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Summary

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As of April 2010

With Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)

DRAFT:

2009 CODE OF
STUDENT
CONDUCT

Comment [BE1]: 2010?

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**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

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Article I. Declaration of Principles: "TATAK UP"

We are the University of the Philippines.

We seek the full development of all that is good in humans.
We seek human flourishing.

We shall flourish.

We strive for academic excellence and the continuous search for truth.

We believe that academic excellence is not passive. It is creative, innovative and results in optimal solutions. We believe excellence is visionary and purposive.

We affirm that the search for truth is liberative and transformative.

We shall flourish.

We have integrity.

We are consistent in thought, speech and action.

We have the courage to stand for what is right even in the face of adversity.

We shall flourish.

We are concerned for the welfare of others.

We are compassionate.

We love our country and we work for its rightful place among the community of nations.

We embody civility.

We are fair and just in all our dealings.

We contribute to peace and harmony.

We shall flourish.

We are the University of the Philippines.

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Consultation input	Review Committee Action/Remarks
Draft is proud of Tatak UP, yet is the first to violate it.	Noted.

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Article II. Basis of Discipline

The University of the Philippines Diliman promulgates these rules to cultivate values and encourage virtues that make the Filipino proud. These values aim to strengthen character and nurture an intellectual elite.

Ideally, while virtue cannot be legislated, the character that may be strengthened has dimensions of concern for others, a degree of selflessness, the pursuit of learning and wisdom, a sense of justice and fairness, the courage to stand for moral principles, and the encouragement of an environment where persons can flourish.

The University respects and upholds the students' right of association. The University supports student organizations and activities as initiatives of students to show their capacity for autonomous governance and leadership.

This Code is neither intended to restrict nor unnecessarily limit student activities but rather to provide the institutional parameters within which student activities can flourish. Certain primary institutional or social benefits are generated by the due observation of these parameters, among which are conviviality and security, the promotion of valuable initiatives, social cooperation and collective welfare.

Article III. Applicability

This Code shall apply to UP Diliman, which includes UP Extension Program in Pampanga.

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Consultation input	Review Committee Action/Remarks
Use proper name of UP Pampanga.	Done.



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Article IV. Definitions

For purposes of this Code, the following terms shall be defined thus:

Academic activity – any activity that will enhance academic educational performance such as classes, tutorials, seminars, conferences and lectures.

1. **Academic year** – as determined by the University.
2. **Actual damages** – as defined by law.
3. **Admonition/reprimand** – a written, formal reproof.
4. **Alternative Dispute Resolution (ADR)** – any process to amicably settle a dispute involving less serious misconduct by which the dispute is resolved by the parties themselves with the assistance of a neutral third party.
5. **Apology** – a verified expression of contrition or remorse for wrong done.
6. **Clearance** – a written certification from the University that the student is cleared of all accountabilities.
7. **College** – all academic units such as College, School, Institute or Center.
8. **Community service** – any activity as provided by the disciplinary authority designed to provide for the public good in keeping with the overall goals of the community, such as community-wide beautification or public safety, provided that it should not displace regular employees, supplant employment opportunities ordinarily available, or impair contracts for services. Formula to convert suspension to community service:

Using fifteen (15) units as the minimum full load and two (2) hours as the average length of time spent per unit per week, thirty (30) hours per week of community service will be deemed equivalent to a suspension of every five (5) schooldays. Hence, a fifteen-schoolday suspension may be converted into ninety (90) hours of community service. Community service may be rendered within a period that is not more than two and a half (2 ½) times the length of the suspension.

Suspension	Equivalent in community service	Maximum period of implementation
5 schooldays	30 hours	2 ½ weeks
30 days	180 hours	2 ½ months
1 semester	30 hours/week throughout the semester	2 continuous semesters and one summer

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Consultation input	Review Committee Action/Remarks
Suggests "educational" rather than "academic." Former sounds broader; later too formal	Ok. See definition no. 11.
Why go into settlement (ADR)? Do colleges have this option?	Yes.
Even such cases should be recorded in student's jacket.	Cases shall be recorded in student's jacket without specifying details.
Repeat offenders should not be allowed ADR.	Ok.
Does this mean that if the misconduct is serious, ADR is not an option?	That's correct.
Students should have the option to waive his/her right to an investigation/hearing to avoid embarrassment or protracted cases, if s/he is willing to accept the penalty imposed by the Dean.	The provision of ADR already addresses this. The proper ADR process must be followed, which requires a neutral third party.
On community service, 2 nd paragraph: Perhaps in "Using 15 units," the phrase "as average semestral load" could be added?	Ok, with modification.
In the table, does 30 "days" refer to 30 "schooldays"?	No, to calendar days. See definition no. 10.

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Community service may not be rendered for more than one academic year. Only penalties of one-semester suspension or less may be converted to community service.

9. **Day, week, month, year** – “It shall be understood that years are of three hundred sixty-five days each; months, of thirty days; days, of twenty-four hours; and nights, from sunset to sunrise. If months are designated by their name, they shall be computed by the number of days which they respectively have. In computing a period, the first day shall be excluded, and the last day included.”¹
10. **Educational activity** – any activity that will enhance educational performance such as classes, tutorials, seminars, conferences and lectures.
11. **Expulsion** – permanent disqualification from attendance in the University.
12. **Fine** – financial sanction for misconduct.
13. **Gambling** – any game the result of which depends wholly or chiefly upon chance or hazard and wherein wagers consisting of money or articles of value are made.
14. **Hearing** – an opportunity for the parties to be heard.
15. **Intellectual dishonesty** – any fraudulent act performed by a student to achieve academic advantage or gain for oneself or others, including but not limited to:
 - a. Copying or providing the means to copy a classmate’s exam answers, homework, laboratory experiments, etc.;
 - b. Allowing a classmate to copy from one’s own exam answers, homework, laboratory experiments, etc.;
 - c. Possession and/or use of cheat devices during an examination;
 - d. Distortion and/or destruction of data;
 - e. Plagiarism, which shall be defined as the taking and use of another person’s ideas, writings, inventions and similar intellectual products as one’s own without knowledge, consent and/or accreditation;
 - f. Submission of the same work to two or more courses for academic credit without the knowledge and/or consent of the teachers concerned;

¹ New Civil Code (NCC)

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Consultation input	Review Committee Action/Remarks
Paragraph after table on community service: This line is redundant to table info.	Ok. Line deleted.
Also, it may be misconstrued as saying that community service may not be considered an option when suspension is for more than one academic year. However, if this is the intention, that community service may not be considered an option when suspension is for more than one academic year, perhaps it should be stated directly inasmuch as the table of equivalences does not mention one-year suspension.	The intention is to allow only penalties of one semester or less to be converted to community service. Line added for clarification.

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- g. Deception, which shall be defined as providing false information concerning an academic activity;
 - h. Allowing another person to take an examination in one's name, and/or impersonating another student or allowing someone to impersonate oneself in an academic activity;
 - i. Manipulating a corrected exam paper; and
 - j. Any other form of cheating or any act of dishonesty in relation to academic activity.
16. **Intellectual Property** – as defined by the University Intellectual Property Rights Policy.
17. **Less serious misconduct** - all acts of misconduct not classified as serious misconduct under these rules. (See Appendix A.)
18. **Official Report** – includes any report duly submitted in writing to any proper authority in the University by a faculty member, member of the University security force, any officer of a college or unit, or any officer of the University administration.
19. **Partisan political activity** - refers to any act designed to promote the election or defeat of a particular candidate or candidates to a public office during the election and campaign period of a given year.
20. **Reparation** – appropriate compensation to the aggrieved party for damage and or loss.
21. **Registered student organization** – a group of at least 20 students whose members and officers have completed at least one semester of residency in the University of the Philippines Diliman, who share goals and interests supportive of a healthy University life, and who has been officially registered by the University.
22. **Restitution** – return of property to reverse unjust enrichment.
23. **Retention** – continuing status as student of the University by satisfying retention requirements such as good academic standing or retention grades.
24. **Serious misconduct** – all acts of misconduct not classified as less serious misconduct under these rules, and other analogous acts. (See Appendix A.)
25. **Semester** – academic period as determined by the University.
26. **Student** – any person admitted to and registered in a degree or non-degree program, or cross-registered in any course of the University

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Consultation input	Review Committee Action/Remarks
Vague definition of student org; is the student paper an org? How about a class?	See revised definition, no. 21.
Suggest listing of types of groups: councils (governance), orgs, performing groups	A list runs the danger of missing some types.

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on a regular or part-time basis, including one who is officially on leave of absence; and 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 misconduct, regardless of whether or not he/she 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.

Student organization – a group of students who share goals and interests.

27. **Suspension** – an involuntary, temporary leave from the University wherein a student shall not be allowed to enroll even for residency and may not:
- a. Attend classes and academic activities;
Live in University student housing;
 - b. Use campus facilities, including but not limited to athletic facilities, libraries and computer laboratories;
 - c. Enter academic buildings and their premises;
 - d. Participate in student activities within University premises;
 - e. Have student jobs;
 - f. Take exams; and
 - g. To Avail of any other privilege attendant to being a UP student.
28. **Suspension of recognition registration** – suspension of recognition registration of a student organization.
29. **Tambayan** - a space within the University which the members of a registered student organization officially occupy in order to conduct organization activities.
30. **University Official** – for purposes of this Code, includes all University employees, such as teaching and non-teaching staff, and independent contractors assigned to the University.
31. **University premises** – as defined by the University's certificates of title, including those of the UP Extension Program in Pampanga.

University-recognized student organization – a group of students whose members and officers comprise at least 0.5% of the eligible student population, who have completed at least one year of residency in the University, who share goals and interests supportive of a healthy University life, and has been recognized by the University.

32. **Withdrawal of degree** – cancellation of degree granted.
33. **Withdrawal of recognition registration** – withdrawal of recognition registration and all privileges attendant to recognition registration.

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Consultation input	Review Committee Action/Remarks
Suggest that "or" between "dismissal" and "expulsion" be replaced by a comma.	Done.
On definition 27, inclusion of "live in University housing" too harsh; students from provinces may find themselves with no place to live. Suggestion: add the clause, "depending on the gravity and kind of misconduct."	See revision.
On item g under "suspension": suggest that "to" be removed.	Done.
On definition of University official, it should be limited to only faculty with administrative positions. Another term should be used for non-teaching staff. They should not be considered University officials. Non-teaching staff (like janitors or secretaries) may not always have the student or University's concern as priority. This may be a way where power can be abused.	See revision.
On "University official," the definition is a bit awkward; perhaps a more appropriate term may be used, e.g., employees.	See revision.

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All terms, unless specifically defined, should be understood in their ordinary meaning.

**Article V. Rights, Privileges and Responsibilities of Students
and Registered Student Organizations**

Students and recognized registered student organizations shall enjoy the following rights and privileges and shall be expected to fulfill the consequent responsibilities.

Section 1. Rights as defined by applicable laws, such as but not limited to

- a. 1987 Philippine Constitution;
- b. Batas Pambansa 232, as amended (Education Act of 1982);
- c. Republic Act No. 7079 (Campus Journalism Act);
- d. Republic Act No. 7277 (Magna Carta for Disabled Persons);
- e. Republic Act No. 9500 (UP Charter); and
- f. Republic Act No. 7877 (Anti-Sexual Harassment Act).

Section 2. Privileges

- a. Responsible use of the name and seal of the University with permission;
- b. Use of University facilities and premises for legal purposes with permission; and
- c. Eligibility for grants and financial assistance.

Section 3. Responsibilities as provided by this Code.

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Consultation input	Review Committee Action/Remarks
Draft dead silent on rights, benefits, protection for students but loud and clear on limitations, penalties, sanctions; only 9 lines for rights and privileges, 55 for sanctions, etc.	
<p>Include a bill of rights of students. In addition to other rights under existing laws, every student shall enjoy the following rights:</p> <ol style="list-style-type: none"> 1. The right to receive, primarily through competent instruction, relevant quality education in line with national goals and conducive to his/her full development as a person with human dignity. 2. The right to freely choose her/his field of study subject to existing curricula and to continue her/his course therein up to graduation, except in cases of academic deficiency, or violation of disciplinary regulations. 3. The right to enrol in any course regardless of her/his physical appearance or handicap, socio-economic status, political or religious beliefs, or membership in student organization, subject to UP academic requirements. 4. The right to be free from any form of indoctrination leading to imposed ideological hegemony. 5. The right to adequate welfare services and academic facilities, which shall include but shall not be limited to the following: <ol style="list-style-type: none"> a. Free annual physical check-up; b. Legal assistance in cases involving the exercise and enjoyment of rights and freedoms as students; c. School guidance and counselling services for decisions and selecting the alternatives in fields of work suited to his potentialities; d. Adequate laboratory, library, research, recreation and physical education facilities; e. Communications system to ensure that students are promptly notified of letters and other relevant information; f. Adequate, safe and clean housing facilities, such as dormitories, for students inside campuses. 6. The right of access to her/his school records, the confidentiality of which the school shall maintain and preserve. 7. The right to the issuance of official certificates, diplomas, transcript of records, grades, transfer credentials, and other similar documents within thirty days from request. 8. The right to free expression of opinions and suggestions, and to effective channels of communication with appropriate academic channels and administrative bodies of the school or institution. 9. The right to information on matters affecting students' rights and welfare. 10. The right to participate in the drafting of policies relating to students' rights and welfare, especially in curriculum review, student discipline, and academic standards. 11. The right to peaceably assemble and petition the government and school authorities for the redress of grievances. 12. The right to non-interference by military, police, or school security elements of legitimate student activities within the University, in particular, peaceful mass actions. 13. The right to publish a student newspaper and similar publications in the pursuit of academic freedom and the freedom of expression without any outside censorship or interference. 14. The right to establish a student council or government. 15. The right to form, establish, join and participate in organizations and societies recognized by the school to foster their intellectual, cultural, spiritual, and physical growth and development, or to form, establish, join and maintain organizations and societies for purposes not contrary to law. 16. The right to have no unreasonable requirements imposed upon her/his initiation to any student organization/s seeking recognition from the University. 17. The right to be free from involuntary contributions, except those approved by their own organizations or societies. 	List of laws added to Section 1

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Article VI. Guidelines for Students and Registered Student Organizations

The University encourages students to engage in activities that help them flourish as individuals and as groups. Students and student organizations may not be subjected to any disciplinary proceeding except as provided in this Code.

Section 1. Acts of Misconduct and Sanctions for Students

Acts of Misconduct (See Appendix A.)	Sanctions (See Appendix B.)
Section 1.1. Intellectual Dishonesty	
Committing any form of intellectual dishonesty such as, but not limited to,	Additional sanctions for all acts of Intellectual Dishonesty: <ul style="list-style-type: none"> • Withdrawal of degree • Withdrawal of honors • Disqualification from graduation with honors • Cancellation of registration • Withdrawal of IT privileges for any acts described in item number 1 under Article VI Section 1.5.2.
a. Plagiarism;	1. For the first violation, suspension for a minimum of one (1) semester, to expulsion; 2. For the second violation, expulsion.
b. Distortion and/or destruction of data;	1. For the first violation, suspension for a minimum of one (1) semester, to expulsion; 2. For the second violation, expulsion.
c. Copying or providing the means or accessing means to copy exam answers, homework, projects, laboratory experiments, term papers, etc.; possession and/or use of cheat devices during an examination; allowing another person to take an examination in one's name, and/or impersonating another student or allowing someone to impersonate oneself in an academic activity; and manipulating a corrected exam paper	1. For the first violation, suspension for a minimum of two (2) months, to expulsion; 2. For the second violation, expulsion.
d. Submission of the same work in two or more courses without the instructors' consent;	1. For the first violation, suspension for a minimum of one (1) month, to two (2) years;

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<p>18. The right to be free from the use of force in her/his initiation to any student organization in the University and from the payment of excessive fees to her/his organization.</p> <p>19. The right to due process in disciplinary cases filed against her/him, subject to the following rights:</p> <ol style="list-style-type: none"> a. The students must be informed in writing of the nature and cause of any accusation against them; b. They shall have the right to answer the charges against them, with the assistance of counsel, if desired; c. They shall be informed of the evidence against them; d. They shall have the right to adduce evidence in their own behalf; and e. The evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case. f. The right to appeal the decision of the disciplinary proceeding to clearly designated College and University authorities. <p>20. The right for her/his organization to have a tambayan at a location within the University grounds provided by the UP Administration and agreed to by the organization concerned.</p>	
<p>We need guidelines on the use of University's name and facilities.</p>	<p>There are already existing University guidelines on this. The privilege is not limited to students.</p>
<p>Clarify difference in privileges of U-based and C-based orgs.</p>	<p>No difference at the level of University-mediated privileges.</p>
<p>Does "Use" imply free use?</p>	<p>Not necessarily. "Permission" may require fees.</p>
<p>Article VI refers only to students and registered student organizations. What if the mentioned acts are committed by unregistered student organizations?</p>	<p>They will be charged as students.</p>
<p>Please clarify "distortion of data."</p>	<p>Discussed and noted.</p>
<p>Is age a factor in the gradation of penalties? Minority must be considered</p>	<p>Addressed. Already inputted in the range of penalties.</p>
<p>Withdrawal of honors must be for all cases, not just Intellectual Dishonesty.</p>	<p>Ok for serious acts of misconduct. See lists.</p>



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	2. For the second violation, expulsion.
e. Other acts analogous to a, b, c, and/or d.	1. For the first violation, suspension for a minimum of one (1) month, to expulsion; 2. For the second violation, expulsion.
Section 1.2. Fraud	
Making a false statement and practicing any deception or fraud in connection with	
a. Admission to the University;	The admission to the University of any student found to have committed the misconduct defined in Article VI Section 1.2a shall be declared by the University Registrar to be null and void; s/he shall be permanently barred from admission.
b. Registration in the University;	1. For the first violation, suspension for one (1) semester to expulsion; 2. For the second violation, expulsion. Possible additional sanctions: <ul style="list-style-type: none"> • cancellation of registration in the course(s) for which the fraudulent act was committed • no refund of tuition and other fees • disqualification from graduation with honors • withdrawal of degree
c. Retention in the University;	1. For the first violation, suspension for one (1) year to expulsion; 2. For the second violation, expulsion. Possible additional sanctions: <ul style="list-style-type: none"> • cancellation of registration for the course(s) for which the fraudulent act was committed • no refund of tuition and other fees • disqualification from graduation with honors • withdrawal of degree upon recommendation of disciplinary body
d. Graduation from the University;	Expulsion.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
On Section 1.2: If registration is cancelled in mid-semester, how is the suspension to be calculated?	Whether or not registration is cancelled, the suspension shall take effect on the first day of classes of the subsequent semester. See Article VII Sections 2.17 and 3.6.15.

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	The degree granted to any student found to have committed the misconduct defined in Article VI Section 1.2d shall be recommended to the Board of Regents (BOR) for withdrawal.
e. Application to and/or receiving any scholarship or grant funded or managed by the University and its affiliated institutions;	<p>1. For the first violation,</p> <ul style="list-style-type: none"> • Suspension for a minimum of one (1) semester to <u>one (1) academic year expulsion</u>; • Reimbursement of full cost of UP education (based on the highest STFAP Bracket when the student entered the University) for the semester(s) that s/he was able to enjoy the scholarship; or reimbursement of the full cost of the grant, its processing, plus interest; <u>and</u> • Permanent disqualification from all scholarships or grants funded or managed by the University and its affiliated institutions; <u>and</u>. <p>2. For the second violation,</p> <ul style="list-style-type: none"> • <u>expulsion and</u> • <u>reimbursement of full cost of UP education (based on STFAP Bracket A or 9) for the semester(s) that s/he was able to enjoy the scholarship; or reimbursement of the full cost of the grant, its processing, plus interest.</u> <p><u>Possible additional sanction: disqualification from graduation with honors.</u></p>
f. Recognition <u>Registration</u> of student organizations;	<p>1. For the first violation, suspension of officers at the time application was made, for a minimum of one (1) semester, to expulsion;</p> <p>2. For the second violation, expulsion.</p> <p><u>Possible additional sanction: disqualification from graduation with honors.</u></p>
g. Use of University facilities by, or in the name of, student organizations;	1. For the first violation, suspension of officers and individuals who applied for and/or used the University facilities

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Consultation input	Review Committee Action/Remarks
Application to any grant: Doesn't the permanent disqualification due to the first violation cancel the possibility of a second application, and therefore a second violation?	That's correct. Revised.

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	<p>under the name of the organization for a minimum of one (1) semester, to expulsion;</p> <p>2. For the second violation, expulsion.</p> <p><u>Possible additional sanction: disqualification from graduation with honors.</u></p>
h. Use of intellectual property of the University.	<p>1. For the first violation, suspension for a minimum of one (1) semester, to expulsion;</p> <p>2. For the second violation, expulsion.</p> <p><u>Possible additional sanction: disqualification from graduation with honors.</u></p>
Section 1.3. Harm	
Section 1.3.1. Harm to Persons	
	<p><u>Possible additional sanction: disqualification from graduation with honors.</u></p>
a. Creating within the University premises disorder, tumult, breach of peace, or serious disturbance <u>resulting to harm to persons</u> ;	<p>1. For the first violation, suspension for a period ranging from fifteen (15) days to one (1) semester, or community service;</p> <p>2. For the second violation, suspension for one (1) semester to one (1) academic year;</p> <p>3. For the third violation, suspension for one (1) academic year to expulsion.</p> <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert, the sanction shall be as follows:</p> <p>1. For the first violation, suspension of the students involved in the disorder for one (1) semester to one (1) academic year;</p>

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Consultation input	Review Committee Action/Remarks
<p>Vague: disorder, tumult, breach of peace, serious disturbance. These wordings can be used against orgs holding traditional activities like protest actions, orientations... rallies... celebrations...</p>	<p>See revision.</p>
<p>Can there be stiffer penalties for those who come to our college para manggulo? Used the term "exporting violence".</p>	<p>Addressed in the draft Code through ICDC procedure. See also 1.3.1.</p>

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	<p>2. For the second violation, expulsion.</p> <p>Provided further, that if the misconduct involves the use of objects listed in Article VI Section 1.4b, the sanction shall be expulsion.</p>
<p>b. Physically attacking any person;</p>	<p>1. For the first violation, the sanction shall be:</p> <p>If the victim is medically certified to have sustained injury but is capacitated, e.g., able to attend classes or work, suspension for thirty (30) days to expulsion;</p> <p>If the victim is not hospitalized or is hospitalized for less than seven (7) days and is medically certified to be incapacitated, e.g., unable to attend classes or work, suspension for one (1) semester to expulsion;</p> <p>If the victim is hospitalized at least seven (7) days as a consequence of the act, suspension for one (1) <u>semester year</u> to expulsion; and</p> <p>If the victim dies as a result of the act, expulsion;</p> <p>Provided, that if the physical attack is committed against a University official or person in authority, the sanction shall be expulsion.</p> <p>Provided further, that if the physical attack is committed by two or more persons acting in concert, the sanction shall be expulsion.</p> <p>2. For the second violation, expulsion.</p>
<p>c. Engaging in any of the acts described in RA 8049 otherwise known as the Anti-Hazing Law;</p>	<p>Expulsion of the officers of the organization and members involved in the act.</p> <p>The neophyte who allows herself/himself to be subjected to such rites and rituals shall be suspended for one (1) week to one (1) semester and shall be required to undergo</p>

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks
<p>Physically attacking: Suggest to integrate the cases of "...not hospitalized or is hospitalized for less than seven (7) days..." and "...hospitalized at least seven (7) days..." since they amount to the same action.</p>	<p>Typographical error corrected.</p>

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	counseling. The parent(s) or guardian(s) of the student shall be notified.
d. <u>Recruiting</u> <u>Accepting</u> a student who has not completed a one-year semester residency in UP Diliman for membership in any <u>registered student organization</u> ;	<p>Suspension for one (1) semester to one (1) academic year;</p> <p>Provided further, that any student found to have <u>recruited</u> <u>accepted</u> two or more such students to the organization, the sanction shall be suspension for one (1) academic year to expulsion.</p> <p>The student who allows herself/himself to be <u>recruited</u> <u>accepted for membership</u> shall be suspended for one (1) semester to one (1) year and shall be required to undergo counseling. The parent(s) or guardian(s) of the student shall be notified.</p>
e. Disrespect towards any person, which includes, but not limited to, insulting and/or threatening behavior or use of profane or insulting and/or threatening language;	<p>1. For the first violation, suspension for one (1) month to one (1) semester and a verified written apology acceptable to the offended party;</p> <p>Provided, that if the misconduct is committed against a University official, faculty member or person in authority, suspension for a minimum of one (1) semester to one (1) academic year and a verified written apology acceptable to the offended party.</p> <p>Provided further, that if the misconduct is committed by two or more persons acting in concert, suspension for a minimum of one (1) academic year and a verified written apology acceptable to the offended party to expulsion.</p> <p>Refusal to provide a verified written apology acceptable to the offended party will be sanctioned with expulsion. The apology should be written and sent to the offended party within fifteen (15) days from receipt of suspension order.</p> <p>2. For the second violation, expulsion.</p>

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks
<p>Why is recruiting freshmen considered as "harm to persons"?</p> <p>Isn't this also harmful to upperclassmen?</p>	<p>The draft committee believes the relevant provision has been justified.</p>
<p>Disapproves of residency requirement. Why not differentiate between "good" and "bad" orgs; bad ones may be punished by said prohibition, even more than a year.</p> <p>Don't penalize orgs that have been good; we cannot lump frat and orgs together; if org hazes, lump it together with frats.</p>	<p>The provision aims to protect the student.</p>
<p>Also, colleges must have leeway on this. It should be ok to have more lax rules in colleges.</p>	<p>This is contrary to the principle that the University sets minimum standards, which Colleges may make stricter but may not relax.</p>
<p>Why not monitor recruitment process instead of requiring residency?</p>	<p>Not feasible.</p>
<p>What constitutes "recruitment"? Does this mean freshmen are not allowed in tambayan?</p>	<p>See revision.</p>
<p>Anti-hazing law: Notifying the parent/guardian makes its first appearance here. Perhaps it should be included in the earlier items as well.</p>	<p>In all cases of misconduct, parents or guardians are informed. See Article VII Sections 2.6 and 3.6.5. The particular mention in the hazing provision and in the next provision tends to emphasize that freshmen are usually minors and therefore need more protection.</p>
<p>Define residency – in University (anywhere in the System, including UPIS) Diliman, or College?</p>	<p>UP Diliman.</p>
<p>Vague – "disrespect" (real or imagined)</p>	<p>All terms, unless specifically defined, should be understood in their ordinary meaning.</p>
<p>What is threatening language/behavior?</p>	<p>All terms, unless specifically defined, should be understood in their ordinary meaning.</p>

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f. All acts described in the Anti-Sexual Harassment Act of 1995 (R.A. 7877) and its Implementing Rules and Regulations (IRR) approved by the Board of Regents.	<p>1. For the first violation, suspension for <u>one (1) day to thirty (30) days</u> <u>one (1) semester to one (1) academic year</u>.</p> <p>2. For the <u>second subsequent</u> violations, suspension for <u>one (1) semester</u> to one (1) year <u>to expulsion</u>.</p> <p><i>For the first and second violations,</i> The student shall be required to undergo counseling. The parent(s) or guardian(s) of the student shall be notified.</p> <p>3. For the third violation, <u>expulsion</u>.</p>
g. Rape	Expulsion.

Subsection 1.3.2. Harm to Things

a. Damaging or defacing property within University premises, including but not limited to, littering and vandalism;	<p>1. For the first violation, suspension from one (1) week to one (1) academic year, or community service; or</p> <p>2. For the second violation, suspension from fifteen (15) days to expulsion;</p> <p>3. For the third violation, suspension for a period of one (1) semester to expulsion.</p> <p>In all cases, the student shall be required to repair the damage done at her/his expense or to pay the costs incurred in repairing such damage. No clearance shall be issued until such damage is fully compensated by the student.</p> <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert and/or committed on the occasion of violent confrontations or any similar disturbance, the sanction shall be as follows:</p> <p>1. For the first violation, suspension for one (1) month to expulsion;</p> <p>2. For the second violation, <u>expulsion</u>.</p>
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**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks
Why is the penalty for recruitment of freshmen heavier than for sexual harassment? Is the former graver than the latter?	See revision.
Clarify definition of SH to include peer-to-peer harassment... What about student harassing teacher?	UP-IRR for anti-sexual harassment already addresses this.
The UP IRR on sexual harassment (SH) specifies that the Office of Anti-Sexual Harassment (OASH) should be the office to process all SH cases in the University including those that involve student respondents. In this proposed code, student vs. student cases are to be handled elsewhere. Will the new student code supersede the UP IRR?	No. The preliminary investigation (PI) can still be handled by OASH, then, if there's a case, it will be referred to the Student Disciplinary Council. This is not inconsistent with the IRR. OASH does not hear the cases. It conducts PI and constitutes a hearing committee. In the case of student respondents, no need to constitute a hearing committee; simply forward the PI findings and the formal charge to the SDC.
<p>Remove legal terms like "rape". Subsume under Physical harm.</p> <p>If student is convicted of any serious crime while a student, expel. Clearly define "serious crime."</p>	Provision removed. Committee agrees that said offense is a legal conclusion that the courts should arrive at.

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	<p>In either case, the students shall be required to repair the damage done at their expense or to pay the costs incurred in repairing such damage. No clearance shall be issued until such damage is fully compensated by the students.</p>
<p>b. Stealing within University premises.</p>	<ol style="list-style-type: none"> 1. For the first violation, suspension for one (1) week to one (1) academic year or community service; or 2. For the second violation, suspension for two (2) weeks to expulsion; 3. For the third violation, suspension for a period of one (1) semester to expulsion. <p>In all cases, the student shall be required to make restitution and/or reparation, and repair any damage done at her/his expense or to pay the costs incurred in repairing such damage. No clearance shall be issued until the stolen property is returned or replaced or any damage is fully compensated by the student.</p> <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert and/or committed on the occasion of violent confrontations or any similar disturbance, the sanction shall be as follows:</p> <ol style="list-style-type: none"> 1. For the first violation, suspension for one (1) month to expulsion; 2. For the second violation, expulsion. <p>In either case, the students shall be required to make restitution and/or reparation, and repair the damage done at their expense or to pay the costs incurred in repairing such damage. No clearance shall be issued until the stolen property is returned or replaced and any damage is fully</p>

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	compensated by the students.
Section 1.4. <u>Other</u> Inappropriate Behavior	
	<u>Possible additional sanction: disqualification from graduation with honors.</u>
a. Drinking of alcoholic beverages, except where and when expressly allowed by the Chancellor, and/or drunken behavior within University premises;	Admonition to suspension for three (3) to fifteen (15) days or community service;
b. <u>Unauthorized</u> Possession and/or use within the University premises of any dangerous or deadly or potentially deadly object or material such as, but not limited to, firearm; any bladed or pointed object; stick, pipe, or any similar object; and chemicals, <u>unless required in his/her course</u> ;	<p>1. For the first violation, suspension for one (1) month to one (1) year;</p> <p>Provided, that should the deadly weapon be a firearm, explosive, or any similar device, the sanction shall be expulsion;</p> <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert, the sanction shall be expulsion.</p> <p>2. For the second violation, suspension for one (1) year to expulsion.</p> <p>Provided, that if the misconduct is committed by two (2) or more persons acting in concert, the sanction shall be expulsion.</p>
c. Unauthorized possession and/or use of regulated or prohibited drugs or substances enumerated in the Comprehensive Dangerous Drugs Act of 2002 (as amended), within the University premises;	<p>1. For the first violation, suspension for one (1) semester to one (1) academic year;</p> <p>2. For the second violation, suspension from one (1) academic year to expulsion;</p> <p>For the first and second violations, the student shall be required to undergo counseling. Rehabilitation may be required at the student's expense. The parent(s) or guardian(s) of the student shall be notified;</p> <p>3. For the third violation, expulsion.</p>
d. Gambling within the University premises;	Admonition to suspension for three (3) days to two (2) months or community

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Consultation input	Review Committee Action/Remarks
All violations are "inappropriate behaviour." Suggest using the term "Other inappropriate behaviour".	See revision.
There is a need to define the word 'unauthorized' ... To do otherwise would render the inclusion of the word inutile in the provision. It would give those who shall implement the same unbridled discretion to determine what constitutes authorized or unauthorized.	See revision.

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	service. The student may be advised to undergo counseling.
e. Engaging in disgraceful conduct within University premises;	Admonition to expulsion. The student may be advised to undergo counseling.
f. Willfully disobeying any lawful order or directive by the Chancellor, Vice-Chancellors, Deans, Directors of academic units, College Secretaries, OSA Director and members of disciplinary bodies, including but not limited to, summons for purposes of investigation and other proceedings.	<p>1. For the first violation, suspension for seven (7) days to thirty (30) days or community service;</p> <p>2. For the second violation, suspension for thirty (30) days to one (1) semester or community service;</p> <p>3. For the third violation, expulsion.</p>
Section 1.5. AUP² Violations	
Violation of the Approved Acceptable Use Policy for Information Technology (IT) Resources of the UP System (October 31, 2002, as amended);	<u>Possible additional sanction: disqualification from graduation with honors.</u>
Section 1.5.1. Uses Contrary To Law	
<p>1. Unlawful use.</p> <p>Users may not use the IT System for any activity that is contrary to any law or administrative rule or regulation, or to encourage any such unlawful activity.</p>	Violators shall suffer a sanction ranging from suspension for one year to expulsion or dismissal
<p>2. Infringement of protected material.</p> <p>Users must not infringe on the copyright and other property rights covering software, databases and all other copyrighted material such as text, images, icons, retrieved from or through the IT System. These acts shall include, but is not limited to, the unauthorized copying, reproduction, dissemination, distribution, importation, use, removal, alteration, substitution, modification, storage, unloading, downloading, communication, publication or broadcasting of such material. Users must properly attribute</p>	Violators shall suffer a sanction ranging from suspension for one month to expulsion or dismissal.

² The Approved Acceptable Use Policy (AUP) for Information Technology (IT) Resources of the UP System is posted in the website of the University (<http://www.up.edu.ph>).

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Consultation input	Review Committee Action/Remarks
<p>Vague: disgraceful conduct. Vague words may give room for skewed interpretations to determine what is disgraceful or inappropriate... how about the Oblation Run...</p> <p>Does it include public display of affection? How about the kind of nudity, vulgar speech, or unorthodox/eccentric acts that have always been incorporated in activities that are already considered part of the traditions of UP and have come to define the intellectual and creative ferment that every UP student should be exposed to?</p>	<p>Noted. Rebus sic stantibus (Allow for changes in circumstances.)</p>
<p>Section 1.3.2.f lends too much authority to administration officials that they can require students to follow objectionable policies.</p>	<p>Note the term "lawful order".</p>
<p>AUP unfair, intrusive of privacy... political, commercial, personal uses not clearly qualified... prohibiting cross-posting affects org dissemination of info... policing mechanism of Dilnet breach of students' privacy...</p>	<p>AUP is already an approved set of rules.</p>
<p>Define/identify what the University's IT resources are.</p>	<p>Such as but not limited to computers, networks, routers, webmail, CRS, OPAC, VOIP, telephones. See Appendix C.</p>
<p>Spamming of messages in groups using UP's IT system for political, personal and commercial reasons are prohibited, despite the massive progress it gives in information drives.</p>	<p>UP IT is for academic purposes.</p>

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<p>any material they copy from or through the IT System. Users are reminded that the infringement of intellectual property rights belonging to others through the use of telecommunications networks is a criminal violation under Section 33(b) of the Electronic Commerce Act.</p>	
<p>3. Hacking.</p> <p>Users may not use the IT System to gain unauthorized access into or interfere with another computer, system, server, information or communication system, or to obtain any access in order to corrupt, alter, steal or destroy any such system or information within such system or to introduce viruses. Users are reminded that all of the foregoing acts constitute the crime of Hacking under Section 33(a) of the Electronic Commerce Act and are punishable by mandatory imprisonment and/or a fine.</p>	<p>Violators shall suffer a sanction ranging from suspension for one year to expulsion or dismissal. The sanction shall carry with it permanent withdrawal of all IT privileges.</p>
<p>Section 1.5.2. Uses Inconsistent With The Purposes Of The UP System</p>	
<p>1. Cheating.</p> <p>Users may not use the IT System to engage in cheating or academic dishonesty. Acts prohibited under this provision include but are not limited to the following:</p> <p>1.1 Copying a computer file that contains another person's work and submitting it for one's own credit;</p> <p>1.2 Copying a computer file that contains another person's work and using it as a model for one's own work;</p> <p>1.3 Collaborating on a work, sharing the computer files and submitting the shared file, or a modification thereof, as one's individual work, when the work is supposed to be done individually; and</p> <p>1.4 Communicating with another</p>	<p>See Article VI Section 1.1.</p>

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person on-line during the conduct of an examination.	
<p>2. Political use.</p> <p>Users may not use the IT System for any partisan political activities <u>not related to appropriate University functions except in a purely incidental manner.</u></p>	Violators shall suffer a sanction ranging from suspension for one month to one year.
<p>3. Unauthorized Commercial use.</p> <p>Users may not use the IT System for commercial purposes, except as permitted under other written policies of the UP SYSTEM or with the written approval of a competent authority.</p>	Violators shall suffer a sanction ranging from suspension for one month to one year with fine. If the violator is a student, the fine shall be P1,000.00 or the amount equivalent to the earnings, whichever is higher.
<p>4. Personal use.</p> <p>Users may not use the IT System for personal activities not related to appropriate University functions except in a purely incidental manner.</p>	Violators shall suffer a sanction ranging from suspension for one month to one year.
<p>5. Unauthorized gaming or entertainment.</p> <p>Users may not play games or use entertainment software on or through the IT System unless authorized in writing by competent authorities. The presence of game software or any part thereof may be presumptive evidence of unauthorized gaming or entertainment.</p>	Violators shall suffer a sanction ranging from suspension for one week to one year; Provided, that the sanction for habitual violation shall be expulsion or dismissal.
<p>6. Use contrary to University policy or contract.</p> <p>Users may not use the IT System in violation of other policies of the University, or in any manner inconsistent with the contractual obligations of the University.</p>	Violators shall suffer a sanction ranging from suspension for one week to one year in addition to the sanction of the violation facilitated through IT network.
<p>Section 1.5.3. Uses That Damage the Integrity, Reliability, Confidentiality and Efficiency of the IT System</p>	
<p>1. Software and hardware installation and removal.</p> <p>Unless properly authorized, users may not destroy, remove, modify or install any computer equipment, peripheral,</p>	Violators shall suffer a sanction ranging from suspension for one month to expulsion.

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Consultation input	Review Committee Action/Remarks
On AUP prohibition of use of IT in partisan politics, may run counter to what we do in the University – get involved in socio-political issues.	See revision. See also definition no. 19.

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operating system, disk partition, software, database, or other component of the IT System; or connect any computer unit or external network to the IT System.	
<p>2. Unauthorized or destructive programs.</p> <p>Unless properly authorized and part of her/his administrative or academic duties, users may not develop or use programs on the IT System that may or are intended to:</p> <p>2.1. interfere with the ability of the UP System to enforce these policies;</p> <p>2.2. damage any software or hardware component of the system;</p> <p>2.3. modify normally protected or restricted portions of the system or user accounts;</p> <p>2.4. access private or restricted portions of the system; or</p> <p>2.5. interfere with or disrupt other computer users.</p>	Violators shall suffer a sanction ranging from suspension for one year to expulsion.
<p>3. Destructive acts.</p> <p>Users may not <i>attempt</i> to crash, tie up, or deny any service on, the IT System.</p>	Violators shall suffer a sanction ranging from suspension for one year to expulsion.
<p>4. Unauthorized access.</p> <p>Users may not attempt to gain unauthorized access, exceed authorized access, or enable unauthorized access to the IT System, or to other networks or systems of which the IT System is a part.</p>	Violators shall suffer a sanction ranging from suspension for one month to one year.
<p>5. Password protection.</p> <p>A user who has been authorized to use a password-protected account may not disclose such password or otherwise makes the account available to others without permission of the system administrator.</p>	Violators shall suffer a sanction ranging from suspension for one week to one year.
<p>6. Concealing access.</p>	Violators shall suffer a sanction ranging

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<p>Users may not conceal, delete, or modify information or records pertaining to access to the IT System at the time of access, or alter system logs after such access for the purpose of concealing identity or to hide unauthorized use. Users may not conceal their own identity or masquerade as other users when accessing, sending, receiving, processing or storing through or on the IT System.</p>	<p>from suspension for one year to expulsion.</p>
<p>7. Prohibited material.</p> <p>Users may not publish (on mailing lists, bulletin boards, and the World Wide Web) or disseminate prohibited materials over, or store such information on, the IT System. Prohibited materials under this provision include but are not limited to the following:</p> <p>7.1. Any collection of passwords, personal identification numbers (PINs), private digital certificates, credit card numbers, or other secure identification information;</p> <p>7.2. Any material that enables others to gain unauthorized access to a computer system. This may include instructions for gaining such access, computer code, or other devices. This would effectively preclude displaying items such as 'Hackers Guides', etc.;</p> <p>7.3. Any material that permits an unauthorized user, who has gained access to a system, to carry out any modification of the computer programs or data stored in the system; and</p> <p>7.4. Any material that incites or encourages others to carry out unauthorized access to or modification of a computer system.</p>	<p>Violators shall suffer a sanction ranging from suspension for one year to expulsion.</p>

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Consultation input	Review Committee Action/Remarks



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Section 1.5.4. Uses That Encroach On The Rights Of The Users	
1. Wasteful and destructive practices. Users may not encroach on others' access and use of the IT System through wasteful and destructive practices such as but not limited to the following:	
1.1. Sending chain-letters or excessive messages including spamming, either locally or off-campus; spamming, includes the act of (1) repeated cross-posting the same message to as many newsgroups or mailing lists as possible, whether or not the message is germane to the stated topic of the newsgroups or mailing lists targeted, (2) maliciously sending out of unsolicited email in bulk, or (3) sending large unwanted or unnecessary files to a single email address.	Violators shall suffer a sanction ranging from suspension for one week to one month
1.2. Printing excess copies of documents, files, data, or programs;	Violators shall suffer a sanction ranging from suspension for one week to one month;
1.3. Running grossly inefficient programs when efficient alternatives are known by the user to be available;	Violators shall suffer a sanction ranging from suspension for one week to one month;
1.4. Using more than one computer terminal at a time, unless specifically authorized by competent authority. Faculty members whose duties require the use of more than one computer shall be exempted.	Violators shall suffer a sanction ranging from suspension for one week to one year;
1.5. Locking public access computers using screen savers or otherwise, unless specifically authorized by competent authority;	Violators shall suffer a sanction ranging from suspension for one week to one month;
1.6. Not logging out of the system to allow other users to make use of the public access computer;	Violators shall suffer a sanction ranging from suspension for one week to one month; and
1.7. Using a service which has been identified by the System Administrator as causing an excessive amount of traffic on the IT System or its external network links;	Violators shall suffer a sanction ranging from suspension for one week to one year.
2. Offensive material. 2.1. Users may not use the facilities of the IT System to produce, disseminate,	Violators shall suffer a sanction ranging from suspension for one month to expulsion or dismissal.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Section 1.5.4.1.1 – Suggestion: set a specific number of allowed repetitions and include how the violators will be apprehended. Should the recipients report such incidences to University authorities or will there be a specific person/group of people responsible for monitoring responsible messaging? Rationale: group messaging has always been a good way of publicizing events and projects. Online publicity provides a more convenient form of publicizing. It allows one to send information to people directly concerned.</p>	<p>Noted. See 1.5.2.4.</p>
<p>Section 1.5.4.1.1 – The way it is worded, it could be difficult to determine “excess.” Usually extra copies are really made for backup and security purposes. If what is meant are copies made beyond what is necessary, the wording could be made more specific.</p>	<p>Noted. “Excess” already means “beyond what is necessary.”</p>

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<p>or display material that could be considered offensive, pornographic, racially abusive, discriminatory of creed or gender, or libelous in nature.</p> <p>2.2. Users may not use electronic communication facilities (such as mail, chat, or systems with similar functions) to send messages which are fraudulent, maliciously harassing, obscene, threatening, or in violation of laws, administrative rules and regulations, or other policies of the University System or its constituent universities (CU).</p>	
<p>3. Inappropriate messages.</p> <p>Users may not send to a mailing list, including local or network news groups and bulletin boards, any unsolicited material inconsistent with the list's purpose. Users of an electronic mailing list are responsible for determining the purpose of the list before sending messages to or receiving messages from the list. Subscribers to an electronic mailing list are deemed to have solicited any material delivered by the list that is consistent with the list's purpose.</p>	<p>Violators shall suffer a sanction ranging from suspension for one week to one month.</p>
<p>Section 1.5.5. Uses which Violate Privacy</p>	
<p>1. Confidential information.</p> <p>1.1. Unless properly authorized, users may not attempt to gain access to archives or systems that contain, process, or transmit confidential information. Authorized users may not exceed their approved levels of access, nor should they disclose confidential information to others.</p> <p>1.2. Unless properly authorized, users may not attempt to gain access to archives or systems that contain, process, or transmit confidential information. Authorized users may not exceed their approved levels of</p>	<p>Violators shall suffer a sanction ranging from suspension for one year to expulsion or dismissal.</p>

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks



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access, nor should they disclose confidential information to others.	
2. Encrypted information. Users shall consider as confidential all encrypted information. This includes but is not limited to passwords, digital keys and signatures. Users may not decrypt, attempt to decrypt, or enable others to decrypt such information if they are not the intended recipient.	Violators shall suffer a sanction ranging from suspension for one year to expulsion or dismissal.
3. Information belonging to others. Users may not intentionally seek or provide information on, obtain copies of, or modify files, programs, or passwords belonging to other users, without the permission of those other users.	Violators shall suffer a sanction ranging from suspension for one month to expulsion or dismissal.
4. Wiretapping, traffic capture and snooping. Unless properly authorized, users may not re-route or capture data transmitted over the IT System.	Violators shall suffer a sanction ranging from suspension for one year to expulsion or dismissal.
	In addition to the penalties provided, all IT privileges of the offender may be suspended for a maximum of the period of the sanction. If the violation amounts to a sanction punishable by expulsion or dismissal, IT privileges may be revoked permanently.
5. Repeated violations of any of the acts proscribed under this policy shall be considered as gross misconduct.	
Section 1.6. Any other form of Misconduct	
Engaging in any other form of misconduct, whether within or outside University premises, which affects the good order and welfare and/or good name of the University.	Admonition to expulsion. <u>Possible additional sanction: disqualification from graduation with honors.</u>

Sanctions of suspension for two or more cases shall be served successively and not simultaneously.

Cases of intellectual dishonesty shall prescribe one (1) year after discovery of the misconduct or upon graduation, whichever comes later. All other cases of serious misconduct shall prescribe upon graduation. All cases

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks
<p>“Any other form is misconduct” is potentially vague and overbroad. It is vague as it does not provide as to what kind of misconduct “affects the good order and welfare and/or good name of the University”. Further, the measure is very susceptible to being overbroad, that is, “a means which sweep unnecessarily and broadly and thereby invade the area of protected freedoms”. In fact it applies whether the act supposedly committed is outside of the University, whether or not a person is engaged in lawful conduct or in the exercise of one’s rights. What is being assailed here is not the measure but the standards by which punishment shall be meted. The bar that is set by the measure is too low and can easily be the basis for the imposition of sanctions against the student. The fact that punishment ranges from a simple slap on the wrist to expulsion exacerbates the point we are trying to make.</p>	<p>This is a catch-all category. A definitive enumeration may be limiting.</p>

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of less serious misconduct shall prescribe six (6) months after discovery of the misconduct or upon graduation, whichever comes earlier.

Section 2. Acts of Misconduct and Sanctions for Registered Student Organizations

A registered student organization shall be subject to disciplinary action for any of the following acts without prejudice to the filing of a case against a member as a student:

Acts of Misconduct (See Appendix A.)	Sanctions (See Appendix B.)
Section 2.1. Fraud³	
a. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for <u>recognition registration</u> ; (n)	1. For the first violation, suspension of <u>recognition registration</u> for six (6) months to one (1) year;
b. Making a false statement and practicing or attempting to practice any deception or fraud in connection with use of University facilities; (n)	2. For the second violation, suspension of <u>recognition registration</u> for one (1) year and one (1) day to two (2) years;
c. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application in any University-funded or managed grant; (n)	3. For the third violation, suspension of <u>recognition registration</u> for five (5) years;
d. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for <i>tambayan</i> (GGTU 6.1 p. 32 mod)	4. For the fourth violation, indefinite disqualification from <u>recognition registration</u> , but not less than for at least five (5) years, until conditions imposed by the disciplinary body are met;
e. Making a false statement and/or withholding information in relation to the changes in the organization's membership and officers within the duration of <u>recognition registration</u> .	<p>Provided, that in addition to the sanctions above, the following shall be imposed:</p> <p>For a: fine equivalent to three (3) times the application processing fee;</p> <p>For b, d and e: fine equivalent to double the reasonable amount of rent for the period the facility was used;</p> <p>For c: restitution and a fine equivalent to the amount of the grant</p>

³ Violations under Article VI Section 2.1 shall be counted cumulatively.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Section 2: ... tends to make one think that the University allows un-registered student orgs, and that in the extreme, these groups are not subject to the student code for groups of students.</p>	<p>The University respects the right of all individuals and groups to organize, whether registered or not. Registration is a choice. However, most orgs tend to want to be registered to enjoy the privileges granted registered orgs. While unregistered orgs may not be subject to the provisions of the code for registered students, their members are subject to the code as students.</p>
<p>The phrasing is vague: "...indefinite disqualification from registration, but not less than five years..." Does this mean disqualification for at least five years? The statement should be more directly stated, with fewer negations. Or, perhaps the connective "but" may be replaced with "for"? The clarification is very important because this statement appears quite frequently among the sanctions.</p>	<p>Edited.</p>

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	Provided further, that restoration of <u>recognition registration</u> is contingent upon fulfillment of obligations.
Section 2.2. Harm	
Section 2.2.1. Harm to Persons	
a. Creating within the University premises disorder, tumult, breach of peace, or serious disturbance such as, but not limited to, rumbles, <u>resulting in harm to persons</u> ;	<p>1. For the first violation, suspension of <u>recognition registration</u> for one (1) year. The organization shall be required to pay actual damages;</p> <p>2. For the second violation, suspension of <u>recognition registration</u> for five (5) years. The organization shall be required to pay actual damages;</p> <p>3. For the third violation, indefinite disqualification from <u>recognition registration</u>, but not less than for at least five (5) years, until conditions imposed by the disciplinary body are met. The organization shall be required to pay actual damages.</p>
b. <u>Accepting a student</u> who has not completed a one-year semester residency in <u>UP Diliman</u> for membership in any <u>registered student</u> organization;	<p>1. For the first violation, suspension of <u>recognition registration</u> for six (6) months;</p> <p>2. For the second violation, suspension of <u>recognition registration</u> for one (1) year;</p> <p>3. For the third violation, indefinite disqualification from <u>recognition registration</u>, but not less than for at least five (5) years, until conditions imposed by the disciplinary body are met.</p>
c. Any violation as described in RA 8049 otherwise known as the Anti-Hazing Law.	Indefinite disqualification from <u>recognition registration</u> , but not less than for at least five (5) years, until conditions imposed by the disciplinary body are met. The officers of the organization shall be charged under Article VI Section 1.3.1c.

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks



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Section 2.2.2. Harm to Things

<p>a. Damaging or defacing property within University premises, including but not limited to, littering and vandalism;</p>	<p>1. For the first violation, suspension of <u>recognition registration</u> for one (1) month. The officers and members shall render community service equivalent to one (1) month suspension and be required to make restitution and/or reparation;</p> <p>2. For the second violation, suspension of <u>recognition registration</u> for six (6) months. The officers and members shall render community service equivalent to one (1) semester suspension and be required to make restitution and/or reparation;</p> <p>3. For the succeeding violations, indefinite disqualification from <u>recognition registration</u>, but not less than <u>for at least</u> five (5) years, until conditions imposed by the disciplinary body are met. The organization shall be required to make restitution and/or reparation.</p>
<p>b. Appropriating for the student organization in the University property of another within University premises;</p>	<p>1. For the first violation, suspension of <u>recognition registration</u> for six (6) months. The officers and members shall render community service equivalent to one (1) semester suspension and be required to make restitution and/or reparation and a fine equivalent to the value of the property appropriated;</p> <p>2. For the second violation, suspension of <u>recognition registration</u> for one (1) year. The officers and members shall render community service equivalent to one (1) academic year suspension and be required to make restitution and/or reparation and pay a fine equivalent to double the value of the property appropriated;</p> <p>3. For the third violation, indefinite disqualification from <u>recognition registration</u>, but not less than <u>for at least</u> five (5) years, until conditions</p>

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Consultation input	Review Committee Action/Remarks
<p>Littering must be fined (UPLB does this); also acts harmful to the environment.</p> <p>However, smoking areas must be provided, with trash bins.</p>	<p>Already included in restitution/reparation.</p> <p>This is within the jurisdiction of the Deans.</p>
<p>What does "appropriating for the student org... mean?"</p>	<p>Stealing.</p>

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	imposed by the disciplinary body are met. The organization shall be required to make restitution and/or reparation and pay a fine equivalent to three times the value of the property appropriated. The officers shall be charged under Article VI Section 1.3.2b.
Section 2.3 Any other form of misconduct	
<p>a. Obstructing or attempting to obstruct University authorities from inspecting, copying and/or photographing designated documents, papers, books, accounts, letters, photographs, objects or tangible things in the student organization's possession, custody or control, in connection with an ongoing investigation;</p> <p>b. Engaging in any other form of misconduct, whether within or outside University premises, significantly affecting the good order and welfare and/or good name of the University, and/or which violates the provisions of this Code regarding student organizations.</p>	Suspension of <u>recognition registration</u> for one (1) month to indefinite disqualification from recognition, <u>but not less than for at least</u> five (5) years, until conditions imposed by the disciplinary body are met.

Section 3. Guidelines on the application for, or renewal of, official recognition registration of student organizations in the University

There are two (2) types of student organizations: College-recognized registered and University-recognized registered.

Section 3.1. Application for, or renewal of, University recognition registration of student organizations

- a. A student organization seeking University recognition registration must have a membership of at least 0.5% of the eligible student population twenty (20), including officers, who have completed at least one (1) year semester of residency in the University and who are currently enrolled, with no more than 49% of the members coming from one college. The organization must submit in hard and electronic form a copy of its Constitution and by-laws to the Office of Student Activities (OSA).

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
What do we do with student leaders who collect fees then abscond with the money?	Any one, including Deans, may file a complaint.
What does misconduct really mean? Ambiguous term!	This is a catch-all category. A definitive enumeration may be limiting.
Must clarify the perception that being U-based is more prestigious and more privileged than being C-based, that U-recognition implies meritorious achievement. Suggest the use of U-based- and C-based rather than U-recognized and C-recognized.	The term "registered" is now used to denote place of registration, not status.
<p>Difference between U-based and C-based not clear, except for membership – U-based members from different colleges, C-based from college. Suggestion: Use U-based, defined as open to all students of the University, not simply based on a minimum number of constituents; use C-based for orgs open to limited student body or type of student...</p> <p>49% difficult due to different purposes/interests of orgs; also contradicts rules of some Colleges, some of which are stricter (e.g. BA requires college orgs to first seek University recognition; Law does not recognize college-based orgs; some require both U and C recognition, etc.). Difficult also because students shift, move colleges, etc.</p> <p>Suggestion – recognition be based on goals, vision, mission rather than membership</p>	Addressed by the removal of the 49% rule. Place of registration – whether University or College – is a choice of the org.
Distinguish between graduate and undergraduate student orgs	There shouldn't be a distinction. Student rights and privileges must be applied uniformly.
<p>Required number very difficult for orgs; provincial orgs are threatened; defeats the principle about "flourishing."</p> <p>Remove the .5% requirement. This will indeed threaten the existence of many orgs. Besides, defining "eligible" is conceptually easy but operationally problematic. Recommends twenty (20) members including officers instead of the current requirement of 15 + officers.</p>	Addressed by the removal of the .5% rule. See revision.
<p>Violates rights of freshmen/transferees; draft gives no reason for the ban. Develop an academic program if academics are the concern.</p> <p>Where are the facts and figures that prove that freshmen are harmed by orgs?</p> <p>Residency requirement for org membership: reduce to one sem? But if it will also cover frats, isn't that dangerous? No consensus here. Some UCCSOAW members actually ok with one-year residency.</p>	<p>The intent of the provision is to protect freshmen; to allow for their adjustment to University life. The concern is the welfare of freshies, not orgs. The right to associate is not absolute.</p> <p>However, the requirement is reduced to one semester. The committee is convinced that one semester may be enough. See revision.</p>

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- b. A student organization seeking University recognition registration or renewal thereof must apply with the OSA.
- c. Recognition Registration shall be for one year, effective upon issuance of the Certificate of Recognition Registration. The period for application for recognition registration shall be the first fifteen (15) days from the first day of classes of every semester. No applications will be processed during Summer.
- d. An organization must accomplish OSA application forms, attested to by the student head and the faculty adviser, with the following documents attached thereto, in hard and electronic copies. All hard copies must be notarized.
 - 1. Roster of all members and applicants, in the current year, to include full names, student numbers, 1 ½ x 1 ½ inch photos taken within the last six (6) months, photocopies of current Form 5s and corresponding positions in the applicant student organization;
 - 2. Detailed accounting of finances prepared by the student organization's immediate past finance officer;
 - 3. Certification against the recruitment of students who have not earned a one-year semester residency;
 - 4. List and description of projects and activities undertaken during the immediate past year, with relevant documentation, such as posters, souvenir programs, and photos. The list should include at least one academic project/activity;
 - 5. Proposed schedule, description, objectives, budget and source of funds of projects and activities to be undertaken, which should include at least one academic educational project/activity;
 - 6. Copy of the amended Constitution and/or by-laws, if any;
 - 7. Proof of payment of all required fees.
- e. The faculty adviser shall submit a notarized undertaking, verified by the Dean of his/her College, to supervise and monitor the student organization, and assist University authorities in implementing this Code. Only regular faculty members who have served the University for at least three (3) years may serve as advisers of organizations. Each organization shall have at least one faculty adviser.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Objecting to</p> <ol style="list-style-type: none"> 1. Requirement that orgs inform OSA of every change in membership will slow down process of renewal. Change in info should only be for change in officers; reporting other changes is superfluous as these will be reported the following year when org applies for renewal of recognition. 2. Academic activity, list of awards and achievements, antithetical to concept of org... not an issue of numbers, prestige, excellence; what if org is not academically oriented, e.g. recreational?... What activities are "academic"? 3. Accounting, list of projects, schedule, etc. – unreasonable and unjustifiable intrusions into the sphere of protected student rights; what will this accomplish? 4. Payment of required fees – freedom to organize must not be in consideration of financial capacity; orgs must be unencumbered by any monetary consideration 5. On proposed schedule of activities – there are unforeseeable activities; does this mean we need prior admin approval? Is approval mandatory or directory? 	<ol style="list-style-type: none"> 1. Info on change in membership required for renewal; change in officers required every time a change takes place. 2. Anything that will enhance intellectual development. See definition no. 1. 3. Good training for organizational development; will help the country when students become leaders. 4. This will be in OSA-IRR; amount not yet determined. For administrative cost. 5. Approval not required; merely reportorial requirement. This should teach students good planning skills.
<p>The requirement of one (academic) activity per year is inconsistent with the basic right of association of students guaranteed in Batas Pambansa 232. The law specifically provides that one of the rights of students, among others, is: "The right to form, establish, join and participate in organizations and societies recognized by the school to foster their intellectual, cultural, spiritual and physical growth and development, or to form, establish, join and maintain organizations and societies for purposes not contrary to law." The right to associate logically includes the freedom to determine the organization's identity and thrust. Nowhere does it provide that the right to form... carries with it the obligation to conduct at least one academic activity per year....</p>	<p>Academic activity helps foster intellectual growth, which is included in the quoted right.</p>
<p>"Academic" requirement is ok. This is a University! It should be explained that "academic" has broad meanings and expressions.</p>	<p>Noted.</p>
<p>What steps should be taken if the org fails to submit recognition requirements?</p>	<p>Will refer to OSA; should be addressed by OSA-IRR.</p>
<p>Objects to having a faculty adviser</p>	<p>Having a faculty adviser is consistent with fostering intellectual development.</p>
<p>There must be a statement that, even if Colleges will have their own rules of org recognition, such rules must stay close to the general principles for University-based orgs. Colleges are part of the University and must not therefore have policies that might run counter to that of the University. Their rules may be more stringent, though.</p>	<p>See revision.</p>
<p>Why do we have to report to OSA every time we have new members, etc. Within a week? Suppose we have new members every week? This will be reported anyway when we renew recognition? Why not just officers?</p>	<p>Addressed. Also, see comment at the top of the page, right column.</p>
<p>Operationalize "applicant" and "application".</p>	<p>Will be in OSA-IRR.</p>

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- f. The student organization shall report any change in any information relating to the organization, including a the list of new its officers, members and applicants. The report shall be submitted in writing, duly notarized, to the Office of the Vice-Chancellor for Student Affairs (OVCSA), through the OSA, within one (1) week from any such change.
- g. The OSA Coordinator and/or the Vice-Chancellor for Student Affairs (VCSA) may interview the officers/members and the faculty adviser of the applicant organization. Refusal to be interviewed shall result in the denial of the application for recognition registration or renewal of recognition registration.

Section 3.2. Application for, or renewal of, College recognition registration of student organizations

The College shall establish its own rules for the recognition registration of College-based student organizations, which must be consistent with the rules for University-registered student organizations. However, a College may establish more stringent rules.

Within two (2) weeks of the issuance of College recognition registration, the student organization shall submit to the OVCSA-OSA a certified true copy of its Certificate of Recognition Registration.

Section 4. General guidelines on the grant of use of University premises and facilities

Section 4.1. *Tambayan*

The University desires to rationalize the use of University facilities and premises, and to equitably distribute University resources for use of student organizations to promote their objectives. A *tambayan* facilitates the activities of student organizations, and provides spaces for group study and socialization. Since there are finite available spaces for *tambayan*, the distribution is based on merit and selected criteria.

The use of a *tambayan* is considered a grant.

Section 4.1.1. Grant of *tambayan*

Subject to certain criteria and requirements, the *tambayan* may be granted by either the College or the University, depending on its location.

The College shall establish its own rules for the granting of *tambayan*.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
Define regular faculty.	Fulltime faculty. See Faculty Manual.
On Section 3.1.e – This is a burden to faculty advisers.	We presume that faculty members who accept the responsibility do so with the interest of helping develop the org.
How about load credit for faculty advisers?	Will recommend for discussion to the OC and OVCAA; one idea is to give it promotion points, like extension service.
While we laud the University's new rule allowing for the recognition of smaller organizations which cater to a minority (i.e. students of small colleges and the like) we would like to point out that the provision for application for, or renewal of College Recognition does not mandate the respective Colleges to establish its own rules for the recognition of College-based organizations. That grant of power presents a potential issue. If the College does not promulgate its own rules on recognition of College-based organizations then it would neuter the efficacy of said provision. It provides too much discretion on the part of the College. Our suggestion is that the Code should at least obligate the college to promulgate rules for college recognition within a reasonable time frame from the approval of the Code. These rules must conform with the standards set in the final copy of the Student Code.	See revision. However, time frame is up to the College.
Tambayan is a right!	Noted.
While we welcome the initiative of the University to extend its assistance to student organizations we are wary of the potential denial of the right to assembly of student organizations who are not granted a tambayan. It is well settled denial to the right to assembly can only be justified if such act passes the dangerous tendency test; that is when the supposed assembly or meeting creates a dangerous tendency which the State has a right to prevent. Even without a grant of a tambayan, the fundamental right of students to peacefully assemble and associate must be given utmost respect.	A tambayan is not a requirement for holding meetings. The org may apply to use a facility for such purposes when needed. Having a tambayan is not a requirement for registration.

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Section 4.1.2. Application for *tambayan* for University-recognized registered student organizations

The grant of the privilege of use of a *tambayan* for University-recognized registered student organizations is subject to the following:

- a. Who may apply – any University-recognized registered student organization
 - 1) recognized registered by the University for at least one (1) year; and,
 - 2) is not and has not been subject to any disciplinary proceedings measures in the last five (5) three (3) years.
- b. Where to apply – with the Office of Student Activities.

Applications with OSA shall be processed by an *ad hoc* committee, the composition of which shall be determined by the OVCSA. The Committee shall set the criteria for the grant. The criteria for monitoring and rating all student organizations for purposes of applying/renewing applications for a *tambayan* shall be set by the OVCSA.

Section 4.1.3. Criteria for the grant of *tambayan* to University-recognized registered student organizations

The Committee shall decide the grant based on the following:

- a. Academic educational and extension activities, e.g. tutorials, community outreach
- b. awards received (college, University, nationally recognized competitions)
- c. disciplinary record of the organization and its members

Section 4.1.4. Conditions for the use of *Tambayan*

- a. The grant shall be limited to the use of one *tambayan*.
- b. The use of a *tambayan* shall be for a period of one (1) year from the issuance of the grant.
- c. A University-recognized registered student organization granted the use of a *tambayan* shall not share the *tambayan* with any other student organization except with the written directive and/or approval of the OVCSA.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
On who may apply for tambayan, 5 years too long. Suggestion: 3 years.	Ok. See revision.
<p>Awards received should not be imposed on orgs just to maintain a tambayan. Good track record should be the sole basis.</p> <p>Awards criterion unfair to orgs that are more social than academic in nature</p>	Awards are not the sole criteria. The OSA-IRR will address this.
Why are there no tambayan rules for college-based orgs?	See revision in 4.1.1.
<p>The sharing of the tambayan does not present any legitimate concern to the University that would warrant its regulation. It must be borne in mind that the regulation of tambayans has the aim of facilitating the equitable distribution of University resources for use of student organizations. Prohibiting the sharing of tambayans runs counter to this goal and is therefore, clearly unjustified.</p>	<p>Reasons for the rule:</p> <ol style="list-style-type: none"> 1. Accountability of org 2. To prevent circumvention of the rule on qualification for tambayan 3. Tambayan is not authorized for subdivision. <p>There is no prohibition here but authority to share space is required.</p>
<p>Orgs must be required to keep their tambayans clean; must provide their own trash bins. This must be a two-way process; students must also be responsible. Cleanliness may be among the basis for renewing tambayan grants.</p> <p>Please include talks on environmental rules in all orientations.</p>	This will be addressed by the OSA-IRR.

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- d. The student organization may introduce improvements in the *tambayan*, such as painting, cabinetry, partitions, and the like, only with the written approval of the OVCSA, in compliance with University regulations. Upon expiry of the grant, the University shall own all improvements introduced unless the same are removed by the student organization, without harm or damage to the original condition of the *tambayan*.
- e. A student organization granted the use of a *tambayan* shall use the *tambayan* in such a manner that it does not injure the rights of others.
- f. A student organization granted the use of a *tambayan* shall keep it clean and tidy at all times.
- g. A *tambayan* is subject to inspection by University authorities at any time during reasonable hours and with at least one-day notice. The inspection shall be conducted in the presence of at least one member.
- h. A student organization granted the use of a *tambayan* may be transferred to another *tambayan* by the OVCSA, through the OSA, or by the College office concerned, after due notice, if such a move shall result in better and/or more peaceful relationships among organizations or if academic requirements so require.

Section 4.1.5. Ground for revocation of grant of *tambayan* to University- recognized registered student organizations

Non-compliance with any of the conditions provided in Article VI Section 4.1.4c to 4.1.4h shall be ground for revocation of the grant.

Section 4.1.6. Permanent structure for *tambayan*

A recognized student organization may apply with the University through the appropriate office, for the use of a portion of University premises for the purpose of putting up a permanent structure to serve as *tambayan* in compliance with University regulations. The structure shall be considered as a donation to the University. The privilege of the use of the structure as a *tambayan* shall be granted to the student organization that caused its construction, for two (2) three (3) years. However, the student organization is still subject to the pertinent provisions of Article VI Section 4.1.

Section 4.2. University premises and other facilities

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Inspections of tambayan are an intrusion into the privacy of orgs, unconstitutional!</p> <p>Inspection should be in the presence of members</p> <p>Paglabag sa karapatan ng mga estudyante ang pag-inspeksiyon ng mga tambayan na walang dependong oras o pasabi mula sa administrasyon... Hindi kinikilala ang batas na kailangan ng pahintulot ng korte bago labagin ang privacy ng isang indibidwal, pamilya or organisasyon.</p> <p>No less than the Constitution provides that "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable." Under Article 32(9) of the Civil Code, a person has a cause of action for damages against any public officer or employee, or any private individual who violates in any manner a person's right to be secure in one's person, house, papers and effects against unreasonable searches and seizures. Both the Constitution and the Civil Code allows searches and seizures but expressly condemns "unreasonable searches and seizures." From Philippine jurisprudence, unreasonable searches and seizures are those not authorized by a validly issued search warrant or warrant of arrest. A search warrant or warrants of arrest can only be issued by a member of the judiciary upon a showing of a valid cause justifying the issuance thereof. The provisions of the Code are silent as to whether there need be a reason to justify a search of a tambayan. Clearly, to allow searches and seizures at any time and for no apparent reason would be tantamount to allowing a breach of privacy that is enjoyed by not only the student organization but by every member thereof. To save the provision from infirmity, we suggest that the search of a tambayan can only be justified upon the issuance of a search warrant pursuant to the constitutional requirement prescribed for searches and seizures.</p>	<p>See revision.</p> <p>An inspection is not a search. An inspection is for the purpose of determining compliance with regulations for safety, cleanliness, etc., while a search is, under the Bill of Rights and the Civil Code, for the purpose of obtaining evidence.</p>
<p>No due process for relocation of tambayan?</p>	<p>See revision.</p>
<p>Increase to 5 years the grant of tambayan to student org that constructs tambayan.</p> <p>What is the rationale behind the 2-year grant? What are the guidelines for using UP land?</p>	<p>Increased from 2 to 3 years.</p>
<p>No provision for college tambayan! Unfair to college-based orgs!</p>	<p>See revision.</p>

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A student or a group of students may apply for the limited use of a portion of University premises and/or facilities for legal purposes; e.g. theater rental. For areas under the jurisdiction of the College, the application shall be filed with the College office concerned. For all other areas, the application shall be filed with the University through the appropriate office.



**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks



As of April 2010

VII. Procedure

The University has exclusive jurisdiction over matters of student misconduct. The University has the right to define standards and norms of proper conduct of students, and therefore considers departures from said standards as acts of misconduct and as violations of this Code.

The University prescribes the procedure for cases of student discipline, duly recognizing the rights of students to due process. The disciplinary proceedings are administrative in nature, not open to the public, and the Rules of Court shall not apply.

This Code provides three (3) sets of procedures: for intellectual dishonesty (Article VII Section 2), for other misconduct involving a student (Article VII Section 3), and for student organizations (Article VII Section 4).

Section 1. Disciplinary Bodies

There are three (3) disciplinary bodies in the University: the Student Disciplinary Council (SDC), the College Disciplinary Committee (CDC) and the Inter-College Disciplinary Committee (ICDC).

The members of the ad hoc committees under the three (3) disciplinary bodies have the duty to disclose their relationships of any nature and to any extent with the parties involved.

Disciplinary bodies may invite students as resource persons in the conduct of their proceedings.

Section 1.1. The Student Disciplinary Council (SDC)

Section 1.1.1. Composition of the Student Disciplinary Council (SDC)

The SDC is a body formed by the Chancellor under the administrative supervision of the VCSA, for the purpose of implementing the pertinent provisions of this Code. The SDC shall be composed of seventy-two (72) members all of whom shall be tenured, regular faculty, except faculty advisers of student organizations, nominated by their respective Deans. In its initial constitution, thirty-six (36) shall serve a term of three (3) years while the other thirty-six (36) shall serve a term of two (2) years. Thereafter, upon the expiry of the three- and two-year terms, members shall serve for two years. The Chancellor shall appoint five (5) from the SDC as members of the SDC Executive Committee, one of whom shall be the SDC Executive Committee Chair who shall also be the SDC Chair. All the members of the SDC Executive Committee shall serve a term of one (1) year. The SDC shall have an office and appropriate staff.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>(On Procedure, 1st par.) The aforementioned article presents an unbridled grant of power to the University to define and prosecute offenses under the Code. While the University, through its right to academic freedom, has the authority to determine proper conduct expected of students, the proper conduct expected of students must be stipulated in clear and unambiguous terms. The reason for such is obvious. The punishment provided for acts of misdemeanour and misconduct was intended to act as deterrent to conduct repugnant to the University. And to act as an effective deterrent, its intended audience must be made aware of what the law prohibits. If the University has sole discretion to define standards and norms to be followed, it can modify such norms on a short notice which inevitably will operate to the great prejudice of those who will be adversely affected by such it. The provision operates to render the University as the legislator, judge and executioner all rolled into one. At the very least, students should have representation in the process to define the standards and norms of proper conduct of students. Due process demands it.</p>	<p>Students who choose to study in this University must trust it.</p>
<p>Instead of SDC, why not University Disciplinary Council (UDC) to align with College Disciplinary Committee.</p>	<p>Noted.</p>
<p>Not clear how SDC will operate. Clarify 2-year/3-year system of appointment to SDC.</p>	<p>See revision.</p>
<p>In cases involving orgs, bring back the student rep.</p> <p>Removal of student juror in SDT objectionable! Bring back student juror! USC must appoint for SDC; CSCs for CDC and ICDC hearing</p> <p>... the three disciplinary bodies, the College Disciplinary Council (CDC), the Student Disciplinary Council (SDC), and the Inter-College Disciplinary Committee (ICDC) are all composed of faculty. The Draft omitted provisions for a student representative and for a parent representative. Why? No justification was given. At the very least there ought to be a compelling reason to deviate from the old rule especially when the new rule deprived students of representation to disciplinary bodies. In the absence of a reasonable justification for such change, the Student Code should guarantee student representation.</p>	<p>See revision.</p>
<p>Immediate past advisers of orgs for 1 or 2 years should be barred from the SDC to prevent bias in decisions if the student involved is a member of an org they advised.</p>	<p>Addressed by Section 1. Forms for SDC members shall reveal this.</p>
<p>On the ad hoc character of some bodies, the immediate precursors of the SDT were also ad hoc disciplinary committees formed to formally try student disciplinary cases, which machinery was replaced by the SDT in the 1970s due to the delays and difficulties that were traced to the ad hoc character of the committees themselves. A return to such machinery should be carefully studied.</p> <p>If the purpose is to make the procedure more participatory, flexible and decentralized, the same may be achieved with lesser intricacies. Involving many people in 3 different sets of procedure might be a good idea. However, in actual practice, involving too many people (in student disciplinary proceedings) could actually result in delays. Based on the November 2006 SDT position paper, from a high of about 40 SDT cases in 1997 the number went down to about 20 cases a year beginning 2005. What would the proposed 72 SDC members... do with an annual docket of about 20 or so cases?</p>	<p>72 just a pool. A hearing committee is composed of only 3 to 5 members.</p>

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Section 1.1.2. Jurisdiction and Functions of the SDC Student Disciplinary Council (SDC)

The SDC shall form committees that will hear and resolve cases involving serious misconduct, except intellectual dishonesty, and less serious misconduct involving more than one college. If, however, a case of intellectual dishonesty concerns two or more colleges whose Deans are unable to form an Inter-College Disciplinary Committee (See Article VII Section 1.3.1), the SDC shall take jurisdiction of the case.

Section 1.1.2.1. Ad Hoc Disciplinary Hearing Committee (AHDHC)

The Ad Hoc Disciplinary Hearing Committee is composed of three (3) or five (5) members of the SDC who are assigned by the SDC Executive Committee.

Section 1.2. The College Disciplinary Committee (CDC)

Section 1.2.1. Composition of the College Disciplinary Committee (CDC)

The CDC is an ad hoc committee formed by the Dean for the purpose of implementing the pertinent provisions of this Code. The Dean may sit as a member of the CDC. The CDC shall be composed of three (3) or five (5) members whom the Dean shall appoint from the regular faculty. The Committee members shall select a Chair from among themselves.

Under special circumstances, the Dean may request the SDC Executive Committee for an external member of the CDC.

Section 1.2.2. Jurisdiction and Functions of the College Disciplinary Committee (CDC)

The CDC shall hear and resolve cases of intellectual dishonesty, less serious misconduct, and all other cases where the students involved belong to the College and the incident occurred within College premises without prejudice to the discretion of the Dean to refer the latter cases to the SDC.

Section 1.3. The Inter-College Disciplinary Committee (ICDC)

Section 1.3.1. Composition of the Inter-College Disciplinary Committee (ICDC)

The ICDC is an ad hoc committee formed by the Deans of two (2) or more Colleges, for the purpose of implementing the pertinent provisions of this Code, when a student of a

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
Can a hearing committee (CDC) be constituted of individuals outside the college when there are not enough in the unit?	See revision.

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College is alleged to have committed intellectual dishonesty in another College. The Dean of the College where the misconduct was committed shall initiate the constitution of the ICDC. The ICDC shall be composed of three (3) or five (5) regular faculty members from the colleges concerned. If there is an even number of Colleges concerned, the Deans shall agree on the membership in the ICDC of a third College. In addition, the Deans of the concerned Colleges shall sit as ex-officio non-voting members of the Committee. They may vote only to break a tie. The ICDC members shall select a chair from among themselves.

Should the Deans involved be unable to form the ICDC within 14 days from the receipt of the complaint, owing to a fundamental difference in position or some other substantive constraint, they shall refer the case to the SDC, provided that the Deans concerned are allowed to observe the proceedings or send their representatives.

Section 1.3.2. Jurisdiction and Functions of the Inter-College Disciplinary Committee (ICDC)

The ICDC shall hear and resolve cases of intellectual dishonesty involving more than one college.

Section 1.4. Compensation

The Chancellor shall determine the compensation for members of disciplinary bodies.

Section 2. Procedure for cases involving intellectual dishonesty (See attached flowchart.)

The faculty has exclusive jurisdiction over matters of intellectual dishonesty. The faculty has the right to define standards of intellectual honesty on students, and exact norms of academic scholarship. The faculty considers acts of intellectual dishonesty as violations of academic integrity.

Section 2.1. How Commenced

An incident involving intellectual dishonesty may be reported, orally or in writing, by anyone directly to the Dean, or through a faculty member, of the college where the incident occurred. The Dean shall, within one (1) week from receipt of report, determine whether a CDC or an ICDC should be constituted, and write the Dean's Report.

Section 2.2. Parties

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>I wonder whether we should simplify the procedure and do away with the ICDC, and leave the jurisdiction in the first instance entirely to the Dean of the college where the student is enrolled. No matter where the student commits the offense or the degree of gravity of the offense. This is because in the final analysis, it will be the student's College that will be responsible for implementing the penalty and certifying that it has been served, not the college where the student committed the offense. This will also shorten the process (which appears to have a natural propensity toward length rather than brevity) and enable the Dean to act more swiftly so that due process can take place.</p>	<p>Concerns addressed. See revision.</p>
<p>On section 2, faculty must establish/define such standards within, say, first month of classes.</p>	<p>Noted.</p>

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In all cases of intellectual dishonesty, the University is deemed the complainant. The student reported to have committed the act of misconduct constituting intellectual dishonesty is the respondent.

Section 2.3. Right to counsel

The University shall be represented by a tenured member of the University Council, who is appointed by the Chancellor. The respondent may be assisted by counsel.

Section 2.4. Constitution of the College Disciplinary Committee (CDC) or the Inter-College Disciplinary Committee (ICDC)

The Dean(s) constitute(s) the CDC or the ICDC within one (1) week from the determination of jurisdiction by the Dean, in accordance with Sections 1.2.1 and 1.3.1 of Procedure.

Section 2.5. Proceedings

The disciplinary committee shall not be bound by technical rules of evidence and all proceedings shall be summary in nature. The parties and their witnesses, if any, shall submit affidavits subject to clarificatory questions by the disciplinary committee. The following requests to the disciplinary committee shall be prohibited:

- a. Extension of time to file an answer;
- b. Dismissal of the complaint;
Submission of more specific facts relative to the act of misconduct;
- c. Re-opening of a case;
- d. Demurrer to evidence;
- e. Postponements/cancellation of hearings;
- f. Reply/rejoinder;
- g. Intervention; and
- h. New proceedings on the same case.

Section 2.6. Summons

The Committee shall, within five (5) days, from its constitution, issue summons to the respondent with a copy of the complaint and the Dean's Report. The summons shall be served personally to the respondent through the Secretary of the College to which s/he belongs or through the Office of the University Registrar (OUR) if the respondent does not belong to any college; and/or by electronic mail to the respondent's UP Webmail account, wherein the respondent has a maximum of is presumed to have received the Summons within three (3) days to receive a copy of the summons; . The summons may also be served and by registered mail to the respondent's residence address indicated in her/his latest Form 5, wherein the respondent has is presumed to have received the Summons within seven (7) to ten (10) days to receive a copy of the summons. Finally, a copy of the

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Concerned about summary nature of proceedings. Details must be included. Summary reports might leave out details that may prove students innocent.</p>	<p>Summary proceedings are different from summary reports.</p>
<p>New rule on summons violative of rights of students to due process; creates instances where it is deemed that the student has received summons even when s/he has not; imposes new obligations on student, e.g. check webmail regularly, inform college of change in address within semester</p> <p>What steps must be taken in extreme cases with regards to failure to answer summons?</p> <p>It is clear that summons may be served through electronic mail to the respondent's UP Webmail account wherein the respondent has a maximum of three (3) days to receive a copy of the summons. However, what the provision does not contemplate is what if the student does not have ready access to an internet connection? Immediately, the provision is suspect for preventing a student to be properly informed of the charges he is facing. The law requires that he be informed in writing of the nature and cause of any accusation against them. Service of summons through electronic mail has not been adopted in the Philippine legal system. Such arrangement is patently prejudicial and oppressive upon a respondent as it will adversely affect or even prevent him from filing an appropriate defense against the accusations levelled against him as will be explained below.</p> <p>We propose that before constructive receipt of summons is resorted to, a diligent attempt for actual personal delivery must first be made through the College Secretary or the University Registrar if the student does not belong to any college. Only after justifiable reasons are shown for failure to complete the personal service of summons may substituted service be allowed through registered mail. Service of summons through email, considering the gravity of what is at stake, must never be resorted to since not all students have access constant to the internet.</p>	<p>See revision.</p>
<p>The following should not be prohibited:</p> <ol style="list-style-type: none"> 1. submission of more specific facts relative to the act of misconduct; 2. re-opening of a case. Except for Law students, students may not be familiar with the hearing process and counsel could help him/her. 	<p>See revision.</p> <p>Post-decision remedies are available.</p>

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summons shall also be served to the respondent's parents or guardians. It is incumbent upon the respondent to notify the University through her/his home College, of any change of address during the pendency of the case. Otherwise s/he is bound by the address given in her/his last Form 5. Receipt by the parents will be considered receipt by the respondent.

These modes of service of summons shall also apply to the service of notices, decisions and other communications.

Section 2.7. Answer

The respondent shall answer in writing within a non-extendible period of five (5) days from receipt of the summons and the Dean's Report. If the respondent fails to answer within the time period, s/he is deemed to have waived her/his right to present his/her side.

Section 2.8. Appearances and Participation during Hearings

The University shall appear through its duly authorized representative as provided in Article VII Section 2.3. If the complainant is a tenured member of the University Council, s/he may represent the University.

The respondent shall appear in person and may be accompanied by parents, guardians and legal counsel. The participation of her/his parents, guardians and legal counsel shall be limited to adviseing respondent of her/his legal rights. Counsel shall not be permitted to present evidence in behalf of respondent or to argue with the disciplinary committee. Minors may be assisted by their parents/guardians.

Section 2.9. Notice of Hearing

The Committee shall serve to the parties a notice of dates of preliminary meeting and hearings in such a manner as shall ensure the receipt of the notice at least three (3) days before the date of the initial hearing.

Section 2.10. Preliminary Meeting

The preliminary meeting shall be mandatory. The Committee shall set the preliminary meeting date 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.

Failure of the University and/or the private complainant to appear shall be ground to dismiss the complaint.

Failure of the respondent to appear shall have the same effect as failure to answer.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Minimum standards of procedural due process:</p> <ol style="list-style-type: none"> 1. The students must be informed in writing of the nature and cause of any accusation against them; 2. They shall have the right to answer the charges against them, with the assistance of counsel, if desired; 3. They shall be informed of the evidence against them; 4. They shall have the right to adduce evidence in their own behalf; and 5. The evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case. <p>Included in that right (above) is the cross examination of witnesses which is vital to the development of truth in cases.</p>	<p>The surfacing of the truth will be achieved by the disciplinary committee through its clarificatory questions.</p>
<p>Considering that summons may be served upon the respondent through electronic mail to one's UP Webmail account, the reglamentary period to file an answer will begin to run even if the student is not aware that summons has been served upon him. An answer is essential to a respondent's defense. It is where an individual is able to counter the allegations hurled against him and present evidence on his behalf. Failure to submit a timely answer will result in his default and judgment will be rendered solely based on the merits of the accusation. The essence of due process is to be afforded a reasonable opportunity to be heard and to submit any evidence one may have in support of his defense. Clearly there is a denial of due process whenever a respondent is prevented from presenting his side for causes other than his gross failure to exercise due diligence in the exercise of his rights. Further, 5 days to draft an Answer is too short especially without the aid of counsel. And with the way on how summons may be served can be quite dangerous for the student. It is not hard to imagine a scenario whereby a student has been accused of a disciplinary charge is not aware that summons has been served upon him. How can he possibly prepare an Answer within 5 days of receipt of the summons if he is not even aware that such summons was already served upon him? The Draft should at least clarify when the 5 day period should be reckoned from. To leave the determination of such to a Tribunal without student representatives is grossly prejudicial to the students who are deprived of a chance to a fair hearing.</p>	<p>Service by email is not the only mode.</p> <p>The counsel is not precluded from assisting in the drafting of answer.</p>
<p>Parents of all students charged should be allowed to be with their children in hearings, not only minors.</p>	<p>See revision.</p>
<p>Define "assistance" in parents assisting minors.</p>	<p>Addressed in revision.</p>
<p>Object to not allowing legal counsels to present evidence or argue during hearings; how can students argue with professors/ doctors? This is a violation of their rights!</p> <p>Some students are timid or weak and may not be able to defend themselves. In this case, the legal counsel should be allowed to speak on his behalf.</p> <p>... the prohibition of counsel to present evidence and argue with the disciplinary committee is clearly inconsistent with the right of students to be represented by counsel which the Supreme Court has long recognized.</p>	<p>Noted.</p>

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During the preliminary meeting, the parties shall consider all matters that will aid in the prompt disposition of the case, such as any facts admitted, marking of documents to be presented, dates of hearings, identity of witnesses and the gist of their testimony.

Matters taken and agreed upon during the preliminary meeting shall be reduced in writing and attested to by the members of the Committee present, the University representative and/or the private complainant, and the respondent. The preliminary meeting report shall be binding on the parties. The parties may also agree to submit the case for resolution during the preliminary meeting.

Section 2.11. Hearings

The initial hearing must be set not later than one (1) week after the preliminary meeting. Hearings must be completed within a non-extendible period of two (2) months after the initial hearing, after which the Committee shall resolve the case.

Section 2.12. Committee Resolution Report

The Committee shall submit its resolution and recommended sanctions, if any, to the Dean within fifteen (15) days after the final hearing. The resolution 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 resolution and recommended sanctions are based.

Section 2.13. Dean's Action

The Dean shall adopt the resolution and shall affirm or modify the recommended sanction, if any.

Section 2.14. Service of the Resolution Dean's Action

The parties shall each be served a copy of the resolution Dean's Action of the Committee in the same manner as the provisions of Article VII Section 2.6. The duly appointed representative of the University shall submit a copy of the resolution to the Chancellor, who shall inform the UP Diliman Executive Committee of the same.

Section 2.15. Appeal

The resolution Dean's action may be appealed to the UP Diliman Executive Committee (Execom) within seven (7) working days from receipt of the resolution decision, through the Chancellor. The Execom shall decide the appeal within two (2) months. The decision of the Execom may be appealed to the Board of Regents (BOR) within seven (7) working days upon receipt of the decision by the Execom, through the President.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
<p>Committee resolution – respondent should also receive a copy.</p>	<p>The committee resolution is not a final action but a recommendation. The respondent shall receive a copy of the Dean's action.</p>
<p>All cases of intellectual dishonesty, regardless of penalty and whether an appeal is made or not, should be automatically reviewed by the Execom.</p>	<p>To avoid unnecessarily protracted cases, reporting should suffice. The Deans may not be prevented anyway from discussing a given case. See added phrase.</p>

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Section 2.16. Finality and Enforcement of the Resolution Dean's Action

If no appeal is made by any party, the resolution Dean's action shall be final and immediately be enforced upon the expiration of the period for filing an appeal.

The final decision shall be executory upon receipt by the respondent or her/his parent(s)/guardian(s)/nearest relative at the address written in the respondent's last Form 5. It is incumbent upon the respondent to notify the University through her/his home College, of any change of address during the pendency of the case. Otherwise s/he is bound by the address given in her/his last Form 5. The parent(s)/guardian(s) shall be furnished a copy of the decision. The resolution shall be executed by the Dean of the College to which the respondent belongs. In the case of expulsion, the resolution shall be executed by the Chancellor.

Section 2.17. Implementation of Sanctions Involving Suspension

Final decision of suspensions of thirty (30) to sixty (60) days, which are executory within thirty (30) days prior to the first day of the final examination period, shall take effect on the first day of classes during the subsequent semester, except when the respondent is graduating, in which case the sanction shall immediately take effect upon the final decision in accordance with Article VII Section 2.15.

Section 3. Procedure for other acts of misconduct (See attached flowchart.)

This Section pertains to the procedure for acts of misconduct other than intellectual dishonesty.

Section 3.1. How commenced

An incident involving student misconduct may be reported, orally or in writing, by anyone to any College or University official. The recipient of the complaint other than the Dean shall, within three (3) days, report the complaint to the Dean or to the SDC.

Section 3.2. Parties

In all cases of student misconduct, the University is deemed the complainant, together with a private complainant, if any. The student reported to have committed the act of misconduct is the respondent.

Section 3.3. Right to Counsel

The University shall be represented by a tenured member of the University Council, who is appointed by the Chancellor. The respondent may be assisted by counsel.

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks



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Section 3.4. Determination of Jurisdiction and probable cause

The Dean or the SDC Chair shall determine whether

- a. the act subject of the complaint is serious or less serious misconduct;
- b. the misconduct occurred in more than one college;
- c. the students involved belong to more than one college; and,
- d. there is probable cause.

The Dean or the SDC shall determine jurisdiction of the case and, when necessary, refer the case within seven (7) days to the appropriate forum, in accordance with Article VII Sections 3.4.1 and 3.4.2.

Section 3.4.1. Jurisdiction of the College Dean

In all cases where the act subject of the complaint is less serious and/or is committed within a particular college and involves only students belonging to said college, the concerned College Dean shall take jurisdiction of the case.

Section 3.4.2. Jurisdiction of the Student Disciplinary Council

In all other cases not falling under the jurisdiction of the College Dean, the Student Disciplinary Council shall take cognizance of the case.

Section 3.5. Procedure to be followed by the College Dean

Section 3.5.1. Alternative Dispute Resolution

In all cases involving less serious misconduct, where Alternative Dispute Resolution methods are applicable, the Dean shall, within one (1) week after the determination of jurisdiction, resolve the case by employing such methods. Upon arriving at a resolution, the same shall be made in writing, embodying all the terms agreed upon. Such written resolution, when signed by the Dean, shall be final and immediately executory.

Section 3.5.2. College Disciplinary Committee (CDC)

In cases where ADR is either inapplicable or where it was employed but no resolution had been arrived at, the Dean shall form a CDC within one (1) week after the determination of jurisdiction, or after the conclusion of the unsuccessful

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks



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alternative dispute resolution, as the case may be. The Dean shall forward the complaint to the CDC and direct the same to take cognizance of the case.

The CDC shall hear and resolve the case in accordance with Article VII Section 2.5 to 2.16, except that an appeal of a resolution decision shall be made directly to the BOR.

Section 3.6. Procedure to be followed by the Student Disciplinary Council

Section 3.6.1. Jurisdiction of the SDC Chair

In all cases cognizable by the SDC, where the act subject of the complaint is less serious as defined in this Code, the SDC Chair shall have jurisdiction.

Section 3.6.2. Procedure before the SDC Chair

In all cases where Alternative Dispute Resolution methods are applicable, the SDC Chair shall resolve the case by employing such methods. Upon arriving at a resolution, the same shall be made in writing embodying all the terms agreed upon. Such written resolution, when signed by the SDC Chair, shall be final and immediately executory.

In cases where ADR is either inapplicable or where it was employed but no resolution had been arrived at, and in all cases of serious misconduct other than intellectual dishonesty, the SDC Chair shall transmit the case to the SDC Executive Committee (SDC Execom) which shall form an Ad Hoc Disciplinary Hearing Committee, within one (1) week after the conclusion of the unsuccessful alternative dispute resolution.

Section 3.6.3. Constitution of the Ad Hoc Disciplinary Hearing Committee (AHDHC)

The SDC Execom shall constitute the Ad Hoc Disciplinary Hearing Committee within one (1) week of receipt of the SDC Chair's referral.

Section 3.6.4. Proceedings

The disciplinary committee shall not be bound by technical rules of evidence and all proceedings shall be summary in nature. The parties and their witnesses, if any, shall submit affidavits subject to clarificatory questions by the disciplinary committee. The following requests to the disciplinary committee shall be prohibited:

- a. Extension of time to file an answer;

Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)

Consultation input	Review Committee Action/Remarks
<p>What are technical rules of evidence? Where can we find these? We just want to know what these are.</p>	<p>See the 1997 Rules of Court.</p>



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- b. Dismissal of the complaint;
Submission of more specific facts relative to the act of misconduct;
- c. Re-opening of a case;
- d. Demurrer to evidence;
- e. Postponements/cancellation of hearings;
- f. Reply/rejoinder;
- g. Intervention; and
- h. New proceedings on the same case.

Section 3.6.5. Summons

The Committee shall, within three (3) to five (5) days from its constitution, issue summons to the respondent with a copy of the complaint and the Dean's and/or SDC Chair's referral. The summons shall be served personally to the respondent through the Secretary of the College to which s/he belongs or through the Office of the University Registrar (OUR) if the respondent does not belong to any college; and/or by electronic mail to the respondent's UP Webmail account, wherein the respondent has a maximum of is presumed to have received the Summons within three (3) days to receive a copy of the summons; . The summons may also be served and by registered mail to the respondent's residence address indicated in her/his latest Form 5, wherein the respondent has is presumed to have received the Summons within seven (7) to ten (10) days to receive a copy of the summons. Finally, a copy of the summons shall also be served to the respondent's parents or guardians. It is incumbent upon the respondent to notify the University through her/his home College, of any change of address during the pendency of the case. Otherwise s/he is bound by the address given in her/his last Form 5. Receipt by the parents will be considered receipt by the respondent.

These modes of service of summons shall apply to the service of notices, decisions and other communications.

Section 3.6.6. Answer

The respondent shall answer in writing within a non-extendible period of five (5) days from receipt of the summons and the complaint. If the respondent fails to answer within the time period, he/she is deemed to have waived her/his right to present her/his side.

Section 3.6.7. Appearances

The University shall appear through its duly authorized representative as provided in Article VII Section 2.3. If the complainant is a tenured member of the University Council, s/he may represent the University.

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Consultation input	Review Committee Action/Remarks
<p>(On Section 3.6.4) This rule should be interpreted in light of Article VII, Section 5(a) which provides that the respondent has the right to the integrity of the administrative procedure. As much as the aforementioned rules pose a potential diminution of a respondent's right to procedural due process, the prohibitions enumerated in the Draft greatly stymie a respondent's opportunity to answer the allegations against him. The provision renders the 5 day period to file an answer as non-extendible which can inevitably prevent a respondent to file a timely answer to the accusations. Further, the prohibitions to submit "more specific facts relative to the act of misconduct" and to file a reply and rejoinder all constitute a hindrance for the respondent to adequately counter the charges against him. Such prohibitions are frowned upon by the law for unduly encroaching on fundamental rights of persons and cannot be justified merely by the need to make proceedings more expeditious and speedy. To make proceedings speedy and expeditious at the cost of the right of the respondent to due process is repugnant to the essence of the judicial process.</p>	<p>The prohibition against a reply does not prohibit counter charges.</p>

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The respondent shall appear in person and may be accompanied by parents, guardians and legal counsel. The participation of her/his parents, guardians and legal counsel shall be limited to advise ing respondent of her/his legal rights. Counsel shall not be permitted to present evidence in behalf of respondent or to argue with the disciplinary committee. Minors may be assisted by their parents/guardians.

Section 3.6.8. Notices

The Committee shall serve to the parties, Dean, College Secretary, Department Chair, parent(s)/guardian(s), a notice of dates of preliminary meeting and hearings in such a manner as shall ensure the receipt of the notice at least three (3) days before the date of the meeting/hearing.

Section 3.6.9. Preliminary Meeting

The preliminary meeting shall be mandatory. The Committee shall set the preliminary meeting date 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.

Failure of the University and/or the private complainant to appear shall be ground to dismiss the complaint.

Failure of the respondent to appear shall have the same effect as failure to answer.

During the preliminary meeting, the parties shall consider all matters that will aid in the prompt disposition of the case, such as any facts admitted, marking of documents to be presented, dates of hearings, identity of witnesses and the gist of their testimony; and, in less serious cases, an amicable settlement.

Matters taken and agreed upon during the preliminary meeting shall be reduced in writing and attested to by the members of the Committee present, the University representative and/or the private complainant, and the respondent. The preliminary meeting report shall be binding on the parties. The parties may also agree to submit the case for resolution during the preliminary meeting.

Section 3.6.10. Duration of hearing

The initial hearing must be set not later than one (1) week after the receipt by the parties of the preliminary meeting report. Hearings must be completed within two (2) months after

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Consultation input	Review Committee Action/Remarks
<p>The University may be represented by a member of the Bar or a faculty member. While the student may avail the services of counsel the aforementioned provision merely delegates the counsel to the sidelines and limits his role to the advising of the respondent's rights. This in effect pits a student against a fully tenured faculty member or a member of the Bar. Such clearly constitutes a great disparity as it can hardly be imagined how an argument between a student and a faculty or a lawyer can be on equal terms. The administrative hearings are skewed heavily in favour of the University. As a result thereof, a student is not accorded a full opportunity to mount a decent defense on his behalf. Equal footing must be given to both parties. While the burden of proof rests on the complainant, the respondent at the very least must be entitled to reasonable means to rebut the claims of his adversary. To limit the role of counsel in our opinion is prejudicial. Further, the aforementioned provision requires that a student should appear in person. This could potentially be detrimental to the student's studies. It must be borne in mind that the student is still presumed innocent until clearly proven guilty. To allow his studies to suffer through the imposition of unnecessary burdens is tantamount to punishment even before conviction. The scales of justice must be construed to favour the respondent until it is shown that the same is clearly guilty as charged.</p>	<p>The value of advise must not be underestimated.</p> <p>The draft rules conform to the standards of due process in administrative proceedings. See <i>Ang Tibay vs. CIR</i>.</p>
<p>Object to not allowing legal counsels to present evidence or argue during hearings</p>	<p>See previous comment on this matter.</p>

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the initial hearing, after which the Committee shall decide the case.

Section 3.6.11. SDC decision

Within fifteen (15) days after the final hearing, the Committee shall submit its decision to the SDC Execom which shall adopt or modify it within seven (7) days after receipt. The SDC Execom may modify the decision only in form but not in substance. The SDC shall immediately transmit the same to the Chancellor, copy furnished the Dean(s) and College Secretary(ies) concerned.

The Committee decision shall contain the findings of fact, the applicable provisions of this Code, and the corresponding sanction.

Section 3.6.12. Service of decision

The parties concerned shall each be served a copy of the SDC decision. The respondent shall be served in the manner provided in Article VII Section 2.6.

Section 3.6.13. Appeal

The resolution may be appealed to the UP Diliman Executive Committee (Execom) within seven (7) working days from receipt of the resolution, through the Chancellor. The Execom shall decide the appeal within two (2) months. The decision of the Execom may be appealed to the Board of Regents (BOR) within seven (7) working days upon receipt of the decision by the Execom, through the President.

Section 3.6.14. Finality and enforcement of the decision

If no appeal is made, the Dean(s) shall immediately enforce the decision upon receipt by the respondent or her/his parent(s)/guardian(s)/nearest relative at the address written in the respondent's last Form 5. It is incumbent upon the respondent to notify the University through her/his home College, of any change of address during the pendency of the case. Otherwise s/he is bound by the address given in her/his last Form 5. The parent(s)/guardian(s) shall be furnished a copy of the decision.

Section 3.6.15. Implementation of Sanctions Involving Suspension

Final decision of suspensions of thirty (30) to sixty (60) days, which are executory within thirty (30) days prior to the first day of the final examination period, shall take effect on the first

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Consultation input	Review Committee Action/Remarks
<p>Under the Draft, the decision may be served to the parties through similar means as to how summons are served. As such service of the decision through electronic mail is allowed. That being the case, it is possible that the reglamentary period for appeal may be reckoned from the time of receipt in the UP Webmail account which is almost instantaneous from the moment it is sent to the respondent. Sufficient time must be accorded to the respondent to study the decision rendered by the disciplinary body to determine his appropriate course of action thereto. To do otherwise would be tantamount to denying the respondent his right to appeal an adverse judgment. Further, under Article VII Section 4.6.3.8 it is provided that service of decision is to be governed by Article VII, Section 4.5.3.1 but the draft contains no such provision. Perhaps it means Section 4.5.1 but one cannot be sure. To prevent a possible miscarriage of justice, we recommend that the proposed Student Code clarifies the manner by which the decision may be served and how the period for appeal may be reckoned therefrom.</p>	<p>Addressed in presumption of receipt. See revision.</p>

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day of classes during the subsequent semester, except when the respondent is graduating, in which case the sanction shall immediately take effect upon receipt of the final decision in accordance with Article VII Section 3.5.15.

Section 4. Procedure for Misconduct of Registered Student Organizations (See attached flowchart.)

This Section pertains to the procedure for acts of misconduct involving student organizations.

Section 4.1. How commenced

An incident involving misconduct of a student organization may be reported, orally or in writing, by anyone to any College or University official. The recipient of the complaint shall, within twenty-four (24) hours, report the complaint to the SDC or to the Dean of the College concerned.

Section 4.2. Parties

In all misconduct cases involving student organizations, the University is the complainant, together with a private complainant, if any. The student organization, represented by its head, is the respondent.

Section 4.3. Determination of Jurisdiction and Probable Cause

The Dean or the SDC shall determine whether:

- a. the act subject of the complaint is serious or less serious misconduct;
- b. the misconduct occurred in more than one College;
- c. the student organization involved is College or University recognized; and,
- d. there is probable cause to file the complaint.

The Dean or the SDC shall determine jurisdiction of the case and forward the report to the appropriate forum, in accordance with Article VII Sections 4.3.1 and 4.3.2, within one (1) week.

Section 4.3.1. Jurisdiction of the College Dean

The College Dean shall have jurisdiction of the case when the act subject of the complaint is less serious, committed within the College, and involves a College-recognized student organization.

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Consultation input	Review Committee Action/Remarks
<p>On Parties, the vice-president or second-in-line may also represent the org in the head's absence. The org may also be compromised if the president is irresponsible.</p>	<p>Noted. An org is always represented by its head.</p>

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Section 4.3.2. Jurisdiction of the Student Disciplinary Council

The Student Disciplinary Council shall have jurisdiction over all cases not included in Article VII Section 4.3.1.

Section 4.4. Procedure to be followed by the College Dean

Section 4.4.1. Alternative Dispute Resolution (ADR)

The Dean shall, within seven (7) days after determination of jurisdiction and probable cause, resolve the case by employing ADR methods. Upon arriving at a resolution, the same shall be made in writing embodying all the terms agreed upon. Such written resolution, when signed by the Dean, shall be final and immediately executory.

Section 4.4.2. College Disciplinary Committee (CDC)

In cases where ADR failed, the Dean shall form a CDC within one (1) week after the unsuccessful ADR has been concluded, which shall assume jurisdiction over the case.

Section 4.5. Procedure to be followed by the College Disciplinary Committee (CDC)

Section 4.5.1. Summons

The Committee shall, within three (3) to five (5) days from its constitution, issue summons to the respondent with a copy of the complaint through the College Secretary. The respondent has a maximum period of is presumed to have received the summons and complaint within three (3) days to receive a copy of the summons and complaint.

This mode of service of summons shall apply to the service of notices, decisions and other communications.

Section 4.5.2. Answer

The respondent shall answer in writing within three (3) days from receipt of the summons and the complaint. If the respondent fails to answer within the time period, it is deemed to have waived its right to present evidence on its behalf.

Section 4.5.3. Appearances

The College shall appear as complainant through its duly authorized representative appointed by the Dean from among its regular faculty. The respondent shall appear through its head with the assistance of counsel if desired, but the latter shall not

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be allowed to present evidence and argue in behalf of the respondent.

Section 4.5.4. Notices

The Committee shall serve to the parties a notice of dates of preliminary meeting and hearings in such a manner as shall ensure the receipt of the notice at least three days before the date of the initial hearing.

Section 4.5.5. Preliminary Meeting

The preliminary meeting shall be mandatory. The Committee shall set the preliminary meeting date 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.

Failure of the College and/or the private complainant to appear shall be ground to dismiss the complaint.

Failure of the respondent to appear shall have the same effect as failure to answer.

During the preliminary meeting, the parties shall consider all matters that will aid in the prompt disposition of the case, such as any facts admitted, marking of documents to be presented, dates of hearings, identity of witnesses and the gist of their testimony; and, in less serious cases, an amicable settlement.

Matters taken and agreed upon during the preliminary meeting shall be reduced in writing and attested to by the members of the Committee present, the College representative and/or the private complainant, and the respondent. The preliminary meeting report shall be binding on the parties. The parties may also agree to submit the case for resolution during the preliminary meeting.

Section 4.5.6. Duration of hearing

Hearings must be completed within two months after the preliminary hearing, after which the Committee shall resolve the case.

Section 4.5.7. Committee decision

Within fifteen (15) days after the final hearing, the Committee shall submit its decision to the Dean.

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The Committee decision should contain the findings of fact, the applicable provisions of this Code, and the corresponding sanction.

Section 4.5.8. Service of decision

The parties concerned shall each be served a copy of the CDC decision.

The decision of the CDC is final and executory fifteen (15) days upon receipt by the party.

Section 4.6. Procedure to be followed by the Student Disciplinary Council (SDC)

Section 4.6.1. Jurisdiction

Section 4.6.1.1. Jurisdiction of the SDC Chair

In all cases cognizable by the SDC, where the act subject of the complaint is less serious misconduct, the SDC Chair shall have jurisdiction.

Section 4.6.1.2. Jurisdiction of the SDC Ad Hoc Disciplinary Hearing Committee (AHDHC)

In all cases cognizable by the SDC, where the act subject of the complaint is serious misconduct, or the complaint is transmitted by the SDC Chair to the SDC, the SDC through an Ad Hoc Disciplinary Hearing Committee (AHDHC), shall have jurisdiction.

Section 4.6.2. Procedure before the SDC Chair

In all cases where Alternative Dispute Resolution methods are applicable, the SDC Chair shall resolve the case by employing such methods within one (1) week after the determination of jurisdiction. Upon arriving at a resolution, the same shall be made in writing embodying all the terms agreed upon. Such written resolution, when signed by the SDC Chair, shall be final and immediately executory.

In cases where ADR is either inapplicable or where it was employed but no resolution had been arrived at, the SDC Chair, after finding probable cause, shall transmit the case to the SDC, who shall form an Ad Hoc Disciplinary Hearing Committee (AHDHC), within one (1) week after the unsuccessful ADR has been concluded.

Section 4.6.3. Procedure before the SDC Ad Hoc Disciplinary Hearing Committee (AHDHC)

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Upon its constitution, the Ad Hoc Disciplinary Hearing Committee (AHDHC) shall receive the complaint from the SDC and thereafter take jurisdiction the case.

Section 4.6.3.1 Summons

The Committee shall, within three (3) to five (5) days from its constitution, issue summons to the respondent with a copy of the complaint. In cases where the respondent is College-recognized, the summons shall be served to the respondent through the College Secretary of the College which issued recognition and/or the College where the head is enrolled. In cases where the respondent is University-recognized, the summons shall be served through the Office of Student Activities (OSA) and the College Secretary of the College where the head belongs. The respondent has a maximum of is presumed to have received a copy of the summons and the complaint within three (3) days to receive a copy of the summons and the complaint.

These modes of service of summons shall apply to the service of notices, decisions and other communications.

Section 4.6.3.2. Answer

The respondent shall answer in writing within three (3) days from receipt of the summons and the complaint. If the respondent fails to answer within the time period, it is deemed to have waived its right to present evidence on its behalf.

Section 4.6.3.3. Appearances

The University shall appear as complainant through its duly authorized representative appointed by the Chancellor: the Director or Coordinator of the Office of Student Activities (OSA) if the respondent is University-recognized; the College Secretary of the College that issued recognition if the respondent is College-recognized. The respondent shall appear through its head with the assistance of counsel if desired, but the latter shall not be allowed to present evidence and argue in behalf of the respondent.

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Section 4.6.3.4. Notices

The Committee shall serve to the parties a notice of dates of preliminary meeting and hearings in such a manner as shall ensure the receipt of the notice at least three days before the date of the initial hearing.

Section 4.6.3.5. Preliminary Meeting

The preliminary meeting shall be mandatory. The Committee shall set the preliminary meeting date 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.

Failure of the University and/or the private complainant to appear shall be ground to dismiss the complaint.

Failure of the respondent to appear shall have the same effect as failure to answer.

During the preliminary meeting, the parties shall consider all matters that will aid in the prompt disposition of the case, such as any facts admitted, marking of documents to be presented, dates of hearings, identity of witnesses and the gist of their testimony; and, in less serious cases, an amicable settlement.

Matters taken and agreed upon during the preliminary meeting shall be reduced in writing and attested to by the members of the Committee present, the University representative and/or the private complainant, and the respondent. The preliminary meeting report shall be binding on the parties. The parties may also agree to submit the case for resolution during the preliminary meeting.

Section 4.6.3.6. Duration of hearing

Hearings must be completed within two months after the preliminary hearing, after which the Committee shall resolve the case.

Section 4.6.3.7. Committee decision

Within fifteen (15) days after the final hearing, the Committee shall submit its decision to the SDC Execom which shall adopt or modify it within seven (7) days after receipt. The SDC Execom may modify the decision only in form but not in substance. The SDC shall immediately

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transmit the same to the Chancellor, copy furnished the Dean(s) and College Secretar(ies) concerned.

The Committee decision should contain the findings of fact, the applicable provisions of this Code, and the corresponding sanction.

Section 4.6.3.8. Service of decision

The parties concerned shall each be served a copy of the SDC decision. The respondent shall be served in the manner provided in Article VII Section 4.5.3.1.

The decision is immediately executory upon receipt by the Office of Student Activities (OSA) and/or the Dean(s) concerned.

Section 5. Rights of Respondents.

Each respondent shall enjoy the following rights:

- a. To the integrity of the administrative procedure;
- b. To the protection that the burden of proof rests with the complainant, who must present substantial evidence;
- c. To be heard only on evidence introduced at the proceedings of which the respondent has been properly apprised;
- d. To defend herself/himself personally or, in the case of minors, assisted by her/his parent(s)/guardian(s);
- e. To a speedy and judicious resolution of the case;
- f. To request as sanction community service, in cases so allowed, which may only be granted by the disciplinary body concerned; and
- g. To appeal a decision in accordance with R.A. 9500.

Section 6. Preventive Suspension

Notwithstanding the provisions of the foregoing sections, the Chancellor, through the VCSA, or a Dean may preventively suspend, for a limited period not to exceed twenty (20) days, a student and/or a student organization in the following cases:

- a. Misconduct as described in:

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Consultation input	Review Committee Action/Remarks
<p>Article VII, Section 6 provides that the respondent may be placed under Preventive Suspension either by the Chancellor through the VCSA, or the Dean of the College concerned. For purposes of clarity, the provision should at least provide for the automatic reinstatement of the student upon the lapse of the said preventive suspension as analogous to Sections 51 & 52 of the Revised Administrative Code of 1987. In the case of <i>Gloria v. Court of Appeals</i> the Supreme Court had the opportunity to explain the nature of a preventive suspension. The Court held that:</p> <p>“Preventive suspension pending investigation is not a penalty. It is a measure intended to enable the disciplining authority to investigate charges against respondent by preventing the latter from intimidating or in any way influencing witnesses against him. If the investigation is not finished and a decision is not rendered within that period, the suspension will be lifted and the respondent will automatically be reinstated. If after investigation respondent is found innocent of the charges and is exonerated, he should be reinstated.</p>	<p>The draft provision is clear enough.</p>

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- 1) Article VI Section 1.1.b , 1.1.c, 1.3.1.a, 1.3.1.b, 1.3.1.c, 1.3.1.d, 1.3.1.e, 1.3.1.f, 1.3.1g, 1.3.2.a, 1.4.b, 1.4.c., 1.4.f, 1.6, and
- 2) All of Article VI Section 2.

- 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;

Preventive suspension aims to assist investigation by preventing a student or student organization from destroying, hiding or suppressing evidence and to prevent a student or a student organization from inflicting damage to persons or property.

Preventive suspension is an involuntary temporary leave from the university wherein a student shall not be allowed to enroll and may not:

- a. Attend classes and academic activities;
- b. Enter academic buildings and their premises;
- c. Use campus facilities, including but not limited to, athletic facilities, libraries, and computer laboratories; except dormitories for dormitory residents;
- d. Participate in student activities within University premises;
- e. Hold student jobs;
- f. Take exams; and
- g. Enjoy IT privileges as listed in Appendix C.

The preventive suspension may include other conditions set by the Chancellor or Dean.

The preventive suspension of a student organization shall mean involuntary temporary loss of privileges attendant to being a recognized student organization.

Section 7. Records

All proceedings before any disciplinary body shall be set down in writing by a competent official record keeper. 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, or unless authorized in writing by the Chancellor. Any person who violates the confidential nature of such records shall be subject to disciplinary action, without prejudice to the filing of appropriate cases in Court.

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Article VIII. General Provisions

Section 1. Effectivity

This Code shall supersede all previous rules on student discipline (Rules and Regulations on Student Conduct and Discipline; Revised Rules and Regulations Governing Fraternities, Sororities and other Student Organizations; General Guidelines on Tambayans in UP Diliman; General Guidelines on Tambayans in the UP Main Library; and Guidelines on the Application for, or Renewal of, Official Recognition of University-recognized Student Organizations) and shall take effect after its approval by the University Council and the Board of Regents and fifteen (15) days after posting in the UP Diliman Website on the first day of the succeeding semester.

Section 2. Separability Clause

If any clause, sentence, paragraph or part of this Code shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Code, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy.

Section 3. Amendment Clause

Any provision of this Code may be amended by a special meeting for the purpose, by the University Council. The amendment, as approved by the Board of Regents, shall take effect five (5) days from posting in the UP Diliman Website on the first day of the succeeding semester. Students and faculty may propose amendments to the Code.

Section 4. Repealing Clause

Existing bodies, tribunals, offices, committees, and units which are rendered obsolete by this Code are hereby dissolved; and all existing rules and regulations that are in conflict with this Code are hereby repealed.

Section 5. Transition Clause

Present bodies shall remain until the new disciplinary committees are created.

Section 6. Effect on Pending Cases

This Code shall govern all pending cases, except to the extent that its application would not be feasible or just, in which event the former rules of procedure shall apply.

Section 7. Review

This Code shall be reviewed at least once every ten (10) years.

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Consultation input	Review Committee Action/Remarks
<p>On amendment clause – "... In the interest of student empowerment and upholding students' rights, we reiterate that in such proceedings, student representation must always be had.</p> <p>"Moreover, the propriety of announcing such amendments to the Code via the UP Diliman Website alone is highly questionable. Considering the importance of the Code in the affairs of students and student organizations, much more needs to be done to ensure that students are aware of any changes."</p>	<p>Addressed. See revision.</p>

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Appendix A

I. Acts of misconduct of students

A. Serious

1. Intellectual dishonesty
 - a. Plagiarism
 - b. Distortion and/or destruction of data
 - c. Copying or providing the means or accessing means to copy exam answers, homework, projects, laboratory experiments, term papers, etc.; possession and/or use of cheat devices during an examination; allowing another person to take an examination in one's name, and/or impersonating another student or allowing someone to impersonate oneself in an academic activity; and manipulating a corrected exam paper
 - d. Submission of the same work in two or more courses without the instructors' consent
 - e. Other acts analogous to a, b, c and d
2. Fraud - making a false statement and practicing any deception or fraud in connection with
 - a. Admission to the University
 - b. Registration in the University
 - c. Retention in the University
 - d. Graduation from the University
 - e. Application to and/or receiving any scholarship or grant funded or managed by the University and its affiliated institutions
 - f. Recognition Registration of student organizations
 - g. Use of University facilities by, or in the name of, student organizations
 - h. Use of intellectual property of the University
3. Harm to persons
 - a. Creating within the University premises disorder, tumult, breach of peace, or serious disturbance resulting to harm to persons
 - b. Physically attacking any person
 - c. Engaging in any of the acts described in R.A. 8049, otherwise known as the Anti-Hazing Law
 - d. Recruiting Accepting a student who has not completed a one-year semester residency in UP Diliman for membership in any registered student organization
 - e. Disrespect towards any person, which includes, but not limited to, insulting and/or threatening behavior or use of profane or insulting and/or threatening language

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f. All acts described in the Anti-Sexual Harassment Act of 1995 (R.A. 7877) and its Implementing Rules and Regulations (IRR) approved by the Board of Regents

g. Rape

4. **Unauthorized** Possession and/or use within the University premises of any dangerous or deadly or potentially deadly object or material such as, but not limited to, firearm; any bladed or pointed object; stick, pipe, or any similar object; and chemicals; unless required in her/his course;
5. Unauthorized possession and/or use of regulated or prohibited drugs or substances enumerated in the Comprehensive Dangerous Drugs Act of 2002 (as amended) within the University premises
6. Engaging in disgraceful conduct within University premises
7. Willfully disobeying any lawful order or directive by the Chancellor, Vice Chancellors, Deans, Directors of academic units, College Secretaries, OSA Director and members of disciplinary bodies, including but not limited to, summons for purposes of investigation and other proceedings
8. Violations of the Approved Accepted Use Policy (AUP) for Information Technology (IT) Resources of the University of the Philippines
9. Stealing within University premises
10. Any other form of misconduct affecting the good order and welfare and/or good name of the University

B. Less serious

1. Harm to things
Damaging or defacing property within University premises, including but not limited to, littering and vandalism
2. Drinking of alcoholic beverages, except where and when expressly allowed by the Chancellor, and/or drunken behavior within University premises,
3. Gambling within the University

II. Acts of misconduct of registered student organizations

A. Serious

1. Fraud

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- a. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for recognition registration
 - b. Making a false statement and practicing or attempting to practice any deception or fraud in connection with use of University facilities
 - c. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application in any University-funded or managed grant
 - d. Making a false statement and practicing or attempting to practice any deception or fraud in connection with application for *tambayan*
 - e. Making a false statement and/or withholding information in relation to the changes in the organization's membership and officers within the duration of recognition registration
2. Harm to persons
 - a. Creating within the University premises disorder, tumult, breach of peace, or serious disturbance such as, but not limited to, rumbles, resulting in harm to persons
 - b. Recruiting Accepting a student who has not completed a one-year semester residency in UP Diliman for membership in any registered student organization
 - c. Any violation as described in R.A. 8049, otherwise known as the Anti-Hazing Law
 3. Obstructing or attempting to obstruct University authorities from inspecting, copying, and/or photographing designated documents, papers, books, accounts, letter, photographs, objects or tangible things in the student organization's possession, custody or control in connection with an ongoing investigation
 4. Engaging in any other form of misconduct, whether within or outside University premises, significantly affecting the good order and welfare and/or good name of the University, and/or which violates the provisions of this Code regarding student organizations.

B. Less serious

1. Damaging or defacing property within University premises, including but not limited to, littering and vandalism
2. Appropriating for the student organization in the University property of another within University premises

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks



As of April 2010

Appendix B

Sanctions

1. Admonition/reprimand
2. Apology
3. Cancellation of registration
4. Expulsion
5. Suspension
6. Withdrawal of degree

Additional sanctions, which may be concurrently imposed with above sanctions

1. Fine
2. Disqualification from graduation with honors
3. Reparation
4. Restitution
5. Suspension or withdrawal of IT privileges
6. Withdrawal of honors

Sanctions that are *sui generis* or in a class of their own:

For students:

1. Cancellation of admission to the University
2. Community service

For student organizations:

1. Cancellation of recognition
2. Perpetual disqualification from recognition
3. Suspension of recognition

**Summary of Broad Consultation Input (March-November 2009)
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Consultation input	Review Committee Action/Remarks



As of April 2010

Appendix C

IT Privileges of UP Diliman Students

IT privileges include, among other things, the use of computing facilities, network and Internet infrastructure, and access to online services and content either provided directly, solely or jointly by the University; or operated by the University; or by University-authorized concessionaires and third parties. The following list provides examples of these facilities and services:

1. the use of computers, IT facilities and devices, storage, printing, or other electronic / communication / media equipment;
2. the use of messaging and notification services, including basic telephony, voice, video, text, email, fax and instant messaging; as well as access to archived messages;
3. use of University-issued and University-branded electronic identities such as the UP Webmail and other email accounts, LDAP accounts, domain names, and similar electronic accounts bearing the UP domain, address or other similar University identifiers, even when issued through third-party providers;
4. access to the University's wired or wireless infrastructure, including the DILNET WiFi wireless service and other University-authorized third-party wireless providers;
5. access to the Internet and other networks to which the University may be interconnected;
6. access to University-owned, subscribed, generated, provided or hosted digital material, including library collections, course material, multimedia content, papers, online journal subscriptions;
7. access to online services such as student registration, course and other discussion groups, virtual classes and learning environments, student residence, scholarship application, payment and similar services;
8. access to online or stand-alone storage facilities and media, including shared or personal content and files;
9. access to and use of University-hosted webpages and websites, including students' home pages and archived content; and
10. the use of electronic IDs, badges, security keys, and other access control devices.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks



PROCEDURE FOR CASES INVOLVING INTELLECTUAL DISHONESTY

JURISDICTION: Faculty (exclusive jurisdiction)

- faculty has the right to define standards of intellectual honesty and exact norms of academic scholarship.
- acts of intellectual dishonesty are violations of academic integrity.

COMPLAINT

How Commenced: reported (orally or in writing)
To whom: directly to the Dean, or through a faculty member of the college where the incident occurred
Parties: (1) Complainant: University
 (2) Respondent: Student reported to have committed the act of misconduct constituting intellectual dishonesty

The Dean shall: (*within 7 days*)
 1. determine whether a CDC or an ICDC should be instituted, and;
 2. write Dean's Report

Constitution ICDC or CDC

-If intellectual dishonesty involves more than one college:
 Deans constitute Inter-College Disciplinary Committee (ICDC)

-If intellectual dishonesty of a student in the College: Dean constitutes College Disciplinary Committee (CDC)

SUMMONS

Who shall issue: The Committee shall issue summons to the respondent with a copy of the Dean's Report (*within 5 days from its constitution*).

Service: served personally to the respondent through:

- (1) the Secretary of the College to which he/she belongs, or
- (2) through the Office of the University Registrar if the respondent does not belong to any college, and/or;
- (3) by registered mail to respondent's residence address, and/or;
- (4) by electronic mail (to respondent's UP Webmail account),

AND

- (5) to the respondent's parents or guardians to the address indicated in the Form 5 (receipt by parents considered receipt by respondent).

*same modes of service for notices, decisions and other communications.

TIMELINE

(If the due date falls on a non-working holiday, the due date will be on the next school day.)

Start

Within **7 days** from commencement of complaint

Within **7 days** from the determination of committee by the Dean

Within **5 days** from constitution of ICDC or CDC

If served through College Secretary, Office of the University Registrar or through e-mail:
max. of 3 days to receive summons

If served through registered mail: **7-10 days** to receive summons

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks
On flowcharts: "days" should be "working days" to avoid any due date falling on a non-working day. (same as above)... should not count sem break and Christmas break	Addressed. See additional line.

PROCEDURE FOR CASES INVOLVING INTELLECTUAL DISHONESTY

ANSWER

Respondent shall answer in writing *within 5 days* from receipt of the summons.
Failure to answer= waiver of his right to present his side.

Within **5 days** from receipt of summons (non-extendible)

NOTICE OF HEARING (preliminary meetings and hearings)

- served to the parties in such a manner as shall ensure the receipt *at least 3 days* before the date of the initial hearing.

[At least **3 days** before the date of initial hearing]

APPEARANCES

University: duly authorized representative appointed by the Chancellor from among the University Council members.

Respondent: shall appear in Person, with the assistance of a lawyer if desired, but the latter shall not be allowed to present evidence or argue in behalf of the respondent

Minors: may be assisted by their parents/guardians.

PRELIMINARY MEETING

Period: *not later than 1 week after the receipt of answer/ after the expiration of the period within which to file answer.*

within **7 days** after receipt of answer or after expiration of the period within which to file answer

Matters to be taken up:

- facts admitted
- marking of documents to be presented
- dates of hearings
- identity of witnesses and gist of their testimony
- agreement to submit the case for resolution during the meeting
- other matters that will aid in the prompt disposition of the case

Form: matters taken and agreed upon shall be reduced in writing and attested to by the members of the Committee present, the University representative, and/or private complainant, and the respondent.

*Mandatory and binding on the parties.

Failure of University or private complainant to appear= ground for dismissal of complaint

Failure of respondent to appear= same effect as failure to answer

Submission of preliminary report.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR CASES INVOLVING INTELLECTUAL DISHONESTY

HEARINGS

Initial Hearing: set not later than 1 week after receipt by the parties of the preliminary meeting report.
Period for Completion: 2 months after the initial hearing (non-extendible)

COMMITTEE RESOLUTION

When submitted: submitted *within 15 days after final hearing.*
Form: in writing, signed by majority of its members
Content: brief statement of the findings of fact and specific regulations which the resolution is based.
Service: same manner as in Summons; duly appointed representative of the University shall submit a copy of the resolution to the Chancellor.

FINALITY ENFORCEMENT OF THE RESOLUTION

Resolution shall be final and immediately enforced if no appeal has been filed before the UPD Execom, or upon the expiration of the period to appeal.
Who shall execute: the Dean of the College to which the respondent belongs.
In case of expulsion: The resolution shall be executed by the Chancellor.

- Executory upon receipt of respondent or his parents/guardians/nearest relative at the address written in Form 5.
- Parents are furnished with a copy of the Decision.

APPEAL TO THE EXECOM

The resolution may be appealed to the UPD Execom *within 7 working days* from receipt of the resolution.

- decision *within 2 months.*

APPEAL TO THE BOR

The decision may be appealed to the Board of Regents within 7 working days from the receipt of the decision.

SANCTIONS INVOLVING SUSPENSIONS

Final decision of suspensions of thirty (30) to sixty (60) days, which are executory within thirty (30) days prior to the first day of the final examination period, shall take effect on the first day of classes during the subsequent semester, except when the respondent is graduating, in which case the sanction shall immediately take effect upon the final decision in accordance with Article VII Section 2.15.

Initial Hearing: not more than **7 days** after preliminary meeting

Completion: within **60 days** after initial hearing (non-extendible)

Committee Resolution: Within **15 days** after final hearing

Effective **7 days** after the receipt of the decision if no appeal has been made

IF NO APPEAL TO THE EXECOM:
approx. 130 days

Appeal to the Execom: Within **7 working days** from receipt of resolution

Decision: within **60 days**

IF WITH APPEAL TO EXECOM:
Approx. 197 days

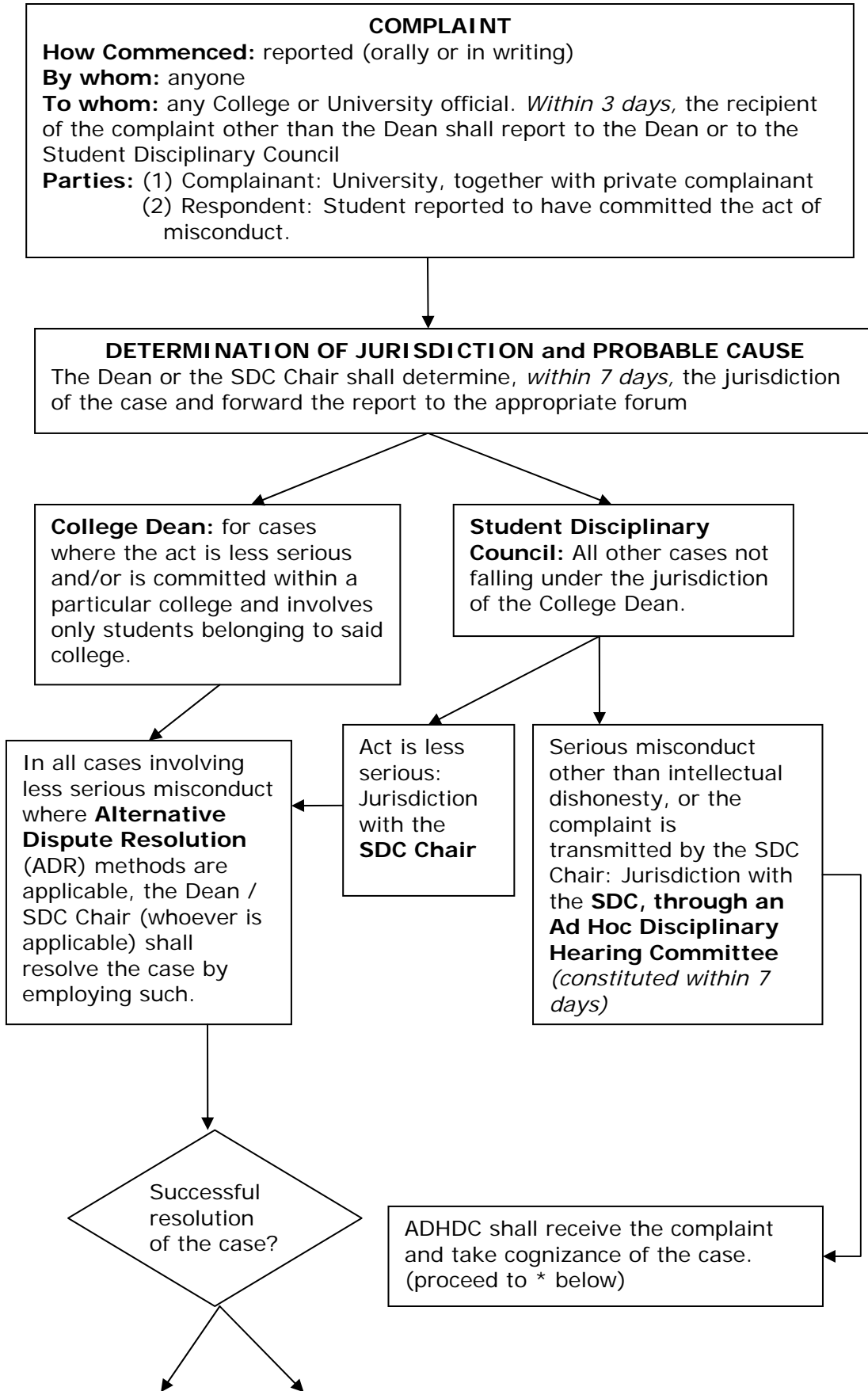
Appeal to the BOR: Within **7 working days** from the receipt of the decision

IF WITH APPEAL TO BOARD OF REGENTS:
Unknown

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR OTHER ACTS OF MISCONDUCT



TIMELINE
 (If the due date falls on a non-working holiday, the due date will be on the next school day.)

Start

Within **3 days**

Within **7 days** from receipt of the complaint

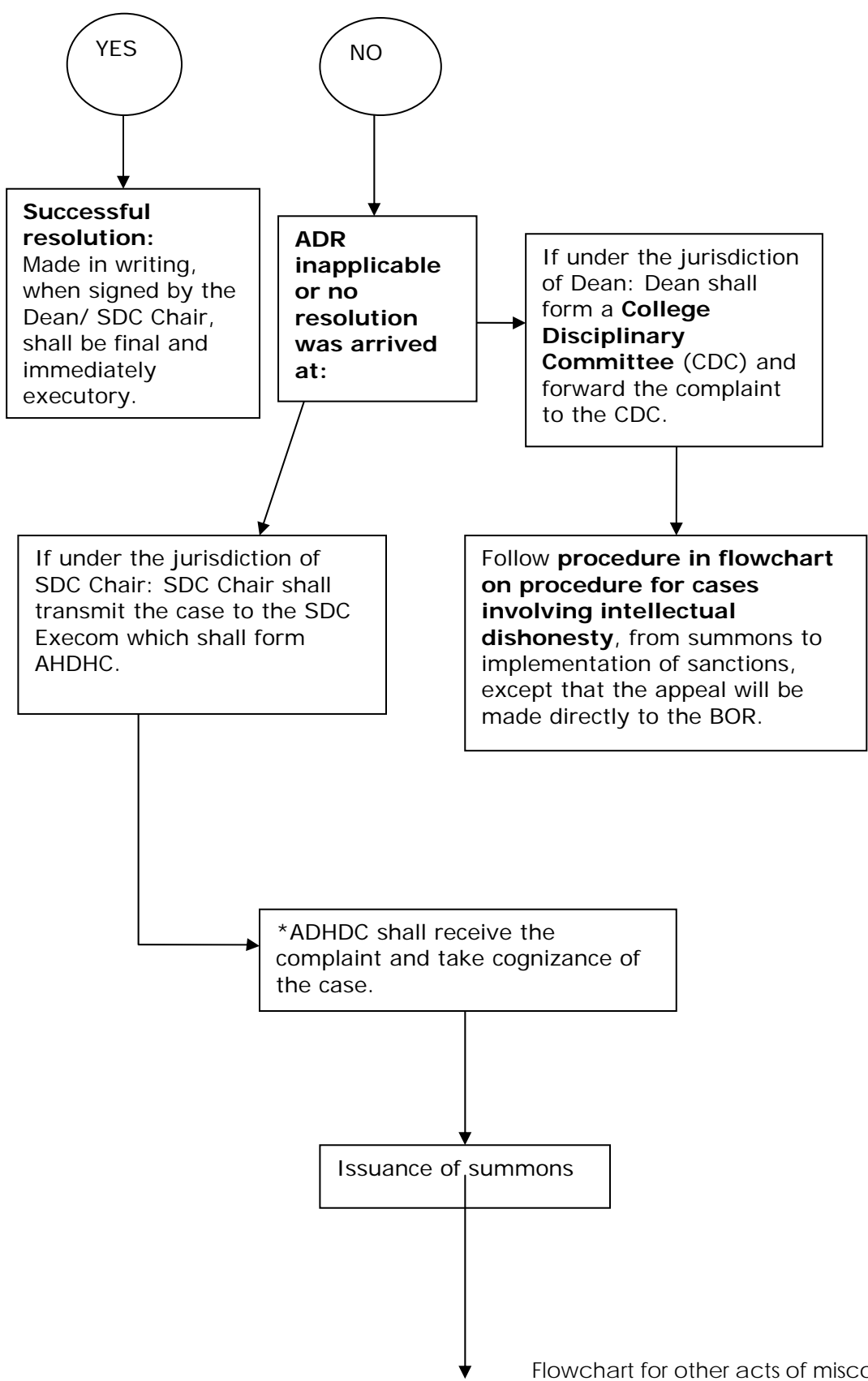
Constitution of AHDHDC:
 Within **7 days** of receipt of SDC Chair's referral.

Alternative Dispute Resolution:
 within **7 days** after determination that College Dean has jurisdiction, or that the case falling under the SDC's jurisdiction is less serious

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR OTHER ACTS OF MISCONDUCT



TIMELINE

Constitution of CDC: within **7 days** after determination of jurisdiction or unsuccessful Alternative Dispute Resolution has been concluded, as the case may be.

IF CASE FALLS UNDER CDC, ADR WAS NOT AVAILED OF, AND NO APPEAL HAS BEEN MADE: 133 days

IF CASE FALLS UNDER CDC, ADR WAS APPLIED, AND NO APPEAL HAS BEEN MADE: approx. 140 days

IF WITH APPEAL TO BOARD OF REGENTS: Unknown

Constitution of the AHDHC: within **7 days** after the unsuccessful Alternative Dispute Resolution has been concluded

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR OTHER ACTS OF MISCONDUCT

SUMMONS

Who shall issue: The AHDHC shall issue summons to the respondent with a copy of the AHPIC's Report (*within 3-5 days from its constitution*).

Service: served personally to the respondent through:

- (1) the Secretary of the College to which he/she belongs, or
 - (2) through the Office of the University Registrar if the respondent does not belong to any college,
 - (3) by registered mail to respondent's residence address,
 - (4) by electronic mail (to respondent's UP Webmail account),
- AND

(5) to the respondent's parents or guardians to the address stated in the latest Form 5 (receipt by parents considered receipt by respondent).

*same modes of service for notices, decisions and other communications.

ANSWER

Respondent shall answer in writing *within 5 days* from receipt of the summons and AHPIC report.

Failure to answer= waiver of his right to present his side.

NOTICE OF HEARING

(preliminary meetings and hearings)

- served to the Dean, College Secretary, Department Chair, parents or guardians in such a manner as shall ensure the receipt *at least 3 days* before the date of the meeting/hearing.

PRELIMINARY MEETING

Period: *not later than 1 week after the receipt of answer/ after the expiration of the period within which to file answer.*

Matters to be taken up:

- facts admitted
- marking of documents to be presented
- dates of hearings
- identity of witnesses and gist of their testimony
- amicable settlement (only in less serious cases)
- agreement to submit the case for resolution during the meeting
- other matters that will aid in the prompt disposition of the case

Form: matters taken and agreed upon shall be reduced in writing and attested to by the members of the AHDHC present, the University representative, and/or private complainant, and the respondent.
*Mandatory and binding on the parties.

Failure to University or private complainant to appear= ground for dismissal of complaint

Failure of respondent to appear= same effect as failure to answer.

APPEARANCES

University: shall appear as complainant through its duly authorized representative appointed by the Chancellor from among the University Council members.

Respondent: shall appear in person, with the assistance of a lawyer if desired, the latter not allowed to submit evidence and argue in behalf of respondent.

See section 3.6.7

Minors: may be assisted by their parents/guardians.

Summons: Within **3-5 days** from its constitution

If served through College Secretary, Office of the University Registrar or through e-mail:
max. of 3 days to receive

If served through registered mail: **7-10 days** to receive

Answer: Within **5 days** from receipt of the summons

[*Notice of Hearing:*
At least **3 days** before the date of initial hearing]

Preliminary Meeting:
Within **7 days** after the receipt of the answer or after the expiration of the period w/in which to file answer

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR OTHER ACTS OF MISCONDUCT

HEARINGS

Initial Hearing: *set not later than 1 week* after receipt by the parties of the preliminary meeting report.
Period for Completion: *2 months* after the initial hearing (non-extendible)

SDC DECISION

AHDHC: shall submit its decision to the SDC Execom *within 15 days after final hearing.*
SDC Execom: shall adopt or modify it *within 7 days after receipt.*
 : may modify the decision only in form but not in substance.
 : shall transmit the same to the Chancellor, copy furnished the Dean(s) and College Secretary(s) concerned.
Content: brief statement of the findings of fact, applicable provisions and the corresponding sanction.
Service: same manner as in Summons
 The decision is **immediately executory** upon receipt by the Dean(s) concerned. Where the sanction is expulsion, the Chancellor shall enforce the decision.

APPEAL TO THE BOR

The decision may be appealed to the Board of Regents within 7 working days from the receipt of the decision.

If no appeal is made: Dean (s) shall immediately enforce the decision. Executory upon receipt of respondent or her/his parents/guardians/nearest relative at the address written in Form 5.
 - Parents are furnished with a copy of the Decision.

SANCTIONS INVOLVING SUSPENSIONS

Final decision of suspensions of thirty (30) to sixty (60) days, which are executory within thirty (30) days prior to the first day of the final examination period, shall take effect on the first day of classes during the subsequent semester, except when the respondent is graduating, in which case the sanction shall immediately take effect upon receipt of the final decision in accordance with Article VII Section 3.6.15.

Initial Hearing: Within **7 days** after preliminary meeting

Period for Completion: Within **60 days** to complete hearing

Submission of Decision: within **15 days** after final hearing

Adoption/ Modification: Within **7 days** after receipt

IF CASE IS FALLS UNDER THE JURISDICTION OF THE SDC AND IS A SERIOUS MISCONDUCT SUCH THAT ADR CANNOT BE AVAILED OF, AND IF NO APPEAL IS MADE:
Approx. 133 days

IF CASE FALLS UNDER THE JURISDICTION OF THE SDC AND ACT IS LESS SERIOUS SUCH THAT ADR WAS AVAILED OF:
Approx. 140 days

Appeal with the BOR: within **7 days** from the receipt of decision

IF WITH APPEAL TO BOR:
unknown

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR MISCONDUCT OF REGISTERED STUDENT ORGANIZATION

COMPLAINT

How Commenced: reported (orally or in writing)

By whom: anyone

To whom: any College or University official. The recipient of the complaint shall *within 24 hours*, report the complaint to the Student Disciplinary Council or to the Dean of the College concerned.

Parties: (1) Complainant: University, together with private complainant

(2) Respondent: Registered Student organization, represented by its head.

TIMELINE

(If the due date falls on a non-working holiday, the due date will be on the next school day.)

Start

Within **1 day** to report

Within **7 days** from commencement of complaint

DETERMINATION OF JURISDICTION and PROBABLE CAUSE

The Dean or the SDC shall determine the jurisdiction of the case and forward the report to the appropriate forum

College Dean: for cases where the act is less serious, committed within the College and involves a College-recognized registered student organization.

Student Disciplinary Council: All other cases not falling under the jurisdiction of the College Dean.

Act is less serious:
Jurisdiction with the
SDC Chair

If under the jurisdiction of SDC and act is serious misconduct: SDC Chair, after finding probable cause, shall transmit the case to the SDC Execom which shall form an AHDHC. *(constituted within 7 days) (see B. Procedure before SDC AHDHC)*

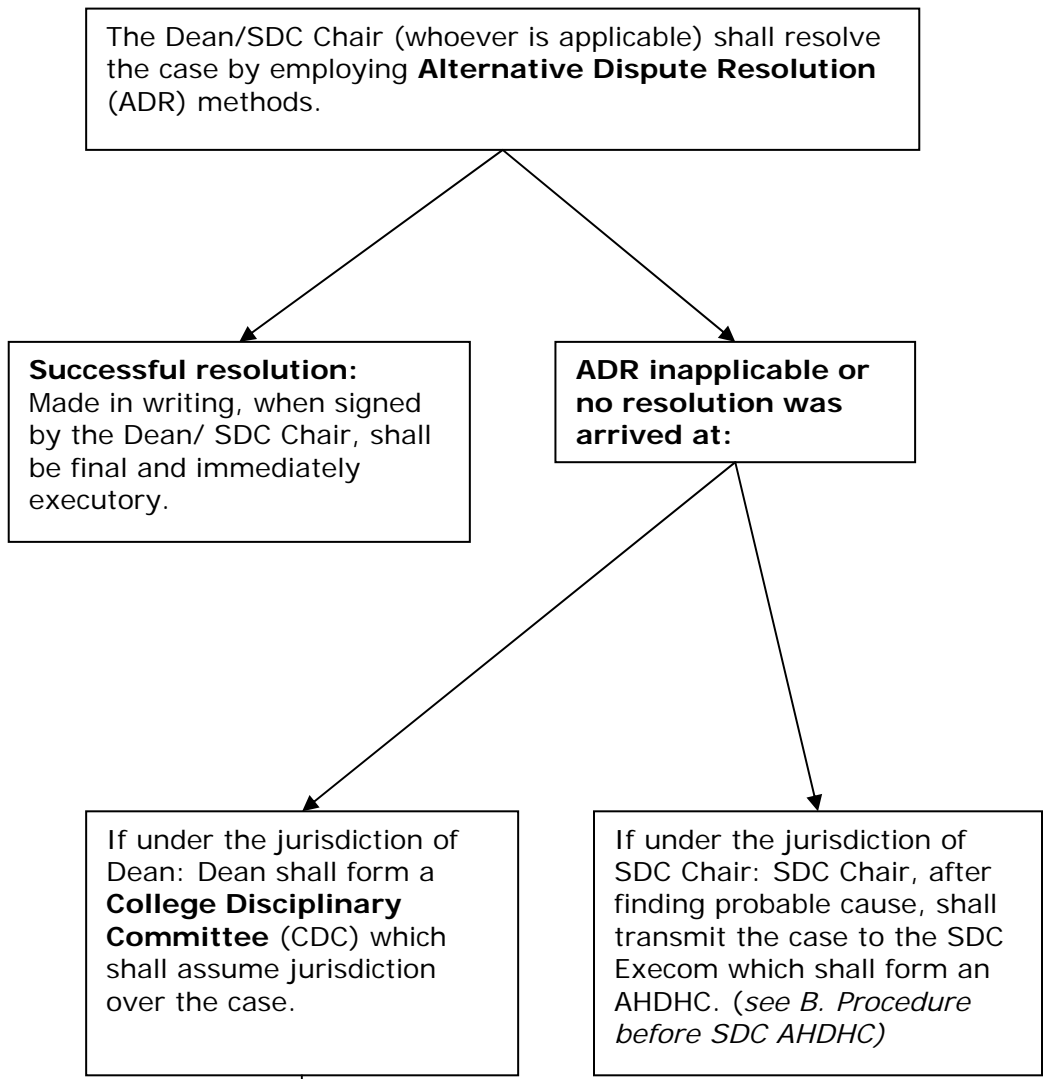
*Constitution of AHDHC: Within **7 days** after determination of jurisdiction and probable cause*

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR MISCONDUCT OF REGISTERED STUDENT ORGANIZATIONS

A. PROCEDURE TO BE FOLLOWED BY THE COLLEGE DISCIPLINARY COMMITTEE



Alternative Dispute Resolution: Within 7 days after the determination of jurisdiction and probable cause

Constitution of CDC/AHDHC:
Within **7 days** after the ADR has been concluded

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR MISCONDUCT OF REGISTERED STUDENT ORGANIZATIONS

A. PROCEDURE TO BE FOLLOWED BY THE COLLEGE DISCIPLINARY COMMITTEE

SUMMONS

Who shall issue: The CDC shall issue summons to the respondent with a copy of the complaint (*within 3-5 days from its constitution*).

Service: through the College Secretary

*same modes of service for notices, decisions and other communications.

Issuance and Receipt of Summons: within **3-5 days** from constitution of CDC

max. of 3 days to receive summons

Period to file Answer: Within **3 days** from receipt of summons and the complaint

Preliminary Meeting: Within **7 days** after receipt of answer/after the expiration of the period within which to file.

[*Notice of Hearing:* at least **3 days** before the date of initial hearing]

Completion of Hearings: within **60 days** after preliminary hearing

ANSWER

Respondent shall answer in writing *within 3 days* from receipt of the summons and the complaint.

Failure to answer= waiver of its right to present evidence on its behalf.

NOTICE OF HEARING

(preliminary meetings and hearings)

- served to the parties in such a manner as shall ensure the receipt *at least 3 days* before the date of the initial hearing.

PRELIMINARY MEETING

Period: *not later than 1 week after the receipt of answer/ after the expiration of the period within which to file answer.*

Matters to be taken up:

- facts admitted
- marking of documents to be presented
- dates of hearings
- identity of witnesses and gist of their testimony
- amicable settlement (only in less serious cases)
- agreement to submit the case for resolution during the meeting
- other matters that will aid in the prompt disposition of the case

Form: matters taken and agreed upon shall be reduced in writing and attested to by the members of the CDC present, the College representative, and/or private complainant, and the respondent.
*Mandatory and binding on the parties.

Failure of College or private complainant to appear= ground for dismissal of complaint

Failure of respondent to appear= same effect as failure to answer.

APPEARANCES

College: shall appear as complainant through its duly authorized representative appointed by the Dean from among its regular faculty.
Respondent: shall appear through its head with, the assistance of counsel if desired, but the latter shall not be allowed to present evidence and argue in behalf of the respondent.

HEARINGS

Period for Completion: *2 months* after the preliminary hearing.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR MISCONDUCT OF REGISTERED STUDENT ORGANIZATIONS

A. PROCEDURE TO BE FOLLOWED BY THE COLLEGE DISCIPLINARY COMMITTEE

COMMITTEE DECISION

CDC: shall submit its decision to the Dean *within 15 days after final hearing.*

Content: brief statement of the findings of fact, applicable provisions and the corresponding sanction.

Service: parties concerned shall each be served with a copy of the CDC decision.

The decision final and executory 15 days upon receipt by the party.

Within **15 days** after final hearing

Final and Executory: **15 days** upon receipt by the party

IF CASE FALLS UNDER THE JURISDICTION OF THE CDC, AND NO APPEAL HAS BEEN MADE: approx. 130 days

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR MISCONDUCT OF REGISTERED STUDENT ORGANIZATION

B. PROCEDURE BEFORE THE SDC AD HOC DISCIPLINARY HEARING COMMITTEE (AHDHC)

SUMMONS

Who shall issue: The AHDHC shall issue summons to the respondent with a copy of the complaint (*within 3-5 days from its constitution*).

Service:

Respondent is college-recognized registered: served through the College Secretary of the College which issued the recognition registration/and/or College where the head is enrolled.

Respondent is University-recognized registered: served through the Office of Student Activities (OSA) and the College Secretary of the College where the Head belongs.

*same modes of service for notices, decisions and other communications.

TIMELINE (after constitution of AHDHC)

Issuance and Receipt of Summons: within **3-5 days** from constitution of AHDHC

max. of 3 days to receive summons

Period to file Answer: Within **3 days** from receipt of summons and the complaint

Preliminary Meeting: Within **7 days** after receipt of answer/after the expiration of the period within which to file.

[*Notice of Hearing:* at least **3 days** before the date of initial hearing]

ANSWER

Respondent shall answer in writing *within 3 days* from receipt of the summons and complaint.

Failure to answer= waiver of his right to present evidence on his behalf.

NOTICE OF HEARING

(preliminary meetings and hearings)

- served to the parties in such a manner as shall ensure the receipt *at least 3 days* before the date of the initial hearing.

PRELIMINARY MEETING

Period: *not later than 1 week after the receipt of answer/ after the expiration of the period within which to file answer.*

Matters to be taken up:

- facts admitted
- marking of documents to be presented
- dates of hearings
- identity of witnesses and gist of their testimony
- amicable settlement (only in less serious cases)
- agreement to submit the case for resolution during the meeting
- other matters that will aid in the prompt disposition of the case

Form: matters taken and agreed upon shall be reduced in writing and attested to by the members of the AHDHC present, the University representative, and/or private complainant, and the respondent.
*Mandatory and binding on the parties.

Failure of College or private complainant to appear= ground for dismissal of complaint

Failure of respondent to appear= same effect as failure to answer.

APPEARANCES

University: shall appear as complainant through its duly authorized representative appointed by the Chancellor- (1) the Director or Coordinator of the OSA if the respondent is University-recognized registered; (2) College Secretary that issued recognition registration if the respondent is College-recognized registered.
Respondent: shall appear through its head with the assistance of counsel, if desired

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks

PROCEDURE FOR MISCONDUCT OF REGISTERED STUDENT ORGANIZATIONS

B. PROCEDURE BEFORE THE SDC AD HOC DISCIPLINARY HEARING COMMITTEE (AHDHC)

HEARINGS

Period for Completion: 2 months after the preliminary hearing.

COMMITTEE DECISION

AHDHC: shall submit its decision to the SDC Execom *within 15 days after final hearing.*

SDC Execom: shall adopt or modify it *within 7 days after receipt.*

: may modify the decision only in form but not in substance.

: shall transmit the same to the Chancellor, copy furnished the Dean(s) and College Secretary(ies) concerned.

Content: brief statement of the findings of fact, applicable provisions and the corresponding sanction.

Service: same manner as in Summons

The decision is **immediately executory** upon receipt by the OSA and/or the Dean(s) concerned.

Within **60 days** after the preliminary hearing

Within **15 days** after final hearing

Within **7 days** after receipt.

IF THE CASE INVOLVES SERIOUS ACTS SUCH THAT ADR CANNOT BE AVAILED OF:
Approx. 115 days

IF THE CASE INVOLVES LESS SERIOUS ACTS AND ADR WAS AVAILED OF: approx. 122 days

PREVENTIVE SUSPENSION

Definition: an involuntary temporary leave from the university wherein the student shall not be allowed to enroll and:

- a. attend class and class activities
- b. enter academic buildings and premises
- c. live in the university student housing
- d. use campus facilities, including but not limited to, athletic facilities, libraries, and computer laboratories; except dormitories for dormitory residents
- e. participate in student activities within University premises
- f. hold student jobs
- g. take exams
- h. enjoy IT privileges as listed in Appendix C

: for a student organization, it means involuntary temporary loss of privileges attendant to being a **recognized registered** student organization.

Who may order suspension: Chancellor (through the VCSA), or a Dean

Who may be suspended: student or student organization

Period: *not to exceed 30 days*

Grounds: enumerated in Art.7, Sec.6.

**Summary of Broad Consultation Input (March-November 2009)
and Review Committee Action/Remarks (October 2009 and April 2010)**

Consultation input	Review Committee Action/Remarks