

Section 25

IMPLEMENTING RULES AND GUIDELINES

NON-FRATERNITY/SORORITY PROVISIONS FOR DLSU-D UNDERGRADUATE STUDENTS

RULE I PRELIMINARY PROVISIONS

Section 1. Title. These rules shall be known as the “Implementing Rules and Guidelines on Non- Fraternity/Sorority Agreement for De La Salle University-Dasmariñas Undergraduate Students.”

Section 2. Scope and Coverage. These rules shall cover all De La Salle University-Dasmariñas undergraduate students.

RULE II PROHIBITED ACTS

Section 3. The following are prohibited acts:

- a. Violation of any of the provisions enshrined in the Non-Fraternity/Sorority Agreement;
- b. Persuading students to violate the Non-Fraternity/Sorority Agreement;
- c. Forming fraternity/sorority or organization which adhere to violent acts like hazing;
- d. Membership in fraternity/sorority or organization which adhere to violent acts like hazing; and
- e. Engaging in any of the acts prohibited in RA 8049 (Anti-Hazing Law).

RULE III PENALTY

Section 4. The penalty of exclusion or expulsion shall be imposed to student/s found guilty for violating any of the preceding prohibited acts after affording his/her right to due process.

RULE IV JURISDICTION

Section 5. The Student Welfare and Formation Office (SWAFO) shall have the jurisdiction to investigate and try all cases involving fraternity/sorority and non-recognized organization incidents.

RULE V PROCEDURE IN HANDLING CASES

Section 6. Upon receipt of the report for violation of the said prohibited acts, the head of the Investigation Section of SWAFO carefully study and evaluates the report.

Section 7. The respondent student shall be notified, through the investigator, in writing of the nature and cause of allegation against him/her. The said student shall be required to answer the allegation in writing within three (3) school days upon receipt of the notice.

Section 8. The respondent student shall be scheduled for preliminary investigation.

- a. If the respondent student willfully and voluntarily admits the allegation, the assign investigator shall prepare and serve the formal charge.
- b. However, if the respondent student denies the allegation, the investigator has the right to conduct follow-up investigations if the statements of the respondent student seem doubtful.

Section 9. During follow-up investigations, the investigator gathers additional evidence to clarify and verify the case at hand. Likewise, he can invite the informant/complainant and/or witnesses, if there are any, for questioning pertinent to the case at hand. After follow-up investigations:

- a. If the investigator finds the allegation not meritorious, he shall made an investigation report for the dismissal of the case.
- b. However, if the investigator finds the allegation to be meritorious, he shall then prepare and serve the formal charge to the respondent student.

Section 10. The investigator then prepares the investigation report indicating his findings and recommendations. The same shall be submitted to the SWAFO Director.

Section 11. After submission of the investigation report, the investigator, the section head, the Assistant to the SWAFO Director and the SWAFO Director shall convene regarding the case at hand.

Section 12. The SWAFO Director shall render the decision to the respondent student on the scheduled time and date at the SWAFO.

RULE VI DECISION AND APPEAL

Section 13. The decision of the SWAFO Director shall be final and executory unless the student appeals the said decision. The appeal shall be filed before the University Discipline Board (UDB) within five (5) days from the receipt of the decision.

Section 14. Grounds for the consideration of appeal to the UDB are:

- a. grave abuse of discretion on the part of the SWAFO Director; or
- b. the absence of due process.

ANTI-BULLYING PROVISIONS FOR DLSU-D UNDERGRADUATE STUDENTS

RULE I PRELIMINARY PROVISIONS

Section 1. Title. These rules shall be known as the “Implementing Rules and Guidelines on Anti-Bullying for De La Salle University-Dasmariñas Undergraduate Students.”

Section 2. Scope and Coverage. These rules shall cover all De La Salle University-Dasmariñas undergraduate students.

RULE II PROHIBITED ACTS

Section 3. The following are prohibited acts:

- a. Verbal/oral bullying;
- b. Written bullying;
- c. Cyber bullying;
- d. Physical bullying; and
- e. Combination of any of the aforementioned.

RULE III PENALTY

Section 4. The penalty of suspension or non-readmission shall be imposed to student/s found guilty for violating any of the preceding prohibited acts after affording his/her right to due process.

RULE IV JURISDICTION

Section 5. The Student Welfare and Formation Office (SWAFO) shall have the jurisdiction to investigate and try all cases involving bullying incidents.

RULE V PROCEDURE IN HANDLING CASES

Section 6. Upon receipt of the report for violation of the said prohibited acts, the head of the Investigation Section of SWAFO carefully studies and evaluates the report.

Section 7. The respondent student shall be notified, through the investigator, in writing of the nature and cause of allegation against him/her. The said student shall be required to answer the allegation in writing within three (3) school days upon receipt of the notice.

Section 8. The respondent student shall be scheduled for preliminary investigation.

- a. If the respondent student willfully and voluntarily admits the allegation, the assigned investigator shall prepare and serve the formal charge.
- b. However, if the respondent student denies the allegation, the investigator has the right to conduct follow-up investigations if the statements of the respondent student seem doubtful.

Section 9. During follow-up investigations, the investigator gathers additional evidence to clarify and verify the case at hand. Likewise, he can invite the informant/complainant and/or witnesses, if there are any, for questioning pertinent to the case at hand. After follow-up investigations:

- a. If the investigator finds the allegation not meritorious, he shall make an investigation report for the dismissal of the case.
- b. However, if the investigator finds the allegation to be meritorious, he shall then prepare and serve the formal charge to the respondent student.

Section 10. The investigator then prepares the investigation report indicating his findings and recommendations, the same shall be submitted to the SWAFO Director.

Section 11. After submission of the investigation report, the investigator, the section head, the Assistant to the SWAFO Director and the SWAFO Director shall convene regarding the case at hand.

Section 12. The SWAFO Director shall render the decision to the respondent student on the scheduled time and date at the SWAFO Office.

RULE VI DECISION AND APPEAL

Section 13. The decision of the SWAFO Director shall be final and executory unless the student appeals the said decision. The appeal shall be filed before the University Discipline Board (UDB) within five (5) days from the receipt of the decision.

Section 14. Grounds for the consideration of appeal to the UDB are:

- a. grave abuse of discretion on the part of the SWAFO Director; or
- b. the absence of a due process.

ANTI-VANDALISM PROVISIONS FOR DLSU-D UNDERGRADUATE STUDENTS

RULE I PRELIMINARY PROVISIONS

Section 1. Title. These rules shall be known as the “Implementing Rules and Guidelines on Anti-Vandalism for De La Salle University-Dasmariñas Undergraduate Students.”

Section 2. Scope and Coverage. These rules shall cover all De La Salle University-Dasmariñas undergraduate students.

RULE II PROHIBITED ACTS

Section 3. The following are prohibited acts:

- a. Destruction of property belonging to fellow student/s;
- b. Destruction of property belonging to employees (staff, faculty and administrator);
- c. Destruction of property belonging to visitors; and
- d. Destruction of property belonging to the University.

RULE III PENALTY

Section 4. The penalty of suspension or non-readmission and payment of the actual amount or replacement or repair of the property that incurred damage shall be imposed on student/s found guilty for violating any of the preceding prohibited acts after affording his/her right to due process.

RULE IV JURISDICTION

Section 5. The Student Welfare and Formation Office (SWAFO) shall have the jurisdiction to investigate and try all cases involving vandalism incidents.

RULE V PROCEDURE IN HANDLING CASES

Section 6. Upon receipt of the report for violation of the said prohibited acts, the head of the Investigation Section of SWAFO carefully studies and evaluates the report.

Section 7. The respondent student shall be notified, through the investigator, in writing, of the nature and cause of allegation against him/her. The said student shall be required to answer the allegation in writing within three (3) school days upon receipt of the notice.

Section 8. The respondent student shall be scheduled for preliminary investigation.

- a. If the respondent student willfully and voluntarily admitted the allegation, the assigned investigator shall prepare and serve the formal charge.
- b. However, if the respondent student denies the allegation, the investigator has the right to conduct follow-up investigations if the statements of the respondent student seem doubtful.

Section 9. During follow-up investigations, the investigator gathers additional evidence to clarify and verify the case at hand. Likewise, he can invite the informant/complainant and/or witnesses, if there are any, for questioning pertinent to the case at hand. After follow-up investigations:

- a. If the investigator finds the allegation not meritorious, he shall make an investigation report for the dismissal of the case.
- b. However, if the investigator finds the allegation to be meritorious, he shall then prepare and serve the formal charge to the respondent student.

Section 10. The investigator then prepares the investigation report indicating his findings and recommendations, the same shall be submitted to the SWAFO Director.

Section 11. After submission of the investigation report, the investigator, the section head, the Assistant to the SWAFO Director and the SWAFO Director shall convene regarding the case at hand.

Section 12. The SWAFO Director shall render the decision to the respondent student on the scheduled time and date at the SWAFO Office.

RULE VI

DECISION AND APPEAL

Section 13. The decision of the SWAFO Director shall be final and executory unless the student appeals the said decision. The appeal shall be filed before the University Discipline Board (UDB) within five (5) days from the receipt of the decision.

Section 14. Grounds for the consideration of appeal to the UDB are:

- a. grave abuse of discretion on the part of the SWAFO Director; or
- b. the absence of a due process.

ANTI-SEXUAL HARASSMENT PROVISIONS FOR DLSU-D UNDERGRADUATE STUDENTS

PART I - Preliminary Matters

Section 1.Title – This body of rules and regulations shall be known as the rules and regulations for the implementation of the Anti-Sexual Harassment Act of 1995 at De La Salle University-Dasmariñas or “rules” for short.

Section 2. Coverage – These rules shall govern incidents of sexual harassment inside the campus of De La Salle University-Dasmariñas, as well as incidents outside the campus premises and/or during the semestral or summer vacation, if such incidents adversely affect the good name or reputation of the Institution.

Rule 1 Policies

Section 1. State Policy- The state shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of all members and elements of the educational community, other workers, applicants for employment, those undergoing training, instruction or education. Toward this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

It is therefore, the duty of the employer or the head of the work-related, educational or training environment or institution to prescribe the guidelines in the workplace and educational or training institutions to prevent or deter the commission of acts of sexual harassment, and to provide the procedures for the resolution settlement or prosecution of said acts.

Section 2. School Policies and Objectives- The mission of this Institution is to foster an open learning and working environment. The ethical obligation to provide an environment that is free from sexual harassment and from fear that it may occur is implicit. The entire educational community suffers when sexual harassment is an unacceptable behavior and a violation of the law and shall not be tolerated nor condoned.

Violation of this policy shall result in disciplinary action up to, and including, expulsion or termination as the case may be.

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

PART II - Sexual Harassment

Rule 1

Preliminary Provisions

Section 1. Work, Education or Training-Related Sexual Harassment Defined
Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether or not the demand, request or requirement for submission is accepted by the object of said act.

- a) In a work-related or employment environment, sexual harassment is committed when:
 - (1) The sexual favor is made as condition in the hiring or 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 employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
 - (2) The above would result in an intimidating, hostile or offensive environment for the employee;
 - (3) The above acts would impair the employee's rights or privileges under existing labor laws.
- b) In an education or training environment, sexual harassment is committed:
 - (1) against one who is under the care, custody or supervision of the offender;
 - (2) against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
 - (3) when sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
 - (4) when the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestion that a person could get higher or raise by submitting to sexual advances.

Section 2. Forms of Sexual Harassment – Sexual harassment may consist of the following:

- a) Persistent, unwanted attempts to change a professional or educational relationship to a personal one.
- b) Unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people. Examples include, but are not limited to, the following:
 - (1) Unwelcome sexual advances;
 - (2) Repeated sexual-oriented kidding, teasing, or flirting;
 - (3) Verbal abuse of a sexual nature;
 - (4) Graphic commentary about an individual's body, sexual prowess, or sexual deficiencies;
 - (5) Derogatory or demeaning comments about women in general, whether sexual or not;
 - (6) Leering, whistling, touching, pinching, or brushing against another's body;
 - (7) Offensive crude language; and
 - (8) Displaying objects or pictures which are sexual in nature that would create an offensive work or living environment.

Section 3. Other Persons Liable – Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be liable under these rules.

Section 4. Basic Types of Sexual Harassment – The following are considered basic types of sexual harassment.

- a) "quid pro quo" sexual harassment – occurs when submission to or rejection of unwelcome sexual advances, requests to engage in sexual conduct, and other physical and expressive behavior of a sexual nature is used as the basis for employment decisions, giving of passing grades, granting of honors and scholarship, or the payment of a stipend allowance or other benefits, privileges, or considerations. *Quid pro quo* sexual harassment cases are hereby classified as grave.
- b) "Hostile or offensive" sexual harassment – occurs when an unwelcome sexual conduct unreasonably interferes with a individual's job performance or creates an intimidating, hostile, or offensive working environment, even in the absence of tangible or economic job consequences.

Hostile or offensive sexual harassment cases are hereby classified as grave, less grave or light, depending on a reasonable man/woman standards adopted by the Committee.

Section 5. Sanctions – The following administrative sanctions shall be imposed on sexual harassment cases:

- a) For work-related incidents of sexual harassment:
 - (1) Suspension
 - (2) Dismissal
- b) For education or training-related acts of sexual harassment:
 - (1) Suspension
 - (2) Exclusion
 - (3) Expulsion

Sexual harassment offenses shall be classified as grave, less grave and light. Grave sexual harassment cases are those to which these rules attach the penalty of dismissal, or exclusion, or expulsion. Less grave sexual harassment cases are those to which these rules attach the penalty of suspension. Light sexual harassment cases are those to which these rules attach the penalty of reprimand and warning.

Section 6. Sanctions Not a Bar to Court Action. Administrative sanction shall not be a bar to prosecution in the proper courts of unlawful acts of sexual harassment.

PART III - Grievance Procedure

Rule 1

Committee on Investigation

Section 1. Committee on Investigation – A committee on Investigation is hereby created. The Committee shall conduct meetings with, as the case may be, officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

Section 2. Composition of Committee on Investigation – The Committee on Investigation shall be composed of the following:

- (1) In the case where the aggrieved party is a student and the offender is a faculty:
 - (a) The dean of Student Services shall act and preside as chairperson.
 - (b) The Student Welfare and Formation Office director shall act as the chair of the Investigating committee.
 - (c) The Dean of the college to which the aggrieved student and the offender faculty belong
 - (d) A Faculty Association representative
 - (e) University Student Council president or authorized representative

(f) Parents Organization La Salle Cavite (POLCA) president or representative

(2) In the case where the aggrieved party is a staff and the offender is a faculty member:

- (a) Vice Chancellor for Finance and Administrative Services (VCFAS) shall act and preside as chairperson
- (b) Human Resource Management Office director/head of the department to which the staff belongs
- (c) KABALIKAT ng DLSU-D president
- (d) A Faculty Association representative
- (e) Dean of College/Department chair to which the offender faculty belongs

(3) In cases where the aggrieved party is a faculty/support staff and the offender is an administrator:

Chair: A. President (if the respondent is VCAR/AVCAR/other heads directly under the office of the President.

Members:

- a. Vice Chancellor for Academics and Research
- b. FA representative
- c. Dean of the Faculty/head of the unit
- d. Senior faculty/senior staff acceptable to both parties

Chair: B. Vice Chancellor for Academics and Research/Assistant Vice Chancellor for Academics and Research (if the respondent is the dean/chair/coordinator/director/ academic head/administrative heads).

Members:

- a. FA representative
- b. Senior dean/head/senior staff acceptable to both parties.

(4) In cases where the aggrieved party is the student and the offender is a faculty member/support staff:

Chair: Dean of Student Services

Members:

- 1. Dean/Head of the respondent
- 2. University Student Council representative
- 3. Faculty Association representative/KABALIKAT Representative
- 4. Student Welfare and Formation Office director
- 5. POLCA representative

(5) In cases where the aggrieved party is the student and the offender is the administrator:

Chair:

1. President (if the respondent is VCAR/AVCAR/other heads under the President)

Members:

- a. VCAR/AVCAR
 - b. Dean of Student Services
 - c. USC Representative
 - d. College dean of the student
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2. VCAR/AVCAR (if the respondent is academic head/administrative head).

Members:

- a. Dean of Student Services
- b. USC Representative
- c. College dean of the student

(6) In cases where the aggrieved party is an employee and the offender is the Vice Chancellor:

Chair: President

Members:

1. VCAR/AVCAR (if s/he is not the complainant)
2. Faculty Association/KABALIKAT/USC representative
3. Head to which the complainant belongs
4. Senior faculty/Staff/Student Welfare and Formation Office director.

Rule 2

Due Process

Section 1. Right to Due Process – No disciplinary action shall be applied upon any erring member of the educational community except for cause and after due process shall have been observed.

In sexual harassment cases, the alleged offender must be afforded due process and as much confidentiality during the process.

Section 2. Procedural Due Process Standards. – The following procedural due process standards must be met in sexual harassment cases:

- a. There must be an impartial body or investigation committee that shall acquire jurisdiction over the person of the alleged offender.

- b. The alleged offender must be informed in writing of the nature and cause of accusation against him and furnish him an affidavit of the complaint under oath.
- c. The alleged offender must be given the opportunity to defend himself.
- d. Decision must be rendered only upon lawful hearing.

Rule 3

Complaint and Reporting System

Section 1. Complaint Defined – A complaint is a sworn written statement under oath charging a person with a violation of sexual harassment a subscribed before the proper authority.

Section 2. Who May File – Any student or employee of the University may file a complaint of sexual harassment.

Section 3. Where to File – A complaint may be filed in the office of the chairperson where he belongs.

Section 4. Sufficiency of Complaint – A complaint is sufficient if it states the name(s) and address(es) of the respondent, the acts or commission of the offense, and the place where the offense was committed, and the name(s) of any witnesses, if any.

Section 5. Proceedings for Investigation – Upon receipt of the written complaint signed under oath by the offended party or by any person having direct knowledge of the commission of the act complained, the chairperson shall conduct a preliminary inquiry about the charge filed against the alleged offender. If after preliminary inquiry or examination, the chairperson believes that there is reasonable ground and *prima facie* case has been established, s/he shall immediately furnish the respondent a copy of the complaint together with other necessary documents. The respondent is given 48 hours to file an answer from the date of receipt hereof. In case the respondent fails or refuses to answer, the case may be pushed through under summary proceedings.

Section 6. Resolution of the Case – Judgment in the case will be made immediately after the deliberation and the parties will be informed within two (2) days. The chairperson shall forward it to the office of the President who will receive for affirmation, reversal of modification of the decision.

Section 7. Appeal to the President – Any party involved not satisfied with the decision rendered by the committee may appeal to the Office of the President stating the grounds therefore, within 48 hours from receipt of the decision. If neither party appeals the decision in the manner and within the period herein

above prescribed, the President makes the final decision and promulgates the same within two (2) days after receipt of the decision which is final and executory. In case the President fails to make a final decision whether to affirm, modify or reverse, the decision shall become final and executory.

Section 8. Liability of the Employer, Head of the Office of the Educational or Training Institution – The employer or head of office of the educational or training institution, if informed of such acts by the offended party and no immediate action is taken therein, shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment or training institution.

PART IV - Miscellaneous Provisions

Rule 1

Preventive Suspension

Section 1. Preventive Suspension of Accused in Sexual Harassment Cases- Any member of the educational community may be placed immediately under preventive suspension during the pendency if the case of the evidence of his guilt is strong and the school head is morally convinced that the continued stay of the accused during the period of investigation constitutes a destruction to the normal operations of the other members of the educational community. The chair shall make or submit recommendation to the dean/head of the Department to which the respondent belongs and shall inform the VCAR or VCFAS of the suspension. The concerned office shall be furnished a copy.

Section 2. Preventive Suspension of Student- The preventive suspension of a student exceeding twenty percent (20%) of the total number of class hours shall be submitted to the Office of the Commission on Higher Education (CHED) for those in the tertiary level, the Department of Education (DepEd) for those in the elementary or secondary level, or the Technical education and Skills Development Authority (TESDA), as the case may be.

Rule 2

Independent Action for Damages and Prescription

Section 1. Independent Action for Damages- Nothing in the Act or in these rules shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

Section 2. Prescription Period- Any action arising from the violation of the provisions of the Act and these shall prescribe in three (3) years whether the student, faculty or employee is no longer enrolled or employed.