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COMMISSION ON HIGHER EDUCATION

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Subject: GUIDELINES ON GENDER-BASED SEXUAL HARASSMENT IN HIGHER EDUCATION INSTITUTIONS

Pursuant to Section 8 (n) in relation to Section 2 of Republic Act No. 7722 the 20"Higher Education Act of 1994", and in accordance with Sections 25 and 33 of Republic Act No. 11313, otherwise known as the "Safe Spaces Act," its Implementing Rules and Regulations, as well as the Commission *en Banc* Resolution No. 061-2022 dated 8 February 2022, the following "*Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions*" are hereby issued.

RULE I
GENDER-BASED SEXUAL HARASSMENT CASES IN HIGHER EDUCATION INSTITUTIONS AND OTHER RELATED SEXUAL OFFENSES

SECTION 1. COVERAGE

These Guidelines shall govern all higher education institutions (HEIs), both public and private, in:

a. Ensuring that the necessary policies and mechanisms are in place to prevent and punish sexual harassment and other related sexual offenses in its jurisdiction including, but not limited to, school-related activities such as in-and-off-campus student activities (local or foreign), on the job trainings (local or foreign), and faculty capacity-building activities (local or foreign);

b. Creating the Committee on Decorum and Investigation (CODI), as well as the procedures to be followed in the investigation and punishment of sexual harassment and other related sexual offenses in HEIs;

c. Safeguarding the rights of all stakeholders against Gender-Based Sexual Harassment (GBSH) that may be committed by any persons within the premises of the HEI.

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Merly D. Cereno
Signature over Printed Name/Date
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SECTION 2. RATIONALE AND OBJECTIVES

For decades, Filipinos suffered from gender-based violence due to lack of information and support from the community. A "culture of silence" that pervades the domain of violence against women and children (VAWC) inhibits or prevents victims from coming forward and reporting their experience of gender abuse or assault. The passage of various legislations on the protection of women and children, however, has proved to deter gender-based violence. The country's passage of various legislations on the protection of women and children has served to encourage victims to seek protection and redress, leading to an increase in complaints filed with law enforcement. According to an official publication of the Philippine National Police, within a relatively short gap since the passage of landmark legislation that criminalized VAW in the Philippines – that is, from 1995 when Republic Act No. 7877 or the Anti-Sexual Harassment Act was enacted, to 2004 when Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act was enacted, there was a sevenfold rise in reports of sexual violence and sexual assault. (From 1,100 in 1996, the number of cases rose to 7,383 in 2004, with the year 2001 registering the highest number of reports at 10,343).

In 2019, Republic Act No. 11313 or the Safe Spaces Act was passed to combat sexual harassment as a form of gender-based violence. This latest enactment steps up the campaign to eliminate gender-based violence in the country.

Philippine HEIs, as a facility of learning, nurture the consciousness of Filipinos. They are the catalyst for change and justice in the country. The Safe Spaces Act mandates the HEIs to fulfill their duty of shaping the future of the country to become free of gender-based violence in the form of sexual harassment. The law directs the Commission on Higher Education (CHED) to form policies that will protect the rights and welfare of all stakeholders of Higher Education in the country against gender-based sexual harassment.

As a response to the call of various sectors in the country to end gender-based violence and to fulfill its mandate and the direction of the Safe Spaces Act and the Anti-Sexual Harassment Act of 1995, the Commission hereby promulgates these **Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions** to assist HEIs in dealing with gender-based sexual harassment and putting an end to the cycle of violence against the dignity of persons.

SECTION 3. DEFINITION OF TERMS

For purposes of these Guidelines, the following terms are defined as follows:

a. **Higher Education Institutions (HEIs)** are educational institutions, private or public, established in accordance with law and offering CHED-recognized higher education programs.

b. **Gender-Based Sexual Harassment (GBSH)** refers to an act, or a series of acts, involving any unwelcome sexual advances, requests or demands for

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sexual favors, or other verbal or physical behaviors of a sexual nature, committed by any individual.

c. **Rape**, as defined by the Anti-Rape Law of 1997, is an act of sexual assault committed by the insertion of one's sex organ or any foreign instrument or object into another person's orifice, without the victim's consent or capability to give consent. This offense includes the rape of both males and females.

d. **Students/Trainees** refer to those enrolled full-time or part-time in regular courses, or short-term or special training offered by the educational or training institutions. For purposes of these Guidelines, applicants shall be deemed as students/trainees as well.

SECTION 4. HOW GENDER-BASED SEXUAL HARASSMENT IS COMMITTED

Gender-based sexual harassment in HEIs, other education and training institutions and partner host establishments and/or organizations may be committed as follows:

a. In a higher education institution, other education and training institutions and partner host establishments and/or organizations, as a place of work and as a place of learning, when any unwelcome act or series of acts of a sexual nature is employed in the following:
    1. As basis for any employment decision (including, but not limited to, hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the complainant;
    2. As requirement for a grade rating, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration to the complainant;
    3. As interference with the complainant's performance, which creates an intimidating, hostile or offensive work or academic environment; or
    4. As instrument that might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to the complainant.

b. In a higher education institution, as a public space, when any unwelcome act or series of acts of a sexual nature constitutive of street-level and public-spaces sexual harassment are committed.

    The different forms of Street-Level and Public-Space GBSH include but are not limited to:

    1. catcalling and/or wolf-whistling;
    2. unwanted invitations;
    3. misogynistic, transphobic, homophobic and sexist slurs;
    4. persistent uninvited comments or gestures on a person's appearance;
    5. statements, comments and suggestions with sexual innuendoes;
    6. persistent telling of sexual jokes; use of sexual names;
    7. public masturbation or flashing of private parts;

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8. groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces; or
9. stalking.

c. In the digital world, online gender-based sexual harassment includes:
    1. acts of a sexual nature that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats;
    2. unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and/or comments online, whether publicly or through direct and private messages;
    3. invasion of victim's privacy through cyberstalking and/or incessant messaging;
    4. uploading and/or sharing without the consent of the victim any form of media that contains photos, audio, or video with sexual content;
    5. any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online;
    6. impersonating identities of victims online or posting lies about victims to harm their reputation; or
    7. filing false abuse reports to online platforms to silence victims.

SECTION 5. PLACES WHERE GBSH IS COMMITTED

Gender-based sexual harassment may be committed in the following:

a. Within the territory of the HEIs where they have direct administration or jurisdiction;

b. Within or outside the host training institutions, local or foreign, during or beyond the conduct school-related activities so long as the complainant or the respondent in the GBSH case is under their supervision, instruction or custody;

c. In public spaces and/or online platforms which are used by stakeholders of the education and training institutions for their school-related activities; and/or

d. Within any of the above areas where the gender-based sexual harassment is committed by a faculty, employee or student of the HEI even if the activity is not school-related and/or sanctioned by the institution.

SECTION 6. PERSONS LIABLE FOR GENDER-BASED SEXUAL HARASSMENT

Gender-based sexual harassment may be committed by the following:

a. Persons of the same or opposite sex who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work, such as an officer, faculty member, employee, coach or trainer (e.g.,

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faculty to students, administrator to faculty/employees, administrator to students, and coach/trainer to students);

b. Persons in a peer relationship with the offended party (e.g., faculty to faculty, students to students, administrator to administrator, coach/trainer to coach/trainer);

c. Students/student interns, faculty, administrators or employees of the HEI committing acts that constitute sexual harassment against faculty members, administrators, employees, third-party service providers or visitors of its institution;

d. Third-party service providers engaged by HEIs such as sanitation, security and maintenance personnel;

e. Personnel of other partner institutions which the HEIs have contracted to undertake school-related activities; or

f. Visitors or third-parties who are within the premises, or around the vicinity of the institution.

RULE II
ROLES AND RESPONSIBILITIES OF HIGHER EDUCATION INSTITUTIONS

SECTION 7. DEVELOPMENT OF A CODE OF CONDUCT

HEIs, both public and private, shall develop a Code of Conduct in consultation with the stakeholders (students, faculty, partner industries, etc.) that shall define GBSH, its coverage, forms, classifications, appropriate penalties, when and where it may be committed, and persons liable to commit such acts.

For the guidance of all stakeholders, especially students, this Code of Conduct shall unequivocally define GBSH, describing what constitutes GBSH. The Code of Conduct shall state the procedures on the filing and handling of complaints, resolution thereof, and the penalties that correspond to specific offenses enumerated in the matrix above.

Furthermore, the Code of Conduct should be included in the Student Handbook and Code of Discipline in the HEI and Information, Education and Communication (IEC) Materials should be posted within the premises of the HEI, its website and official social media accounts.

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SECTION 8: SUPPORT TO A VICTIM OF GBSH

The HEI shall adopt mechanisms to protect the welfare of a complainant of sexual harassment or other related sexual offense, as may be appropriate, which may include the following:

a. Psychosocial counseling;

b. Referral to an agency offering professional help;

c. Support from the Institution's GAD Focal Point System;

d. Coordination with women's organizations and advocacy groups;

e. Transfer to another class, office or partner institution, if needed; and

f. Available legal support such as assistance in the filing of criminal cases in appropriate courts of justice.

SECTION 9. DUTY TO REPORT AND DOCUMENT

Any or all persons who have knowledge of acts of education- or training-related sexual harassment or other related sexual offenses committed within the purview of these Guidelines shall report the same to the Head of Institution and to the CHED Regional Offices with jurisdiction over the HEI pursuant to Section 11 of CHED Memorandum Order (CMO) No. 1, s. 2015 and other relevant CHED issuances as may hereinafter be promulgated.

SECTION 10. DUTIES AND RESPONSIBILITIES OF THE HEADS OF HEIS

The CMO No. 1, s. 2015, as well as the Higher Education GAD [Gender and Development] Accord of 2011 mandate the Heads of HEIs to prevent gender-based violence and address reports of these resolutely.

First and foremost, the Head of Institution shall ensure that the Guidance and Counseling Office shall have appropriate facilities and registered guidance counselors to provide adequate intervention services in cases of sexual harassment cases and related behavioral problems.

In addition, the Head of Institution shall:

a. Disseminate or post a copy of the relevant laws and policies on sexual harassment, e.g., the Anti-Sexual Harassment Act (RA 7877) and Safe Spaces Act (RA 11313), its code of conduct, as well as these Guidelines, in a conspicuous place in the institution. This shall be done through, among others:

    1. Sending copies of the said mandates through official notices or means of communications among heads of different departments, bureaus,

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offices, units or such subdivisions in an HEI for cascading to their members;

2. Posting a copy of the said mandates in the official website of the HEI; and

3. Conducting orientation on the said mandates, and providing copies of these in print or electronically, as well as preparing information materials such as primers, frequently asked questions, and the like.

   Copies of the mandates should always be posted in areas within the HEI that are easily visible to students, especially in areas where they usually congregate.

   The said mandates and the Implementing Rules and Regulations may be translated into a language easily understandable to the students/trainees.

b. Provide measures that prevent GBSH in HEIs, including information campaigns, express inclusion in the student handbook, orientation of student organizations, and training of teaching and non-teaching staff, students, security officers, and other members of the school community.

   Heads of HEIs shall ensure that all students will receive age-appropriate training on gender sensitivity and gender-based violence including sexual harassment and other GAD-related topics.

c. Create an independent internal mechanism or CODI to investigate and address complaints of GBSH and carry out such functions as stated in Section 24(b) of the Anti-Sexual Harassment Act and Section 22(c) of the Safe Spaces Act.

d. Cause the development and publication, in consultation with all stakeholders, of the Code of Conduct or school policy that shall:

   1. Expressly reiterate the prohibition on GBSH;

   2. Prescribe the procedures of the internal mechanism created under the law; and

   3. Set administrative penalties.

e. Ensure that a program to capacitate the officials and staff of student services unit and the human resource department on the efficient and professional handling of sexual harassment cases or other related sexual offenses is institutionalized.

f. Endeavor to raise the consciousness of its stakeholders on gender-based and sexual harassment towards their full elimination through the integration of such

efforts into the trilogical functions of higher education: (i) curriculum development and pedagogy; (ii) research; and (iii) extension. HEIs shall ensure that their GAD programs, activities and projects integrate the concepts, policies and provisions of the other laws on gender-based violence including the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance Law of 1998 (Republic Act No. 8505), the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act. No. 9262) and other such legislation to contribute in raising awareness of and support to the Anti-Violence-Against-Women efforts and similar initiatives of the PCW, CHED and other government organizations, non-government organizations, and Gender Resource Centers.

HEIs shall be conscious at all times that in their institutional undertakings, they are compliant with the provisions of all the laws governing Violence Against Women and Children, and endeavor to carry out advocacy campaigns to include the provision of support services to both alleged victims and alleged offenders.

SECTION 11. LIABILITY OF SCHOOL HEADS

In addition to liability for committing acts of GBSH, the Head of Institutions (principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an HEI) may also be held responsible for:

a. Non-implementation of their duties under Section 24(b) of the Anti-Sexual Harassment Act of 1995 and Section 22 of the Safe Spaces Act, as provided in the penal provisions; or

b. Failure to act on reported acts of GBSH committed in the educational institution.

Any person who, intentionally or through inaction, violates any of the above subsections may be found administratively liable for Gross Misconduct or Gross Negligence, notwithstanding any criminal liability under RA 11313.

SECTION 12. ROUTINE INSPECTION

CHED shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under the law. CHED shall include consultations with the student councils or the student body in the conduct of their inspection.

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RULE III
COMMITTEE ON DECORUM AND INVESTIGATION (CODI)

SECTION 13. COMPOSITION

A Committee on Decorum and Investigation (CODI) shall be created by the Heads of HEIs. This shall serve as an independent internal grievance mechanism and shall act as the main body in the investigation and resolution of cases involving Gender-Based Sexual Harassment in the HEIs.

a. **Sectoral Representation.** The CODI of HEIs and training institutions shall be composed of at least one representative each from the following:

    1. School Administration / Management
    2. Instructors / Professors or Trainers / Coaches, as the case may be and duly selected by the level concerned;
    3. Students or Trainees, as the case may be and duly selected by the level concerned;
    4. Employee from the Supervisory Rank;
    5. Rank-and-File Employee; and
    6. GAD Focal Point System of the institution.

b. **Equitable Representation.** Every CODI shall be headed by a woman, and membership shall be divided equally between men and women, provided not less than half are women. The School Head or the Head of Institution may include representatives from equal representation from persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. The Head of Institution may also invite representatives from other groups, as may be applicable.

c. **Permanent Alternates.** Aside from the regular members of the CODI, the Head of Institution shall also designate their respective permanent alternates who shall act on behalf of the regular members in their absence, temporary incapacity or voluntary or involuntary inhibition. The permanent alternates shall have the authority to render decisions so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.

d. **Impartiality.** Members of the CODI should have no prior record of involvement as a respondent or defendant in any case of whatever nature of sexual harassment, including those which are still pending.

    1. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the School Head or Head of Institution.

    2. The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest impartiality, relation with the

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respondent within the fourth degree of consanguinity or affinity, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause delay in the proceedings.

e. **Terms of Office.** The HEI may formulate its own rules on the term of office of CODI members, which should not be more than two (2) years, and on other matters pertaining to the functions of the committee as contemplated in RA 7877 and RA 11313 not otherwise provided in the succeeding provisions.

   The HEI may include in its rules provision on the extension and hold-over of the CODI members until such time the HEI has designated the new members of the CODI.

SECTION 14. RESPONSIBILITIES AND FUNCTIONS OF THE CODI

The CODI shall have and perform the following functions:

a. Receive complaints for offenses covered by these Guidelines;

b. Investigate complaints for offenses covered by these Guidelines including preliminary investigation in accordance with the prescribed procedure;

c. Observe, at all times, due process in the conduct of investigation;

d. Within ten (10) days from the receipt of the written complaint, investigate and decide on the case and, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;

e. Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure;

f. Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible;

g. Undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other GAD topics as needed;

h. Lead in the conduct of discussions about sexual harassment and other related sexual offenses within the institution to increase the community's understanding of, and prevent incidents of, sexual harassment and other related forms of sexual offenses; and

i. Conduct such other activities that would engender a safe environment for all genders, especially women, in school campuses and training-related programs in HEIs.

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In case of non-performance or inadequate performance of functions, the members of the CODI shall be replaced by the Head of HEIs upon receipt of documentation that will substantiate such allegations.

RULE IV
STANDARD PROCEDURAL REQUIREMENTS AND COMPLIANCE WITH DUE PROCESS

HEIs shall formulate their own rules and standard procedural requirements on the CODI. The HEIs shall adopt the following minimum requirements:

SECTION 15. PRE-FILING STAGE

The HEI shall adopt mechanisms to provide assistance to an alleged victim of acts punishable by these guidelines which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

SECTION 16. COMPLAINT

a. The complaint may be filed at any time with the Head of the HEI, the Office of the Immediate Supervisor of the Complainant or the alleged perpetrator, the Guidance Office, Discipline Office, Security Office, the CODI or the CHED Regional Office having jurisdiction over the HEI. Upon receipt of the complaint by any of the above offices, the same shall be transmitted to the CODI, if there is any. In the absence of a CODI, the Head of the HEI shall immediately cause the creation of a CODI in accordance with the law and rules, and transmit the complaint to the Committee.

b. The complaint may be in any form, provided that the following information are indicated in the complaint:

    1. FULL NAME and CONTACT DETAILS of the Complainant. However, the filing of an anonymous complaint is not prohibited.

    2. FULL NAME, CONTACT DETAILS and/or POSITION of the Respondent, if known to the Complainant.

    3. STATEMENT OF RELEVANT FACTS.

    4. EVIDENCE TO SUPPORT THE ALLEGATION, provided that non-submission of evidence will not cause the dismissal of the complaint; and

    5. CERTIFICATION OR STATEMENT OF NON-FORUM SHOPPING.

    If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require

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the Complainant to submit a sworn Complaint within 24 hours from receipt of notice of compliance.

c. The withdrawal of the complaint at any stage of the proceedings shall be without prejudice for the CODI to continue its investigation and make a report of its findings and recommendation to the disciplining authority when the evidence warrants.

SECTION 17. ACTION ON THE COMPLAINT

After evaluating the complaint, the CODI shall:

a. *For complaints against an employee, faculty or student of the HEI:* Proceed with the investigation if the complaint is sufficient in form and substance. A complaint is sufficient in form and substance if all the elements provided in the immediately preceding provision are present.

b. *For complaints against personnel of third-party service providers or partner institutions or guests or visitors of the HEI*: Recommend the referral of the complaint to the service provider, partner institution or to the proper government authorities for proper investigation and action.

The CODI shall likewise recommend to the School Head or Head of Institution to provisionally disallow the personnel of third-party service provider or of partner institutions complained of, or guests or visitors from entering the premises of the HEI or from transacting with the HEI while investigation is pending before the service provider, partner institution or to the proper government authorities.

SECTION 18. INVESTIGATION OF CASES BEFORE THE CODI

The CODI shall, at all times, observe due process and investigate and decide on said complaint within ten (10) working days or less upon receipt thereof, following the procedures, to wit:

a. Within 24 hours of receipt of the written complaint, the CODI shall commence the investigation by notifying the Respondent of the Complaint filed against him / her with a directive to submit his / her Counter-Affidavit/Comment under oath and submit evidence in his/her defense within 72 hours from receipt of the notice and furnish a copy thereof to the Complainant. Otherwise, the Counter-Affidavit/Comment shall be considered as not filed.

b. Upon receipt of the Counter-Affidavit/Comment under oath and evidence submitted by the Respondent, the CODI shall conduct an *ex-parte* examination of the documents submitted by the parties, including available records of the case.

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SECTION 19. PREVENTIVE SUSPENSION

Upon petition of the Complainant or *motu proprio* upon the recommendation of the CODI, the disciplining authority may order the preventive suspension of the Respondent during the conduct of investigation before the CODI and the period of deliberation of the recommendation of the CODI pursuant to Section 20 hereof, if there are reasons to believe that he / she is probably guilty of the charges which would warrant his / her removal from the HEI.

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

SECTION 20. WHEN CASE IS DECIDED

The disciplining authority shall decide the case within thirty (30) days of receipt of the CODI Investigation Report and Recommendation.

SECTION 21. FINALITY OF DECISIONS

A decision rendered by the disciplining authority where the penalty of reprimand, serious reprimand, suspension for not more than thirty (30) days, or a fine in the amount not exceeding thirty (30) days' salary is imposed, shall be final and executory and not appealable, unless a motion for reconsideration is seasonably filed. However, the Respondent may file an appeal within fifteen (15) days before the disciplining authority when the issue raised is a violation of due process.

If the penalty imposed is exclusion, dismissal, suspension exceeding thirty (30) days, or a fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal, and no such pleading has been filed. A motion for reconsideration may be filed before the disciplining authority by the Respondent within fifteen (15) days of receipt of the decision of the disciplining authority. The disciplining authority shall act or decide on the motion for reconsideration within thirty (30) days of receipt thereof.

SECTION 22. MOTION FOR RECONSIDERATION OR APPEAL, AND SUBSEQUENT PROCEEDINGS, AND OTHER MATTERS NOT COVERED BY THESE GUIDELINES

The filing of a motion for reconsideration and appeal, and subsequent proceedings and other matters not covered by these Guidelines shall be governed by:

For Public HEIs:

a. existing Civil Service Rules for those employed by the HEI; or
b. the Manual of Regulations for Private Higher Education (MORPHE), applied suppletorily, for students of the institution.

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For Private HEIs:

a. the MORPHE, for students of the institution;
b. labor laws and regulations, for those employed by the HEI. He or she may file an original action before the National Labor Relations Commission questioning the decision of the disciplining authority.

SECTION 23. PARALLEL AND COMPLEMENTARY ACTIONS

Nothing in these Guidelines shall be construed to limit the rights of the victims of GBSH from pursuing civil, criminal and other legal actions as may be provided by law.

RULE V
OFFENSES AND PENALTIES

SECTION 24. TYPES OF OFFENSES AND CORRESPONDING ADMINISTRATIVE PENALTIES

The following matrix of offenses and the corresponding penalties may be adopted by HEIs in crafting their own code of conduct and other policies in relation to GBSH; provided, that in case where the offense and/or the penalty for acts of GBSH is not found in any policy of the HEI, this section shall apply suppletorily to the policies of the institution.

GRAVE OFFENSES	
A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work	
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee	
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees	
• unwanted touching of private parts of the body (genitalia, buttocks and breast) • rape or sexual assault • malicious touching • requests for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing or higher grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance • public masturbation or flashing of private parts • groping, or any advances, whether verbal or physical, that are unwanted and threaten one's sense of personal space and physical safety, and committed in public spaces • uploading and/or sharing without the consent of the victim, any form of media that contains photos, audio, or video with sexual content	**Dismissal from service; For students, expulsion**

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• any unauthorized recording and/or sharing of any of the victim's photos, videos, or any information online • impersonating identities of victims online or posting lies of a sexual nature about the victims to harm their reputation • filing false abuse reports to online platforms to silence victims of sexual harassment • stalking • other analogous cases	
D. Third-party service providers such as sanitation and maintenance personnel	
E. Personnel of Partner Institutions where school-related activities are conducted	
same as above	**Permanent ban in the HEI; Termination of contract** ***For international partners, permanent ban from entering into contract with any PHEI**
F. Guests / Visitors	
same as above	**Permanent ban in the HEI**

LESS GRAVE OFFENSES

A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work

	1st offense	2nd offense
• unwanted touching or brushing against a victim's body • pinching not falling under major offenses • derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person • verbal abuse with sexual overtones • unwanted invitations with sexual undertone • misogynistic, transphobic, homophobic and sexist slurs • persistent uninvited comments or gestures on a person's appearance • relentless requests for personal details • incessant messaging • making statements, comments and suggestions with sexual innuendoes	**Suspension of one month and one day to six months**	**Dismissal from service; For students, exclusion or dismissal**

• the use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and/or emotional threats with sexual overtones • other analogous cases		
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee		
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees		
	1st offense	**2nd offense**
same as above	**Suspension of one month and one day to three months; Probation for the entire semester**	**Dismissal from service; For students, exclusion or dismissal**
D. Third-party service providers such as sanitation and maintenance personnel		
E. Personnel of Partner Institutions where school-related activities are conducted		
	1st offense	**2nd offense**
same as above	**Serious reprimand by the HEI**	**Permanent ban in the HEI** ***For international partners, permanent ban from entering into a contract with any PHEI**
	1st offense	**2nd offense**
F. Guests / Visitors	**Serious reprimand**	**Permanent ban in the HEI**

LIGHT OFFENSES

A. By persons who have authority, influence or moral ascendancy over the offended party in any aspect of academic or administrative work			
	1st offense	**2nd offense**	**3rd offense**
• surreptitiously looking or staring at a person's private part or worn undergarments • making sexist statements and smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the respondent has been advised that they are offensive or embarrassing or even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar	**Reprimand**	**Suspension of one day to thirty days**	**Dismissal from service; For students, exclusion or dismissal**

• malicious leering or ogling • the display of sexually offensive pictures, materials or graffiti • unwelcome inquiries or comments about a person's sex life or sexual orientation connoting one's sex life (ex. LGBTQ's sexual relations). • unwelcome sexual flirtation, advances, propositions • making offensive hand or body gestures at the person • persistent unwanted attention with sexual overtones • unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver • catcalling and/or wolf-whistling • unwanted sexual misogynistic, transphobic and homophobic remarks and comments online, whether publicly or through direct and private messages • invasion of the victim's privacy through cyberstalking and incessant messaging with sexual overtones • other analogous cases			
B. Person in a peer relationship with the offended party, e.g., student vs. student, employee vs. employee			
C. Students/student interns harassing (with sexual undertone) faculty members, administrators or employees			
	1st offense	**2nd offense**	**3rd offense**
same as above	**Written warning**	**Written reprimand and community service**	**Suspension**
D. Third-party service providers such as sanitation and maintenance personnel			
E. Personnel of Partner Institutions where school-related activities are conducted			
	1st offense	**2nd offense**	**3rd offense**
same as above	**reprimand by the HEI**	**severe reprimand by the HEI**	**permanent ban in the HEI** ***For international partners, permanent ban from entering into contract with any PHEI**

	1st offense	2nd offense	3rd offense
F. Guests / Visitors	**Reprimand by the HEI**	**Severe reprimand by the HEI**	**Permanent ban in the HEI**

Note:

- If the perpetrator committed the offense twice against the same victim, the corresponding gravest penalty shall apply.
- HEIs may provide gender sensitivity training and counseling to offenders.
- The fine penalties provided for in the Implementing Rules and Regulations of RA 11313 may be applied under the conditionalities set forth in the Revised Rules on Administrative Cases in the Civil Service (RRACCS) issued by the Civil Service Commission.

SECTION 25. IMPOSITION OF PENALTIES

Minor students who, at the time of the commission of the act of GBSH, are found guilty under these Guidelines by the disciplining authority, shall likewise undergo gender-sensitivity training and psychosocial counseling sanctioned by the Institution's Guidance Office.

If the penalty of expulsion or exclusion is imposed upon a student, the same shall be subject to the confirmatory authority of CHED pursuant to Section 21 of the Implementing Rules and Regulations of the Safe Spaces Act and Section 106 of the MORPHE.

If the penalty of dismissal is imposed upon an employee of the HEI, the same shall be in accordance with the Civil Service Commission (CSC) or Department of Labor and Employment (DOLE) issuances, as the case may be.

If the penalty imposed is other than those provided above, e.g., termination of contract or permanent ban from the HEI, the same shall be final and immediately executory, and notice shall be furnished the Respondent or notice shall be posted around the premises of the institution as the case may be.

For termination of contract with a partner training organization, the institution shall report the same with the CHED Regional Office having jurisdiction over it.

SECTION 26. ACCESSORY PENALTY

A student shall not be allowed to graduate if he or she has a pending case of GBSH. The HEI reserves the right to revoke a student's diploma if it was inadvertently issued while a case for GBSH is pending against the student at the time of its conferment.

Any fees to be charged in the course of a victim's availment of psychosocial counseling and similar services shall be borne by the respondent proven guilty of the offense/s charges.

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RULE VI
APPLICABILITY OF CIVIL SERVICE LAWS AND OTHER RULES, REGULATIONS AND POLICIES

SECTION 27. OTHER APPLICABLE LAW PROVISIONS

The pertinent rules, circulars and issuances of the CSC and the DOLE are hereby adopted as integral parts of these Guidelines, particularly in the operation of public HEIs, i.e., State Universities and Colleges and Local Universities and Colleges, other specialized colleges and HEIs with charters.

All educational and training institutions that have an existing Code of Conduct of Policy on Sexual Harassment, including a CODI established under the Anti Sexual Harassment Act of 1995 (RA 7877), should amend these to conform to the Safe Spaces Act (RA 11313) and these Guidelines.

In addition, private HEIs should develop their policies and guidelines, including pertinent mechanisms, in accordance with DOLE Administrative Order No. 250 on sexual harassment. HEIs in the public sector shall comply with the standards set by the CSC.

All HEIs shall comply with the standards set by the Commission, accordingly. The Commission is committed in ensuring that HEIs are safe working and learning spaces free of any form of harassment including power-based harassment, as well as discrimination and persecution on the basis of class, religion, ethnicity, sexual orientation and gender identity, and shall endeavor to institutionalize an environment of higher education in the Philippines that respects the dignity of all.

RULE VII
MISCELLANEOUS PROVISIONS

SECTION 28. REPEALING CLAUSE

All CHED issuances inconsistent with these Guidelines are deemed repealed accordingly upon the effectivity of this CMO.

SECTION 29. SEPARABILITY CLAUSE

If for any reason, any portion or provision of these Guidelines is declared invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

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SECTION 30. EFFECTIVITY

This CMO shall take effect fifteen (15) days after its publication in the Official Gazette or newspaper of general circulation and copies thereof are registered with the Office of the National Administrative Register (ONAR) at the University of the Philippines (UP) Law Center, UP Diliman, Quezon City.

Immediate dissemination of and strict compliance with this CMO are hereby ordered.



J. PROSPERO E. DE VERA, III, DPA
Chairman



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