



**Pangasinan
State
University**
Lingayen, Pangasinan

Committee on Decorum and Investigation (CODI)

BOR Resolution No. 12, s. 2016

A Primer

**PSU GENDER & DEVELOPMENT
(GAD)**

Section 1. Legal Basis

The creation of Committee on Decorum and Investigation (CODI) in compliance with the Anti-Sexual Harassment Act of 1995 (R.A. 7877), Civil Service Commission (CSC) Memo Circular No. 17 and Anti-Bullying of 2013 (R.A.10627)

Section 2. Affirmation of Policy

The University shall ensure the necessary policies and mechanism to prevent and punish sexual harassment and other recorded sexual offenses, bullying and discrimination. The provision herein shall govern the creation of the Committee on Decorum and Investigation (CODI) at the Pangasinan State University.

Section 3. CODI and Its Functions

A CODI shall perform the following functions:

- a. Receive complaints of sexual harassment and other related sexual offenses, any acts of bullying and all forms of discrimination against women;
- b. Investigate complaints of sexual harassment and other related sexual offenses, any acts of bullying and all forms of discrimination against women;
- c. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- d. Lead in the conduct of discussion about sexual harassment and other related sexual offenses, any acts of bullying and all forms of discrimination against women within the institution to increase the community's understanding of, and prevent incidents thereof;
- e. Conduct such other activities that would engender safe environment for women in school campuses and training-related programs in HEIs.

Section 4. Composition of CODI

The CODI at the University level shall be composed of at least:

- (1) Representative from the University level administration (Chair)
- (1) Federated Faculty Representative
- (1) Federated Student Representative
- (1) HR Representative
- (1) University Guidance counselor (designate)
- (1) Campus Executive Director (Campus involved)
- (1) Legal Officer
- (1) GAD Executive Director
- (1) Student Services Director/ OJT/PT Director (when student trainees / student teachers are involved)

The CODI at the Campus level shall be composed of at least:

- (1) Representative from the Campus level administration (Chair)
- (1) Campus Faculty Club President
- (1) SSC President
- (1) Campus Administrative Officer
- (1) Campus Guidance counselor
- (1) Campus Non-teaching Club President
- (1) GAD Coordinator

- (1) Student Services Coordinator/OJT/PT Coordinator (when student trainees / student teachers are involved)

Note: If the case cannot be resolved in the Campus level, it will be elevated in the University level.

The University President, through the Human Resource Management Office (HRMO) shall ensure that a program to capacitate the officials and staff of student services unit and the human resource department of the efficient and professional handling of sexual harassment and other related sexual offenses, any acts of bullying and all forms of discrimination against women is institutionalized.

Section 5. Standard Procedural Requirements and Compliance with Due Process

The minimum requirements:

- a. **Complaint:** The complaint may be filed with the disciplining authority of the Pangasinan State University or with the CODI. Upon receipt of the complaint by the disciplining authority, the same shall be transmitted to the CODI. The complaint must be in writing, signed and sworn to by the complainant and shall contain the following:
 1. The full name and address of the complainant;
 2. The full name, address and position of the respondent;
 3. A brief statement of the relevant facts;
 4. Evidence in support of the complaint, if any; and
 5. A certificate of non-forum shopping.

In the absence of any one of the abovementioned requirements, the complaint shall be dismissed without prejudice to its re-filing upon full compliance with requirements.

Complaints sent by telegram, electronic mail or similar means of communication shall be considered non-filed unless the complainant shall comply with the requirements stipulated in Section 5, paragraph "a" of this policy within ten (10) days from receipt of the notice for compliance.

The withdrawal of the complaint at any stage of the proceedings shall not preclude the CODI from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.

- b. **Action on the Complaint:** Upon receipt of the complaint that is sufficient in form and substance, the CODI shall require the person complained of to submit a Counter Affidavit/Comment under oath within three (3) days from receipt of the notice, furnishing a copy thereof to the complainant. Otherwise, the Counter-Affidavit/Comment shall be considered as not filed.
- c. **Preliminary Investigation:** A preliminary investigation shall be conducted by the CODI. The CODI shall examine all documents submitted by the complainant and the person complained of, as well as documents readily available from other sources. The parties may submit affidavit and counter-affidavits. All proceedings before the CODI shall be held under strict confidentiality.

Upon receipt of the counter-affidavit or comment under oath, the CODI may recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.

- d. **Duration of Investigation:** A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the CODI and shall be terminated within fifteen (15) working days thereafter.
- e. **Investigation Report:** Within five (5) working days of the termination of the preliminary investigation, the CODI shall submit the Investigation Report and the complete records of the case to the disciplining authority.
- f. **Decision or Resolution after Preliminary Investigation:** If a *prima facie* case is established during the investigation, a formal charge shall be issued by the disciplining authority within three (3) working days upon receipt of the investigation report.

In the absence of a *prima facie* case, the complaint shall be dismissed within the same period.

- g. **Formal Charge:** After finding a *prima facie* case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of the charge(s); a brief statement of materials of relevant facts, accompanied by certified true copies of the documentary evidence, if any; sworn statements covering the testimony of witnesses; a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof; an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation

of the charge(s) and a notice that he/she is entitled to be assisted by a counsel of his/her choice.

The CODI shall not entertain requests for clarification, bills of particulars or motions to dismiss that are obviously designed to delay the administrative proceedings, if any of these pleading is filed by the respondent, the same shall be considered as part of his/her answer which he/she may file within the remaining period for filing the answer.

- h. **Failure to file an answer:** If the respondents fail or refuse to file his/her answer to the formal charge within seventy-two (72) hours of receipt thereof without justifiable cause, he/she shall be considered to have waived his/her right thereof and formal investigation may commence.
- i. **Preventive suspension:** Upon petition of the complainant or *motu proprio* upon the recommendation of the CODI, at any time after the service of the formal charge to the respondent, the proper disciplining authority may order the preventive suspension of the respondent during the formal investigation, if there are reasons to believe that he/she is probably guilty of the charges that would warrant his/her removal from service.

An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witnesses against his/her or tampering of documentary evidence on file.

When the administrative case against the respondent under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days of the date of his/her preventive suspension, unless

otherwise provided by special law, he/she shall be automatically reinstated into the service.

When the delay in the disposition of case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the 90-calendar-day period of preventive suspension. Provided that should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

- j. **Remedies from the Order of Preventive Suspension:** The respondent may file a motion for reconsideration with the disciplining authority or may elevate the same to the CSC in the case of SUC's by way of an appeal within fifteen (15) days of receipt thereof.
- k. **Conduct of Formal Investigation:** A formal investigation shall be conducted by the CODI if it deems such investigation is necessary to decide the case judiciously, although the respondent does not request a formal investigation. It shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondents' answer.
- l. **Pre-hearing Conference:** At the commencement of the formal investigation, the CODI may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:
 - 1. Stipulation of facts;
 - 2. Simplification of issues;
 - 3. Identification and marking of evidence of the parties;

4. Waiver of objection to admissibility of evidence;
 5. Limiting the number of witnesses, and their names;
 6. Dates of subsequent hearing and
 7. Such other matters as may aid in the prompt and just resolution of the case.
- m. **Preliminary Hearing:** At the start of the hearing. The CODI shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.
- n. **Request for subpoena:** if a party desires the attendance of a witness or the production of documents or things, he/she shall make a request for the issuance of the necessary subpoena at least three (3) days before the scheduled hearing.
- o. **Issuance of subpoena:** the CODI may issue subpoena *ad testificandum* to compel the attendance of witnesses and subpoena *duces tecum* for the production of documents or objects.
- p. **Formal Investigation Report:** Within fifteen (15) days of the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendation, shall be submitted by the CODI to the disciplining authority. The complete records of the case arranged systematically and chronologically shall be attached to the report of investigation.

- q. **Finality of Decisions:** The disciplining authority of the University shall render the decision on the case within thirty (30) days of receipt of the report of investigation. A decision rendered by the head of the Institution where a penalty of suspension for not more than thirty (30) days or a fine in amount not exceeding thirty (30) days' salary is imposed, shall be final and executory. However, if the penalty imposed is suspension exceeding thirty (30) days or a fine exceeding 30 days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.
- r. **Motion for reconsideration:** the party adversely affected by the decision may file a motion for reconsideration with the disciplining authority within a non-extendible period of fifteen (15) days of receipt hereof. Only one motion for reconsideration shall be entertained.
- s. **Appeal:** For decision rendered by the disciplining authority of the University, the party adversely affected may file the appeal before the CSC.

Section 6: Responsibilities of the CODI

The CODI shall afford both parties due process required in administrative cases in all the proceedings. Upon receipt of the Report with findings and recommendations of the CODI, the GFPS shall ensure that the disciplining authority immediately review said Report and prepare its Decision in accordance, furnishing certified copies by the personal service or registered mail to the respondent/s and the complainant-victim in the case.

Section 7: Reportorial Requirements to CHED, CSC and DOLE

The Pangasinan State University shall report all complaints/cases of education- and training-related sexual harassment and other related sexual offenses, any acts of bullying and all forms of discrimination against women and the status thereof to the CHED Regional Office and CSC and DOLE as may be applicable. The CHEDROs shall endorse a copy to the CHED GAD Focal Committee in the Central Office immediately upon receipt for appropriate action.

Section 8. Effectivity

These Rules and Regulations shall take effect upon approval by the PSU Board of Regents and the same shall be published within fifteen (15) calendar days from approval thereof to any official publications of the University.

Note: Approved via Board Resolution No. 12, s. 2016
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