	REFERENCE GUIDELINES	Document No.: RG-HR-22-00
		Effective Date: July 28, 2017
		Supersedes: - NA -
	GUIDELINES AND PROCEDURES AGAINST WORKPLACE SEXUAL HARASSMENT	Page: 1 of 5

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I. PURPOSE

The purpose of these reference guidelines is to develop a policy related to the anti-sexual harassment law of 1995 (Republic Act No. 7877), with accompanying plans and procedures that would enable the University to continually detect, prevent and penalize sexual harassment in the workplace.


The University is committed to provide a safe work environment for all employees that is free from sexual harassment and other types of discriminatory harassment.

II. SCOPE

These guidelines shall apply to both non-teaching and teaching personnel of the University.

III. DEFINITIONS

Republic Act. No. 7877


APPROVED
 DATE: 7/28/17
 Anti-Sexual Harassment Law of 1995 in the
 Department of Labor and Employment

This is an Act declaring sexual harassment Unlawful in the employment, education or Training environment, and for other purposes

Sexual Harassment

It is any sexual advances or requests for sexual favors or other physical or verbal conduct which is sexual in nature


IV. RESPONSIBILITY AND AUTHORITY

Human Resources Department


 Crisanta F. Azcueta 10-Nov-2022
 Signature over Printed Name/Date

Shall be responsible for ensuring that this reference guidelines is strictly enforced.

Shall provide the procedures for the resolution, settlement or prosecution of acts of sexual


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harassment. Further, creation of a committee on decorum and investigation of cases on sexual harassment shall be handled by HRD.


V. DETAILS OF THE REFERENCE GUIDELINES

1. The Human Resources Department (HRD) shall be responsible for ensuring that these guidelines and procedures are enforced immediately by all departments or organizational units in this University.
2. It would be the primary responsibility of each Department Head or Organizational Unit Head to disseminate this Reference Guidelines (RG) to his/her respective subordinates, immediately upon receipt of the official copy of the said RG.
3. This RG is in support of all plans and programs of the HRD, pertinent to the detection and prevention of sexual harassment in the workplace.
4. R.A. No. 7877 defines sexual harassment as an act or acts committed by an 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.
5. Under R.A. No. 7877, the following constitute sexual harassment:
 - In a work-related or employment environment, sexual harassment is committed when 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 results in limiting, segregating or classifying the employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee.

Sexual harassment is evident if said actions would impair the employee's rights or privileges under existing labor laws or would result in an intimidating, hostile, or offensive environment for the employee.

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- In an education or training environment sexual harassment is committed: 1) against one who is under the care or custody or supervision of the offender; 2) against one whose education or training or apprenticeship or tutorship is entrusted to the offender; 3) 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; and 4) when the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.
 - Any person who directs or induces another to commit any act of sexual harassment as defined above, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.
6. Penalties – Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten Thousand pesos (P10,000.00) nor more than Twenty Thousand pesos (P20,000.00), or both such fine and imprisonment at the discretion of the court.
- By the same token any action arising from the violation of the provision of this Act shall have a prescriptive period of three (3) years.
7. Sexual harassment may be committed in some forms, namely: verbal (e.g. uttering vulgar comments or dirty jokes that touches on a person’s sexuality), physical (e.g. touching any body part of a colleague for no valid reason at all), visual (e.g. staring down a colleague while in a conversation, staring down a colleague at a distance), psychological (e.g. manifesting special treatment to a colleague despite the latter’s disinterest).
 8. The Institute encourages all employees to immediately come forward to HRD to file a case of sexual harassment, in order to bring the perpetrator to justice. By the same token, ignoring such behavior from the victimizer (by way of the victim just deciding to keep silent about the whole thing) could even embolden the victimizer to continue with his/her acts.
 9. Sexual harassment is all about power. As such, it may be committed by anyone who is in a position of power whether male or female.
 10. Sexual harassment is a criminal offense that is punishable under the law by a corresponding fine and/or imprisonment. The victim may also file a case in court without prejudice to the administrative complaint filed before the HRD.

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11. It is every employee's responsibility to always conduct himself/herself in accordance to the highest ethical and moral standards, in support of the University's goal to provide a work environment free from sexual harassment as defined under R.A. No. 7877.

The enforcement of these reference guidelines will be contingent on accompanying procedures, in support thereof, as follows:

1. Any employee who feels an act of sexual harassment has been committed on him/her shall file a sworn written complaint addressed to the HR Director, within 72 hours upon occurrence of the incident, the sworn complaint of which should describe the scenario representing the sexual harassment allegedly committed.
2. Upon receipt of the written complaint, the HR Director will issue a show-cause memo to the employee being accused of sexual harassment. The accused will be given 5 days to explain in writing why he/she should not be given a corresponding penalty which corresponds to termination from employment. Failure to submit the written explanation shall be considered a waiver of the employee's right to submit evidence.
3. For non-teaching personnel, the following procedure shall be adopted:
 - 3.1 Upon receipt of the accused employee's explanation in response to the show-cause memo issued to him/her or the lapse of the period without a written explanation submitted, an Investigation Committee will be formed by the HR Director in order to proceed with the formal investigation. The members of the committee shall be Heads of the Human Resources Department, Legal Department and one department head. If the accused employee is a union member, a representative from MITLU shall be invited as observer during the formal investigation.
 - 3.2 During the investigation, the Committee shall give the parties the opportunity to present evidence, including witnesses, if any, except if the employee accused fails to submit a written explanation which shall be considered a waiver of the right to present evidence. Parties may also be assisted by counsel and may be allowed to ask questions on witnesses. All proceedings shall be recorded and transcribed.
 - 3.3 Upon conclusion of the formal investigation, the HR Director, in consultation with the Head of the Legal Affairs Department, will analyze the case facts and determine if there is sufficient evidence to support the sexual harassment case lodged against the accused employee taking into account all evidence submitted or gathered during the investigation, including the past employment record and/ or aggravating or mitigating circumstances, if any. Upon conclusion of the case all pertinent documents will be

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prepared by the HR Director including the resolution of the case. The resolution shall be approved by the President and will be disseminated to the proper departments accordingly.

4. For faculty members, the Faculty Grievance Committees shall investigate and resolve all alleged incidents of sexual harassment.

It shall be the duty of Mapua and the heads of all departments to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment.

VI. REACTION PLAN

In cases we have some sexual harassment incidents that were not reported to HRD but there were evidences that it happened in the University, re-issuance of the reference guidelines shall be done. Further, HRD may call the attention of the concerned employee for clarification.

VII. PERFORMANCE INDICATOR

The performance can be measured if any sexual harassment cases were immediately investigated and proper action was done.

VIII. REPORTORIAL REQUIREMENTS

Report Title	Frequency of Update	Responsible Personnel
Show-Cause Memo	As needed	HRD
Minutes of the Meeting during investigation	As needed	HRD

IX. REFERENCE DOCUMENTS

Document Code	Title
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