

IMPLEMENTING RULES AND REGULATIONS OF THE ANTI-SEXUAL HARASSMENT ACT OF 1995

Pursuant to its powers vested by law, the Board of Regents of the University of the Philippines System hereby promulgates the following rules and regulations to effectively carry out Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995, within the premises and jurisdiction of the said University.

Section 1. *Affirmation of Policy* – In affirmation of the Declaration of Policy set forth in Section 2 of Republic Act No. 7877, the University of the Philippines System shall establish and maintain an intellectual and moral environment in which the dignity and worth of all members of the academic community are guaranteed full respect.

The University affirms its commitments to provide a secure and conducive learning and working environments for students, faculty members and employees free from sexual harassment and all forms of sexual intimidation and exploitation.

Section 2. *Definitions* – As used in these Rules and Regulations –

- (a) “Student” means a person dully enrolled for a degree course or in a short-term training or review program in any academic unit or training center of the University.
- (b) “Employee” means any person who holds an official appointment or designation in any unit or office (academic or administrative) of the University and includes casual or contractual employees as well as graduate or student assistants; and
- (c) “Faculty Member” means any member of the teaching staff of the University, regardless of academic rank or category and includes librarian, researcher or research associate, coach, trainor of training specialist, and extension worker as well as graduate student with teaching responsibilities.

Section 3. *Sexual Harassment Defined* –

- (a) Sexual Harassment is committed by an officer, faculty member, employee, coach, trainor, or any person who having authority, influence or moral ascendancy over another in any aspect of academic or administrative work in any campus, unit, office or classroom of the University demands, requests or otherwise or requires any sexual favor from the other, without regard as to whether such demand, request or requirement is accepted by the latter.
- (b) In a work-related environment, either academic or administrative, sexual harassment is deemed to exist when:
 - (1) The sexual favor is made as a condition in the hiring or employment or reemployment of the individual who is the object of sexual harassment, or in granting such individual favorable compensation or

promotion or any other terms, conditions or privileges; or the refusal to grant the sexual results in limiting, segregating or classifying a faculty member or employee which would discriminate, deprive him or her or diminish employment opportunities or otherwise adversely affect such faculty member or employee;

(2) The above acts would impair the rights or privileges of the faculty member or employee under the Civil Service Law, rules or regulations;

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

(c) In the academic, teaching or study environment, sexual harassment is committed:

(1) Against a student, trainee or one who is under the care, custody, supervision or advisorship of the offender;

(2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;

(3) When the sexual favor is deemed to be a condition to the giving of a passing grade, the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or

(4) When sexual advances result in an intimidating hostile or offensive environment for the student, trainee or apprentice.

Section 4. *Inducement or Cooperation to Commit Sexual Harassment -*

Any person connected with the University as an officer, faculty member, employee or a student, who directs or induces 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 be held accountable under these Rules and Regulations.

Section 5. *Policy Standards and Guidelines Concerning Sexual Harassment* – In furtherance of the Declaration of Policy affirmed in Section 1 hereof, the following standards and guidelines shall be observed within the University of the Philippines System;

(a) These Rules and Regulations cover all officials, faculty members, employees, and students within the jurisdiction of the University of the Philippine System. Included in this coverage are applicants for academic or administrative positions and for admission as students in any unit or campus of the University System, after the application has been received by such unit or campus.

(b) 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 employee by students. It contemplates cases of harassment involving persons of the same or opposite sex.

- (c) Sexual harassment is a reprehensible conduct which subverts the mission of the University and undermines the careers of students and faculty members as well as those of the research and administrative personnel. The University shall take measures to prevent sexual harassment and eliminate conditions which give rise to sexual intimidation and exploitation within the purview of these Rules and Regulations.
- (d) Accordingly, sexual harassment is hereby declared a ground for administrative disciplinary action and may constitute grave misconduct, simple misconduct, disgraceful or immoral misconduct, or conduct prejudicial to the best interest of the service, as each case may warrant.
- (e) All reported incidents or cases of sexual harassment shall be investigated and appropriate disciplinary, criminal or any other legal action will be taken by the University authorities, with the consent of the victim and taking into account the integrity and other preponderant interests of the University.
- (f) University officials, faculty members, employees and students entrusted with duties or functions connected with the implementation or enforcement of these Rules and Regulations are required to observe confidentiality and respect individual privacy to the greatest extent possible in dealing with reports and complaints of sexual harassment.
- (g) The University will provide all possible support services to students, faculty members or employees who are victims of sexual harassment.
- (h) Retaliation against parties directly or indirectly involved in any incident case or report concerning sexual harassment will not be tolerated. Any act of retaliation in itself shall be a ground for disciplinary action.

Section 6. *Procedures –*

- (a) Each campus of the University, or where appropriate its constituent institution, shall provide facilities for both formal and informal procedures for resolving cases or dealing with incidents of sexual harassment.
- (b) Informal procedure refers to University action through appropriate officials or committees, which does not involve formal investigation nor filing of formal charges. It may consist of counseling, providing information, or other means of support. However, incidents of sexual harassment dealt with in this manner will be documented to determine whether patterns of sexual harassment are present.

The chancellor shall establish facilities for informal procedures. Until the Sexual Harassment Office is created as provided in Section 8 hereof, the Center for Women's Studies or the Women's Desk of the Chancellor's Office shall provide informal facilities.

- (c) If the case or situation requires resort to formal charge of sexual harassment, the procedure set out in Annex "A", together with the definition of penalties therein, shall be complied with.

Section 7. *Responsible Officials*

- (a) Under the general supervision of the President of the University, Chancellors shall be directly responsible for the implementation of the policy on sexual harassment as provided in the present Rules and Regulations.

Section 8. *Sexual Harassment Office*

- (a) A Sexual Harassment Office is hereby created in each autonomous campus of the University under the office of the Chancellor. It shall be composed as follows:

- (1) As Chairperson on rotating basis, the Vice-Chancellor for Academic Affairs, the Vice-Chancellor for Administration, the Vice-Chancellor for Student Affairs and other Chancellor, or equivalent officials: Provided, however, that the Vice-Chancellor for Academic Affairs, or equivalent official, shall, under the direction of the Chancellor, be the chairperson in charge of organizing the Office and shall preside over its initial business meeting;

- (2) One representative each from the faculty, employees, and student sectors, who shall be appointed by the Chancellor upon consultation with respective sectors, for a term of two years each;

- (3) The Director of Women's Studies Center, or Chairperson of the Women's Desk of the Chancellor's Office; and

- (4) The Coordinator of the Office, who shall be a non-voting member.

- (b) The Office shall:

- (1) Undertake information and educational activities to the end that the University policy, rules, regulations, and procedures on sexual harassment are disseminated and become part of academic culture;

- (2) Creatively design or formulate informal procedures of such nature as to elicit trust and confidence on the part of interested parties in resolving problems arising from cases or incidents of sexual harassment, including counseling and grievance management;

- (3) Provide security and support measures to aggrieved parties of victims in sexual cases; and

- (4) In every appropriate case, constitute a hearing committee as required in formal procedure set out in Annex "A" hereof.

- (c) The Coordinator shall be appointed by the Chancellor to serve on full time basis for a term of three years, which may be renewed. He or she shall be executive officer of the Office and shall be responsible for the efficient implementation of the decisions of the Office and of the Chancellor involving sexual harassment cases.
- (d) The office shall every year constitute a pool of such number of students, faculty member, and officers or employees as may be necessary, from which shall be drawn the members of a Hearing Committee in every case where formal procedure is preferred or is deemed necessary. The members of the pool shall acquaint themselves with University policy, rules, regulations, and procedures concerning sexual harassment.
- (e)
- (f) Within sixty days from the effectivity of these Rules and Regulations, the Chancellor shall complete the organization of the Office and shall by appropriate public notice inform the academic community of the date it becomes thereby operational.

Section 9. *Annual Report* – The Chancellor shall submit an annual report to the President of the University, which shall contain an evaluation of the sexual harassment problem vis-à-vis the implementation of the University policy, rules and regulations contained herein, together with his recommendations.

Section 10. *Effectivity* – These Rules and Regulations shall take effect seven days from publication in the Philippine Collegian or its Counterpart University student publication of the autonomous university.