



**CHALLENGING THE FACE OF
SEXUAL HARASSMENT
IN UP DILIMAN**

Author

Prof. Teresa Paula S. De Luna

Co-Author

Dr. Remedios P. Mondiguing

Copyright © 2016 by

Office of Anti-Sexual Harassment (OASH)

University of the Philippines Diliman

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means - electronic, mechanical, photocopy, recording, or any other, without the prior permission of OASH.

Introduction

The Anti-Sexual Harassment Act of the Republic of the Philippines was only enacted into law in 1995. It does not mean, however, that acts of sexual harassment only began to be committed at that time of law enactment. The ambiguous nature of such as an act, because it is essentially based on the perception of the complainant/offended party, causes challenges to arise in the implementation and interpretation of the law. This article introduces the University of the Philippines (UP) Diliman's Office of Anti-Sexual Harassment (OASH), its functions and advocacy in promoting a sexual harassment-free campus. It also discusses the aspirations of OASH to cultivate a normative conduct amongst all members of the UP community, emphasizing that sexual harassment is never acceptable.

The perceptions of acceptability and unacceptability of acts that are sexually harassing are put on center stage whenever cases are filed with and deliberated on by OASH. Hence it is the hope of the OASH to impart to the public through this article what the office emblemizes: the primary executor of the Anti Sexual Harassment Law in its administrative position and as an advocate of gender awareness, respect and equality.

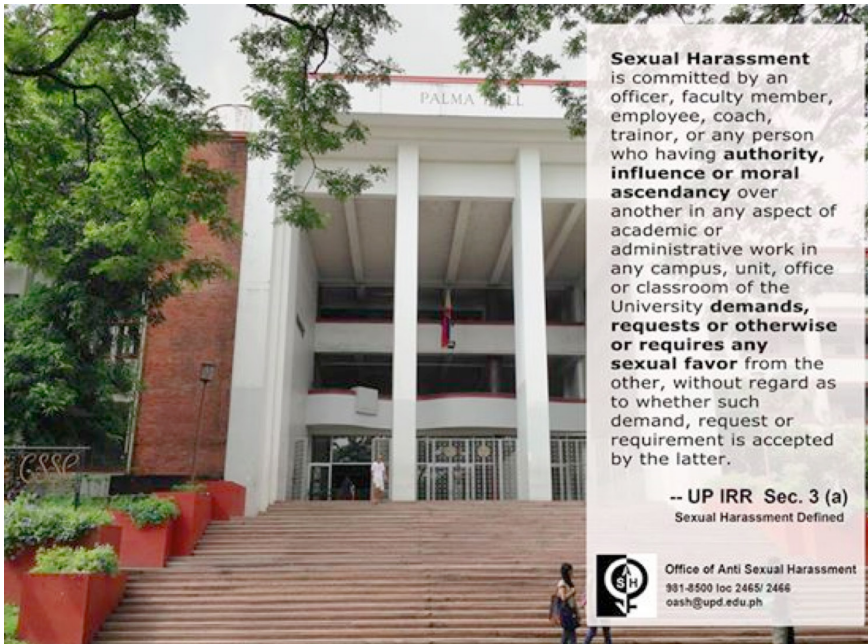
[RA 7877]

I. The Office

Sexual harassment is a reprehensible act committed against a human being regardless of gender. It is unwanted, uninvited and unwelcome. This strong opposition against such behavior has only been given legal voice in 1995 when the Philippine Congress passed the Act of Anti-Sexual Harassment into law. It declares that *“The state shall value the dignity of every individual, enhance the development of its human resources, guarantee for full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful”*. (Republic Act 7877)

The passage of RA 7877 gave way to the creation of the Office of Anti-Sexual Harassment in UP, as it orders all institutions to *“Promulgate appropriate rules and regulations in consultation with the jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor”*. (Republic Act 7877). Hence in 1998, the UP Implementing Rules and Regulations (UPIRR) on Anti-Sexual Harassment was generated and in September 3, 2003, the UP Diliman OASH was officially established by then Chancellor Emerlinda R. Roman under Administrative Order No. ERR 03-058.

The absence of an OASH within the period between 1995 and 2003 did not mean that the university did not attend to sexual harassment cases especially since a number of complaints have reportedly been filed during this interval. These cases were directed to the Office of the Chancellor where Ad hoc committees were tasked to handle or resolve cases using the UP IRR, RA 7877 and the Civil Service Commission's (CSC) rules as primary references. In October 2002, a coordinator was designated to handle complaints and carry out corresponding measures to prevent sexual harassment in the campus. Eventually, given the relatively higher number of complaints from females compared to males, the UP Diliman OASH was created as a special project of the UP Center for Women's Studies under their Training and Outreach Program. After its official establishment in 2003, the UPD-OASH was located at the UP CWS up until 2006, when it moved to its present location on the 2nd floor of Benton Hall. The OASH has been and continues to be directly under the Office of the Chancellor of UP Diliman since its official establishment on 03 September 2003.



Since sexual harassment is a form of violence and one of the most blatant manifestation of gender inequality on campus, the OASH works in coordination and cooperation with the UP Diliman Gender Office (UPDGO) on advocacies, such as the provision of orientations and workshops. Specifically, the UPDGO provides gender sensitivity orientations to make students aware of social and cultural causes of gender inequality while the OASH make available information about the UP Policy on Anti- Sexual Harassment and its implementation in the University. The UPDGO also lends its support to OASH during the conduct of informal procedures, such as the provision of counseling for complainants. However, it must be pointed out that the OASH and DGO are separate and independent offices. This separation is emphasized by then UP President Fransisco Nemenzo, Jr., in 2001 during the U.P. Systemwide Review of the UPIRR attended by Chancellors and legal counsels of the constituent universities. The UPIRR review stressed that in order for OASH to remain and be perceived as an “impartial body” the office has to be officially independent from the UPCWS and the UPDGO. This declaration was also prompted by insinuations of partiality on OASH's end because it originally held its office at the UPCWS known for “partiality or bias towards women”. This insinuation was often utilized by respondents.

II. Duty and Advocacy

The UPD OASH is not simply an institution that imposes penalties. Its primary aim is to promote and nurture a gender-sensitive and sexual harassment-free campus. Its programs and activities aspire for a restorative rather than retributive “justice” especially in “light offense” cases and where respondents sincerely exhibit regret over their sexually harassing behavior. In such situations corrective measures, such as community service and counseling, are put in place of harsh penalties. Corrective measures may be in the form of a requirement for the respondent to produce multi-media materials on the negative impacts of sexual harassment. These materials may be utilized by the OASH staff during awareness campaigns on anti-sexual harassment. Respondents may also be asked to assist during gender sensitivity seminars.

A case in point was that of a student who confessed to committing sexual harassment and subsequently apologized as soon as he got the complaint. The complainant, however, did not opt for mediation or alternative dispute resolution (ADR). Hence, the case was elevated to a formal investigation. In the meantime, the respondent agreed to go for counseling once a week with a male counselor at the Office of Counseling and Guidance (OCG). Since the respondent readily admitted his guilt, the hearing committee deemed there was no need to conduct a series of hearings; instead the committee recommended to the Chancellor that as penalty for the act, the respondent either carry out community service with the OASH for two years and undergo counseling or be suspended for one year.

The UPD OASH is deeply involved in providing information and extension services within and outside the UP community. It has been the practice of the office to afford support to anyone who seeks the help of the office. Every complainant is heard, regardless of whether or not a formal complaint is filed. The office then explains to the complainant the procedures in filing a case. If a complainant is not yet ready to undergo such process, she/he is referred to a crisis or trauma counselor. If the complainant decides to forgo filing a complaint for whatever reason, then the process ends there, unless she/he comes back and finally decides to file a complaint. In some instances, when deemed necessary by the OASH committee, the office also arranges for the respondent to undergo counseling.

There are also instances when both parties, complainant and complained of, or respondent, agree to the option of ADR. The OASH oversees mediation and conciliation for cases where the complained act/s of sexual harassment fall under the light offense category.

III. Sexual Harassment Defined

The Republic Act 7877 defines sexual harassment as:

Section 3. Work, Education or Training-related Sexual Harassment Defined. – Work, education or training-related sexual harassment is committed by an employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, 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 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 a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

(2) The above acts would impair the employee's rights or privileges under existing labor laws; or

(3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(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 the 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.*

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 held liable under this Act.



Sexual harassment under these Rules and Regulations is not limited to cases involving abuse of authority or power but includes as well those in peer relationships, such as in faculty-faculty, employee-employee or student-student relations, or those involving harassment of faculty members or employees by students. It contemplates cases of harassment involving persons of the same or opposite sex.

-- UP IRR Sec. 5 (b)
Policy Standards and Guidelines
Concerning Sexual Harassment

What is the difference between the law and the UPIRR? In UP, besides being an administrative case, the scope of sexual harassment transcends the power relations between and among individuals stated in RA 7877. Power, authority, influence and moral ascendancy over other individuals do not only emanate from technical and official positions and functions in the workplace or education environment. Power relations derived from deeply entrenched cultural and socio-political gender relations are considered to be equally significant. As stated in the UPIRR Sec. 5 (b) Sexual harassment: *- is not limited to cases involving abuse of authority or power, but includes those peer relationships such as student to student, faculty to faculty and employee to employee or those involving harassment of faculty members or employees by students. It contemplates cases of harassment involving persons of the same or opposite sex.* It is evident that the university is cognizant of and sensitive about the complicated dynamics of power relations.

Presently the OASH with the UPIRR Diliman review team proposed amendments to its 1998 version, which the UP Center for Women and Gender Studies (UPCWGS) has adopted with a few adjustments. Specifically, the definition of sexual harassment is amended and clarified as follows:

Sexual harassment is an act, which may be committed physically, verbally, or visually with or without the use of information communication technology.

It is unwanted, unwelcome, uninvited behavior

of a sexual nature or inappropriate sexual advances or offensive remarks about a person's sex, sexual orientation, or gender identity.

Sexual harassment may be demands or requests for sexual favors by a person of authority, influence or moral ascendancy in exchange for appointments, grants, grades or favors, or set as terms and conditions for appointments, grants, grades or favors regardless of whether such act or series of acts are accepted by the offended party.

It may be committed inside UP premises; or outside UP premises in a work, education, research, extension, or related activity.

Sexual harassment under this Code may include, but is not limited to, cases involving abuse of authority or power, ascendancy, influence such as in a teacher-student, senior faculty-junior faculty, doctor-patient or healthcare provider-client relationship; cases involving peer relationships such as faculty-faculty, employee-employee, or student-student relations, or cases involving harassment of teaching or non-teaching personnel by students, or cases involving harassment of supervisors by subordinates.

It contemplates cases of harassment involving persons of the same or opposite sex, regardless of sexual orientation, gender identity and expression.

Where the act/s of sexual harassment are shown to be organization-related or organization-based, the liability for sexual harassment shall extend to the officials of the organization and the organization itself.

The OASH hopes that this definition, along with the other proposed amendments to the 1998 IRR, will be approved the soonest by the Board of Regents (BOR).

IV. OASH in Action

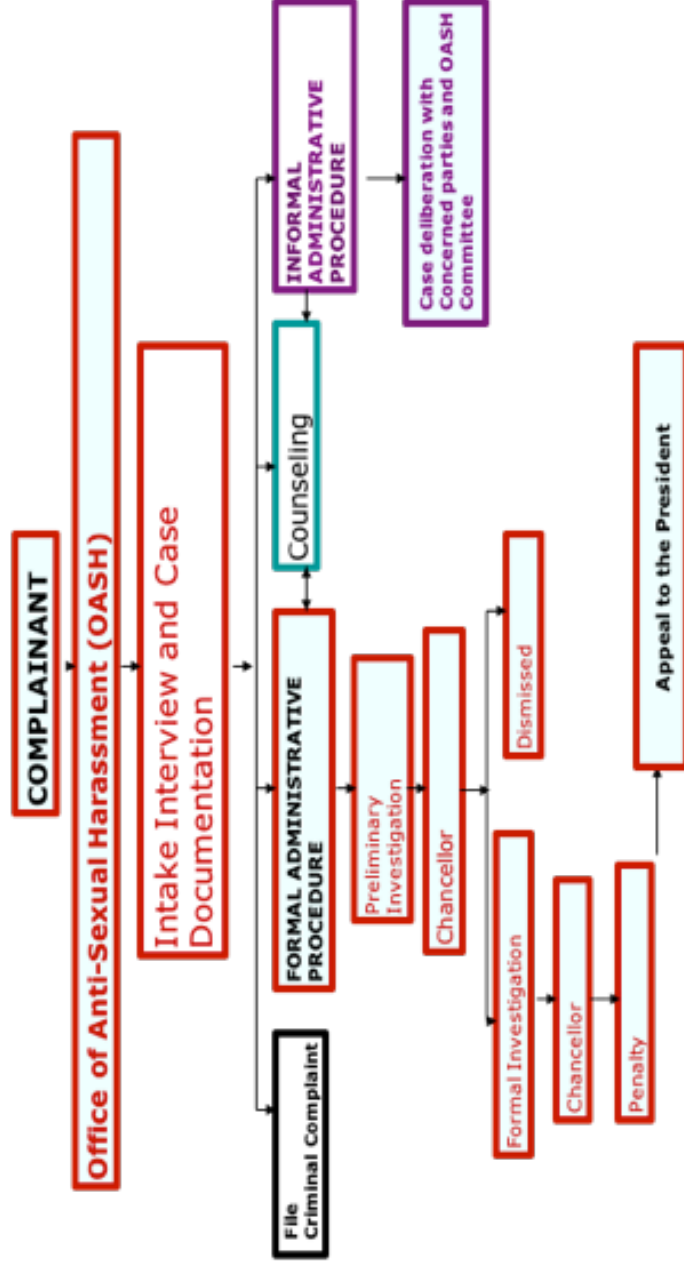
A. When there is a complainant

One clear and vital function of the OASH is to receive and process sexual harassment complaints. Below is a diagram that illustrates the procedural flow of OASH cases from the moment a complaint is filed to its resolution, including appeals from both parties. The protocol also incorporates provision for instances when parties involved in a case opt for an ADR.

Following the diagram, the processing of a complaint commences when a complainant reports a sexual harassment act has been committed against her/his person. An OASH officer ensures an intake interview and case documentation. It is explained to the complainant that aside from filing an administrative complaint in the university, she/he can still file a criminal complaint in the Philippine court. The office may even extend its aid to complainant by referring her/him to the police and groups or organizations that offer legal services. If needed and/or requested by the complainant, the OASH arranges counseling services for the complainant. The complainant is made aware of the processes that one undergoes for formal or informal procedures. It should be noted that the OASH strictly observes due process, thus it ensures that both parties, complainant and complained of/respondent, are provided relevant documents every step of the procedure.

PROTOCOL FOR SEXUAL HARASSMENT COMPLAINTS

University of the Philippines, Diliman (as of September 2005)



There are occasions when some complaints are not within the jurisdiction of the OASH, such as when the complained of/respondent is not an employee or student of the university, when both complainant and complained of/respondent are not officially connected to the university, or when the act of sexual harassment is committed outside of the university premises during unofficial gatherings even if the parties concerned are members of the UP community.

Depending on the needs of the complainant, the following are the offices in the university that the OASH coordinates with:

- Office of Legal Aid (OLA) and Diliman Legal Office (DLO)

OLA provides legal assistance to members and non-members of the UP community. For a UP community member, the complainant usually goes to OLA if she/he wants to pursue other cases criminal and/or otherwise in the Philippine courts. For instance a complainant may file both administrative and criminal cases against a respondent. The OLA assists in the filing of cases outside the university. For the non-member of the UP community, since an administrative case cannot be pursued, OLA assists in filing a criminal complaint. The DLO provides legal assistance and counseling to UP community members.

- UP Diliman Gender Office (UPDGO)

The UPDGO helps OASH in counseling, training and advocacy.

- Office of the Vice Chancellor for Student Affairs (OVCSA)

The OVCSA provides support through counseling given by the Office of Guidance and Counseling (OCG) and temporary shelter from the Office of Student Housing (OSH).

- Office of the Vice Chancellor for Community Affairs (OVCCA)

The OVCCA takes care of security and police assistance concerns.

- UPD Health Service and UPPGH Child Protection Unit (CPU)

The UPD Health Service provides immediate medical assistance for complainants and if needed, the OASH coordinates with the UPPGH.

1. Formal Procedure

If the complainant decides to go through a formal procedure, a preliminary investigation ensues. This is conducted by the OASH committee composed of the Vice Chancellor for Academic Affairs, the Vice Chancellor for Administration, the Vice Chancellor for Student Affairs, the DGO coordinator, a faculty representative,

a non-teaching personnel representative, a student representative and the OASH coordinator who is a non-voting member. The committee deliberates on the case and if a probable cause is determined, it makes a recommendation to the Chancellor for a formal charge. Otherwise the case is dismissed on this level. When and if the Chancellor orders a formal charge, the OASH committee selects from the pool of Hearing committee members to execute the formal investigation. The Hearing committee is composed of a faculty representative, a non-teaching personnel representative and a student representative. The OASH coordinator makes sure that all members of the Hearing Committee pool are properly oriented in terms of appreciation of evidence and gender sensitivity. Once the Hearing committee comes up with a decision, a recommendation is submitted to the Chancellor. If the Hearing committee finds the respondent liable for sexual harassment, they provide recommendations on corrective measures and penalties to be imposed on the respondent. Again the Chancellor has the final decision. He/she may or may not adopt the recommendation of the committee depending on his/her appreciation of the case. The Chancellor then makes an order addressed to both parties containing the appreciation of the case and the corresponding corrective measures and penalties to be implemented by the concerned offices in the university. Both parties may appeal to the UP President.

The following is the current classification of sexual harassment offenses based on Civil Service Commission (CSC) Resolution No. 01-0940. The CSC states that sexual harassment can be physical, verbal and visual. In terms of gravity, sexual harassment can be considered GRAVE, LESS GRAVE, or LIGHT.

Grave Offense

- Unwanted touching of private parts of the body (genitalia, buttocks, and breasts)
- Sexual assault
- Malicious touching;
- Requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance;
- Other analogous cases.

The penalty for grave offense is DISMISSAL and PERMANENT DISQUALIFICATION from government employment within the University System.

Less Grave Offense

- Unwanted touching or brushing against a victim's body;
- Pinching, not falling under grave offense;

- Derogatory or degrading remarks or innuendos directed towards the members of one sex or one's sexual orientation or used to describe a person;
- Verbal abuse or threats with sexual overtones; and
- Other analogous cases.

The penalty for the first offense is SUSPENSION for 6 MONTHS and 1 DAY to ONE YEAR. The penalty for the second offense is DISMISSAL.

Light Offense

- Surreptitiously looking or stealing a look at a person's private part or worn undergarments;
- Telling sexist/smutfy jokes or sending these through text, e-mail or other similar means, causing embarrassment or offense and carried out after the offender had been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar;
- Malicious leering or ogling;
- Display of sexually offensive pictures, materials or graffiti;
- Unwelcome inquiries or comments about a person's sex life;
- Unwelcome flirtation, advances and propositions;
- Making offensive hand or body gestures at an

employee;

- Persistent unwanted attention with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
- Other analogous cases.

The penalty for the first offense is SUSPENSION for 1 MONTH and 1 DAY to SIX MONTHS. The penalty for the second offense is SUSPENSION for ONE YEAR. The penalty for the third offense is DISMISSAL.

It should be noted though that based on the 1998 IRR, the penalties for sexual harassment are classified in two categories only: as simple misconduct and grave misconduct. Evidently this classification is considered in deliberating and resolving the implementation of penalties and corrective measures in sexual harassment disputes when students are the parties involved, specifically when the respondent is a student. Classification of penalties stated in the CSC resolution will not be applicable in this type of cases since students are not considered as members of the Civil Service.

Below is a table that shows the nature of cases handled by the OASH during a ten (10) year period, from 2003 on its inception to 2013.

Cases Handled 2003-2013

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2003	Freshie Student	Female	Touching of the genitalia	School premises	Faculty	Male	SH Dismissed [with desistance from 2 OASH members] Referred to ADT for issuance of formal charge for simple negligence	07 July 2003	4 Sep 2003
	4th year Student	Female	Unwanted kissing on the lips	Corridor of a College building	4th year Student	Male	6-month suspension	25 Sept 2003	28 Sep 2004

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2004	UP Project employee	Male	Stalking	Office parking space, School premises	Student Assistant	Female	Mediation/ Psychiatric Intervention for female stalker	04 Aug 2004	—
	2nd year Student	Female	Sexual Assault	School premises	Graduating Student	Male	Expulsion	31 July 2004	18 Feb 2005
	Lecturer	Female	Lascivious gestures	School premises, Inside of office CR	Admin Staff	Male	2 counts of sexual harassment – 1 month suspension for each count	15 Jul 2004	26 Jan 2007

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2005	Faculty	Female	Unwanted kissing, touching and comments with sexual innuendos	Office party, faculty room, School premises	Faculty/Director	Male	6-month suspension	16 Mar 2005	25 Apr 2006
	Student Transferee	Female	Unwanted touching, withholding of papers	Inside car, college, corridor	Employee	Male	Written apology and 3 months suspension	18 May 2005	20 Jun 2006
	Graduate Student/Lecturer	Female	Persistent unwanted attention	Dorm lobby, shopping center, around campus	Faculty	Male	One semester suspension	15 Aug 2005	

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2006	Graduate Student	Female	Unwanted comments with sexual innuendos, demand/request for sexual favor	Inside car	Faculty	Male	Reprimand - guilty of the offense of violation of the Faculty Code of Ethics related to, included or subsumed in the offense of the SH	11 July 2006	22 Jun 2009
	Graduate Student	Male	Lewd and sexually offensive comments, taking of pictures without consent	Residence Hall	Lecturer/ Graduate Student	Male	Simple misconduct of SH - one month suspension	15 Sep 2006	26 Jan 2009

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2007	Student Applicant to Student Org	Female	Asked to strip naked while blindfolded as part of initiation rites	Outside campus	Officers/ Members of the student org	Male and Female	Referred to SDT as recommendation of OASH/ DLO since this involved a student org	20 Mar 2007	25 Jan 2008
	Student	Male	Caressing of waist down to groins, buttocks	Beach resort	Student	Male	Dismissed/ Complaint withdrawn by complainant	03 May 2007	18 Jun 2007
	Student	Female	Unwanted touching, comments with sexual innuendos	Exposure trip	Faculty	Male	Appealed to BOR Chancellor's decision affirmed - 2 months suspension	13 Sep 2007	10 Dec 2008

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2009	Student	Female	Unwanted texting, comments, sexual innuendo	Class and outside class	Faculty	Male	Guilty of light offense of sexual harassment, but since he has already resigned/ no contract with UP, he was barred from teaching in the college for as long as the complainant was still in that college	08 Jun 2009	

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2010	Student	Female	"girlfriend battering;" Maligning in Facebook	Around campus	Student	Male	Dismissed/ Complaint Withdrawn	17 Mar 2010	28 Jun 2010
	Student	Male	Unwanted touching	Inside room in residence hall	Student	Male	Dismissed/ Complaint Withdrawn	27 July 2010	28 July 2010
	Student	Female	Unwanted touching	During practicum training in a hotel	Employee [non UP]	Male	UP no jurisdiction over employee, recommended that complainant file a criminal complaint in court; hotel management recommended complainant to file a complaint directly to hotel management so they can take appropriate action	14 Oct 2010	9 Nov 2010

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2011	Student	Female	Unwanted Touching, groping	On the way to field site	Student	Male	Consolidated Decision Guilty – 6 months suspension	01 Mar 2011	21 Oct 2011
	Student	Female	Unwanted Touching, groping	On the way to field site	Same student as above			01 Mar 2011	21 Oct 2011
2012	Student	Female	Unwanted kissing, groping	In field site	Student	Male	Dismissed – no substantial evidence	11 Jan 2012	3 Jul 2012
	Employee	Female	Unwanted touching of parts of the body	Inside room	Consultant	Male	Decision still pending with the OC	30 May 2012	3 Jan 2013 – HC report submitted to OC for decision
	Graduating Student	Female	Request for a female nude model prior to thesis	Text messages	Faculty/ Thesis adviser	Male	Hearings Ongoing	Oct 2012	For hearing committee resolution

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
2013	Freshie Student	Female	Unwanted touching, peeping, grabbing	Field trip site	Freshie Student	Male	Resolution by mediation - Public apology, PC to undergo counseling and community service	15 Mar 2013	10 May 2013
	Student	Female	Unwanted touching, sexual innuendos	Classroom, Building lobby	Faculty	Male	Hearing Committee recommendations submitted to the Chancellor	Nov. 2014	
	Student	Female	Unwanted touching, kissing, sexual innuendos	Exposure trip site, Building lobby and cafeteria	Faculty	Male	Hearings Ongoing		
	Student	Male	Surreptitiously taking photo of complainant while dressing in his room	Residence Hall	Student [cross registrant]	Male	Complainant desisted- OASH recommended counseling for POC to be served in his campus of origin	22 May 2013	7 Aug 2013

Year	Complainant	Gender	Nature of Case Filed	Where	Respondent	Gender	Resolution	Date Filed	Date Decision Rendered
	Student	Female	Violence against former girlfriend	In domicile	Student	Male	Not within OASH jurisdiction as this is a case of violence in intimate relationship - complainant advised to lodge complaint against boyfriend using RA 9262 [Anti-Violence Against Women and Their Children Act]	03 Jul 2013	13 Sep 2013
	Building Attendant	Female	Comments with sexual innuendos Pinching, Unwanted embraces, kiss on the nape	Inside office and office premises	Employee	Male	Dismissed due to death of person complained of	30 Jul 2013	9 Jun 2014 [HC Report and Motion to dismiss submitted to OC]
	Graduate Student/ Faculty	Male	Groping and unwanted touching of parts of the body	Inside jeep going to UP	Faculty	Male	PI Report submitted on 5 Dec 13, still waiting for issuance of Formal charge by the chancellor. Issues on jurisdiction have yet to be resolved	01 Oct 2013	

Confidentiality issues are noted in the handling of cases which includes:

1. Serving of notices /orders to respondents without drawing attention to the respondent
 - The OASH staff usually has to go to the office or classroom and ask for the person complained of (PC) as it is important that the PC receive the notice/order himself/herself.
2. Inquiring/confirming about the status of an employee, student, their full names, addresses or college/unit where they belong, without revealing that they are respondents to an SH case.
3. Monitoring of implementation of decisions – Issues concerning persons/custodians who keep the files for the deans and unit heads.
4. When the respondent himself broadcasts it to his peers/colleagues, everyone he talks to.
5. When the complainant herself wants to reveal that her harasser was found guilty of harassment.

2. Informal Procedure

There are instances when a complainant opts for an informal procedure or an alternative dispute resolution (ADR) to arrive at a resolution or attain “justice” for her/his grievance. It has been the practice of the past and present OASH committees to only consider this process if the offense stated in the complaint is found

in the “light offense” category of sexual harassment acts. It must also be underscored that an ADR is only applicable if both parties (complainant and respondent) agree to such an arrangement. There are several causes and motivations for a complainant to decide to take this course of action. Some of these reasons are: they want to have a faster resolution to the case because they want to “move on” right away; the complained of/ respondent readily admits to committing the offense and is ready and willing to apologize and fulfill other corrective measures agreed upon by both parties; some complainants who were “friends” with the respondents felt more inclined to be lenient and merciful after the respondent’s apology and asking for forgiveness.

When an ADR is chosen by both parties to resolve grievances, the OASH committee oversees its deliberation and the implementation of the agreement. This way the office will be able to monitor the execution of the agreed conditions by both parties. If the ADR fails, the case will revert to the formal procedure process.

B. When there is no complainant

The OASH is also deeply involved in programs and activities that aims for a sexual harassment-free campus. In the UP 1998 Implementing Rules and Regulations (IRR), it states *“The University affirms its commitment to provide a secure and conducive learning and working environment for students, faculty members and employees free from sexual harassment and all forms of*

sexual intimidation and exploitation" (UP-IRR Section 1). Therefore, the OASH is and has always been engaged and active in providing lectures and seminars to the UP community: students, teaching and non-teaching personnel. The Chancellor himself requires all units and colleges to undergo an anti-sexual harassment orientation so that every member of the community is made aware of the Anti- Sexual Harassment law RA7877, the UP IRR and guidelines on the prevention of sexual harassment.

1. Within the UP Community

The OASH, in cooperation with the OVCSA and the UPDGO, conducts yearly orientations to incoming first year students and student organizations. Several colleges and departments especially those that have academic programs that require fieldwork request special orientation and seminars to guide the students in interacting and mingling with other students. Professors and advisers are also guided in handling students making sure that the atmosphere during their fieldwork deters sexual harassment. Student organizations are also vulnerable. There are cases where sexual harassment is committed during "org" events. These events are usually held outside the campus. It is noticeable upon examination of several cases involving organization's activities outside the campus, that behaviors and attitudes of a number of students somehow "change". As they become unrestrained (especially with the aid of alcohol) some become licentious and immodest to the



point where acts of sexual harassment are perpetrated.

Although UPD faculty members are enjoined to be acquainted with the UPIRR, only a few of them have undergone anti-sexual harassment orientation. It is important for all faculty members to be aware of the anti-sexual harassment policy so they can protect both themselves and the students. Teachers have the moral obligation to protect their students from any form of harm. It is important for teachers to provide learning spaces conducive to exchange of knowledge and wisdom, not spaces where students feel harassed, especially sexually. Since sexual harassment is primarily based on the

perception and feelings of the complainant, anyone can easily accuse someone of committing such a crime. A faculty may be exposed and at risk of such an accusation since he/she is in a position of power over a student or even a member of the non-teaching personnel. It is therefore essential for the faculty to be aware of the clear, and especially the blurred, parameters and boundaries involved in sexual harassment cases. Although faculty of field schools and school organizations are the ones who directly benefit from anti-sexual harassment lectures and seminars, all faculty members may be affected, because sexual harassment does not only happen outside the perimeters of the campus. It may happen to anyone (even the faculty), anywhere and anytime.

The non-teaching personnel are also directed to attend gender sensitivity trainings. They are also susceptible to committing, perhaps unintentionally, sexual harassment offenses. There have been several cases wherein non-faculty members of the UP community have been accused and found liable in sexual harassment. Typically, the cases involve tenured employees as respondents while non-UP contractual service providers, such as janitors and security guards, are the complainants. The element of uneven power relations is very much evident. Such state of affairs must be stopped. One way to stop such occurrences is through prevention by means of strong anti-sexual harassment campaigns delivered through lectures, seminars and advertisements. The OASH is confident in curbing such acts from happening.

2. Outside the UP Diliman community

The OASH does not only provide its services within the UP community but also exerts all efforts to help external organizations. The office is regularly invited by both public and private organizations to participate in their various programs and activities related to gender sensitivity and prevention of sexual harassment. An example of such invitations is one sent by the Philippine Normal University (PNU) students. They wanted more orientation and knowledge on the relationship of the law RA7877 and set of implementing rules and guidelines that it mandates. They were curious about the similarities and differences between their IRR and that of UP Diliman. Specifically, they were interested in finding out the various support and intervention measures that the OASH develops and employs to “take care” of student complainants. They wanted to compare the organization of the office and that of their own as they try to examine advantages and disadvantages of both. Consequently, they wanted to know how UP Diliman implements corrective measures and penalties on respondents who are found liable of sexual harassment. According to them, most noteworthy about UP’s IRR is the broad scope of “power relations” in the interpretation of the context of sexual harassment. They wanted to suggest to their administration to adopt the part of UP’s Anti-Sexual Harassment IRR where peer relationships are recognized as contexts of socio-cultural and socio-political relations where sexual harassments can take place.

Another instance where OASH is invited

to conduct lectures and seminars is when private institutions, such as a private company, request OASH to train their employees—both the management and rank and file—about the concept of sexual harassment, the effects on those harassed and the consequences to those who commit it. The need for further awareness on the importance learning about sexual harassment and its prevention is emphasized by these private companies when they invite OASH to conduct lectures and seminars. This is not at all surprising since the implementation of RA7877 is indeed required by the government of all organizations, corporations and offices in the Philippines. Failure to comply may result to imposition of penalties.

One of the most rewarding and fulfilling extension efforts of OASH is its public service work. In February 2016, OASH was invited by the Family Council of the Miriam College High School during its medical mission. The Family Council did not only provide medical assistance to residents of some depressed areas in Quezon City, but also invited resource people to provide awareness on sexual harassment, violence against women and children and gender sensitivity issues. The OASH did not expect an interested and focused audience since we were “competing” with other more practical sessions such as dental service and medical check-ups. However the participants especially the women attended and participated actively in

the seminar-workshop prepared by the OASH. Even after the seminar-workshop, a number of participants approached the booth designated for the OASH to ask for additional information and advice on personal experiences related to gender and sexual harassment.

The UPD OASH coordinates with its counterpart offices from other constituent units of UP. This is important so that all offices of Anti-Sexual Harassment from all UP CUs may share and exchange best practices. All CUs have distinct cultural contexts, usually dependent on the types of courses and degree programs they offer. Typically, the forms of sexual harassment acts committed and the manner in which disputes related to them are resolved are adapted to the particular environment and “culture” of the CUs. For example, UP Manila’s contexts where sexual harassment may occur may include those when students conduct medical missions outside the campus, such as in nearby barangays or in the neighboring provinces. Medical students may be required to stay in campus late at night or overnight, which might lead to a setting contributory to sexual harassment. Learning from one another is vital in dealing with the variety of sexual harassment complaints emanating from various contexts. There are instances when complaints are ambiguous and difficult to discern, especially when such complaints are not explicitly described in the IRR, by



constantly communicating with the other offices, each OASH is given guidance.

C. Policymaking

The OASH continually reviews its Implementing Rules and Regulations (IRR). The review is vital in keeping abreast with socio-cultural changes that most likely influence people's behaviors toward each other. Modifying the IRR is also needed, especially when cases handled provide information and knowledge that will help in the prevention of sexual harassment and implementation of corrective measures and penalties on those who are found liable. Through the years the UP IRR has undergone reviews; however for a number of reasons, the proposed amendments have yet to be approved by the Board of Regents. Presently the UP Diliman OASH in consultation with the UP community has finished and submitted the amended UP Diliman IRR also known as the UP Diliman Anti-Sexual Harassment (ASH) Code.

Below is the composition of the 2015 Review Team:

1. Vice-Chancellor Neil Martial R. Santillan	Project Team Leader/ OASH Committee Chair
2. Prof. Teresa Paula S. De Luna	OASH Coordinator
3. Prof. Bernadette V. Neri	DGO Coordinator
4. Atty. Ma. Luz Rañeses-Raval	DLO Chief Legal Officer
5. Prof. Rowena Daroy Morales	Faculty Representative, College of Law
6. Prof. Evelyn (Leo) D. Battad	Faculty Representative, College of Law
7. Ms. Wilhelmina L. Dela Paz	Administrative Staff (NISMED) and Union Representative
8. Ms. Remedios P. Mondiguig	REPS Representative/ OASH Staff
9. Ms. Hanna Keila H. Garcia	Student Representative, College of Law
10. Mr. Ranulfo J. Javelosa III	Student Representative, College of Law

The Ad Hoc committee that was tasked to review the UP Diliman IRR is chaired by the Vice Chancellor for Student Affairs and with members from all sectors of the UP community: faculty, REPS and non-teaching personnel. The Diliman Chief Legal Officer and the OASH and DGO coordinators are also part of the team. For almost a year, the committee met every Wednesday to review in detail each section, sentence and word contained in the 1998 version of the IRR. Additional provisions were also included. Three consultations were held to ensure that all stakeholders will be made aware of the review. The first consultation was with the major stakeholders and “experts” who are knowledgeable and “experienced” in the subject area. The consultation was

attended by the Director of the UP Center for Women and Gender Studies (UPCWGS), Professors who sat as hearing officers of Sexual Harassment cases, a Professor from another constituent unit (CU), a student representative from the University Student Council (USC) and a former chair of the OASH committee. The UP community composed of the students, teaching and non teaching personnel were also consulted. Two separate consultations were held, one for the employees and the other for the students. Suggestions and comments from those present in the consultations were noted, considered and incorporated to the UP Diliman IRR.

Below is the timeline and list of reviews conducted since 1998 upto 2012. The 2015 review is discussed thereafter.

Date	Document
1998 July	UPIRR
2001 May	Systemwide Review of the UPIRR [proceedings at UCWS Library]
2002 Nov	1st Revised UPIRR submitted to Chancellor Roman In compliance with Memo ERR-02-086 and in behalf of the members of the Committee created thereunder
2003 Sept	Establishment of UP Diliman OASH housed at the UPCWS and appointment of OASH Coordinator
2003-2004	Consultations re UPIRR
2004 Nov	2nd Revised UPIRR submitted to OLS by UCWS
2005 Jan	3rd and final revised UPIRR

Date	Document
2009 Aug 13	Letter from Vice Chancellor and OASH Committee Chair Elizabeth L. Enriquez to Vice President for Legal Affairs Atty. Theodore Te requesting for an update on the status of the revised UPIRR
2009 Aug 24	Above letter endorsed to Dr. Lourdes Abadingo, Secretary of the University and of the Board of Regents requesting "that [since] there is entirely a new composition to the PAC and so that the current chancellors may also be guided by the proposals made at that time, may we request that this matter be made part of the agenda of the next President's Advisory Council (PAC) for discussion and possible endorsement to the BOR meeting in September [2009"].
2012 May	OASH Committee Meeting to Discuss revised UPIRR submitted by Prof. E. Leo Battad to the PAC in 2005
2012 May 10	Letter from Vice Chancellor Ronald S. Banzon sent to Diliman Legal Office requesting for identification and elaboration on sections/portions of the proposed UPIRR
2015	Amended UP Diliman IRR (ASH Code) submitted to the Chancellor

In 2015, the UP Diliman initiated a review of the 1998 IRR along with the 2005 draft to be able to come up with a comprehensive modification of the code. OASH, the proponent of the UP Diliman ASH Code completed and submitted to the Chancellor on September 2015. The UPCWGS has adopted the UP Diliman ASH Code with minor modifications to accommodate the variety of organizational cultures of the different UP CUs. Currently the UPCWGS has submitted to the BOR for approval the amended UP Anti-Sexual Harassment IRR. When the BOR approves the amended IRR, all OASH offices of all CUs shall adopt it.

V. Sexual Harassment Cases in UP Diliman

From 2003 to 2013, a number of sexual harassment cases were filed and given resolutions. Some cases were processed using the formal procedure while some opted for the informal process in arriving at resolutions for the cases. Below is a summary of these cases resolved in UP Diliman. Complaints filed that did not prosper or developed into cases are included as well as those complaints received by the OASH that are not within the scope of the Anti-Sexual Harassment law RA 7877 and the UP Anti-Sexual Harassment IRR.

No.	Complainant					Nature of Case		Location			Respondent						Resolution						
	Female		Male			Light	Less Grave	Grave	Inside	Outside	Both	Other	Female		Male		A	S	Reprimand	Suspension	Dismissal / Expulsion	ADT/SDT	Others
	F	S	A	F	S								A	F	S	A							
1	1					1			1							1					1		
2	1					1			1								1			1			
3*					1				1				1									Psychiatric intervention for the complainant	
4	1							1	1								1			1			
5	1					1			1									1		1			
6	1					1				1					1*				1*				
7	1					1			1						1*				1*				
8	1					1				1								1		1		Written Apology	
9	1						1		1							1				1			
10	1					1				1						1			1				
11					1		1		1								1			1			

12*	1									1										1	
13			1						1												Complaint withdrawn
14	1					1			1										1		
15	1			1					1												Barred to teach until complainant graduates
16	1							1													Complaint withdrawn
17			1					1													Complaint withdrawn
18	1							1										1 Non-UP			OASH suggested to case to be filed outside since respondent is a non UP employee
19	1					1			1										1*		
20	1					1			1										1*		
21	1								1												Dismissed Evidence not substantial

No.	Complainant				Nature of Case		Location			Respondent						Resolution						
	Female		Male		Light	Less Grave	Grave	Inside	Outside	Both	Other	Female			Male			Reprimand	Suspension	Dismissal / Expulsion	ADT/SDT	Others
	F	S	A	F								S	A	F	S	A	F					
21	1							1									1*					Dismissed Evidence not substantial
22			1			1	1										1					Suspension. Respondent's petition denied by OP
23				1			1									MD						Pending with OC
24	1									1						1						Hearings ongoing
25	1							1									1					Compromise. Agreement
26	1						1									1*						HC Report for submission

27		1								1							1*										Hearings ongoing
28				1							1							1									Complainant desisted, respondent for counseling
29		1									1							1									Referred for investigation outside UP since it is a VAWC case
30			1								1										1						Dismissed due to death of respondent
31		1										1						1									For OC issuance of formal charge
TOT	3	20	2	0	5	1	3	11	1	16	10	5	0	0	1	0	9*	11*	3	1	8	1		2			

There were thirty-one (31) complaints filed at the UPD-OASH from September 2003 to December 2013. In the said period, the profile of the complainants by gender and sector are as follows: twenty (20)- female students; five (5) male students; three (3)- female faculty; two (2)- female administrative staff; and one (1)- male administrative staff. Respondents' profile shows that: eleven (11) are male students, one of which was complained of by three (3) female students; nine (9) are male faculty members, of which two (2) were complained of twice by female students; three (3) male administrative staff; one (1) female student; one (1) male consultant and one (1) who was complained of by a group members of a registered student organization.

The following is a summary of place categories where the thirty-one (31) offenses took place: sixteen (16)- inside campus premises such as classroom, offices and facilities; ten (10)- outside the campus during fieldwork or other related activities; and five (5)- inside and outside of campus.

Of the thirty-one (31) complaints, eleven (11) were resolved during the preliminary investigation, while twenty (20) were issued a formal charge and elevated to a formal investigation. Below are the modes of intervention/resolution before issuance of a formal charge:

- three (3) complaints were voluntarily withdrawn and thus were dismissed;
- two (2) complaints were recommended to be filed outside as the respondent of the first case was a non-UP employee. The other case does

not fall within the scope sexual harassment it was deliberated that it was a Violence Against Women and Children (VAWC) instead;

- one (1) complainant desisted, however insisted that the respondent undergo gender sensitive counseling and community service to be supervised by OASH;
- one (1) complainant opted for a compromise agreement with the respondent under the supervision of OASH;
- one (1) complaint was referred to Administrative Disciplinary Tribunal as the offense was deemed as simple negligence not a sexual harassment case;
- one (1) the offense was not deemed a sexual harassment case. OASH instead referred the case to Student Disciplinary Tribunal since the offense was committed by members of a student organization;
- one (1) complaint was withdrawn with a condition and provision that complainant be provided with psychiatric intervention; and
- one (1) is pending the issuance of a formal charge by the Chancellor.

Resolutions of cases vary depending on the dynamics of the investigation process. The complicated process/es of arriving at resolutions are sometimes due to highly legalistic orientation of the proceedings. Of the twenty (20) complaints elevated to a formal investigation, ten (10) were categorized following the

classification of offenses stipulated in the Civil Service Commission's Resolution 01-0940. Those found guilty were penalized as follows:

- eight (8) were suspended of which three (3) were faculty, three (3) were students and two (2) were administrative staff - two (2) of those suspended were for two (2) complaints against one respondent, and one (1) was suspended and also asked to give a written and public apology to the complainant;
- one (1) student was expelled; and
- one (1) faculty was reprimanded.

As for the other cases, the following were the modes of intervention and/or resolution:

- one (1) faculty was barred from teaching in the college where his complainant was enrolled in until the complainant graduated;
- two (2) cases were dismissed, one due to lack of substantial evidence and the other was due to the demise of the respondent; and
- one (1) case has been appealed to the Office of the President (OP) on whether the respondent has the liberty to choose community service and counseling or suspension for one year as penalty of a less grave offense of sexual harassment wherein the only penalty provided for in the UPIRR is suspension.

To date, there are four (4) cases that have yet to be resolved. Of these, three (3) are undergoing formal investigation and one (1) is awaiting the decision of the Chancellor.

VI. Recommendations

There is no general trend as to whether sexual harassment complaints received by the OASH are increasing or decreasing as OASH receives and assists everyone who comes to its office. The complaints received by the OASH, which are not pursued at least for preliminary investigation are not reflected in the gathered data. However, the indicated table illustrates that the number of complaints filed increased in 2012 probably due to increased visibility of the OASH when the office came up with stickers posted on all jeepneys accredited to enter UP campus. In the same breadth, the series of anti-sexual harassment orientations organized by OASH and other University offices such as the OVCSA increased the awareness of students, encouraging them to report sexual harassment cases to OASH.

It is important to emphasize that even with the efforts of the OASH to ensure that UP becomes and remains to be sexual harassment free, there are still violations of RA 7877 committed in the UP community. Hence, there is still the need for a continuing campaign to end sexual harassment and all forms of sexual intimidation in the university. This campaign should continually be updated and modified to adapt to the changing social structures and institutions as well as the changing socio-cultural and socio-political behaviors of community members.

References:

UP Diliman Sexual Harassment Case files (2003-2013)
1998 UP Implementing Rules and Regulations
2005 Draft of the Revised Implementing Rules and Regulations
2015 Diliman Anti-Sexual Harassment Code
Republic Act 7877
Civil Service Commission Resolution No. 01-0940

Office of Anti-Sexual Harassment University of the Philippines Diliman

UP Trunkline (632) 981 8500
OASH local 2465 or 2466

oash@upd.edu.ph
www.oash.upd.edu.ph
fb: UP Diliman OASH

2nd Floor Benton Hall, M. Roxas Avenue
University of the Philippines
Diliman, Quezon City

Prof. Teresa Paula S. De Luna

OASH Coordinator
Associate Professor
Speech Communication and Theater Arts
College of Arts and Letters

Remedios P. Mondiguing, Ph.D.

Gender and Development Consultant

Janet A. De Leon

University Extension Specialist
Registered Social Worker

Rizza Mae G. Narvaez

University Research Associate
Licensed Teacher

Maria Cristina V. Bernabe

Office Assistant

Office of Anti-Sexual Harassment
UP Diliman