



ATENEIO DE MANILA UNIVERSITY

OFFICE OF THE VICE PRESIDENT FOR THE LOYOLA SCHOOLS

31May 2017

MEMO TO: The Loyola Schools Community

FROM: 
Maria Luz C. Vilches, Ph.D.
Vice President for the Loyola Schools

SUBJECT: **Procedures for Filing and Handling Complaints
Against Acts of a Sexual Nature**

In its CHED Memorandum Order No. 01, series of 2015 (CMO 1, s. 2015), the Commission on Higher Education has established the “policies and guidelines on Gender and Development in the Commission on Higher Education and Higher Education Institutions (HEIs)”. Part XIV of the CMO defines procedures in the handling of Sexual Harassment and other related sexual offenses, in “compliance with laws and issuances on Women Empowerment,” especially Republic Act No. 7877 (RA 7877) also known as the *Anti-Sexual Harassment Act of 1995*.

RA 7877 mandates that all cases of Sexual Harassment are to be handled by a special committee of the institution created for that purpose, the *University Committee on Decorum and Investigation (CODI)*. All other types of sexual misconduct may be investigated, heard, and deliberated upon by the usual administrative bodies authorized to handle disciplinary cases within the Unit concerned.

Grievance Handling

Pursuant to CMO No. 1, s. 2015, the Loyola Schools shall observe the following procedures in the filing and handling of complaints involving acts of a sexual nature:

- a. The Office of the Vice President for the Loyola Schools receives all formal complaints against members of the Loyola Schools involving acts of a sexual nature. The complaint must be in writing and addressed to the Vice President for the Loyola Schools.
- b. The Office of the Vice President for the Loyola Schools has the responsibility to assess the submitted complaint to determine if the act, as reported, falls under the prescriptions of RA 7877 or not within ten (10) days of receipt of the complaint.
- c. Upon determination, complaints classified as involving acts of Sexual Harassment are forwarded to the *University Committee on Decorum and*

Investigation for investigation and possible prosecution as an administrative case.

- d. Cases involving acts of sexual misconduct other than Sexual Harassment are forwarded by the Office of the Vice President for the Loyola Schools to the LS discipline body proper to the sector of the respondent for investigation and possible prosecution as an administrative case.

Definition of "Sexual Harassment"

Part XIV, Section 4 of CMO 1, s. 2015, echoing RA 7877, defines "Sexual Harassment" as:

"...an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by an employee or official in the work-, training-, or education-related environment of this person being complained of.

Education- or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

- a. *submission to, or rejection of, the act or series of acts can be used as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration;*
- b. *the act or series of acts have the purpose or effect of interfering with the performance or creating an intimidating, hostile academic environment of the complainant; or*
- c. *the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of."*

Extension of Assistance

As an Ignatian institution, we value *cura personalis* and accord it to all members of the Loyola Schools community, including both complainants and respondents in disciplinary cases.

While initial reports of cases are usually made by complainants to a trusted member of the community, for example, a teacher, a Department Chair, a Professional, a Student Council officer, and the like, these members of the community should determine early on if the person needs emotional support or "psychological first aid," or medical aid. The person should be made aware of the availability of assistance, and if possible, directed to the *Loyola Schools Office of Guidance and Counseling* (LSOGC) or other professionally-trained members of our academic community. This assistance is made available even to respondents in these cases who face the possibility of undergoing the grievance process.

Thank you.