



Date: March 23, 2020

SUBJECT: Creation of the Committee of Decorum and Investigation of Sexual Harassment Cases

Pursuant to Republic Act No. 7877 known as "Anti-Sexual Harassment Act of 1995" and Rule VIII, Sec. 12(a) of the Administrative Rule on Sexual Harassment Cases as contained in the Civil Service Commission (CSC) Resolution No. 01-0940 dated 21 May 2001, the Committee on Decorum and Investigation (CODI) is hereby created in this Institution to be composed of the following;

CHAIRMAN	: Junal D. Tin-ga
VICE CHAIRMAIN	: Argelyn S. Boquilla
MEMBERS	: Mariecresh B. Manguilimotan Loise Angelica C. Tin-ga Alvin Jimenes Melvin G. Boquilla

The committee shall conduct a preliminary investigation and submit an Investigation Report to the Academy Administrator on all complaints of sexual harassment filed before the Institution.

The committee may call on other officials and employees to likewise assist in its investigation.

It shall also perform all other functions pursuant to and in accordance with the cited administrative rule.

This Order supersedes all other issuances inconsistent herewith and shall take effect immediately.



**SUBJECT** : Procedural Rules of the Committee on Decorum and Investigation (CODI) for Sexual Harassment Cases in the Highlands Technical Training Academy.

**DATE** : March 23, 2020

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In the interest of service and pursuant to the provisions of Civil Service Commission (CSC) Resolution No. 01-0940, the Procedural Rules of the CODI in the HIGHLANDS TECHNICAL TRAINING ACADEMY is hereby stated as follows:

"PROCEDURAL RULES OF THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI) FOR SEXUAL HARASSMENT CASES IN THE HIGHLANDS TECHNICAL TRAINING ACADEMY."

## RULE I DECLARATION OF POLICY

Section 1. It is the policy of the HIGHLANDS TECHNICAL TRAINING ACADEMY to uphold and guarantee full respect for human rights and uphold the dignity of workers, employees, applicants for employment, including student-trainees and on-the-job training in the office. Towards this end, the HIGHLANDS TECHNICAL TRAINING ACADEMY is committed to prevent the commission of acts of sexual harassment. By reason of which, the following procedures for the investigation, resolution, settlement, imposition of administrative sanctions, or prosecution thereof in Main cases, are hereby adopted.

## RULE II COVERAGE

Section 1. This covers the HIGHLANDS TECHNICAL TRAINING ACADEMY consisting of the School President, Administrator, Trainer, Nurse, Registrar ,Staffs, and other offices/units that form part of the Academy Institution.

## RULE III DEFINITION OF TERMS

Section 1. As used in this HIGHLANDS TECHNICAL TRAINING ACADEMY CODI Rules, the following terms shall mean:

- (a) "Committee on Decorum and Investigation of Sexual Harassment Cases" or "CODI" - refers to the committee on decorum and investigation of sexual harassment cases as may be constituted and authorized by the Administrator in the HIGHLANDS TECHNICAL TRAINING ACADEMY pursuant to Section 4(b) of Republic Act (R.A.) 7877, otherwise known as the "Anti-Sexual Harassment Act of 1995."
- (b) "Sexual harassment cases" or "sexual harassment" - include/s: (1) any act committed by an Academy Officer or employee, of asking sexual favors from an individual in exchange, or as condition, for employment, reemployment, or continued employment,



promotion, grant of local/foreign travels, scholarship, privileges and other favorable terms and conditions in connection therewith; or giving of passing grades or favorable terms to student-trainees or on-the-job training in the office; (2) any act purposely employed by such Academy Officer or employee to limit, segregate, or classify the individual employee; or which in any way discriminate, deprive, or diminish individual employment opportunities by reason of refusal to grant sexual favors; and (3) all such acts which the Civil Service Commission may, from time to time, define, designate, or classify as forms of sexual harassment committed by an Academy Officer or employee: Provided that, the acts herein contemplated shall include direct or indirect participation or cooperation and inducement to another to commit acts constituting sexual harassment; and Provided, further, that sexual harassment, as an administrative offense, shall refer to any act or series of acts involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training or education related environment of the person complained of.

- (c) "Persons liable for sexual harassment" - refers to any Academy Officer or employee of the HIGHLANDS TECHNICAL TRAINING ACADEMY whether holding permanent or temporary position, regardless of sex or gender.
- (d) "HIGHLANDS TECHNICAL TRAINING ACADEMY Main" - refers to the Offices of the Administrator, Assistant Administrator, Trainor, Nurse, Secretary, Staffs, and other offices/units that form part of the Academy Institution.
- (e) "Disciplining authority" - refers to the Chairman, officials, and employees appointed by the Academy Administrator.

#### RULE IV COMMITTEE ON DECORUM AND INVESTIGATION FOR SEXUAL HARASSMENT CASES

Section 1. Functions. - The HIGHLANDS TECHNICAL TRAINING ACADEMY Main and CODI shall have the following functions and duties:

- (a) Receive all complaints involving sexual harassment allegedly committed by any Academy official or employee of the HIGHLANDS TECHNICAL TRAINING ACADEMY;
- (b) Conduct investigations of alleged sexual harassment cases and submit a report of its findings and recommendation to the disciplining authority for decision;
- (c) Conduct meetings, trainings or related activities, as may be necessary, with officers and employees to promote better understanding of anti-sexual harassment laws and its implementing rules and prevent incidents of sexual harassment;
- (d) Disseminate information by posting copies of anti-sexual harassment laws in the offices and workplace; and
- (e) Lead in the conduct of discussions about sexual harassment within the HIGHLANDS TECHNICAL TRAINING ACADEMY Main to increase understanding and prevent incidents of sexual harassment.

Section 2. Procedure in handling of complaint. - The following shall be observed in handling complaints involving sexual harassment:



- (a) All complaints involving sexual harassment cases contemplated herein shall be directly filed with the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI, as the case may be. If the complaint is sent by mail, electronic mail, or other means of communication, the receiving office/personnel shall route the same to HIGHLANDS TECHNICAL TRAINING ACADEMY CODI within ten (10) days from receipt.
- (b) The complaint must be in writing and duly signed and sworn to by the complainant, containing: 1) the full name and address of the complainant; 2) the full name, address, and Academy position of the respondent; 3) brief narration of the incident; 4) evidence in support of the complaint; and 5) certification of non-forum shopping.
- (c) If the complaint is not under oath, or does not comply with any of the requirements stated in Section 2 (b) hereof, the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI may summon or notify the complainant to comply within ten (10) days from receipt of summon or notice for compliance.
- (d) Withdrawal of the complaint may be allowed at any stage of the proceedings without preventing the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI, in Main cases, to conclude its investigation and make a report of its findings and recommendation to the disciplining authority when the evidence so warrants.

Section 3. Action on the complaint. - After evaluating the complaint, the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall:

- (a) Dismiss the complaint for non-compliance of the requirement; or
- (b) Proceed with the investigation if the complaint is sufficient in form and substance.

Section 4. Preliminary Investigation of the complaint. - The investigation of the complaint by HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall proceed as follows:

- (a) Within five (5) days from receipt of the complaint, the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall commence the investigation by notifying the respondent of the complaint filed against him with a directive for him to submit his counter-affidavit/comment under oath and evidence in his defense within three (3) days from receipt of notice.
- (b) Upon receipt of the counter-affidavit/comment under oath and evidence submitted by the respondent, the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall conduct an ex-parte examination of the documents submitted by the parties, including available records of the case.
- (c) The preliminary investigation shall terminate within fifteen (15) days from its commencement. The HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall within five (5) days from such termination submit to the disciplining authority a report of its findings with a recommendation on whether or not there exists a prima facie case to warrant the issuance of a formal charge against the respondent. If there is no prima facie case to formally charge the respondent, the case shall be dismissed within that 5-day period. All proceedings before the CODI shall be held under strict confidentiality.



Section 5. Formal Charge - The formal charge, to be signed by the disciplining authority, shall specify the acts constituting the offense and all supporting evidence, with a directive for respondent to submit his answer under oath within seventy-two (72) hours from receipt thereof and he should state whether or not he elects a formal investigation of the complaint, if the respondent does not elect a formal investigation, the conduct of a hearing shall follow.

Section 6. Answer - The answer must be in writing and under oath, containing respondent's defense and evidence with a statement on whether or not he elects a formal investigation of the complaint. The non-filing of an answer within the prescribed period shall constitute a waiver to file an answer and a formal investigation shall commence thereafter.

Section 7. Conduct of formal investigation - The HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall conduct the formal investigation not earlier than five (5) days but not later than ten (10) days from receipt of the answer. At the start of the formal investigation, the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI may conduct a pre-hearing conference for stipulation of facts, simplification of issues, marking of evidence, waiver of objections to the admissibility of documents, and other matters to aid the prompt disposition of the case. After the pre-hearing conference, the parties may choose to submit the case for resolution without further hearing.

Section 8. Conduct of hearing - The hearing shall be conducted in this order:

- (a) presentation of complainant's evidence; and (b) presentation of respondent's evidence. In both cases, the parties may cross-examine the witnesses. Thereafter, the parties shall submit their formal offer of evidence in writing.

Section 9. Submission of formal investigation report - After fifteen (15) days from the termination of the formal investigation, the HIGHLANDS TECHNICAL TRAINING ACADEMY CODI shall submit the report of its findings and recommendation to the disciplining authority.

Section 10. When case is decided - The disciplining authority shall decide the case within thirty (30) days from receipt of the formal investigation report.

Section 11. Finality of decision - A decision rendered by the disciplining authority where the penalty of 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 when the issue raised is a violation of due process. If the penalty imposed is 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 taken by the respondent within fifteen (15) days from receipt of the decision of the disciplining authority.

Section 12. Filing of motion for reconsideration or appeal, and subsequent proceedings, and other matters not covered by this HIGHLANDS TECHNICAL TRAINING ACADEMY CODI



Rules – The filing of a motion for reconsideration and appeal, and subsequent proceedings and other matters not covered by this HIGHLANDS TECHNICAL TRAINING ACADEMY CODI Rules shall be governed by existing Civil Service Rules on the matter.

Section 13. Imposition of penalties - The imposition of penalties on any Academy officer or employee found to have committed sexual harassment shall be meted the penalty prescribed by the existing Civil Service Rules on the matter.

## RULE V EFFECTIVITY CLAUSE

Section 1. This HIGHLANDS TECHNICAL TRAINING ACADEMY CODI Rules shall take effect immediately.

Section 2. This Circular takes effect immediately and shall remain in force until further orders.