HANDLING SEXUAL HARASSMENT: The University of the Philippines Experience

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Conference on Gender Mainstreaming in Higher Education in ASEAN
Sofitel Philippine Plaza Manila
27-28 November 2017
UP ANTI-SEXUAL HARASSMENT INITIATIVES: SHORT HISTORY

– 1980: UP feminist faculty already raising the issue of sexual harassment in their writings based on their experiences working with women factory/office workers:

  Life on the Assembly Line by Prof. Rosario del Rosario, 1985

  Women in the Workplace: The Problem of Sexual Harassment by UP Vice President for Public Affairs, Dr. Belinda Aquino, 1990.

– 1988: Establishment of the Women and Development Program housed at the UP-College of Social Work and Community Development and the UP Center for Women’s Studies under the Office of the President.
1992: *Sexual Harassment: Perceptions of UP Students and Faculty* – survey conducted by Prof. Elena Samonte which was later published in 1993.

‘92-'94: Increasing reports and incidents of sexual harassment in campus. Certain cases involving University professors asking students for sexual favors in exchange for a passing grade, thus the term *KWATRO O KWARTO*, came to public attention and shocked everyone including the UP administration.

1994: Formation of a UP Diliman Anti-Sexual Harassment Committee to draft UP Diliman policy and guidelines for Anti-Sexual Harassment.
1994 November

The University of the Philippines Policy on Sexual Harassment took effect after it was published in the Philippine Collegian.
1995
- RA 7877 (Anti-Sexual Harassment Act of 1995) - AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES was passed.

1998
- UP Implementing Rules and Regulations on the Anti-Sexual Harassment Act of 1995 (UPIRR) was approved by the U.P. Board of Regents.
- UP Center for Women’s Studies (UPCWS now UP Center for Women and Gender Studies) conducted orientation workshops on the UPIRR to the different constituent universities of the UP System
2001

- UPCWS in coordination with the Office of the Vice President for Academic Affairs (OVPAA) convened a systemwide seminar workshop to review the UPIRR. This was attended by the President, the Chancellors, legal counsels, and guidance services specialists of the different constituent universities which resulted into the establishment of offices of anti-sexual harassment (OASH) to handle advocacy on anti-sexual harassment and investigate sexual harassment complaints.
## SUMMARY OF OASH CASES FORMALLY FILED FROM 2003-2016

<table>
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<tr>
<th>Year</th>
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<th>COMPLAINANT</th>
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<th>RESPONDENT</th>
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<td>51</td>
<td>44</td>
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PROGRAMS AND SERVICES

• Receipt, facilitation, coordination and monitoring of sexual harassment complaints;
• Provision of support services/referrals for both parties;
• Research and documentation of reported incidences of sexual harassment;
• Yearly anti-SH orientation for new faculty, employees and incoming freshies;
• Yearly gender sensitivity and anti-sexual orientation for university-wide student organizations;
• Yearly seminar-workshop on university anti-SH policy and procedures for OASH Hearing Committee Pool;
• Orientation seminars on UP ASH Policy to faculty, employees and students of the various colleges and units in the university upon request
• Continuing information and educational activities to ensure that the ASH Policy becomes part of the academic culture;

• Outreach to other constituent campuses and SUC’s.
• Continuing review of the UP Policy on Anti-Sexual Harassment.

- 2015: UP Diliman OASH formed a committee to review the UPIRR of 1998 to address emerging forms of sexual harassment and improve delivery of OASH services. The UP Diliman Anti-Sexual Harassment (ASH) Code was submitted to the Office of the President through the UPCWGS who adopted the Code with minor modifications to accommodate UP system and inter-campus circumstances. This was then submitted to the BOR for approval.

- 2017: The UP ASH Code was approved by the BOR in 27 January 2017 and published online in 08 March 2017, which made it effective as the ASH Code for all constituent universities superseding the 1998 UPIRR.
Section 1: Declaration of Policy

The University values and upholds the dignity of every individual, and guarantees full respect for human rights of all members of the UP Community.

All forms of sexual harassment are unacceptable.
- The University shall provide appropriate services to both parties in sexual harassment cases;
- Retaliation, in any form, against persons directly or indirectly involved in any incident report or case involving sexual harassment shall be a ground for disciplinary action.
Sexual Harassment Defined

Sexual harassment is UNWANTED, UNWELCOME, UNINVITED behavior of a SEXUAL NATURE or inappropriate sexual advances or offensive remark about a person’s sex, sexual orientation, or gender identity.

- Maybe committed physically, verbally or visually.
...may include

... cases involving abuse of authority or power;
...cases involving peer relationship; or
...cases involving harassment of teaching or non-teaching personnel by students, or cases involving harassment of supervisors by subordinates.
Section 6: Persons Liable

Any member of the UP Community is liable for sexual harassment (SH) when he/she
- directly participates in the execution of SH;
- Induces or directs another to commit SH;
- cooperates in the commission of SH;
- conceals or hides the commission of any act of SH; and
- restrains or coerces the victim from filing the appropriate complaint.
PROTOCOL FOR SEXUAL HARASSMENT COMPLAINTS

Office of Anti-Sexual Harassment (OASH)

File
Criminal Complaint

FORMAL ADMINISTRATIVE PROCEDURE

Intake Interview and Case Documentation

Preliminary Investigation

Chancellor

Chancellor

Penalty

Appeal to the President

INFORMAL ADMINISTRATIVE PROCEDURE

Case deliberation with Concerned parties and OASH Committee

Dismissed

Counseling
Office of Anti-Sexual Harassment

ALTERNATIVE DISPUTE RESOLUTION (ADR)

– limited to conciliation and mediation.
– may be resorted to only in one complaint of sexual harassment;
– Requisites:
  ➢ first complaint against the person being complained of;
  ➢ the complaint is a light offense;
  ➢ the case is peer-to-peer.
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<td>Students</td>
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<td>Reprimand or community service not exceeding 30 hours</td>
<td>Community Service (60 hours)</td>
<td>Suspension (1 academic year) to expulsion</td>
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<td>Teaching and Non-Teaching Personnel</td>
<td>Reprimand or suspension (1 month and 1 day - 6 months)</td>
<td>Suspension (6 months and 1 day - 1 year)</td>
<td>Dismissal</td>
<td>Suspension (not exceeding 1 semester) or community service and counseling</td>
<td>Expulsion</td>
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<td>maximum of non-recognition.</td>
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ASH Orientation
Clearance

The UP ASH Code requires that all members of the UP Community shall undergo an orientation on anti-sexual harassment once every three (3) years.

Requirement

Anti-sexual harassment orientation and clearance shall henceforth be a component of student curriculum, tenure and promotion, and accreditation of service contractors and partner entities.
Learnings

– Institutionalize the prevention and investigation of SH cases to ensure sustainability;

– Ensure support from both the administration and members of the academic community for faster delivery of services;

– Develop networks within and outside the University to ensure maximum support for both complainants and persons complained of;
- Continuing advocacy against sexual harassment until it becomes part of the academic culture;

- Periodic review of policy because as technology advances, new forms of sexual harassment also emerges;

- For service providers, be there for the complainant for she/he is in almost all cases telling the truth and is often confused, afraid, anxious and traumatized; however ensure that due process is accorded to both complainant and person complained of by giving both a chance to speak.
MASAGANANG BUHAY SA INYONG LAHAT!