

## STUDENT RESPONSIBILITIES in the University of the Philippines

### CODE OF STUDENT CONDUCT

Revised as of 29 May 2012

#### I. Rationale

The purpose for the imposition of discipline in the University is to protect the collective welfare and preserve the highest standards in the performance of its functions of education, research and public service. The University has promulgated rules and regulations to cultivate values and virtues which aim to foster an environment conducive to productive discourse. The faculty are guided by the UP Diliman Faculty Manual and the Code of Ethics; the students, by the Student Manual and this Code of Student Conduct.

This Code circumscribes students' rights and responsibilities by the obligation to respect others'. Students who fail to abide by the norms and rules of conduct, including standards of intellectual honesty, as determined by the University, shall be subject to corresponding consequences.

Accordingly, the University prescribes the procedure for student discipline. The disciplinary proceedings shall be administrative in nature and confidential.

#### II. Principles

##### Jurisdiction

The University has exclusive jurisdiction over matters of student misconduct. For purposes of this Code, the person/s involved must be a student/s, and the organization registered in the University, at the time of the commission of the offense. The University also acquires jurisdiction over misconduct that occurs on any University property or in connection with campus functions, activities, equipment, or facilities.

##### Inclusivity

No action may be taken against a student unless his or her conduct amounts to failure to comply with the responsibilities, or constitutes any of the offenses enumerated herein. The University, however, is not limited from enacting subsequent regulation in the exercise of its administrative or academic authority.

##### Presumption

All students charged with violations of this Code or University policies shall be presumed innocent unless there is admission of responsibility or determined otherwise following a fair hearing.

##### Constructivism

Sanctions are meant to be corrective rather than punitive. The University must exert reasonable efforts to address academic, personal, and social development of students who display undesirable and unacceptable behavior.

##### Standard of proof

The University bears the burden of proving the charges. The standard of proof for all hearings is substantial evidence, defined as such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

##### Formality

Student disciplinary cases are informal in nature and not covered by the Rules of Court. An adversarial hearing is not required; provided, there must be an opportunity for the parties to be

heard. There are no strict rules of evidence; provided, there must be no information obtained by fundamentally unfair means. The University shall also provide for the student certain procedural safeguards.

#### Prescription

All cases of serious misconduct shall prescribe upon graduation. Cases of intellectual dishonesty shall prescribe one (1) year after discovery of the misconduct or upon graduation, whichever comes later. All cases of less serious misconduct shall prescribe six (6) months after discovery of the misconduct or upon graduation, whichever comes earlier.

#### Violations of law

If the same set of facts or circumstances results in a violation of law and of this Code, disciplinary action by the University may proceed prior to, concurrent with, or following civil or criminal proceedings. Unless the issues involve a prejudicial question, the dismissal or amendment of charges in regular courts will not terminate the administrative case.

### III. Definitions

A student is any person admitted to and registered in a degree or non-degree program, or cross-registered in any course of the University 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, honourable or dishonourable dismissal, expulsion, or expiration period allowed for maximum residence. For purposes of the Code, this shall include any person who has been separated from the school but pursues a pending suit for violations under the Code.

A freshman student refers to students in the first year or their first undergraduate course, or any student who has earned less than thirty (30) units of academic credits in any baccalaureate or certificate program in the University.

A student has good moral character if he or she has not been found guilty of any offense in a court of law or in a student disciplinary body, and is not the subject of any pending case.

The Socialized Tuition and Financial Assistance Program, or the Iskolarng Bayan program, is a bracketing scheme used to determine the tuition rate and/or benefits that each student must pay or receive. It is administered by the Office of Scholarships and Student Services.

A student organization is a group whose membership predominantly is composed of UP Diliman students. The executive officers of the organization will be responsible for acts of the organization and its membership, including those who are not students, faculty and staff of the University.

Student government shall refer to representative bodies that are created by express provisions of law or statutes, and need no recognition or accreditation. There shall be established in the national university the following student councils: for every college and degree-granting institute, a college or institute student council; for every constituent university, a university student council; and for the University System, a general assembly of all student councils.

Organizations become officially recognized in the University after submission of pertinent information and documents and compliance with other requirements as may be determined by the student government and University authorities. Privileges contingent on recognition include:

- Use of the name, insignia, and the seal of the University
- Use of University facilities and premises for legal purposes

- Use of designated posting areas
- Consultation services and training programs
- Eligibility for grants and financial assistance

An organization as a collective commits misconduct when one or more members of the organization or group acts within the scope of his or her authority, or in apparent authority; and when one or more members of the organization or group fail to promptly report their knowledge or reasonable information about a violation to the appropriate authorities

Misconduct is a failure to comply with the norms and rules of conduct, or to meet standards of intellectual honesty, as specified in this Code.

Serious misconduct involves

- wilful or deliberate behaviour
- conduct that causes serious and imminent risk to the health and safety of a person, or to the reputation and good name of the University

In general, serious misconduct entails a penalty graver than suspension of one (1) semester. All second and subsequent violations are considered serious misconduct.

Intellectual dishonesty is any fraudulent act performed by a student to achieve academic advantage or gain for oneself or others. It constitutes unacceptable academic collaboration and of intellectual property.

Intellectual property are products of the mind and consists of copyright and related rights, trademarks and service marks, patents. For purposes of this Code and inside the University, it covers all researches, research contracts, tangible research properties or outputs with or without patent or copyright protection, whether for commercial or non-commercial purposes, undertaken using any University resource and including all technology transfer arrangements.

Plagiarism is the taking of and use of another person's ideas, writings, inventions, and similar intellectual products as one's own without knowledge, consent and/or accreditation.

Preventive suspension is an involuntary temporary leave from the university wherein a student shall not be allowed to enrol and/or 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.

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

Preventive suspension is necessary to prevent further recurrence of offenses, and thereby harm to persons and property, and may include other conditions. It is effective immediately when imposed by the Chancellor or Vice-Chancellor for Student Affairs.

A reprimand is a written, formal reproof that officially records the responsibility of a student for misconduct.

An apology is a verified expression of contrition or remorse for wrong done, written by the offender and addressed to either the offended party or the general public.

For misconduct involving property or damages, reparation is appropriate compensation to the aggrieved party for damage or loss, while restitution is the return of property to reverse unjust enrichment.

Community service is any rehabilitative activity as provided by the disciplinary authority designed to provide for the public good in keeping with the overall goals of the community, provided that it does not displace regular employees, supplant employment opportunities ordinarily available, or impair contracts for services. Community service may be used to offset penalties of suspension for one (1) semester or less. Six (6) community service hours is equivalent to one (1) day suspension.

Suspension as a penalty is an involuntary and temporary leave from the University wherein a student shall not be allowed to enrol even for residency and may not:

- a. Attend classes and academic activities
- b. Use campus facilities
- c. Enter academic buildings and their premises
- d. Participate in student activities within University premises
- e. Hold student jobs
- f. Take exams; and
- g. Avail of any privilege attendant to being a UP student.

Expulsion is the termination of all student's rights and privileges, and permanent disqualification from the University.

The disciplining authorities referred to in this Code are

The Board of Regents of the UP System

UP President, the highest UP executive officer in the UP System

The University Council, composed of faculty members therein with the rank of assistant professor or higher in UP Diliman

The Executive Committee, composed of the Chancellor, the officers of the administration, and the deans and directors of the academic units in UP Diliman

Chancellor, the chief executive officer of UP Diliman

Vice-Chancellor for Student Affairs, who exercises administrative supervision over institutions of student discipline in UP Diliman

Director of the Office of Student Activities, who administers program for organizations in UP Diliman

#### IV. Responsibilities

##### A. Protection of the Rights, Safety, and Dignity of the Individual

The University recognizes that it must create an environment where each person's rights, safety, and dignity are valued and respected.

##### 1. Harm to Persons

Students shall not:

- a. Create within the University premises serious disturbances or acts of violence resulting in injuries to persons;

Any student found guilty of this misconduct will be penalized

- for the first violation, suspension for a period ranging from fifteen (15) days to one semester, or community service;
- for the second violation, suspension for one (1) semester to one (1) academic year
- for the third violation, suspension for one (1) year to expulsion

If the misconduct is committed by two (2) or more persons acting in concert, the sanction shall be as follows

- for the first violation, suspension of the students involved for one (1) semester to one (1) academic year;
- for the second violation, expulsion.

Provided, that if the acts by an individual or group involve the use of dangerous or deadly or potentially deadly objects or materials, the sanction shall be expulsion.

If the misconduct is committed by an organization, the organization registration will be cancelled and suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

- b. Physically attack any person without sufficient provocation;

Any student found guilty of this misconduct will be penalized

- for the first violation,
  - a) If the victim is medically certified or verified to have sustained injury but is incapacitated, e.g., able to attend classes or work, suspension for thirty (30) days to expulsion;
  - b) If the victim is not hospitalized or is hospitalized for less than seven (7) days and is medically certified or verified to be incapacitated, e.g., unable to attend classes or work, suspension for one (1) semester to expulsion;
  - c) If the victim is hospitalized at least seven (7) days as a consequence of the act, suspension for one (1) year to expulsion; and
  - d) If the victim dies as a result of the act, expulsion.
- For the second violation, expulsion.

Provided, that if the physical attack is committed by two or more persons acting in concert, the sanction shall be graver by at least twice the recommended period of suspension.

If the misconduct is committed by an organization, the organization registration will be cancelled and suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

- c. Perform any act 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;

Any student found guilty of this misconduct will be penalized

- For the first violation, suspension for one (1) semester to one (1) academic year
- For subsequent violations, suspension for one (1) year to expulsion

The student shall be required to undergo counselling. The parent(s) or guardian(s) of the student shall be notified.

- d. Disrespect any person, which includes, but is not limited to, derogatory and/or threatening behaviour and language without sufficient provocation

Any student found guilty of this misconduct will be penalized

- For the first violation, an explanation, an apology acceptable to the offended party, and/or suspension for fifteen (15) days;
- For the second violation, an explanation, an apology acceptable to the offended party, and/or suspension for one (1) month to one (1) semester;
- For the third violation, an explanation, an apology acceptable to the offended party, and/or suspension for one (1) semester up to expulsion.

If the misconduct is committed by two or more persons acting in concert, the sanction for shall be graver by at least twice the recommended period of suspension.

The apology should be verified by the disciplining authority, in writing, and sent to the offended party within fifteen (15) days from receipt of suspension order.

If the misconduct is committed by an organization, the organization registration will be cancelled and suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

- e. Recruit and admit freshmen students into fraternities, sororities, and confraternities

No student is allowed to undergo the application process in fraternities and sororities in his or her first year of the first undergraduate degree. The recruiter and the recruited will be considered to have violated this rule. Sanction for all students involved shall be

- For the first violation, suspension for a period of one (1) semester;
- For subsequent violations, suspension for a period of one (1) year.

The recruitment and/or acceptance of two or more freshmen students shall be proof of an organizational policy of recruitment in violation of this provision. Any organization found guilty of this misconduct will be penalized

- For the first violation, suspension of organization charter for one (1) semester;
- For the second violation, disqualification from registration for at least five (5) years.

The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

- f. Engage in hazing and other acts described in the Anti-Hazing Law (R.A. 8049).

Any student found guilty of this misconduct, and the officers of the organizations involved in the act, shall be penalized with expulsion. The recruit, also called a 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 counseling. The parent(s) or guardian(s) of the students shall be notified.

The recognition of fraternities and sororities involved in the acts will be suspended for the period of time as determined from the University, but not perpetually. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

## 2. Harm to Things

To uphold protection and preservation of property, the students shall not:

- a. Damage or deface property within the university premises using stealth or intimidation;

Any student found guilty of this misconduct will be penalized, depending on the value of the damage

- For the first violation, reprimand to suspension of one month;
- For the second violation, suspension from fifteen (15) days to one (1) semester;
- For the third violation, suspension for a period of one (1) semester to expulsion.

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 at least twice the recommended period of suspension.

If the misconduct is committed by an organization, the organization's recognition will be suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

In all cases, the student shall be required to repair the damage done at her/his expense, pay the costs incurred in repairing such damage, or indemnify the owner. No clearance shall be issued until such damage is fully compensated by the student.

- b. Damage property within the university premises using force and/or violence, such as but not limited to arson and the use of explosives.

Any student found guilty of this misconduct will be penalized

- For the first violation, suspension from one (1) week to one (1) academic year, or community service
- For the second violation, suspension from fifteen (15) days to expulsion;
- For the third violation, suspension for a period of one (1) semester to expulsion.

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 at least twice the recommended period of suspension.

If the misconduct is committed by an organization, the organization's recognition will be suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

Provided, that if any death, serious or less serious physical injury is caused to another person by reason of, or on occasion of said destruction of property, the sanction shall be suspension for one (1) academic year to expulsion.

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.

### 3. Stealing

No student shall steal University or another person's property within school premises.

The sanction will be

- For the first violation, reprimand up to suspension for one (1) month, dependent on the value of the property;
- For the second violation, suspension for two (2) weeks to one (1) academic year;
- For the third violation, suspension for a period of one semester to expulsion.

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 at least twice the recommended period of suspension.

If the misconduct is committed by an organization, or accrues to gain or undue advantage for the organization, the organization's recognition will be suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

In all cases, the student shall be required to make restitution and/or reparation at her/his expense. No clearance shall be issued until the stolen property is returned, replaced, or its value recompensed by the student.

### B. Protection of the Rights of the University and the Educational Process

The University recognizes that it must create an environment conducive to academic freedom without compromising academic integrity. Thus, the following restrictions are designed to foster a healthy learning community.

#### 1. Intellectual Dishonesty

Every student is expected to be honest in all academic work. Acts of Intellectual dishonesty include but are not limited to:

- a. Submission of the same work in two or more courses without prior citation that the work is a result of a prior or concurrent effort;



Any student found guilty of this misconduct will be penalized

- For the first violation, suspension for a minimum of one (1) month, to two (2) years;
  - For the second violation, expulsion.
- b. Cheating; giving, receiving, taking assistance, or making unauthorized use of information from written material, another person, his or her paper, or from any other source (except as explicitly allowed by the instructor) before or during an examination or other written exercise.
- c. Copying; providing the means or accessing the means to copy exam answers, homework, projects, laboratory experiments, term papers, etc.;
- d. Manipulating or altering a corrected exam paper; removing, hiding, or altering library materials or stealing another person's materials
- e. Impersonation, or 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;

Any student found guilty of the four preceding acts of misconduct will be penalized

- For the first violation, suspension for a minimum of two (2) months, to expulsion;
  - For the second violation, expulsion.
- f. Plagiarism, as defined by the University and College rules;
- g. Distortion and/or destruction of data unless required;

Any student found guilty of the two preceding acts of misconduct will be penalized

- For the first violation, suspension for a minimum of one (1) semester, to expulsion;
- For the second violation, expulsion.

## 2. Other forms of dishonesty

As members of the University community, students are expected to recognize and uphold standards of intellectual, personal, and ethical integrity. Acts that are considered in contravention include, but are not limited to, bribery, furnishing false information to University officials acting in the performance of his/her duty, and unauthorized use or abuse of any University services, equipment, resources, or intellectual property, such as the seal, official documents and published materials of the university, which results in gain, material or otherwise, or undue advantage.

Any student found guilty of this misconduct will be penalized

- For the first violation, suspension for a minimum of one (1) month, to two (2) years;
- For the second violation, expulsion.

If the misconduct is committed by an organization, the organization will be penalized with suspension of recognition for one (1) semester or one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

### C. Promotion of Personal Responsibility and Integrity

The University community strongly promotes the development of a personal values system that focuses on each person assuming responsibility for her/his own actions, and on maintaining

dignity and truth. The following restrictions outline the parameters within which each individual shall be held responsible.

## 1. Fraud

No student shall knowingly make a false statement of any material fact, or practice or attempt to practice any deception or fraud in connection with:

a. Admission to the University;

The admission to the University of any student attended by fraud shall be declared by the University Registrar to be null and void; he/she shall be permanently barred from admission.

b. Registration or retention in the University;

Any student found guilty of this misconduct will be penalized

- For the first violation, suspension for one (1) academic year to expulsion;
- For the second violation, expulsion.

Possible additional sanctions include

- 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. Graduation from the University;

The penalty shall be expulsion. The degree conferred to any student found to have committed this misconduct shall be recommended withdrawn.

d. Application to the Socialized Tuition and Financial Assistance Program;

Any student found guilty of this misconduct will be penalized

- If the information withheld or misrepresented involves indicators of capacity to pay, reimbursement of STFAP discounts and benefits for the period affected by the anomaly;
- If the documents submitted have been falsified by the student, reimbursement of STFAP benefits for the period affected by the anomaly, or the entirety of enrolment.

In all cases, the student shall be issued a reprimand, with the record appearing in the scholarship and disciplinary files.

e. Application to and/or receiving any scholarship or grant funded or managed by the University and its affiliated institutions;

Any student found guilty of this misconduct will be penalized

- For the first violation, reimbursement of scholarship privileges for one semester, up to revocation of the scholarship;
- For subsequent violations, revocation of the scholarship.

In all cases, the student shall be issued a reprimand, with the record appearing in the scholarship and disciplinary files.

f. Registration or use of University facilities by any student organization;

The recognition of organizations which are found guilty of making false statements, and practicing or attempting any deception or fraud in connection with the application of registration or enjoyment of privileges from the university will be cancelled and suspended for the period of one (1) semester to one (1) year. Reparation, restitution, and compensation of damages shall be required where applicable. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

Officers of such organizations will be penalized

- For the first violation, suspension for a minimum of two (2) weeks to one (1) month;
- For the second violation, suspension for one (1) month to one (1) semester.

2. Wilful disobedience.

Any student who intentionally disobeys the 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 the purposes of investigation and other proceedings conducted in connection with a disciplinary case, shall be suspended by the chancellor for one (1) week to one (1) semester. In cases where the disobedience amounts to flagrant disrespect for the authorities, the student may be expelled. Further, refusal to submit to the jurisdiction of the University shall prejudice future enrolment in any unit of the University.

Organizations found guilty of this misconduct in an attempt to obstruct disciplinary investigation shall be penalized with suspension of recognition for one (1) semester or one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA

3. Other inappropriate behavior

- a. Alcohol Prohibition. Students are not allowed to drink alcoholic beverages and/or display disruptive drunken behaviour within academic and administrative buildings, dormitories, and the immediate premises thereof, except in places expressly allowed by the University.

Any student found guilty of this misconduct shall be penalized

- For the first violation, reprimand to suspension for three (3) days;
- For subsequent violations, suspension of fifteen (15) days to one (1) month and community service.

- b. Deadly weapons. No student may manufacture, store, possess and/or use within the University premises any dangerous or deadly weapon, or potentially deadly object or material such as, but not limited to, firearms; any bladed or pointed object longer than 2 ½ inches; stick, pipe, or any similar object; and hazardous chemicals, unless required in his/her education;

Any student found guilty of this misconduct shall be penalized

- For the first violation, suspension for one (1) month to one (1) year;
- For the second violation, suspension for one (1) year to expulsion.

If the misconduct is committed by two (2) or more persons acting in concert, the sanction shall be at least twice the recommended period of suspension.

Provided, that should the deadly weapon be a firearm, explosive, or any similar device, the sanction shall be expulsion.

- c. **Drug Prohibition.** There shall be no unauthorized manufacture, storage, possession and/or use of regulated or prohibited drugs or substances enumerated in the Comprehensive Dangerous Drugs Act (Republic Act No. 9165), within the University premises.

Any student found guilty of this misconduct shall be penalized

- For the first violation, suspension for one (1) semester to one (1) academic year;
- For the second violation, suspension from one (1) academic year to expulsion;
- For the third violation, expulsion.

In all cases, the student shall be required to undergo counselling or rehabilitation. The parent/s or guardian/s of the student shall be involved in the crafting of intervention programs.

- d. **Gambling.** Organized gambling is prohibited on campus, unless expressly allowed by the University.

Any student found guilty of this misconduct will be penalized with reprimand to suspension for three (3) days to two (2) months. The student may be required to undergo counselling.

- e. **Disruptive or scandalous activities.** No student must engage in disorderly, obstructive, reckless, harassing, scandalous, or lewd conduct that substantially interferes with the rights or welfare of others, impedes its operations, or is contrary to morals, good customs or public policy. Inciting, aiding, or abetting others to violate this Code shall also be considered disruptive activity.

Any student found guilty of this misconduct shall be penalized

- For the first violation, reprimand to suspension for three (3) days;
- For subsequent violations, suspension of fifteen (15) days to expulsion and community service.

The student may be required to undergo counselling.

If the misconduct is committed by an organization, the organization's recognition will be suspended for one (1) semester to one (1) academic year. The organization shall also be required to perform community service equivalent to the period under the supervision of the OSA.

- f. **Violation of other University policies** will be dealt with according to specific policy provisions.

## V. Procedure

### A. 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 hearing committees under the disciplinary bodies have the duty to disclose their relationships of any nature and to any extent with the parties involved. Members of these committees should have no prior involvement in the case, and should be disqualified if believed that they cannot render a fair decision. Challenges to the designation or selection of any member of the disciplinary bodies shall be stated in writing and shall be filed with the head of the body concerned, within five (5) days from written notice of the constitution of the Committee.

Continuing qualifications are required to remain in the disciplinary bodies until the conclusion of assigned work. Disciplinary bodies may invite resource persons in the conduct of their proceedings. The Chancellor shall determine the compensation for appointed members of disciplinary bodies.

#### 1. The Student Disciplinary Council (SDC)

The Student Disciplinary Council (SDC) is a body formed by the Chancellor under the administrative supervision of the Vice Chancellor for Student Affairs, for the purpose of implementing the pertinent provisions of this Code. The SDC shall form Ad Hoc Disciplinary Hearing Committees that will hear and resolve cases involving serious misconduct, and in some cases of intellectual dishonesty, and less serious misconduct involving more than one college. Two or more colleges are involved when the incident subject of the complaint took place within the premises of a college(s), allegedly committed by a student(s) of another college(s).

#### Composition of the Student Disciplinary Council (SDC)

The SDC will have a pool of faculty and student jurors for appointment into respective hearing committees.

The Deans of each college shall nominate five (5) members of the faculty from each college as members of the SDC. Nominees must be tenured, regular faculty who are not on leave, sabbatical, secondment or special detail.

At its initial constitution, three (3) of the members of the SDC shall serve a term of three (3) years. The other two (2) shall serve a term of two (2) years. Upon expiry of these first terms, members shall serve for two years. A vacancy in SDC due to leave, sabbatical, secondment, special detail or other reasons shall be filled by the Chancellor. The replacement shall serve a term of two (2) years.

The University Student Council, in consultation with the college student councils, shall also nominate five (5) students of good moral character from each college as members of the SDC. An undergraduate student member must have been in residence in the University for at least two (2) years while a graduate student member must have been in residence for at least one (1) year. Graduating students may not be appointed to hearing committees. Their appointment in the hearing committees will be in force until separation from the university.

Among the faculty members, one will be appointed by the Chancellor SDC Chair. The SDC shall have an office and appropriate staff.

Jurisdiction and Functions of the SDC Hearing Committees

Members of the SDC will be appointed to Ad Hoc Disciplinary Hearing Committees. Except for cases of intellectual dishonesty, the hearing committees shall be composed of three (3) members: two faculty members and one student. If parties to the case involve a mix of undergraduate and graduate students, a second student shall be appointed to the hearing committee, provided that at least one is a graduate student. The hearing committee members shall appoint among themselves a chair.

The SDC shall also take cognizance over cases of intellectual dishonesty concerning two or more colleges if the Deans are unable to form an Inter-College Disciplinary Committee.

2. The College Disciplinary Committee (CDC)

Composition of the College Disciplinary Committee (CDC)

The CDC is formed by the Dean of a college for the purpose of implementing the pertinent provisions of this Code. In cases of intellectual dishonesty, the CDC shall be composed of three (3) tenured, regular faculty who are not on leave, sabbatical, secondment or special detail. In all other cases, the hearing committee shall be composed of three (3) members, two (2) of whom shall be tenured, regular faculty who are not on leave, sabbatical, secondment or special detail, while the third member shall be a student who is of good moral character.

The Committee members shall select a Chair from among themselves. The Dean may sit as a member of the CDC. Under special circumstances, the Dean may request the SDC for an external member of the CDC, culled from its roster of faculty nominees.

Jurisdiction and Functions of the College Disciplinary Committee (CDC)

The CDC is an ad hoc committee which 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; Provided, if the case is not resolved within one month at the level of the CDC or the Dean, the case shall be automatically referred to the SDC.

3. The Inter-College Disciplinary Committee (ICDC)

Composition of the Inter-College Disciplinary Committee (ICDC)

The ICDC is formed by the Deans of two (2) or more Colleges, for the purpose of investigating cases of intellectual dishonesty involving students, faculty, or course work from different colleges. The Dean of the College where the misconduct was physically committed shall initiate the constitution of the ICDC. ]

The ICDC shall be composed of three (3) to five (5) tenured and regular faculty 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.

One student per college involved shall be allowed to sit in the committee as authorized by the Dean, with the approval of the College Executive Committee.

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 authorized representatives.

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

The ICDC is an ad hoc committee which shall hear and resolve cases of intellectual dishonesty involving students, faculty, or course work from different colleges.

B. Initiation

Any student, member of the faculty, staff, or any other person may file a complaint with the SDC Chair or the Dean of the college where an incident is alleged to have occurred. Oral reports shall be put in writing and duly signed by the person filing the report.

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. The SDC Chair may create a fact-finding committee composed of respected members of the University Community

C. Preliminary investigation

The Dean or the SDC Chair shall determine whether

- a. the act subject of the complaint is serious or less serious misconduct;
- b. the complaint constitutes intellectual dishonesty;
- c. the misconduct occurred in more than one college;
- d. the students involved belong to more than one college; and,
- e. there is prima facie basis.

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.

The CDC, if 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 ICDC, if the act constitutes intellectual dishonesty involving students, faculty, or course work from different colleges.

The SDC, if the act is serious misconduct and for all other cases not falling under the jurisdiction of the CDC or ICDC.

If the Dean or SDC Chair concludes that there is insufficient information to find the student responsible, the case will not be referred to any of the disciplinary committees and the record will not appear in the students' files.

D. Alternative Dispute Resolution (ADR)

In all cases involving less serious misconduct and no moral turpitude, Alternative Dispute Resolution (ADR) methods should be applied within one (1) week after the determination of jurisdiction. No complaint for intellectual dishonesty shall be subject to ADR.

ADR compels the parties to employ any process to amicably settle and resolve dispute by themselves, with the assistance of a neutral third party. Resolutions, embodying all the terms agreed upon, shall be made in writing and when signed by the Dean, shall be final and immediately executory.

The resolution may include such terms as:

- agreement by the student to refrain from specific conduct
- agreement by the student to cease contact with others involved in the case

- agreement by the student to participate in educational programs or community service

ADR is not a formal disciplinary action, but the record will be filed by the respective committees. Breach of any agreement in the resolution shall be considered failure of the process.

#### E. Formal Charges

In cases where ADR is inapplicable or where it failed, the Dean or the SDC Chair shall endorse the complaint to the CDC or the SDC, respectively, within one (1) week after the determination of jurisdiction, or after the conclusion of the unsuccessful alternative dispute resolution, as the case may be.

In cases of intellectual dishonesty where probable cause has been established, the Dean shall constitute the CDC or ICDC within one (1) week from determination of jurisdiction. All members of the CDC or ICDC shall be furnished a copy of the Dean's Report

The Dean or the SDC Chair shall forthwith inform the student in writing of the complaint, the formal charges and the Dean's Report, and personally act or designate an advisor for the student. The student shall then meet with the advisor to verify the substance of the charges, discuss confidentiality, describe the nature of the hearing procedures, and ascertain the rights afforded to him.

#### F. Parties

In all cases of student misconduct and violation of this Code and University policies, the University is deemed the complainant. The student reported to have committed the act of misconduct is the respondent.

#### G. Appearances

The University shall be represented by a tenured, regular member of the University Council who is not on leave, sabbatical, secondment or special detail, who is appointed by the Chancellor. If the complainant is a tenured member of the University Council, s/he may represent the University.

The respondent shall appear in person or be represented by legal counsel and may be accompanied or assisted by parents, guardians or other advisors. If the respondent is an organization, it shall be represented by any of its executive officers.

#### H. Summons

The disciplinary committee shall, within five (5) days, from its constitution, issue summons informing to the student requiring an answer to the charges. The summons shall be served

- personally to the respondent through the department chair, 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;
- by registered mail to the respondent's residence address indicated in her/his latest Form 5, wherein the respondent is presumed to have received the Summons within ten (10) days; and
- a copy of the summons, to the minor respondent's parents or guardians.

Proof of receipt of summons through any of the modes will suffice. 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.

I. Answer

The respondent is required to submit an answer in writing within ten (10) 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.

J. Preliminary Meeting

The disciplinary 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.

The preliminary meeting shall be mandatory. The preliminary meeting, hearings, and all other meetings of the CDC, SDC or ICDC shall proceed when a majority of the members are present.

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, amicable settlement.

Matters taken and agreed upon during the preliminary meeting shall be put in writing and attested to by the members of the SDC, CDC or ICDC 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.

K. Notices

The disciplinary 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.

L. Proceedings

The hearing committees 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;
- 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

#### M. Duration

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 the initial hearing, after which the disciplinary committee shall decide the case.

#### N. Committee Report

In cases involving intellectual dishonesty

The CDC or ICDC 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.

In cases involving less serious misconduct

Within fifteen (15) days after the final hearing, the CDC shall submit its decision to the Dean, who shall adopt or modify it within seven (7) days after receipt.

In cases involving serious misconduct

Within fifteen (15) days after the final hearing, the SDC Ad Hoc Disciplinary Hearing Committee shall submit its decision to the SDC Chair, which shall adopt or modify it within seven (7) days after receipt.

#### O. Decision

The Dean shall adopt the findings of the disciplinary committees, but may affirm or modify the recommended sanction, if any, within seven (7) days.

The SDC Chair shall automatically transmit the decision of the hearing committee to the Chancellor, copy furnished the Dean(s) and College Secretary(ies) concerned, who shall adopt the findings of the SDC, but may affirm or modify the recommended sanction, if any, within seven (7) days.

The decision issued by the Dean or Chancellor shall contain the findings of fact, the applicable provisions of this Code, and the corresponding sanction.

#### P. 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

#### Q. Appeal

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

R. 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.

VI. Sanctions

The University practices progressive discipline and applies the following disciplinary sanctions and administrative actions for first and subsequent violations of students and student organizations alike:

- 1) Reprimand
- 2) Apology
- 3) Suspension
- 4) Expulsion

These may be imposed separately, or in combination with

- 1) Reparation
- 2) Restitution
- 3) Suspension or withdrawal of privileges
- 4) Community service

The guidelines for community service shall be crafted by the OSA, and shall involve the student councils as much as possible.

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

For students,

- 1) Cancellation of admission to the University
- 2) Disqualification from graduation with honors
- 3) Withdrawal of honors

For student organizations,

- 1) Cancellation of recognition
- 2) Suspension of recognition
- 3) Disqualification from recognition

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

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.

A. Alternative circumstances

These penalties may be mitigated or aggravated by alternative circumstances such as but not limited to

- a) age of the student
- b) stay in the University

- c) mental disposition
  - d) nature of the offense
  - e) precedent(s) established by at the University for similar offenses
  - f) previous disciplinary history of the student, and
  - g) student's attitude and behavior throughout the disciplinary probation period.
- B. 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
- 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.

## VII. 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 she/he is involved therein, or unless she/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.