

## 12.0 STUDENT CONDUCT AND DISCIPLINE

For the guidance of all concerned, the following rules and regulations on the conduct and discipline of students are hereby promulgated:

### 12.1 Rules and Regulations on Student Conduct and Discipline \*

**SECTION 1. Basis of Discipline** – Students shall at all times observe the laws of the land and the rules and regulations of the University.

No disciplinary proceedings shall be instituted except for conduct prohibited by law or by the rules and regulations promulgated by duly constituted authority of the University.

**SECTION 2. Specific Misconduct\*\*** – A student shall be subject to disciplinary action for any of the following acts:

- a. Any form of cheating in examinations or any act of dishonesty in relation to his studies;
- b. Carrying within University premises any firearm, knife with a blade longer than 2½ inches, or any dangerous or deadly weapon; *Provided*, That this shall not apply to one who shall possess the same in connection with his studies and who has a permit from the dean or director of his college or school;

\* As approved by the Board of Regents at its 876<sup>th</sup> meeting on September 2, 1976 superseding all previous rules on the subject, and as amended at the 923<sup>rd</sup> BOR meeting on January 31, 1980 and 1017<sup>th</sup> BOR meeting on December 8, 1988, and further amended at the 1041<sup>st</sup> BOR meeting on July 4, 1991 and 1051<sup>st</sup> BOR meeting on June 25, 1992

\*\* As approved by the UP Diliman University Council on August 3, 1991 and by the Board of Regents at its 1051<sup>st</sup> meeting on June 25, 1992

NOTE: Sections 2 and 25, as amended, of the Rules were published in the July 24, 1992 issue of the Philippine Collegian

- c. Drinking of alcoholic beverages within academic and administrative buildings, dormitories, and the immediate premises thereof, except in places expressly allowed by the University, or drunken behavior within the University premises;
- d. Unauthorized or illegal possession or use of prohibited drugs or chemicals, or other banned substances enumerated in the Dangerous Drugs Act of 1972 (as amended), such as LSD, marijuana, heroin, shabu, or opiates and hallucinogenic drugs in any form within the University premises;
- e. Gambling within the University premises;
- f. Gross and deliberate discourtesy to any University official, faculty member or person

- in authority;
- g. Creating within the University premises disorder, tumult, breach of peace, or serious disturbance;
  - h. Making a false statement of any material fact, or practicing or attempting to practice any deception or fraud in connection with his admission or registration in, or graduation from the University;
  - i. Practicing or attempting to practice any deception or fraud in connection with his application in any University-funded or sponsored scholarship or grant;
  - j. Damaging or defacing University property;
  - k. Disgraceful or immoral conduct within University premises;
  - l. Unlawfully taking of University property; and
  - m. Any other form of misconduct.

**SECTION 3. Rules and Regulations Promulgated by Deans or Directors of Units** – Deans or Directors of various units may, after due consultation with the Faculty Student Relations Committee, promulgate rules on conduct and discipline of peculiar application to their respective units, subject to the written approval of the President or Chancellor and to the rules on circularization and date of effectivity, as herein provided.

**SECTION 4. Student Disciplinary Tribunal** – There shall be a Student Disciplinary Tribunal composed of a Chair, who shall be a member of the Integrated Bar of the Philippines, and two (2) members to be appointed for a period of one (1) year from among the faculty and other staff of the University. In any disciplinary case before the tribunal, a respondent may request that two (2) students be appointed to sit with the tribunal.

The Chair and non-student members shall render full-time service in the Tribunal. They shall receive honoraria.

The Tribunal shall be under the supervision of the Vice Chancellor for Student Affairs, who shall designate, whenever requested, the student members to sit with the Tribunal.

Autonomous units shall set up their own student disciplinary tribunals in accordance with these rules.

**SECTION 5. Jurisdiction**– All cases involving discipline of students under these rules shall be subject to the jurisdiction of the Student Disciplinary Tribunal, except the following cases that shall fall under the jurisdiction of the appropriate college or unit:

- a. Violation of college or unit rules and regulations by students of the college; or
- b. Misconduct committed by students of the college or unit within its classrooms or premises or in the course of an official activity;

*Provided*, That regional units of the University shall have original jurisdiction over all cases involving students of such units.

**SECTION 6. College Investigation**– Investigation of cases falling under the jurisdiction of a college shall be conducted by a committee of three (3) members appointed by the dean, one (1) of who shall be a student of the college.

**SECTION 7. Filing of Charges**– A disciplinary proceeding shall be instituted *motu proprio* by the appropriate authority or upon the filing of a written charge specifying the acts of omission constituting the misconduct and subscribed to by the complainant or upon submission of an official report of any violation of existing rules and regulations. Upon the filing of said charge or report with the Student Disciplinary Tribunal or the office of the Dean, as the case may be, an entry shall be made in an official entry book kept for the purpose, specifying the person or persons charged, the complainant or complainants, his/her witnesses, if any, the date of filing, and the substances of the charge.

**SECTION 8. Preliminary Inquiry**– Upon receipt of the complaint or report, the Tribunal or the Dean of the College, as the case may be, shall determine whether such complaint or report is sufficient to warrant formal investigation. In all cases where the complaint or report is found sufficient, formal charge or charges shall be drawn up and served upon each respondent. In every case, the parents or guardians of the students charged shall be furnished with a copy of the same.

**SECTION 9. Answer**– Each respondent shall be required to answer in writing within three (3) days from receipt of the charge or charges. Formal investigation shall be held on notice as provided below.

**SECTION 10. Hearing**– Hearings shall begin not later than one (1) week after receipt of the respondent's answer or after the expiration of the period within which the respondent should answer.

**SECTION 11. Duration of Hearing**– No hearing on any case shall last beyond two (2) calendar months.

**SECTION 12. Notice of Hearing**– All parties concerned shall be notified of the date set for hearing at least two (2) days before such hearing. Notice to counsel of record or duly authorized representative of a party shall be sufficient notice for the purpose of this section.

**SECTION 13. Failure to Appear at Hearing**– Should either complainant or

respondent fail to appear for the initial hearing after due notice and without sufficient cause, this fact shall be noted and the hearing shall proceed *ex parte* without prejudice to the party's appearance in subsequent hearings.

**SECTION 14. Postponement**– Application for postponement may be granted for good cause for such period as the ends of justice and the right of the parties to a speedy hearing require.

**SECTION 15. Committee Report**– The College Investigating Committee shall forward to the dean concerned within fifteen (15) days after the termination of the hearing the complete record of the case, with its report and recommendation. The recommendation signed by a majority of the members of the Committee shall state the findings of fact and the specific regulations on which it is based.

**SECTION 16. Action by the Dean**– The Dean shall, within ten (10) days from receipt of the Committee report, transmit the report, together with his/her decision or recommendation, to the President of the University or the Chancellor of an autonomous unit, as the case may be.

**SECTION 17. Decision of the Tribunal**– The Tribunal shall decide each case within fifteen (15) days from final submission. The decision shall be in writing and signed by a majority of its members. It shall include a brief statement of the findings of fact and the specific regulations on which the decision is based.

**SECTION 18. Finality of Decision**– Any decision of the Tribunal or of a Dean, other than expulsion, permanent disqualification from enrolment, or suspension for more than thirty (30) calendar days, shall become final and executory after fifteen (15) days from receipt of the decision by the respondent unless within five (5) days from receipt thereof a motion for reconsideration of the same is filed, in which case the decision shall be final after fifteen (15) days from receipt of the action on the motion for reconsideration.

**SECTION 19. Appeal to the President or Chancellor**– In all cases in which final decision is not conferred on a Dean or the Tribunal, the respondent may file an appeal with the President or the Chancellor within ten (10) days exclusive of Sundays and official holidays\* after receipt of the decision.

**SECTION 20. Action by the President or Chancellor**– Action of the President or Chancellor on recommendation coming from the Dean on appeal from a decision of a Dean or the Tribunal shall be rendered within ten (10) days exclusive of Sundays and official holidays\* after receipt of the appeal.

\* As amended at the Board of Regents at its 1041<sup>st</sup> meeting on July 4, 1991

The Executive Committee shall automatically review and decide all student disciplinary cases in which the penalty of suspension for one (1) year or more,

expulsion, and withdrawal of registration privileges is imposed.

The authority given to the Executive Committee under this rule is understood to include the power to affirm, reverse, decrease or increase the penalties imposed in the cases under review.

The decision of the Executive Committee shall be final and executory after fifteen (15) days from receipt of the decision by the respondent unless, in the meantime, an appeal is made to, and given due course by the Board of Regents.

**SECTION 21. Action by the Board of Regents**– The Board may review on appeal decisions of the President or Chancellor when the penalty imposed is expulsion, suspension for more than one (1) academic year, or any other penalty of equivalent severity.

**SECTION 22. Rights of Respondents** – Each respondent shall enjoy the following rights:

- a. Not to be subjected to any disciplinary penalty except upon due process of law
- b. To be convicted only on the basis of substantial evidence, the burden of proof being with the person bringing the charge
- c. To be convicted only on evidence introduced at the proceedings or of which the respondent has been properly apprised
- d. Pending final decision on any charge, to enjoy all his rights and privileges as a student, subject to the power of the Dean or the tribunal to order the preventive suspension of the respondent for not more than fifteen (15) days where suspension is necessary to maintain the security of the college or the University
- e. To defend himself personally, or by counsel, or representative of his/her own choice. If the respondent should desire but is unable to secure the services of counsel, he should manifest that fact two (2) days before the date of hearing, and request the tribunal or the investigating committee to designate counsel for him/her from among the members of the University constituency

**SECTION 23. Effect of Decision** – Decisions shall take effect as provided in these rules. However, final decision of suspension or dismissal within thirty (30) days prior to any final examination, shall take effect during the subsequent semester, except when the respondent is graduating, in which case the penalty shall immediately take effect.

**SECTION 24. Records** – All proceedings before any Tribunal or Committee shall be set down in writing by a competent stenographer. Original records pertaining to student discipline shall be under the custody of the Vice Chancellor for Student Affairs. Such records are hereby declared confidential and no person shall have access to the

same for inspection or copying unless s/he is involved therein, or unless s/he has a legal right which cannot be protected or vindicated without access to or copying of such records. Any University official or employee who shall violate the confidential nature of such records shall be subjected to disciplinary action.

### SECTION 25. Sanctions\*

- a. Any student found guilty of the misconduct defined in Section 2a shall be penalized with suspension for not less than one (1) year.
  - 1) All cases involving cheating or dishonesty shall be investigated by a College/Unit but shall automatically be subject to review by the Chancellor.
  - 2) Students found guilty of cheating/dishonesty shall be barred from graduating with honors, even if their weighted average is within the requirement for graduation with honors.

\* As approved by the UP Diliman University Council on December 14, 1991; Paragraphs a to l are new provisions; m to p previously existed as provisions a to d; Approved by the BOR at its 1051<sup>st</sup> meeting on June 25, 1992

- b. Any student found guilty of the misconduct defined in Section 2b shall be penalized as follows:
  - 1) For the first offense, suspension for a period of not less than fifteen (15) calendar days but no more than thirty (30) calendar days;
  - 2) For the second offense, suspension for a period of not less than thirty (30) calendar days but not more than one (1) semester;
  - 3) For the third offense, the penalty shall be Expulsion; *Provided*, That should the deadly weapon be a firearm, the penalty for the first offense shall be suspension for not less than thirty (30) calendar days but not more than one (1) semester; for the second offense, the penalty shall be Expulsion.
- c. Any student found guilty of the misconduct defined in Section 2c shall be penalized with suspension for not less than seven (7) calendar days, but not more than thirty (30) calendar days; *Provided*, That should the student be found guilty for the fourth time, the penalty shall be Expulsion.
- d. Any student found guilty of the misconduct defined in Section 2d shall be penalized with suspension for not less than fifteen (15) calendar days, but not more than forty-five (45) calendar days; *Provided*, That should the student be found guilty for the third time, the penalty shall be Expulsion.
- e. Any student found guilty of the misconduct defined in Section 2e shall be penalized with suspension for not less than seven (7) calendar days, but not more

than thirty (30) calendar days; *Provided*, That should the student be found guilty for the fourth time, the penalty shall be Expulsion.

- f. Any student found guilty of the misconduct defined in Section 2f shall be penalized with suspension for not less than thirty (30) calendar days, but not more than one (1) semester; *Provided*, That the penalty for the second offense shall be Expulsion; and *Provided, further*, That should the student assault, strike, or inflict physical violence upon any University official, faculty member or person in authority, the penalty shall be Expulsion.
- g. Any student found guilty of the misconduct defined in Section 2g shall be penalized with suspension for not less than fifteen (15) calendar days, but not more than forty-five (45) calendar days; *Provided*, That should the student be found guilty for the third time, the penalty shall be Expulsion.
- h. Any student found guilty of the misconduct defined in Section 2h shall be penalized as follows:
  - 1) For the first offense, by suspension for a period of not less than one (1) semester, but not more than one (1) year;
  - 2) For the second offense, the penalty shall be Expulsion.
- i. Any student found guilty of the misconduct defined in Section 2i shall be penalized as follows:
  - 1) For the first offense, by suspension for a period of not less than one (1) semester, but not more than one (1) year;
  - 2) For the second offense, the penalty shall be Expulsion.
  - 3) Any student found guilty of willfully withholding or misrepresenting information in his application to the Socialized Tuition and Financial Assistance Program (STFAP) shall be subject to the following guidelines on penalties for STFAP violations\* :

\* As approved by the UP Diliman University Council on April 21, 1992 and by the BOR at its 1051<sup>st</sup> meeting on June 25, 1992.

(a) If the information withheld involves common appliances, e.g., owned by majority of the population, the recommended penalty is one (1) semester suspension, reimbursement of STFAP benefits received, plus permanent disqualification from STFAP and other scholarships.

(b) If the information withheld involves appliances which may be used to indicate capacity to pay, the recommended penalty is one (1) year suspension, reimbursement of STFAP benefits received and permanent

disqualification from STFAP and other scholarships.

- (c) If the information withheld is substantial such as car, income, employment, real properties, the recommended penalty is expulsion plus reimbursement of all STFAP benefits.
- (d) If the student is found to have submitted falsified documents, the recommended penalty is expulsion plus reimbursement of STFAP benefits.
- (e) If the student pleads guilty, he should be made to reimburse all STFAP benefits received either before the decision is made or reimbursement is made a pre-condition for enrolment.

Furthermore, if the information withheld is grave such as in Nos. 3) (c) and 3) (d) above, the recommended penalty is two (2) years suspension and permanent disqualification from STFAP and other scholarships.

- j. Any student found guilty of the misconduct defined in Section 2j shall be penalized with suspension for not less than fifteen (15) calendar days, but not more than forty-five (45) calendar days; *Provided*, That should the student be found guilty for the third time, the penalty shall be Expulsion. In addition, the student may also be required to pay for the repair and/or replacement of the damaged property.
- k. Any student found guilty of the misconduct defined in Section 2k shall be penalized with suspension for not less than seven (7) calendar days, but not more than thirty (30) calendar days; *Provided*, that should the student be found guilty for the third time, the penalty shall be Expulsion.
- l. Any student found guilty of the misconduct defined in Section 2l shall be penalized with suspension for not less than fifteen (15) calendar days, but not more than forty-five (45) calendar days; *Provided*, That should the student be found guilty for the third time, the penalty shall be Expulsion. In addition, the student may also be required to pay for, or replace, the stolen property.
- m. The disciplinary action that may be imposed for violations of the misconduct in Section 2m may take the form of expulsion, suspension from the University, withholding of graduation and other privileges, withdrawal of registration privileges, permanent disqualification from enrolment, exclusion from any class, reprimand, warning, or expression of apology. The gravity of the offense committed and the circumstances attending its commission shall determine the nature of the disciplinary action or penalty to be imposed.



- n. The Dean or Director of the unit may impose the penalty of suspension for a period not exceeding one (1) calendar year. If s/he deems suspension for a longer period or expulsion warranted, s/he shall so recommend to the Chancellor, who shall refer the case to the Executive Committee, for final decision.
- o. Any disciplinary action taken against a student shall be reported to his/her parents or guardians.
- p. Refusal to submit to the jurisdiction of the University by any student not enrolled at the time a charge against him/her is filed shall prejudice his/her future enrolment in any unit of the University.

**SECTION 26. Summary Actions**– Notwithstanding the provision of the foregoing sections, a Dean may proceed summarily against a student of a college in the following cases:

- a. Violation of rules and regulations issued by the Dean of the unit in accordance with Section 3 of these rules;
- b. Misconduct committed in the presence of a faculty member or any official of the University within the classrooms or premises of a college, or in the course of an official function sponsored by the college.

The respondent shall be summoned to appear before the Dean of the unit, informed of the charge against him/her, and afforded the opportunity to present his/her side.

Decisions taken under this section shall be in writing, stating the grounds for which disciplinary penalty is imposed. Such decisions shall be final and executory upon the issuance of the order. The penalty imposed shall not exceed suspension for fifteen (15) days exclusive of Sundays and official holidays.

- c. The Vice Chancellor for Student Affairs may likewise proceed summarily against students in cases of:
  - 1) Misconduct committed as provided in paragraph b of this Section, when committed within the University premises not falling within the jurisdiction of any college, school, or unit or in the course of an official function sponsored by the University or a Unit other than a college, school, or academic unit.
  - 2) Misconduct as defined in Section 2g above whether or not the acts are committed within the premises of, and by persons belonging to, one (1) or several colleges, schools, or units.

**SECTION 27. Definitions**– The following terms shall have the meaning set forth below for purposes of these regulations:

- a. "Autonomous unit" refers to such universities or units of the University of the Philippines System which have been declared autonomous by law or by the Board of Regents;
- b. "Regional unit" refers to units outside of Diliman and Manila which are not autonomous;
- c. "Student" shall refer to any person (1) admitted and registered, in a degree or non-degree program or cross-registered in any course of the University on a regular or part-time basis, including those who are officially on leave of absence and (2) who has not yet been separated from the University formally through either transfer, graduation, honorable or dishonorable dismissal or expulsion or expiration of the period allowed for maximum residence, at the time of the commission of the offense, regardless of whether or not s/he is enrolled in any unit of the University at the time of the filing of the charge or during the pendency of the disciplinary proceedings against her/him<sup>\*</sup>;
- d. "Laws of the land" shall refer to general enactments in force in the Philippines;
- e. "Official Report" shall include any report duly submitted in writing to any proper authority in the University by a faculty member, any member of the University security force, any officer of a college or unit, or any officer of the University administration.

<sup>\*</sup> Approved by the UP Diliman University Council on April 21, 1992 and by the BOR at its 1051st meeting on June 25, 1992

**SECTION 28.** These rules shall supersede all previous rules on student discipline and shall take effect upon approval. Amendments to these rules shall be circularized within ten (10) days after approval and shall take effect fifteen (15) days after circularization, unless a specific date has been set, which date shall in no case be within five (5) days after its approval.

## 12.2 Special Power of the Vice Chancellor for Student Affairs

The Vice Chancellor for Student Affairs is granted special power to suspend erring students at any time for a maximum period of thirty (30) days, effective immediately upon its imposition.

This is necessary to immediately prevent further recurrence of offenses and thereby prevent further harm to other students and innocent bystanders. Such powers will be used sparingly and only in cases of fraternity rumbles or tumultuous affray, boycotts by force or coercion, or illegal demonstration, and can be restricted by appeals to the President, if necessary. [946<sup>th</sup> BOR meeting, Dec. 18 and 22, 1981]

### 12.3 Immediate Reporting of Students with Pending Disciplinary Cases

The UP Police Force, aside from filing the complaint directly with the Student Disciplinary Tribunal and furnishing copies of its report to the Office of the Chancellor, shall furnish copies of the same to the following units: (a) the College in which the student is enrolled at the time of the incident; (b) the Vice Chancellor for Student Affairs; and (c) the University Registrar. Such Police Report is sufficient for purposes of listing the name of the students in the Registrar's List of Students with Pending Disciplinary Cases.

The Deans and Directors of academic units shall follow the same or similar procedure as outlined above.

The usual procedure of notifying the Registrar's Office and the Vice Chancellor for Student Affairs of the decisions in disciplinary cases shall continue.

No clearance shall be issued to any such student unless so certified by the unit Dean/Director or the Chairman of the SDT that the pending case is dismissed or that the student has been appropriately penalized, if found guilty. [*from OP memo no. 16, Aug. 8, 1978*]

### 12.4 Revised Rules and Regulations Governing Fraternities, Sororities, and Other Student Organizations [*1091<sup>st</sup> BOR meeting, Oct. 24, 1995*]

Whereas, the University aims to create an environment that promotes constructive and meaningful interaction among students, fraternities, sororities and other student organizations;

Whereas, in order to nurture that environment, there is a need for the University to promulgate and strictly implement policies, guidelines, rules and procedures which are responsive to the dynamics of interaction among fraternities, sororities and other student organizations;

Whereas, existing rules and regulations on the conduct of fraternities, sororities and other student organizations have proven inadequate for purposes of instilling discipline and proper conduct among fraternities, sororities and other student organizations;

Whereas, the University condemns any and all interactions among fraternities, sororities and other student organizations which result in violence, thereby exposing the studentry and the University to harm, physical danger and damage to property;

Whereas, the University impresses upon the members of fraternities, sororities and other student organizations that it condemns the continued existence of the culture of violence and finds the presence of erring students on campus reprehensible;

Whereas, there is a need to adopt clear-cut guidelines on the imposition of penalties, in addition to the definition of possible actionable misconduct by the members of fraternities,

sororities and other student organizations in order that University authorities may be more effective in dealing with fraternity and other student organization-related misconduct, and impress upon the members of fraternities and other student organizations that the University is all out against hooliganism and violence on campus and that it would not tolerate the continued presence of these erring students on campus;

NOW, THEREFORE, by virtue of the powers vested in the UP Board of Regents, the following Rules and Regulations Governing Fraternities, Sororities and Other Student Organizations are hereby promulgated:

### **RULE I – ACTIONABLE MISCONDUCT & PENALTIES**

These rules shall apply to all fraternities, sororities and other student organizations, regardless of whether or not they are officially recognized by the University, and without prejudice to the provisions of Republic Act No. 8094, otherwise known as the "Anti-Hazing Law".

**SECTION 1.** Members and officers of fraternities, sororities and other student organizations shall be subject to disciplinary action for the following acts and shall be penalized as follows:

- A. Any such member or officer who commits, or engages in, any of the acts specified below shall be expelled from the University whether or not the acts are committed within or outside University premises:
  1. Participating in any rumble, engaging in fisticuffs with, or physically attacking, a member of other fraternities, sororities or student organizations, or
  2. Physically attacking any other student or official, faculty member, or employee of the University, or any other person in connection with any matter relating to fraternities, sororities or other student organizations.

A rumble is a violent confrontation between two (2) or more students belonging to different fraternities, sororities or other student organizations.
- B. Any such member or officer who engages in any form of physical initiation or hazing resulting in or causing physical injury, as well as the neophyte who allows himself/herself to be subjected to hazing, shall be expelled, unless the student concerned agrees to become a witness for the University.
- C. Any such member or officer who commits acts of provocation which result in heated confrontation between fraternities, sororities, and other student organizations shall be suspended for one (1) year; *Provided, however,* That in case the provocation results in a rumble, fisticuffs or a physical attack, the erring student shall be expelled from the University.

There is sufficient provocation when a person or party excites, incites or induces another to execute an act; when one irritates or annoys one with improper or unjust acts, or words or deeds that are vexing.

There is a heated confrontation when, as a result of the immediately preceding act of sufficient provocation, words are exchanged in a hostile, challenging, insulting, irritating or annoying manner or conduct between the parties.

- D. Any such member or officer who exhibits gross or deliberate discourtesy to any University official, faculty member, employee, disciplining authorities or their agents, in connection with fraternity, sorority and other student organization-related incident, shall be suspended for at least one (1) year.
- E. Any such member or officer found carrying or possessing within University premises any firearm, molotov bomb, pillbox or other explosives, knife with a blade longer than two and a half (2½) inches, metal pipe, or any other dangerous or deadly weapon, and banned substances enumerated under the Dangerous Drugs Act (R.A. No. 6425, as amended) shall be expelled from the University; *Provided, however*, That stones, baseball bats, nightsticks, rattan sticks, or similar wooden instruments, paper cutters, tear gas, scalpels, ice-picks and other similar objects capable of causing physical injuries shall be deemed dangerous and deadly weapon if the erring person possesses them in preparation for or immediately before, during, or after an attack, confrontation, or rumble; *Provided, further*, That possession of such objects by two (2) or more members or officers shall be deemed to be in preparation for an attack, confrontation or rumble.
- F. Any such member or officer who willfully fails to comply with summons by the Vice Chancellor for Student Affairs or equivalent official in the autonomous university, the Student Disciplinary Tribunal, Deans or their representatives for the purposes of investigation and other proceedings conducted in connection with fraternity, sorority, and other student organization-related misconduct shall be automatically suspended by the Chancellor until the person concerned complies therewith; *Provided*, That such suspension shall not exceed sixty (60) calendar days.
- G. Any such member or officer who causes damage to University property, or property of any private person within the University premises, on the occasion of a rumble, hazing, tumultuous affray or any similar disturbance shall be suspended for at least one (1) year; *Provided*, That, if any death, or serious or less serious physical injury is caused to another person by reason of, or on the occasion of said destruction or property, the erring student shall be expelled from the University; *Provided, further*, That if University property is damaged, s/he shall be required to repair the damage done at her/his expense or to reimburse the University for costs incurred in repairing such damage, and no clearance shall be issued until such damage is fully compensated by the respondent.
- H. Any such member or officer of fraternities or sororities who recruits a college

freshman or first year student taking a first undergraduate degree shall be suspended for at least one (1) year and the student recruited as well as all officers of the fraternities or sororities concerned shall likewise be suspended for a similar period.

The recruitment of two (2) or more college freshmen or first year students, in any manner, shall be taken as evidence of the fraternities' or sororities' policy of recruitment in violation of the foregoing provision; in which case, all the officers of the fraternities or sororities concerned shall be suspended for at least one (1) year.

As used in these rules, the term college freshman shall refer to students in the first year of their first undergraduate course as well as any college student who has earned not more than thirty (30) units of academic credit in any baccalaureate or certificate program but not including graduate program, post-baccalaureate program or any non-degree program of the University; *Provided*, That a grade of incomplete in any subject or course shall not be construed as a unit earned in said subject or course.

- I. Any such member or officer who commits any other form of fraternity, sorority and other student organization-related misconduct, whether within or outside University premises, which affects the good order and welfare of the University or which has a negative effect on the discipline, general welfare, or the good name of the University, shall be suspended for not less than six (6) months but not more than one (1) year.

In case of a second offense committed under paragraphs C, D, G, H and I above, the erring students shall be expelled from the University.

## **SECTION 2.**

- A. In case any misconduct defined in the preceding section is committed by two (2) or more members or officers of the fraternities, sororities or student organizations, and a conspiracy is established, all officers of such fraternities, sororities or student organizations participating in that conspiracy shall be expelled from the University.

A conspiracy shall be deemed to exist if concerted action and unity of purpose is established.

- B. Where the acts prohibited under this rule is committed by a member, officer or agent of the fraternities, sororities or student organizations who is not a student of, or even if a student is not currently enrolled in the University, all officers of said fraternities, sororities or student organizations shall be suspended for at least one (1) year; *Provided*, That if said acts are committed by bodyguards, domestics or employees of a member or officer, such member or officer and all officers of the fraternities, sororities or student organizations shall be expelled from the University.

**SECTION 3.** Penalties of suspension shall take effect immediately upon the finality of

the decision. A student under suspension shall not be allowed to enrol, attend classes, take examinations, use University facilities, or graduate during the effectivity of the suspension; *Provided*, That, use of University facilities shall be understood to include using library facilities, residing in residence halls or dormitories owned by the University, undertaking field work or any other academic requirement, entering any academic building, etc.; *Provided, further*, That a student under suspension shall not be allowed to enrol until his/her suspension shall have been fully served, except where the period of his/her suspension expires on the last day for late registration.

The period of suspension shall be counted as part of the academic residency requirement of the student; if for any reason the student was able to take an examination or submit any academic requirement during the effectivity of suspension, such examination or submission shall be considered invalid.

Notice of suspension shall be immediately furnished to the parents and/or guardians of the student and all the colleges and units concerned. All concerned faculty members shall be immediately notified of the suspension by their respective deans, institute/center directors, and department chairpersons, as the case may be.

Notwithstanding the foregoing, nothing in these rules shall preclude the disciplining authorities from imposing sanctions including, but not limited to, withdrawal of recognition of the fraternities, sororities and other student organizations, under existing University and college rules and regulations.

## **RULE II – JURISDICTION**

**SECTION 1.** The Student Disciplinary Tribunal (SDT) shall be composed of a Chairperson, who shall be a member of the Integrated Bar of the Philippines, two (2) other members, all of who shall be appointed by the Chancellor for a period of one (1) year chosen from among the academic and administrative personnel of the respective autonomous universities, as well as the two (2) other members, student and parent jurors provided for under Rule IV, Section 4.

**SECTION 2.** The SDT shall have jurisdiction to try all cases involving fraternity, sorority and other student organization-related incidents without prior prejudice to the summary powers of the disciplining authorities as provided in these and other existing rules.

The presence of at least a majority of the members shall constitute a quorum for the Tribunal to conduct formal investigations of all cases within its jurisdiction.

The members so appointed shall be entitled to such honorarium, allowance or benefit as shall be fixed by the President.

**SECTION 3.** Unless otherwise superseded by subsequent issuances from the appropriate University official, existing student disciplinary tribunals, which shall

continue to be under the supervision of the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, shall continue to have jurisdiction over all cases involving fraternities, sororities and other student organization-related incidents as defined in these rules.

### **RULE III – FORMAL CHARGE**

**SECTION 1.** No member or officer of a fraternity, sorority or student organization shall be formally charged before the SDT unless a preliminary inquiry has been conducted by any member of the SDT, which must be finished not later than five (5) working days from the date of filing of the complaint; *Provided*, That where the misconduct is committed within the premises of a college, it shall be the responsibility of the Dean concerned to ensure that an appropriate complaint is expeditiously filed with the SDT within the same period of five (5) working days. In any other case, such responsibility shall lie with the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university.

**SECTION 2.** A fraternity, sorority or student organization member or officer caught *in flagrante* by the disciplining authorities or any faculty member in the course of a fraternity, sorority or other student organization-related misconduct shall be formally charged before the SDT without the need for a preliminary inquiry.

**SECTION 3.** The formal charge shall be served on the student/respondent(s) through the Dean of the college, a copy of which shall be furnished the parents and/or guardians of the student-respondent(s).

### **RULE IV – PROSECUTION OF CASES**

**SECTION 1.** Lawyers from the Legal Office of the autonomous university shall represent the University in all proceedings before the SDT. Private lawyers appearing before the SDT shall be under the direct control and supervision of the University Prosecutor.

**SECTION 2.** In case no lawyer from the Legal Office is available to act as counsel for the University, the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university shall deputize any lawyer in the University to act as Counsel. The lawyer so deputized shall report directly to the Chief Legal Officer of the other autonomous university for instructions on the case.

The lawyers so deputized shall be entitled to an honorarium to be fixed by the President.

**SECTION 3.** No lawyer-employee of the University shall be allowed to defend cases before the SDT, unless the respondents are within the third-degree of affinity or consanguinity.

**SECTION 4.** For each case investigated pursuant to these revised rules, the SDT shall



include one (1) student juror and one (1) parent juror whose names shall be drawn by the Dean of Students or the Vice Chancellor for Student Affairs from a list of possible student and parent jurors.

The list of student jurors shall be submitted by the Chairperson of the University Student Council in the respective autonomous universities to the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, within thirty (30) days from the start of every academic year, *Provided*, That, the list of students shall be valid until a new one is submitted to the Vice Chancellor for Student Affairs or equivalent official by the next duly elected Student Council Chairperson, and *Provided, further*, That no parent or student related by affinity or consanguinity to a student-respondent(s), or a classmate in the current or immediately preceding semester, or a co-member in a fraternity, sorority or student organization, shall be allowed to serve as SDT member.

The list of parent jurors shall be submitted by the Vice Chancellor for Student Affairs or equivalent official in the autonomous university to the Chancellor within the first fifteen (15) days of the school year.

The Chairperson of the Student Council concerned shall make sure that the students included in said list shall undertake to serve as student representatives in the Tribunal upon designation. The Vice Chancellor for Student Affairs or equivalent official in the autonomous university shall ensure the attendance of the parent juror. Both jurors shall sign an undertaking regarding their willingness to serve for this purpose.

The student and parent jurors so appointed shall be counted for purposes of determining a quorum. They shall have voting rights in the final deliberation and resolution of the case only if they have been actually present in a majority of the hearings where witnesses were presented and have actively participated in the formal investigation of the case.

**SECTION 5.** The SDT shall commence the hearing of the case within five (5) days after all parties have been duly furnished copies of the formal charge, and the hearings shall continue from day to day until the case is submitted for resolution, which shall not be later than forty-five (45) days after the commencement of said hearings.

**SECTION 6.** The SDT shall not be bound by the technical rules of evidence and may conduct summary proceedings through the submission of sworn affidavits, subject to cross-examination or clarificatory questions. The failure of a party to present evidence on the scheduled date shall be deemed a waiver of his/her right to present such evidence. The failure of a party or his/her counsel to attend the hearings on the scheduled dates shall not be a ground for postponing said hearings.

**SECTION 7.** The filing of the following pleadings and motions is prohibited: \*

A. Motion for extension of time to file an answer;

- B. Motion to dismiss or to quash, except on the ground of lack of jurisdiction;
- C. Appeal to higher University authorities on questions of jurisdiction;
- D. Appeal to higher University authorities from interlocutory orders;
- E. Motion for bill of particulars;
- F. Motion for new trial;
- G. Motion for reconsideration of SDT rulings and/or resolutions;
- H. Motion to reopen the case;
- I. Demurrer to evidence;
- J. Motion for postponement;
- K. Reply;
- L. Intervention; and
- M. Other dilatory motions.

Section 7 is adopted from Sec. 19. Revised Rule on Summary Procedure

## **RULE V – DECISION AND APPEAL**

**SECTION 1.** The SDT shall render decisions within fifteen (15) days from the time the cases are deemed submitted for resolution.

**SECTION 2.** Decisions of the SDT imposing the penalty of suspension for a period not exceeding one (1) year shall be final and executory, even pending any appeal, while decisions imposing a higher penalty shall not be immediately executory. In both cases, the respondent may file an appeal to the President through the Chancellor of the autonomous university concerned within ten (10) days from receipt by the respondent or counsel of the SDT decision.

**SECTION 3.** The Chancellor shall, within five (5) days from receipt of the appeal, endorse said appeal which shall include his/her recommendations, to the President, whose decision shall be final and immediately executory upon receipt of the decision by the respondent, except in cases of expulsion.

**SECTION 4.** Decisions imposing the penalty of expulsion may be appealed to the Board of Regents within ten (10) days from receipt of the decision by the respondent, which appeal shall be decided upon during the next regular meeting of the Board following the President's decision.

**SECTION 5.** In imposing the proper penalty, the SDT shall take into consideration the following justifying, exempting or aggravating circumstances:

A. Circumstances that may be considered justifying

1. *Self-Defense* – When the respondent has shown by clear and convincing evidence that there was a previous and immediate unlawful attack or aggressive act against the respondent involved, and that such act placed the respondent in danger and for which s/he was forced to commit the act(s) charged and in doing so, the respondent employed such reasonable means to resist the unprovoked attack, and there was no sufficient provocation on the part of the respondent.
2. *Defense of Relatives or Strangers* – If the respondent committed the act(s) charged in defense of a spouse, ascendant, descendant or brother or sister and against the aggressor immediately before, during or immediately after the act or aggression being inflicted on the respondent. Such defense may extend to strangers or third parties within any area subject to University jurisdiction, who are being subjected to acts of aggression, provided, that the conditions required for in act(s) of self-defense are present.

B. Circumstances that may be considered exempting

1. The act(s) for which the respondent is charged occurred during or was precipitated by a moment of temporary insanity or mental lapse as duly certified to by a competent and qualified psychiatrist.
2. In cases of accident where it is established that a) respondent was performing a lawful act with due care; b) injury is caused by mere accident; and c) there must be no fault or intent of causing the injury.

C. Circumstances that may be considered aggravating

1. When the respondent has been previously charged and found guilty of violating any provision of the revised rules, or the rules prior to the revised rules
2. When the respondent is found to have employed such means, i.e., goons, firearms, and dangerous devices to aid her/him in committing the acts for which s/he is charged
3. When it is sufficiently established during the formal investigation that the act was committed with evident premeditation
4. When the heated confrontation occurs during a drinking (liquor) session within the University premises and places where its jurisdiction is exercised

**SECTION 6.** Whenever there are justifying, exempting, or aggravating circumstances present and proven during formal investigation, the SDT shall be guided as follows:

- A. The presence of any exempting circumstance will extinguish the liability of the respondent.
- B. The presence of any justifying circumstance will serve to decrease the penalty to that of mere reprimand for a first offense, and to the penalty next higher for succeeding offenses.
- C. Aggravating circumstances shall serve to increase the penalty imposed to that next higher in degree.

## **RULE VI – SUMMARY ACTION**

**SECTION 1.** In case a fraternity, sorority or student organization is involved in a rumble with, or attack against, another fraternity, sorority or student organization, all officers of the fraternity, sorority or student organization may be preventively suspended by the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university for a period not exceeding thirty (30) calendar days, without prejudice to any other liability under these rules.

**SECTION 2.** In case of violent physical initiation or hazing resulting in physical injuries, all officers of the fraternity, sorority or student organization shall be preventively suspended by the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university for a period not exceeding thirty (30) calendar days, without prejudice to any other liability under these rules.

**SECTION 3.** The Order of Preventive Suspension issued by the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university shall be immediately executory, and may be lifted only upon orders of the Chancellor or the President.

**SECTION 4.** Whenever a rumble or an attack occurs, the heads and other officers of the involved fraternities, sororities and student organizations are required to appear without necessity of summons before the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university within twenty-four (24) hours from the start of the rumble or attack; provided, that either or both of the top two (2) ranking officers who fail to appear may be preventively suspended by the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, for not more than thirty (30) calendar days, without prejudice to any other liability under these rules.

**SECTION 5.** Each fraternity, sorority or other student organization shall, within fifteen (15) days from the start of every academic year, submit to the Office of the Vice Chancellor for Student Affairs or the equivalent office in the autonomous university, a list duly approved, subscribed and sworn to by the top three (3) ranking officers thereof, containing the names, addresses, and telephone numbers, including recent pictures of all the officers and members thereof, regardless of whether or not they are in good standing; provided, that any change therein must be reported within one (1) week to

said Office.

Failure to comply with the foregoing provision despite written notice from the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, including submission of false information, shall render the fraternities, sororities or other student organizations concerned liable under Rule I, Section 1, (I) of these rules.

## **RULE VII – SUNDRY PROVISIONS**

**SECTION 1.** All other provisions of the SDT Rules approved by the Board of Regents at its 876<sup>th</sup> Meeting on 02 September 1976, as amended at, which are not inconsistent with these rules shall continue to apply in the prosecution of administrative disciplinary cases against erring members and officers of fraternities, sororities and other student organizations.

**SECTION 2.** The existing summary powers of the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, Deans and other disciplining authorities shall continue to apply, in so far as they are not inconsistent with these rules.

**SECTION 3.** Notwithstanding the summary powers provided under existing SDT rules, the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, or the Dean concerned may preventively suspend any student for a period not exceeding thirty (30) calendar days in the following circumstances:

- A. When the student is caught in the act of committing any misconduct or prohibited act as defined in these rules in the presence of the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, or the Dean;
- B. When the student is about to commit the misconduct or prohibited act as defined in these rules in the presence of the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university, or the Dean; or
- C. When the student has just committed the misconduct or prohibited act as defined in these rules.

When the erring student committed the misconduct or prohibited act in the premises of the college where s/he belongs, the summary powers herein provided shall be exercised by the Dean of said college; *Provided*, That where the misconduct or prohibited act is committed in any other place within the University premises, the Vice Chancellor for Student Affairs or the equivalent official in the autonomous university shall exercise such summary powers.

**SECTION 4.** The Chancellors of autonomous universities are hereby empowered to create their respective student disciplinary tribunals which shall operate pursuant to these rules and existing SDT rules.

**SECTION 5.** The Office of the Registrar of the autonomous university shall make a permanent entry in the transcript of records of all members and officers of fraternities, sororities and student organizations regarding their having been suspended/expelled by reason of having been subjected to administrative disciplinary proceedings under these rules.

**SECTION 6.** All existing disciplinary cases against members and officers of fraternities, sororities and other student organizations pending before the SDT as of the date of approval of these rules shall be investigated or prosecuted, as the case may be, pursuant to or under such rules that are favorable to the respondent.

### **RULE VIII – EFFECTIVITY**

**SECTION 1.** These rules and regulations shall take effect upon approval by the Board of Regents and thirty (30) days after these are circularized by the Chancellors of the autonomous universities of the System\*.

\* Effective December 21, 1995

#### **12.5 UP Implementing Rules and Regulations of the Anti-Sexual Harassment Act of 1995**

*[Refer to Section 5.1 UP Implementing Rules and Regulations of the Anti-Sexual Harassment Act of 1995, Chapter 10 Conduct, Restrictions, and Discipline]*