailing Comprehensive Dangerous Drugs Law, within the University premises;</p>	<p>2. For the second violation, suspension from three (3) months and one (1) day to one (1) semester;</p> <p>3. For the third violation, suspension from one (1) semester and one (1) day to one (1) academic year.</p> <p>For succeeding violations, exclusion.</p> <p>For the first to third violations, the student shall be required to undergo counseling. Rehabilitation may be required at the student's expense. The parent/s or guardian/s of the student shall be notified and shall be involved in the crafting of rehabilitation programs.</p>
<p>e. Gambling within the University premises;</p>	<p>Admonition with suspension for three (3) days to two (2) months or community service.</p>
<p>f. Undermining or obstructing any investigation or proceeding, and/or willfully disobeying any written lawful order or directive by the Chancellor, Vice-Chancellors, Deans, Directors of academic units, College Secretaries, OSS Director and members of disciplinary bodies, including but not limited to,</p>	<p>1. For the first violation, suspension for three (3) days to seven (7) days or community service;</p> <p>2. For the second violation, suspension for eight (8) days to thirty (30) days or community service;</p> <p>3. For the third violation, suspension thirty-one (31) days to one (1) semester.</p>

<p>summons for purposes of investigation and other proceedings;</p>	<p>4. Any succeeding violation shall be punished with suspension of one (1) semester and one (1) day to exclusion.</p>
<p>g. Non-wearing of valid school identification card (ID);</p>	<p>1st Offense - Reprimand</p> <p>2nd Offense - Admonition and suspension of one (1) day to five (5) days</p> <p>3rd Offense - Suspension for five (5) days to two (2) weeks</p>
<p>h. Using of borrowed school identification card (ID) or lending school ID to be used for official transaction;</p>	<p>1st Offense - Reprimand</p> <p>2nd Offense - Admonition and suspension of one (1) day to five (5) days</p> <p>3rd Offense - Suspension for five (5) days to two (2) weeks</p>
<p>i. Unauthorized use of stolen school or any kind of IDs;</p>	<p>1st Offense - Summon parents; sign promissory note; suspension for three (3) days to seven (7) days</p> <p>2nd Offense - Suspension for eight (8) days to two (2) weeks</p> <p>3rd Offense - Suspension for fifteen (15) days to one (1) semester</p>
<p>j. Loitering after the prescribed curfew in the evening;</p>	<p>1st Offense - Reprimand</p> <p>2nd Offense - Admonition and sign undertaking</p> <p>3rd Offense - Summon parents; suspension for three (3) days to two (2) weeks</p>

<p>k. Failure to obtain from the concerned University office permit for the use of any University facility, subject to conditions imposed thereto;</p>	<p>1st Offense – Reprimand , sign undertaking</p> <p>2nd Offense - Suspension of the persons involved for three (3) days to one (1) month</p> <p>3rd Offense - Suspension of the persons involved for one (1) month and one (1) day to two (2) months</p>
<p>l. Using without prior authority, the name of Benguet State University (BSU) in any announcement, ticket, invitation, program, or similar printed materials;</p>	<p>1st Offense - Reprimand; summon parents; sign undertaking</p> <p>2nd Offense - Suspension of all involved for three (3) days to one (1) month</p> <p>3rd Offense - Suspension of all involved for one (1) month and one (1) day to one (1) semester</p> <p>Provided that if the income in the activity has resulted in the personal gain of the student involved, he/she shall be required to remit it to the organization which name was used in the activity.</p>
<p>m. Posting, distributing or disseminating notices, posters, leaflets or bills without approval;</p>	<p>1st Offense - Reprimand; summon parents</p> <p>2nd Offense - Suspension for two (2) weeks to one (1) month</p> <p>3rd Offense - Suspension for one (1) month and one (1) day to one (1) semester</p>

	<p>Provided that if the notices, posters, leaflets and bills are of such nature that tend to destroy the reputation of any person including the University or any of its employees, or inviting an uprising, walkout, protest, strike against the University or any of its employees, the students involved shall suffer the following penalties:</p> <p>1st Offense - Suspension for two (2) weeks to one (1) month</p> <p>2nd Offense - Suspension for one (1) month and one (1) day to one (1) semester</p> <p>3rd Offense - Suspension for one (1) semester to one (1) academic year</p> <p>Succeeding violations shall be penalized with exclusion.</p>
<p>n. Possessing and/or distributing immoral or indecent pictures, posters, slides or similar materials; writing, possessing, or distributing immoral and/or subversive literature;</p>	<p>1st Offense - Reprimand; summon parents</p> <p>2nd Offense - Suspension for two (2) weeks to one (1) month</p> <p>3rd Offense - Suspension for one (1) month and one (1) day to one (1) semester</p> <p>Provided that if the subversive literature are of such nature that tend to destroy the</p>

	<p>reputation of any person including the University or any of its employees, or inviting an uprising, walkout, protest, strike against the university or any of its employees, the students involved shall suffer the following penalties:</p> <p>1st Offense - Suspension for two (2) weeks to one (1) month</p> <p>2nd Offense - Suspension for one (1) month and one (1) day to one (1) semester</p> <p>3rd Offense - Suspension for one (1) semester to one (1) academic year.</p> <p>Succeeding violations shall be penalized with exclusion.</p>
<p>o. Littering in University premises;</p>	<p>1st Offense - Reprimand; sign undertaking</p> <p>2nd Offense - Community service for fifteen (15) hours to twenty-nine (29) hours</p> <p>3rd Offense - Community service for thirty (30) hours to forty-four (44) hours</p> <p>4th and succeeding offenses - Community service for forty-five (45) hours to sixty (60) hours</p>
<p>p. Spitting in University premises;</p>	<p>1st Offense - Reprimand; sign undertaking;</p>

	<p>2nd Offense - Community service for fifteen (15) hours to twenty-nine (29) hours</p> <p>3rd Offense - Community service for thirty (30) hours to forty-four (44) hours</p> <p>4th and succeeding offenses - Community service for forty-five (45) hours to sixty (60) hours</p>
<p>q. Violating legally posted instructions or signages such as “No Trespassing,” “Keep off the Grass,” “Off Limits,” etc.;</p>	<p>1st Offense - Community service for one (1) day to three (3) days</p> <p>2nd Offense - Community service for four (4) days to seven (7) days</p> <p>3rd Offense - Community service for eight (8) days to fifteen (15) days</p> <p>In all cases, the violator shall be required to restore the condition of the area violated.</p>
<p>r. Preparing, or disseminating libelous, defamatory or subversive manifestos, streamers or any form of graphic materials that undermine faith or foments distrust of duly constituted authorities within or outside the University;</p>	<p>1st Offense - Suspension for three (3) days to fourteen (14) days; sign undertaking</p> <p>2nd Offense - Suspension for two (2) weeks to one (1) month</p> <p>3rd Offense - Suspension for one (1) month and one (1) day to one (1) semester</p>

	<p>Provided that if the materials are of such nature that tend to destroy the reputation of any person including the University or any of its employees, or inviting an uprising, walkout, protest, strike against the university or any of its employees, the students involved shall suffer the following penalties:</p> <p>1st Offense - Suspension for two (2) weeks to one (1) month</p> <p>2nd Offense - Suspension for one (1) month and one (1) day to one (1) semester</p> <p>3rd Offense - Suspension for one (1) semester to one (1) academic year.</p> <p>Succeeding violations shall be penalized with exclusion.</p>
<p>s. Instigating, participating or leading in boycott, or disruption of classes; impeding, obstructing, and preventing the right and obligation of a teacher or professor to teach his/her subject or the right or any student to attend classes;</p>	<p>1st Offense - Summon parents; sign undertaking; suspension for one (1) week</p> <p>2nd Offense - Suspension for one (1) week to one (1) semester</p> <p>3rd Offense – Exclusion</p>
<p>t. Committing sexual acts within University premises such as but not limited to, necking, petting and other sexual acts.</p>	<p>1st Offense - Reprimand; sign undertaking; summon parents</p> <p>2nd Offense - Summon parents; suspension for one (1) week to one (1) semester</p>

	<p>3rd Offense - Exclusion</p> <p>In the case of sexual intercourse, the students directly involved shall be suspended for one (1) week to one (1) semester. Succeeding violations shall be penalized with exclusion.</p>
<p>Section 13. Violation of Policies on the Use of IT Resources</p>	
<p>a. Violation of the University policies on the use of IT resources.</p>	<p>Suspension of privileges to use IT resources subject to the discretion of the disciplinary authority.</p>
<p>Acts of Misconduct and Corrective Measures for Recognized Student Organizations</p>	
<p>A recognized student organization shall be subject to disciplinary action for any of the following acts without prejudice to the filing of a case against a member as a student:</p>	
<p>Acts of Misconduct (See Appendix A.)</p>	<p>Corrective Measures (See Appendix B.)</p>
<p>Section 14. Fraud</p>	
<p>a. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for recognition on behalf of the organization;</p>	<p>1. For the first violation, suspension of recognition for six (6) months to one (1) year.</p> <p>2. For the second violation, suspension of recognition for one (1) year and one (1) day to two (2) years;</p>
<p>b. Making a false statement and practicing or attempting to practice any deception or fraud in connection with the use of University facilities on behalf of the organization;</p>	<p>3. For the third violation, suspension of recognition for two (2) to five (5) years;</p> <p>4. For the fourth violation, disqualification from recognition for at least five</p>

<p>c. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application in any University-funded or managed grant or prize on behalf of the organization;</p>	<p>(5) years, until conditions imposed by the disciplinary body is met.</p> <p>Provided, that in addition to the corrective measures above, the following shall be imposed:</p> <p>For a: Community service, the length of which to be determined by the Office of Student Services (OSS) or the College, shall be imposed;</p>
<p>d. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for <i>aspulan</i> on behalf of the organization;</p>	<p>For b, d and e: Community service, the length of which to be determined by the OSS or the College, shall be imposed;</p> <p>For c: Restitution and/or fine equivalent to the amount of the grant;</p>
<p>e. Making a false statement and/or withholding information in relation to the changes in the organization's membership and officers within the duration of recognition on behalf of the organization.</p>	<p>For b, c, d and e: Suspension of all officers for one (1) semester to exclusion; second violation, exclusion.</p> <p>Provided further, that restoration of recognition is contingent upon fulfillment of obligations.</p>

Harm

Section 15. Harm to Persons

<p>a. Creating and/or engaging in disorder, tumult, breach of peace, or serious disturbance such as, but not limited to, rumbles, within the University premises, resulting in harm to persons;</p>	<p>1. For the first violation, suspension of recognition for one (1) semester to one (1) year. The organization shall be required to pay actual damages.</p>
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	<p>2. For the second violation, suspension of recognition for one (1) year to five (5) years. The organization shall be required to pay actual damages.</p> <p>3. For the third violation, disqualification from recognition for at least five (5) years, until conditions imposed by the disciplinary body is met. The organization shall be required to pay actual damages.</p>
<p>b. Any violation as described in RA 8049 otherwise known as the Anti-Hazing Law.</p>	<p>Disqualification from recognition for at least five (5) years, until conditions imposed by the disciplinary body is met. The officers of the organization shall be charged accordingly.</p>
<p>Section 16. Damage to Property</p>	
<p>a. Damaging or defacing property within University premises, including but not limited to, littering, vandalism, and with use of hazardous chemicals, use of explosives or incendiary materials;</p>	<p>For every violation, suspension of recognition for one (1) month to five (5) years, to be served successively. The officers and members shall be required to make restitution and/or reparation.</p> <p>The students who participated shall be charged under the provisions of this Code.</p>
<p>b. Appropriating for the student organization property of another;</p>	<p>For every violation, suspension of recognition for six (6) months to five (5) years. The officers and members shall be required</p>

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	<p>to make restitution and/or reparation and a fine equivalent to the value of the property appropriated.</p> <p>Additional corrective measure: Community service, the length of which to be determined by the appropriate body.</p>
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Section 17. Any Other Form of Misconduct

<p>a. Willfully disobeying any lawful written order or directive by the President/Chancellor, Vice-Chancellors, Deans, Directors of academic units, College Secretaries, OSS Director and members of disciplinary bodies, including but not limited to, summons for purposes of investigation and other proceedings.</p>	<p>Suspension of recognition for one (1) month to disqualification from recognition for at least five (5) years, until conditions imposed by the disciplinary body is met.</p>
<p>b. Engaging in any other form of misconduct, whether within or outside University premises, significantly affecting the good order and welfare and/or good name of the University, and/or which violates the provisions of this Code regarding student organizations.</p>	

Section 18. *Mitigating, Aggravating and Alternative Circumstances.* In the determination of the penalties to be imposed, mitigating, alternative and/or aggravating circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

- a. Physical illness;
- b. Good faith;
- c. Malice;
- d. Time and place of offense;
- e. Taking undue advantage of position;
- f. Taking undue advantage of subordinate;
- g. Undue disclosure of confidential information,
- h. Use of government property in the commission of the offense;
- i. Habituality;
- j. Offense is committed during office hours or within the premises of the office or building;
- k. Employment of fraudulent means to commit or conceal the offense;
- l. Education;
- m. Other analogous circumstances.

In the appreciation thereof, the disciplining authority, in the interest of substantial justice, may take and consider these circumstances *motu proprio*.

Section 19. *Manner of Imposition* - When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- a. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present;
- b. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

Where aggravating and mitigating circumstances are present, paragraph (a) shall be applied where there are more mitigating circumstances present; paragraph (b) shall be applied when the circumstances equally offset each other; and paragraph (c) shall be applied when there are more aggravating circumstances.

Section 20. *Penalty for the Most Serious Offense* - If the respondent is found liable of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

Section 21. *Procedure*

This Code provides a set of procedure cases for misconduct involving a student and student organizations.

In cases of sexual harassment, the complaint shall be treated as serious or less serious misconduct depending on the gravity of the actions.

Section 22. *Disciplinary Bodies*

There are five (5) disciplinary offices/bodies in the University:

- a. The University Academic Council;
- b. The Student Disciplinary and Arbitration Board (SDAB),
- c. The College Dean, Graduate School Dean, Institute Director;
- d. The College Disciplinary Committee (CDC), and
- e. The Inter-College Disciplinary Committee (ICDC).

The members of all disciplinary committees/boards have the duty to disclose their relationships of any nature and to any extent with the parties involved, to the University President/Chancellor. Upon their acceptance of the designation, members of the committees, *ad hoc* or regular, shall undergo orientation on the Code of Student Conduct.

Section 23. *The University Academic Council (UAC); Functions and Jurisdiction*

The University Academic Council Board shall have appellate jurisdiction over student disciplinary cases where the penalty imposed is exclusion. All decisions of the Student Disciplinary and Arbitration Board (SDAB) imposing the penalty of less than exclusion or non-readmission shall be executory and not appealable to the University Academic Council.

The Student Disciplinary and Arbitration Board (SDAB)

Section 24. *Composition of the Student Disciplinary and Arbitration Board (SDAB)*

The Student Disciplinary and Arbitration Board (SDAB) is a body formed by the President/Chancellor/Executive Dean under the administrative supervision of the Vice President for Academic Affairs (VPAA)/Executive Dean, for the purpose of implementing the pertinent provisions of this Code. The University President / Chancellor shall appoint five (5) tenured members of the SDAB, one (1) of whom shall be appointed the Chair. Majority of the designees must be regular faculty members who are not on leave, sabbatical, secondment or special detail. At least one (1) of the faculty designees shall come from the Office of the VPAA. At least one (1) of the members shall be a lawyer of the University and another member coming from the Supreme Student Government (SSG), in consultation with the latter.

The OSS shall serve as the Secretariat of the SDAB and shall function as the administrative support staff of the board. All complaints shall be initially filed before it and all records shall be under its care and custody.

At its initial constitution, three (3) of the members of the SDAB, including its Chair and the member from the legal unit, shall serve a term of two (2) years. The other member shall serve a term of one (1) year while the student representative shall serve until his/her term

as SSG officer expires. Thereafter, upon the expiry of the two- and one-year terms, all members, including the chairman, shall serve for two (2) years. A vacancy in the SDAB due to leave, sabbatical, secondment, special detail or other reasons shall be filled by the President/Chancellor/Executive Dean. The replacement shall serve the remaining period of the term.

The SDAB may have an office space and appropriate staff. The staff may be designated from the OSS.

Section 25. *Jurisdiction and Functions of the Student Disciplinary and Arbitration Board (SDAB)*

The SDAB shall have original jurisdiction over all student administrative cases classified as serious and an appellate jurisdiction over all cases decided by the college deans and institute directors over student disciplinary cases.

The SDAB, through the OSS, shall receive copies of all complaints and case reports involving offenses of students. It shall monitor the progress and resolution of all cases, including enforcement of corrective measures, and submit status reports to the President/Chancellor.

In the exercise of its functions, the SDAB may designate any of its members as conciliator, mediator or arbiter.

The SDAB shall conduct orientation on the Code of Student Conduct to all *ad hoc* disciplinary committees.

The College Disciplinary Committee (CDC)

Section 26. *Composition of the College Disciplinary Committee (CDC)*

The CDC is an ad hoc committee formed by the Dean or Institute Director for the purpose of implementing the pertinent provisions of this Code. The Dean/Director shall not sit as a member of the CDC but may observe the proceedings. The hearing committee shall be composed of three (3) members, one (1) of whom shall be tenured, regular faculty member who is not on leave, sabbatical, secondment or special detail, the second member shall be a Department Chairperson while the third member shall be an elected member of the College Student Government or a recognized organization in the College/Institute.

Student members must have the following qualifications:

- a. Good moral character, defined as not having been found guilty of any offense in a court of law or liable in a student disciplinary body, and is not the subject of any pending case;
- b. Good academic standing, defined herein as having passed at least 75% of units enrolled in the previous semester; carrying a full or regular academic load in the current and previous semesters, except in the case of graduate student members who need not carry or have carried a full load; and not having exceeded the Maximum Residence Rule; and
- c. Residency in the University for at least one (1) year.

Graduating students may not be appointed to hearing committees.

In cases where there is no College Student Government or when no member of the College Student Government is qualified, the Dean/Director shall appoint a student within the same college/institute who meets the aforementioned qualifications.

A faculty adviser of a student organization may not serve in a committee hearing a complaint against the student organization or any member of the student organization he/she advises. An official or member of a student organization may not serve in a committee hearing a complaint against his/her student organization or any member of his/her student organization.

Continuing qualifications are required to remain in the hearing committee until the conclusion of its work.

The student member of the committee hearing a complaint against an undergraduate student(s) shall be an undergraduate, while the student member of the committee hearing a complaint against a graduate student(s) shall be a graduate student.

Under special circumstances, the Dean may request the SDAB to assign one of its members to become an external member of the CDC.

Section 27. Jurisdiction and Functions of the College Disciplinary Committee (CDC)

The CDC shall hear and resolve cases of less serious character, where the student/s involved belong to the same College and the incident occurred within the College premises. The Dean/Director shall have the discretion to refer all cases where the parties have opted for arbitration to the SDAB.

The Inter-College Disciplinary Committee (ICDC)

Section 28. Composition of the Inter-College Disciplinary Committee (ICDC)

The ICDC is an ad hoc committee formed by the Deans/Directors of two (2) or more Colleges/Institutes, for the purpose of implementing the pertinent provisions of this Code, when a student or students of a College/s is alleged to have committed a violation classified as less serious offense in another College. The

Dean of the College where the offense was committed shall initiate the constitution of the ICDC. The ICDC shall be composed of an odd number of members, one (1) faculty member each from the colleges concerned, and one (1) faculty member from a disinterested college. Each faculty member of the ICDC shall be tenured, regular faculty not on leave, sabbatical, secondment or special detail. At least two (2) of the other members shall come from a Recognized Student Organization of the College where the complainant belongs while the fifth member shall come from the OSS. The ICDC members shall select a chair from among themselves.

Should the Deans/Directors involved be unable to form the ICDC within fourteen (14) working days from the receipt of the complaint, owing to a fundamental difference in position or some other substantive constraint, the SDAB shall appoint the members of the ICDC. The Deans/Directors concerned may observe the proceedings.

Under special circumstances, the Dean/Director may request the SDAB to assign one (1) of its members to become an external member of the ICDC.

Section 29. Jurisdiction and Functions of the Inter-College Disciplinary Committee (ICDC)

The ICDC shall hear and resolve all cases classified as less serious involving students from more than one (1) college/institute or when the offense charged was committed by a student from one (1) college/institute in another college/institute.

Section 30. Jurisdiction of the College Dean/Director

In all cases where the act subject of the complaint is less serious and is committed within a particular college/institute and involves only students belonging to said college/institute, the concerned Dean/Director shall take jurisdiction of the case.

Where it involves an intercollege offense, the Dean/Director where the respondent belongs shall take jurisdiction of the case. In

the case of multiple respondents belonging to different colleges/institute, the deans/directors of the colleges/institutes shall automatically constitute an ad hoc committee the members of which shall depend on the number of respondents who shall all sign the decision for the case.

Section 31. *Compensatory Overtime Credit and Overtime*

Subject to existing laws, rules and regulations and whenever warranted, the Office of the President/Chancellor/Executive Dean may grant overtime pay/ Compensatory Overtime Credit to the Dean/Director and members of the, CDC, ICDC and the SDAB, subject to existing laws rules and regulations as may be applicable. The disciplining bodies are encouraged to prioritize their functions as prescribed in this Code.

COMPLAINTS

Section 32. *Who May Initiate* - Student administrative proceedings may be initiated by the disciplining authority motu proprio upon a report of any BSU employee or upon complaint of any other person.

Section 33. *Requisites of a valid Complaint* - Except when initiated by the disciplining authority or his/her authorized representative, no complaint against a student shall be given due course unless the same meets the following:

The complaint in triplicate copies shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of the nature and cause of the accusation/s against him/her and to enable him/her to intelligently prepare his/her defense or answer/comment. However, should there be more than one (1) person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

1. full name and address of the complainant;

2. full name and address of the person's complained of as well as his/her/their position/s and office/s;
3. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;
4. original or certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
5. certification or statement of non-forum shopping.

In cases initiated by the proper disciplining authority or his/her authorized representative as a result of a report, a show cause order is sufficient.

The services of any of the University legal officers or any person authorized to administer oath may be employed.

The complaint or report shall likewise be accompanied by pieces of supporting evidence, if any. The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its re-filing upon compliance with the above requirements. However, it shall be the obligation of the receiving officer to require completion of the requirements from the complainant or reporting party. A form shall be prepared for such purpose.

Section 34. *How Commenced*

An incident involving a student administrative offense may be reported, orally or in writing and duly signed, by anyone directly to the OSS, or through the Dean or a Faculty Member of the College where the incident occurred or any University employee. In the case of the latter, the report or complaint shall be forwarded to the OSS. Oral reports shall be put in writing and duly signed by the person filing the report. The OSS shall examine all complaints and require compliance with the requirements herein. The OSS shall, within five (5) working days from receipt of report or complaint, determine whether a CDC or an ICDC should be constituted, and write the Report, and forward the same to the SDAB.

Section 35. *Determination of Jurisdiction and Probable Cause*

The SDAB Chair or his/her representative shall determine whether:

- a. the act subject of the complaint is serious or less serious offense;
- b. the offense occurred in more than one college;
- c. the students involved belong to more than one college; and,
- d. there is prima facie case.

The SDAB shall determine jurisdiction of the case and, when necessary, refer the case within seven (7) working days to the appropriate Dean/s with the notice to create the CDC/ICDC.

Section 36. *Parties*

In all cases of where the acts complained of are not personal in nature, the University is deemed the complainant. The student/s reported to have committed the offense is/are the respondent/s and the complainant a witness.

Section 37. *Representation of Parties and Right to Counsel*

The University shall be represented (as a special prosecutor) by a tenured, regular member of the University Council who is not on leave, sabbatical, secondment or special detail, who is designated by the SDAB.

The respondent/s shall represent himself/herself/themselves, and shall have the right to counsel. The counsel's role shall be limited to advice. The counsel of choice may be any person who can assist the respondent.

Section 38. *Constitution of the College Disciplinary Committee (CDC) or the Inter-College Disciplinary Committee (ICDC)*

The Dean/s constitute/s the CDC or the ICDC within one (1) week from receipt of the complaint as forwarded by the SDAB through the OSS.

Section 39. *Proceedings*

The CDC or ICDC shall not be bound by technical rules of evidence and all proceedings shall be summary in nature. The parties and their witnesses, if any, shall submit affidavits under oath subject to clarificatory questions by the disciplinary committee. The following requests to the disciplinary committee shall be prohibited:

- a. Extension of time to file an answer;
- b. Dismissal of the complaint;
- c. Re-opening of a case;
- d. Demurrer to evidence;
- e. Postponements/cancellation of hearings;
- f. Reply/rejoinder;
- g. Intervention; and
- h. New proceedings on the same case.

The preliminary meeting, hearings, and all other meetings of the CDC or ICDC shall proceed when a majority of the members are present.

Section 40. *Summons*

The CDC or ICDC shall, within five (5) working days, from its constitution, issue summons to the respondent/s with a copy of the complaint and the Report, copy furnished the Dean and the SDC. The summons shall be served within another five (5) working days:

- a. personally to the respondent/s through the Department Chair, Institute Director and/or the Secretary of the College to which he/she belongs or through the Office of the University Registrar (OUR) if the respondent does not belong to any college/institute;

- b. by registered mail to the respondent's residence address indicated in his/her latest Student Information Sheet (SIS) at the OUR, wherein the respondent is presumed to have received the Summons; or
- c. to the minor respondent's parents or guardians.

Proof of receipt of summons served through the Department Chair, Institute Director, the College Secretary or the OUR shall be submitted to the CDC or ICDC within two (2) working days.

These modes of service of summons shall also apply to the service of notices, decisions and other communications.

Section 41. *Answer*

The respondent shall answer in writing within a non-extendible period of five (5) days from receipt of the summons and the OSS's Report. If the respondent fails to answer within the time period, he/she/they is/are deemed to have waived his/her/their right to present his/her/their side.

The respondent/s shall indicate in his/her/their answer whether he/she/they elect/s a formal investigation or waive/s his/her/their right to counsel.

Section 42. *Appearances and Participation During Hearings*

The University shall appear through its duly authorized representative as provided above. If the complainant is a tenured member of the University Academic Council, he/she may represent the University.

The respondent shall appear in person and may be accompanied by parents, guardians and/or counsel, unless representation by counsel is waived. The participation of his/her parents, guardians and counsel shall be limited to advice.

Section 43. *Notice of Hearing*

The CDC or ICDC shall serve to the parties a notice of dates of preliminary meeting and hearings in such a manner as shall ensure the receipt of the notice at least three (3) days before the date of the initial hearing.

Section 44. *Preliminary Meeting*

The preliminary conference/meeting shall be mandatory. The CDC or ICDC shall set the preliminary meeting date not later than one (1) week after receipt of the respondent's answer or after the expiration of the period within which the respondent should answer.

Failure of the private complainant or the complainant-representative of the university to appear shall be ground to dismiss the complaint. Failure of the respondent to appear shall have the same effect as failure to answer where the committee may resolve the case based on existing documents. The failure of the appointed University representative to appear shall not prejudice the case in which case the hearing shall be reset to another date to a maximum of one resetting. Failure of the appointed representative to appear without sufficient cause despite resetting and notice shall be treated as an administrative offense pursuant to the Revised Rules and Administrative Cases in the Civil Service (RRACCS) and the case may be dismissed. If based on evidence, there is sufficient ground to establish substantial evidence; the committee may render a decision thereon.

At the commencement of the formal investigation, the disciplinary authority shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

1. Stipulation of facts;
2. Simplification of issues;
3. Identification and marking of evidence of the parties;
4. Waiver of objections to admissibility of evidence;
5. Limiting the number of witnesses, and their names;

6. Dates of subsequent hearings, and
7. Such other matters as may aid in the prompt and just resolution of the case.

Matters taken and agreed upon during the preliminary meeting shall be reduced in writing and attested to by the members of the CDC or ICDC present, the University representative and/or the private complainant, and the respondent/s. The preliminary meeting report shall be binding on the parties. The parties may also agree to submit the case for resolution during the preliminary meeting. The hearing body, through the chairperson, shall issue a preliminary meeting order containing all that transpired and agreed upon during the meeting. The same shall be the guide of the parties during the proceedings. The parties may opt to agree on the submission of position papers in lieu of a formal type of hearing.

Section 45. *Hearings*

The initial hearing must be set not later than one (1) week after the preliminary meeting. Hearings must be completed within a non-extendible period of two (2) months after the initial hearing, after which the CDC or ICDC shall resolve the case.

Section 46. *CDC or ICDC Report*

The CDC or ICDC shall submit its resolution and recommended corrective measures, if any, to the Dean within fifteen (15) working days after the final hearing. The resolution shall be in writing and signed by a majority of its members. It shall include a brief statement of the findings of fact and the specific regulations on which the resolution and recommended corrective measures are based. It shall note the attendance of CDC or ICDC members of meetings and hearings.

Section 47. *Dean's Action*

The Dean/Director of the College/Institute to which the student belongs may adopt the resolution or affirm or modify the

recommended corrective measures within the prescribed range, if any, within seven (7) working days.

Section 48. *Service of the Dean's Action*

The parties shall each be served a copy of the Dean's Action in the same manner as the provisions on service of summons, copy furnished the SDAB. The duly appointed representative of the University shall submit a copy of the resolution to the President / Chancellor / Executive Dean which shall inform the University Academic Council.

Section 49. *Appeal*

The Dean's action may be appealed by either party to the SDAB within seven (7) working days from receipt of the decision. The SDAB shall decide the appeal within fifteen (15) working days from receipt of the appeal.

The Decision of the SDAB may be appealed to the University Academic Council, through the University President, within the same period. The University Academic Council shall decide the appeal within two (2) months from receipt of the appeal.

Section 50. *Finality and Enforcement of the Decision*

If no appeal is made by any party within the reglementary period, the decision shall be final and immediately executory upon the expiration of the period for filing an appeal.

The final decision shall be executory upon receipt personally by the respondent or his/her parent(s)/guardian(s)/nearest relative and/or by registered mail. The parent/s/guardian/s shall be furnished a copy of the decision. The resolution shall be executed by the Dean/Director of the College/Institute to which the respondent

belongs. In the case of exclusion, the resolution shall be executed by the SDAB.

If the decision involves suspension, the College/Institute Secretary and concerned professors shall be notified.

Section 51. *Implementation of Corrective Measures Involving Suspension*

Final decisions of suspensions of thirty (30) to sixty (60) days, which are executory within thirty (30) days prior to the first day of the final examination period, shall take effect on the first day of classes during the subsequent semester, except when the respondent is graduating, in which case the corrective measure shall immediately take effect upon the final decision. The SDAB, the Office of the University Registrar (OUR), the College Secretary and concerned professors shall be informed of the implementation of the corrective measure.

Section 52. *Alternative Dispute Resolution*

Procedure to be followed by the College Dean

In all cases involving less serious offense and which are purely personal in nature, where Alternative Dispute Resolution (ADR) methods are applicable, the Dean shall, within one (1) week after the determination of jurisdiction, resolve the case by employing such methods. ADR employs any process to amicably settle a dispute involving less serious misconduct by which the dispute is resolved by the parties themselves with the assistance of a neutral third party.

Upon arriving at a resolution, the same shall be made in writing, embodying all the terms agreed upon, copy furnished the SDAB. Such written resolution, when signed by the Dean, shall be final and

immediately executory. The Dean, for meritorious reasons may refer the ADR to the SDAB.

In cases where ADR is either inapplicable or where it was employed but no resolution had been arrived at, the Dean shall form a CDC. In the case of an inter-college offense, the Dean of the offending party shall notify the Dean/s of the other parties and propose for the constitution of an ICDC. The constitution of the committees shall be made within one (1) week after the determination of jurisdiction, or after the conclusion of the unsuccessful alternative dispute resolution, as the case may be. The Dean shall forward the complaint to the CDC/ICDC and direct the same to take cognizance of the case.

The CDC/ICDC shall hear and resolve the case in accordance with these rules.

Section 53. *ADR; Procedure before the CDC/ICDC*

In all cases where Alternative Dispute Resolution (ADR) methods are applicable, the CDC/ICDC Chair shall resolve the case by employing such methods. Upon arriving at a resolution, the same shall be made in writing embodying all the terms agreed upon. Such written resolution, when signed by the CDC/ICDC Chair, shall be final and immediately executory.

In cases where ADR is either inapplicable or where it was employed but no resolution had been arrived at, the CDC/ICDC shall proceed with the investigation in accordance with this rules.

Section 54. *Rights of Respondents*

Each respondent shall enjoy the following rights:

- a. To the integrity of the administrative procedure;

- b. To the protection that the burden of proof rests with the complainant, who must present substantial evidence;
- c. To be heard only on evidence introduced at the proceedings of which the respondent has been properly apprised;
- d. To defend himself/herself personally or, in the case of minors, through his/her parent/s/guardian/s;
- e. To be assisted by counsel of his/her choice;
- f. To a speedy and judicious disposition of the case;
- g. To request as corrective measure community service, in cases so allowed, which may only be granted by the disciplinary body concerned;
- h. To appeal a decision in accordance with this rules and the BSU Charter; and
- i. To confidentiality of proceedings, documents, and records.

Section 55. *Preventive Suspension*

Notwithstanding the provisions of the foregoing sections, the President/Chancellor, through the Dean, may preventively suspend, for a limited period not to exceed twenty (20) days, a student in the following cases:

1. Making a false statement and practicing any deception or fraud in connection with enrollment in the University;
2. Engaging in any of the acts described in RA 8049, otherwise known as the Anti-Hazing Law;
3. Disrespect towards any person, which includes, but not limited to, insulting, discriminatory and/or threatening behavior;

4. All acts described in the Anti-Sexual Harassment Act of 1995 (R.A. 7877) and its Implementing Rules and Regulations (IRR) approved by the Board of Regents (BOR);
5. Damaging or defacing property within University premises, including but not limited to, littering and vandalism;
6. Possession and/or use within the University premises of any dangerous or deadly or potentially deadly object or material such as, but not limited to, firearm; any bladed or pointed object; stick, pipe, or any similar object; and chemicals, unless required in her/his course;
7. Unauthorized possession, manufacture, storage and/or use of regulated or prohibited drugs or substances as defined in the prevailing Comprehensive Dangerous Drugs Law, within the University premises, and
8. Undermining or obstructing any investigation or proceeding, and/or willfully disobeying any written lawful order or directive by the President/Chancellor, Vice-Chancellors, Deans, Directors of academic units, College Secretaries, OSS Director and members of disciplinary bodies, including but not limited to, summons for purposes of investigation and other proceedings.

Preventive suspension aims to assist investigation by preventing a student from destroying, hiding or suppressing evidence and to prevent a student from inflicting damage to persons or property.

Preventive suspension may carry prohibition on any or all of the following:

- a. Attending classes and academic activities;
- b. Entering academic buildings and their premises;

- c. Using campus facilities, including but not limited to, athletic facilities, libraries, and computer laboratories; except dormitories for dormitory residents;
- d. Participating in student activities within University premises;
- e. Holding student jobs; and
- f. Enjoying IT privileges as defined by the current policies on IT uses and resources of the University, except online enrolment.

The preventive suspension may include other conditions set by the president/Chancellor or Dean.

The conditions of the preventive suspension should not prevent the student from enrolling and/or complying with academic requirements.

Section 56. *Records*

All proceedings before any disciplinary body shall be set down in writing by a competent official record keeper. Original records pertaining to student discipline shall be under the custody of the SDAB/ICDC/CDC and/or the Dean. Such records are hereby declared confidential and no person shall have access to the same for inspection or copying unless s/he is a party therein, or unless s/he has a legal right which cannot be protected or vindicated without access to or copying of such records, or unless authorized in writing by the President/Chancellor. Any person who violates the confidential nature of such records shall be subject to disciplinary action, without prejudice to the filing of appropriate cases in Court.

GENERAL PROVISIONS

Section 57. *Effectivity*

This Code shall supersede all previous rules on student discipline (Rules and Regulations on Student Conduct and Discipline). It shall apply suppletorily to all Rules and Regulations governing Fraternities, Sororities and other Student Organizations but shall repeal all provisions inconsistent with it and shall take effect after its endorsement by the University Council and the approval of the Board of Regents (BOR) on the first day of the succeeding semester.

Section 58. *Separability Clause*

If any clause, sentence, paragraph or part of this Code shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Code, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy.

Section 59. *Amendment Clause*

Any provision of this Code may be amended by a special meeting for the purpose, by the University Council. The amendment, as approved by the Board of Regents (BOR), shall take effect on the first day of the succeeding semester. Students and faculty members may propose amendments to the Code.

Section 60. *Repealing Clause*

Existing bodies, tribunals, offices, committees, and units which are rendered obsolete by this Code are hereby dissolved; and all existing rules and regulations that are in conflict with this Code are hereby repealed.

Section 61. *Transition Clause*

Present bodies shall remain until the new disciplinary committees are created.

The Code shall apply to all pending cases, in so far as it will benefit the respondents.

Section 62. *Review*

The President/Chancellor shall call for the review of this Code or parts of it by faculty members and students, if none has been made in ten (10) years.

Appendix A

I. Acts of Misconduct of Students

A. Serious

1. Intellectual Dishonesty

- a. Plagiarism;
 - b. Falsification, fabrication, distortion and/or destruction of data;
 - c. Copying or providing the means or accessing means to copy exam answers, homework, projects, laboratory experiments, term papers, etc.; possession and/or use of cheat devices during an examination; allowing another person to take an examination in one's name, and/or impersonating another student or allowing someone to impersonate oneself in an academic activity; and manipulating a corrected exam paper;
 - d. Submission of the same work in two (2) or more courses without the instructors' consent; and
 - e. Other acts analogous to a, b, c, and/or d.
2. Fraud - deliberately making a false statement and practicing any deception or fraud in connection with:
- a. Admission to the University;
 - b. Enrolment in the University;
 - c. Retention in the University;
 - d. Graduation from the University;
 - e. Application to and/or receiving any scholarship or grant funded or managed by the University and its affiliated institutions;
 - f. Stealing/malversation/misuse of funds collected in connection with student activities;

- g. Recognition of student organizations;
 - h. Use of University facilities by, or in the name of, student organizations, and
 - i. Use of intellectual property of the University, which results in gain, material or otherwise.
3. Harm to Persons
- a. Creating and/or engaging in disorder, tumult, breach of peace, or serious disturbance such as, but not limited to, rumbles, within the University premises, resulting in harm to persons;
 - b. Attacking a person resulting in physical and/or psychological injury;
 - c. Engaging in any of the acts described in R.A. 8049, otherwise known as the Anti-Hazing Law;
 - d. Disrespect towards any person, which includes, but not limited to, insulting, discriminatory and/or threatening behavior; and
 - e. All acts described in the Anti-Sexual Harassment Act of 1995 (R.A. 7877) and its Implementing Rules and Regulations (IRR).
4. Possession and/or use within the University premises of any dangerous or deadly or potentially deadly object or material such as, but not limited to, firearm; any bladed or pointed object; stick (except pens, pencils, drawing instruments and other), pipe, or any similar object; and chemicals, unless required in his/her course;
5. Unauthorized possession, manufacture, storage and/or use of regulated or prohibited drugs or substances as

defined in the prevailing Dangerous Drugs Law, within the University premises;

6. Undermining or obstructing any investigation or proceeding, and/or willfully disobeying any written lawful order or directive by the President/Chancellor, Vice Presidents/Vice-Chancellors, Deans, Directors of academic units, College Secretaries, OSS Director and members of disciplinary bodies, including but not limited to, summons for purposes of investigation and other proceedings;
7. Violation of Policies on the Use of IT Resources;
8. Stealing within University premises;
9. Any other form of misconduct affecting the good order and welfare and/or good name of the University;
10. Damaging or defacing property within University premises, including but not limited to, littering and vandalism, in the second and third violations;
11. Preparing, or disseminating libelous, defamatory or subversive manifestos, streamers or any form of graphic materials that undermine faith or foments distrust of duly constituted authorities within or outside the University;
12. Committing sexual acts within University premises such as but not limited to: sexual intercourse, necking, petting and other sexual acts, and
13. Instigating, participating or leading in boycott, or disruption of classes; impeding, obstructing, and preventing the right and obligation of a teacher or professor to teach his/her subject or the right or any student to attend classes.

B. Less Serious

1. Damaging or defacing property within University premises, including but not limited to, littering and vandalism;
2. Drinking of alcoholic beverages, except where and when expressly allowed by the Chancellor, and/or drunken behavior within University premises;
3. Smoking in violation of the provisions of R.A. 9211;
4. Gambling within the University;
5. Violation of municipal/provincial ordinance i.e. chewing of momma, etc.
6. Non-wearing of valid school I.D.
7. Using of borrowed school I.D. or lending school I.D. to be used for official transaction;
8. Unauthorized use of stolen school or any kind of IDs;
9. Loitering after the prescribed curfew in the evening;
10. Failure to obtain permit for the use of any University facility, subject to conditions imposed thereto;
11. Using without prior authority, the name of Benguet State University in any announcement, ticket, invitation, program, or similar printed materials;
12. Posting, distributing or disseminating notices, posters, leaflets and bills without the approval of the Office of Student Services/Administration

13. Possessing and/or distributing immoral or indecent pictures, posters, slides or similar materials; writing, possessing, or distributing immoral and/or subversive literature;
14. Littering;
15. Spitting, and
16. Violating legally posted instructions or signage such as “No Trespassing,” “Keep off the Grass,” “Off Limits,” etc.

II. Acts of Misconduct of Recognized Student Organizations

A. Serious

1. Fraud
 - a. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for recognition on behalf of the organization;
 - b. Making a false statement and practicing or attempting to practice any deception or fraud in connection with use of University facilities on behalf of the organization;
 - c. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application in any University-funded or managed grant or prize on behalf of the organization;
 - d. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for *aspulan* on behalf of the organization, and

- e. Making a false statement and/or withholding information in relation to the changes in the organization's membership and officers within the duration of recognition on behalf of the organization.
2. Harm to Persons
 - a. Creating and/or engaging in disorder, tumult, breach of peace, or serious disturbance such as, but not limited to, rumbles, within the University premises, resulting in harm to persons, and
 - b. Any violation as described in R.A. 8049, otherwise known as the Anti-Hazing Law.
 3. Willfully disobeying any lawful written order or directive by the President/Chancellor, Vice-Presidents/Vice-Chancellors, Deans, Directors of academic units, College Secretaries, OSS Director and members of disciplinary bodies, including but not limited to, summons for purposes of investigation and other proceedings;
 4. Engaging in any other form of misconduct, whether within or outside University premises, significantly affecting the good order and welfare and/or good name of the University, and/or which violates the provisions of this Code regarding student organizations including but not limited to attempt to organize or organizing a strike, riot, walk out against the University or any of its employees or officials;
 5. Damaging or defacing property within University premises, with the use of hazardous chemicals, use of explosives or incendiary materials;
 6. Preparing, or disseminating libelous, defamatory or subversive manifestos, streamers or any form of graphic materials that undermine faith or foments distrust of

duly constituted authorities within or outside the University, and

7. Instigating, participating or leading in boycott, or disruption of classes; impeding, obstructing, and preventing the right and obligation of a teacher or professor to teach his/her subject or the right or any student to attend classes

B. Less Serious

1. Damaging or defacing property within University premises, including but not limited to, littering and vandalism. However, if allegedly committed with the use of hazardous chemicals, use of explosives or incendiary materials, it is considered serious;
2. Appropriating for the student organization in the University the property of another;
3. Failure to obtain permit for the use of any University facility, subject to conditions imposed thereto;
4. Using without prior authority, the name of Benguet State University in any announcement, ticket, invitation, program, or similar printed materials;
5. Posting, distributing or disseminating notices, posters, leaflets and bills without the approval of the Office of Student Services /Administration, and
6. Possessing and/or distributing immoral or indecent pictures, posters, slides or similar materials; writing, possessing, or distributing immoral and/or subversive literature.

Appendix B

Corrective Measures

1. Admonition
2. Reprimand
3. Apology
4. Cancellation of Enrolment
5. Suspension
6. Exclusion
7. Withdrawal of Degree

Additional Corrective Measures, which may be concurrently imposed with above corrective measures:

1. Fine
2. Disqualification from graduation with honors
3. Reparation
4. Restitution
5. Suspension or withdrawal of IT privileges as defined by the current policies on IT uses and resources of the University.

Corrective measures that are *sui generis* or in a class of their own:

For Students:

1. Cancellation of Admission to the University
2. Community Service

For Student Organizations:

1. Cancellation of Recognition
2. Suspension of Recognition