

**POLICY NAME:** Policy and Rules on Anti-Sexual Harassment  
**POLICY NUMBER:** 8.0  
**DATE OF APPROVAL:** 15 September 2016

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**POLICY CROSS-REFERENCED:**

- Human Resources Manual
- Faculty Manual
- The Beacon Academy Student & Parent Handbook
- The Beacon Academy Policy no. 15 “Policy on Child Protection”

**REFERENCES:**

- Republic Act No. 7877, otherwise known as the “Anti-Sexual Harassment Act of 1995” (“RA 7877”), states that it is the policy of the State to value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, the State declares unlawful all forms of sexual harassment in the employment, education or training environment.

In accordance with the provisions of RA 7877, the Board of Trustees (“Board”) of The Beacon Academy, Inc. (the “Academy”) hereby promulgates these Rules and Regulations to govern the prevention and/or deterrence of sexual harassment and to prescribe the procedure for the resolution, settlement, disposition and/or prosecution of sexual harassment cases, as well as the guidelines on proper decorum in the premises and/or jurisdiction of the Academy.

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**POLICY STATEMENT**

The mission of the Academy as a Philippine educational institution is to foster an open learning and working environment. The ethical obligation to provide an environment that is free from sexual harassment and from fear that it may occur is implicit. The entire Educational Community suffers when sexual harassment is allowed to pervade the academic and labor atmosphere. Therefore, sexual harassment is unacceptable behavior and a violation of the law and shall not be tolerated or condoned.

Violations of this policy shall result in disciplinary action up to and including termination from the service.

All members of the Educational Community affected by sexual harassment shall be treated with respect and given full opportunity to present their side of the incident.

**POLICY GUIDELINES**

**Rule I: The Educational Community**

**1. The Educational Community Defined**

The Educational Community of the Academy consists of those persons or groups of persons as such, or associated in institutions, involved in organized teaching and learning systems. They are individuals and groups directly involved in the attainment of the goals and objectives of the Academy, and are therefore bound by shared purposes. The inter-relationships of the members of the Educational Community are characterized by their respective rights and obligations.

## 2. Members or Constituent Elements

The members or elements of the educational community are as follows:

- a. **“Parents”** refers to the father and/or mother or guardian or head of the institution or foster home which has custody of the student.
- b. **“Students”** refers to persons who regularly attend classes at the secondary level of education, on or off campus; and .
- c. **“School Personnel”** refers to all persons working for the School, and includes the following:
  - i. **“Teaching or Academic Staff”** – refers to all the personnel of the Academy who are formally engaged in actual teaching service and/or in research assignments, either on full-time or part-time basis;
  - ii. **“School Administrators”** refers to the Head of School of the Academy, or in general, those who are duly appointed to and occupying a position of responsibility involved in both policy-formulation and implementation in the Academy;
  - iii. **“Academic Non-Teaching Personnel”** refers to any person or employee of the Academy possessing certain prescribed academic functions directly supportive of teaching such as registrar, librarian and guidance officer; and
  - iv. **“Non-Teaching Personnel”** refers to all other employees of the Academy who do not fall under the definition and coverage of Teaching or Academic staff, School Administrators, and Academic Non-Teaching Personnel.

### **Rule II: Definition, Characterization and Classification of Sexual Harassment**

#### **1. Work, Education or Training-Related Sexual Harassment Defined**

Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

Any person who directs or induces another to commit any act of sexual harassment, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable for sexual harassment.

- a. In a work-related or employment environment, sexual harassment is committed when:
  - i. The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions or privileges, or the refusal to grant the sexual favor result in limiting, segregating or classifying the employee which in any way discriminates, deprives or diminishes employment opportunities or otherwise adversely affects said employee;
  - ii. The above acts would impair the employee’s rights or privileges under existing labor laws; or

- iii. The above acts would result in an intimidating, hostile or offensive environment for the employee.
- b. In an education or training-environment, sexual harassment is committed:
  - i. Against one who is under the care, custody or supervision of the offender;
  - ii. Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
  - iii. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
  - iv. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

The Academy shall, under these definitions, be considered as both a place of study and a place of work.

## **2. Major Characteristics of Sexual Harassment**

The major characteristics of sexual harassment are:

- a. The behavior is unwanted or unwelcome.
- b. The behavior is sexual or related to the sex or gender of the person.
- c. The behavior occurs in the context of a relationship where one person has more formal or informal power than the other.

## **3. Forms of Sexual Harassment**

Sexual harassment may be visual, verbal, physical and gestural. It can be classified as follows:

- a. “Quid pro quo” sexual harassment. This occurs when submission to or rejection of unwelcome sexual advances is used as the basis for employment decisions, giving of passing grades, granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations.
- b. “Hostile or offensive” sexual harassment. This occurs when unwelcome sexual conduct unreasonably interferes with an individual’s job performance or creates an intimidating, hostile, or offensive working environment, even in the absence of tangible or economic job consequences.
- c. “Sexual favoritism.” This form of sexual harassment occurs where quid pro quo harassment is involved or where there is widespread favoritism.
- d. Bystander harassment. Even if the complainant is not directly a victim of sexual harassment, the sexually harassing conduct is witnessed with tacit or overt permissiveness.

## **4. Specific Instances of Sexual Harassment**

Sexual harassment can consist of the following:

- a. Persistent, unwanted attempts to change a professional or educational relationship to a personal one.
- b. Unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people. Examples include, but are not limited to the following:
  - i. Unwelcome sexual advances;
  - ii. Repeated sexual-oriented kidding, teasing, joking, or flirting; verbal abuse of a sexual nature;
  - iii. Graphic commentary about an individual's body, sexual prowess, or sexual deficiencies;
  - iv. Derogatory or demeaning comments about women in general, whether sexual or not; leering, whistling, touching, pinching, or brushing against another's body;
  - v. Offensive crude language; and
  - vi. Displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments.

Sexual harassment can also consist of serious physical abuses such as sexual assault and rape.

## **5. Romantic Relationships**

Romantic relationships between superior and subordinates, faculty and students, faculty and teacher assistants, teacher assistants and undergraduates, faculty and support staff are hereby discouraged.

### **Rule III: Committee on Decorum and Investigation**

#### **1. Establishment of a Committee on Decorum and Investigation**

A Committee on Decorum and Investigation is hereby established under the Head of School.

The Committee on Decorum and Investigation shall:

- a. Conduct meetings with the other members of the Educational Community and disseminate these Rules and Regulations to its different sectors to increase awareness of and prevent incidents of sexual harassment;
- b. Receive and act on reports and complaints on sexual harassment;
- c. Provide support measures to victims of sexual harassment;
- d. Conduct the investigation of sexual harassment cases; and
- e. Submit a report of its findings to the Head of School.

#### **2. Composition of the Committee on Decorum and Investigation**

In light of the dual role of the Beacon Academy as a place of study and a place of work, the Committee on Decorum and Investigation shall be composed of one (1) representative each from the following:

- a. School Administrators, who shall act as Chairperson;

- b. Teaching or Academic Staff;
- c. Non-Teaching Personnel; and
- d. Students (when applicable, i.e. when of legal age)

The representatives to Committee on Decorum and Investigation shall be respectively elected/ appointed by the groups that they respectively represent and shall serve for a term of one (1) year, until their respective successors are duly qualified and elected.

### **3. Jurisdiction of the Committee on Decorum and Investigation**

The Academy and the Committee on Decorum and Investigation shall take cognizance of sexual harassment cases committed by any member of its Educational Community on or off campus or the workplace and beyond classroom or working hours.

## **Rule V: Procedure**

### **1. Complaint**

The complaint shall be filed with the Committee on Decorum and Investigation.

No particular form is required but the complaint must be in writing, signed and sworn to by the complainant.

It must contain the following:

- a. Full name and address of the complainant;
- b. Full name and address of the respondent;
- c. Specification of the charge or charges; and
- d. Brief statement of the relevant and material facts.

Where the complaint is not under oath, the complainant shall be summoned by the Committee on Decorum and Investigation to swear to the truth of the allegations in the complaint.

In support of the complaint, the complainant shall submit any evidence he/she has, including affidavits of witnesses, if any, together with the complaint.

Where the complaint is vague or too general, the Committee on Decorum and Investigation may require the complainant to specify the acts complained of as sexual harassment in writing within five (5) days from receipt of the notice, otherwise, the complaint shall be dismissed.

A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation of the case.

### **2. Answer**

Answers shall be filed within ten (10) days from the receipt of the complaint.

The answer shall be in writing, signed and sworn to by the respondent, and copy furnished the complainant. No particular form is required but it is sufficient if the answer contains a specific admission or denial of the charge or charges and a statement of the relevant facts constituting the respondent's defense.

The respondent shall indicate in his/her answer whether or not he/she elects a formal investigation.

In support of the answer, the respondent shall submit any evidence he/she has including affidavits of witnesses, if any, together with the answer.

The answer may be filed through personal service or by registered mail. If it is filed by registered mail, the date of mailing shall be considered as the date of filing.

Unless otherwise directed by the Committee on Decorum and Investigation, failure of the respondent to file an answer or to appear in the investigation shall be construed as a waiver to present evidence in his/her behalf.

### **3. Reply**

The complainant may file a reply within ten (10) days from receipt of the answer.

### **4. Preventive Suspension**

The Board, upon the recommendation of the Committee on Decorum and Investigation and the Head of School, may order the preventive suspension of the respondent during the pendency of the investigation where the evidence of guilt is strong.

A Motion for Reconsideration of the Order of Preventive Suspension may be filed with the Board within fifteen (15) days from the receipt of such Order.

If the case against the respondent is not finally decided within ninety (90) days, after the date of suspension, he/she shall be automatically reinstated in the service.

### **5. Hearing**

After all the pleadings have been submitted, the Committee on Decorum and Investigation may conduct a hearing not earlier than five (5) days nor later than ten (10) days from the date of receipt of the respondent's answer or complainant's reply if any, and shall terminate such hearing within thirty (30) days from the filing of the charges. However, the Committee may extend the period of hearing if it deems necessary.

The parties and their respective witnesses shall be notified of the scheduled hearing at least five (5) days before the date thereof, specifying the time, date and place of hearing.

Either party may avail himself/herself of the services of counsel.

No postponement shall be granted except in meritorious cases.

All documentary evidence shall be admitted for whatever value they may have and shall be attached to the record of the case.

The parties may be required to submit their respective memoranda within ten (10) days after the hearing of their case.

## 6. Report and Recommendation

A report/recommendation shall be submitted by the Committee on Decorum and Investigation to the Head of School within fifteen (15) days after conclusion of the investigation or hearing.

## 7. Decision

Within thirty (30) days from receipt of the Committee on Decorum and Investigation report and recommendation, the Head of School shall render his/her decision.

The decision of the Head of School shall be final and executory ten (10) days after receipt of the copy thereof by the parties unless a motion for reconsideration is filed with the Head of School or an appeal is filed with the Board.

## 8. Motion for Reconsideration

A Motion for Reconsideration (“MR”) may be filed with the Head of School within fifteen (15) days from receipt of the decision.

Only one MR shall be entertained, which shall be based on any of the following grounds:

- a. New evidence is discovered;
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

## 9. Appeal

An appeal may be filed by the respondent with the Board of Trustees within fifteen (15) days from the receipt of the decision of the Head of School.

## 10. Administrative Penalty

Acts of sexual harassment shall be punishable as light, less grave and grave offenses, as follows:

- a. Light Offenses
  - First (1st) Offense — Reprimand
  - Second (2nd) Offense — Suspension not exceeding thirty (30) days
  - Third (3rd) Offense — Dismissal
- b. Less Grave Offenses
  - First (1st) Offense — Suspension not less than thirty (30) days and not exceeding six (6) months
  - Second (2nd) Offense — Dismissal
- c. Grave Offenses — Dismissal

A respondent found guilty of two or more charges shall be imposed the highest penalty corresponding to the most serious charge and the other charges shall be counted as aggravating circumstances.

## **Rule VI: Guidelines on Proper Decorum**

### **1. Proper Decorum**

Members of the Educational Committee shall treat one another with dignity and respect. They shall:

- a. Avoid telling green jokes in the classroom and in other public places; and
- b. Avoid the use of language with sexual overtones

All employees and students shall observe prudence in all their actions. They shall:

- a. Avoid talking and being left alone with the opposite sex in abandoned, secluded and unlighted places; and
- b. Avoid body language or acts that would convey or invite sexual meanings or interpretations.

### **2. Dress Code**

All employees shall adhere to the professional dress code while in the school premises as stipulated in the Human Resources, Faculty and Student-Parent Handbooks or Manuals.

## **Rule VII: Special Provisions**

### **1. Independent Civil and/or Criminal Actions**

Nothing in these Rules and Regulations shall preclude the victim of sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

Administrative sanctions shall not be a bar to the filing of criminal action and prosecution in the proper courts for acts of sexual harassment.

### **2. Prescriptive Period**

Any action arising from the violation of the provisions of the Act and this Rules shall prescribe in three (3) years.

### **3. Integration Clause**

The Academy shall disseminate or post copies of RA 7877 and these Rules and Regulations in at least two (2) conspicuous places in the campus for information of all concerned. Further, these Rules and Regulations shall form an integral part of the Human Resources Manual, Faculty Manual, and the Student & Parent Handbook of the Academy. This shall be done to:

- a. Familiarize all members of the community with the definition of sexual harassment and the forms it can take;
- b. Discourage acts considered to be sexual harassment;
- c. Clearly state the Academy prohibits sexual harassment and that it shall enforce the applicable sanctions;
- d. Encourage the members of the community to report incidents of sexual harassment at the earliest possible stage;
- e. Instruct victims of the course of action they should take to report sexual harassment;
- f. Clarify the rights of those accused of sexual harassment; and
- g. Provide protection for the institution against claims of unreported sexual harassment.

#### **4. Separability Clause**

If any part or provision of these Rules and Regulations is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

#### **5. Repealing Clause**

All rules and regulations, orders and policies of the School which are inconsistent with any provision of the Act or this Rules are hereby deemed repealed or modified, as the case may be.

#### **6. Effectivity Clause**

These Rules and Regulations shall take effect immediately upon its approval by the Board of the Academy.

#### **35. Effectivity Clause**

This Rules Implementing Republic Act No. 7877 at the Beacon Academy shall take effect immediately upon its approval by the Board of Trustees.

#### **POLICY REVIEW**

This Policy and Rules on Anti-Sexual Harassment will be reviewed by the Board of Trustees every five (5) years.