

# REVIEW FINDINGS AND RECOMMENDATIONS

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Sexual harassment often persists as an “open secret” abetted by a culture of silence. This culture is broken by victim-survivors speaking out and reporting, and an organization responding and instituting reforms to create a safe environment for everyone and bringing the issue to the fore.

When institutional action is found wanting, unmasking the perpetrators in public could happen, as it happened in the Ateneo de Manila University. Disenchanted with the response of the University administration to reports and complaints of sexual harassment and sexual violence, members of the Ateneo community staged an on-campus protest on 15 October 2019. In connection with the demands of the protesters (represented by the newly-formed Times Up Ateneo), the University President committed, on 18 October 2019, to the conduct of an independent audit of the processes and mechanisms of the University related to sexual harassment and sexual violence, creation of an interim Committee on Decorum and Investigation (CODI) in place of the body created in 2017, and greater transparency in the University’s handling of cases brought to its attention either informally or formally.

In December 2019, I was contracted by the Office of the University President to serve as the independent auditor, with the following scope of work:

1. Conduct a gender audit of the Committee on Decorum and Investigation (CODI) and other similar processes to determine gender sensitivity, gender balance, and other aspects;
2. Review the accessibility, effectiveness, and efficiency of CODI and other similar processes;
3. Recommend how the processes may be improved and how any identified gaps may be addressed; and
4. Review the University’s draft manual of procedures on sexual harassment and revised anti-sexual harassment policy to determine: (a) compliance with the applicable laws and issuances pertaining to sexual harassment, and (b) whether the draft procedures and revised policy contained in the manual sufficiently address the gaps identified.

This report focuses on the findings and recommendations based on a review of policies, manuals and other documents; list of anonymized cases and/or summary of cases filed with relevant offices; meetings with University officials and administrators; interviews with officials, faculty members and student leaders of various Ateneo Professional Schools (APS), and guidance counsellors and assistant principals of the Grade School, Junior High School, and Senior High School; focus group discussions (FGD) with Times Up Ateneo, some Loyola schools (LS) faculty members, alumni, Sanggunian officials, particularly members of the Commission on Anti-Sexual Harassment and Violence (CASMV); and consultations with a senior law professor from the Ateneo Law School and an LS psychiatrist. On 17 June 2020, I met (remotely) with the audit’s

Reference Group, and presented the audit's key findings and recommendations. The final report incorporates suggestions that were raised by the Reference Group.

This report covers both CODI processes and those observed prior to the creation of the CODI in 2017 to identify good practices as well as problematic areas, especially those not adequately addressed by existing policies, and offers recommendations for immediate action on two issues, and a number of suggestions on how to address the gaps and issues identified during the audit.

## **I. KEY FINDINGS**

### **A. For Cases Involving Ascendancy**

1. There have been stories of sexual harassment or misconduct in the Ateneo de Manila University. However, in some units with part-time students, these stories are rare, and rarer still to be accompanied by formal complaints.
2. Meanwhile, in the Loyola campus, particularly the Loyola Schools (LS), there has been an increase in the number of sexual harassment-related complaints (involving ascendancy): from 14 in a nine-year period (2007-2016) to 10 in the next two years (2017-2019). Of the 24, more than half (54%) were filed by female complainants, usually against male perpetrators; the rest (46%) were lodged by male complainants, in many cases against a gay teacher/superior. Among the five cases with female respondents, four had male complainants, while one complaint was filed by two women.
3. The increased reports can be attributed to higher incidence and/or improved reporting. The latter is partly due to clearer complaint process beginning in 2017 (as a result of memos from the Office of the Vice President for Loyola Schools [OVP-LS]), victim-survivors emboldened by vocal supporters, and/or availability of different channels of reporting – other than the department, center or unit head – that could help victim-survivors through the complaint process. For instance, the LS Gender Hub, created in August 2019, has received reports involving 18 discrete respondents, with one having multiple (four women) complainants in its first five months of operation. The respondents were overwhelmingly male, and the complainants, female.
4. There could have been more reports, but for the fear of student victim-survivors of reprisal in the form of a low grade, or trauma and aversion to being subjected to gossips that continue to be strong deterrents to reporting. Meanwhile, possible faculty member-complainants could be wary of being accused by colleagues of “betraying” the department.
5. The notarization of complaints, required under the May 2018 University anti-sexual harassment policy, is a new obstacle to a formal sexual harassment complaint. For instance, one written non-notarized complaint has been diverted from the (old) CODI to a disciplinary committee.
6. Even after the May 2018 policy, the Department Chair or Program Director can decide to conduct a preliminary investigation of sexual harassment or misconduct reports that reach her/

him, and elevate cases found with merit to the Dean and/or cluster Vice President (VP). There are instances, however, of Chairs/Directors suppressing cases at their level, opting to “settle the matter” instead. For other units, the report goes to the Office of Human Resource Management and Organizational Development (OHRMOD) after the unit head’s initial investigation. The process is highly vulnerable to the arbitrariness, friendships and animosities that exist in departments or units. Beginning in 2017, sexual harassment cases were forwarded to the CODI, while other cases of sexual misconduct in LS were assigned by the OVP-LS to an ad hoc Disciplinary Action Committee (DAC).

7. In initial determination of cases by the OVP-LS and/or the DAC it assigned to hear sexual harassment complaints (per Notice of Charge, or NOC), some complaints, including two or three involving the same respondent, were tagged as “conduct unbecoming” or “inappropriate behavior,” minor offences with associated lighter sanctions compared to a sexual harassment charge. When a complaint is diverted to a DAC, the opportunity to impose heavier sanctions to repeat offenders could be lost because the DAC, as an ad hoc body, has no access to previous cases involving the respondent, except for materials made available to it by the LS Human Resources Support (LS-HRS).
8. The classification of sexual harassment complaints as minor misconduct offences suggests limited appreciation by the office or committee (including a CODI) of the various forms of sexual harassment. Viewed by some quarters as protective of alleged perpetrators, this issue fueled the on-campus protests of October 2019 – which has resulted in the replacement of the “old” CODI with the “Interim” CODI – and will likely fuel future protest actions.
9. From 2007-2019, the hearing committee recommended termination or non-renewal of contracts in 12 of the 23 completed sexual harassment-related cases. Specific to the eight (8) CODI cases, the CODI recommended termination of employment or non-renewal of contract in more than half of the cases (5 of 8).
10. The CODI members usually agree on the sanction(s), although, in a rare case, the committee presented the suggestion of individual members that included dismissal of the respondent, and left the choice of sanction to the President.
11. Before 2017, the complainant was informed of the decision in but two (2) of the 15 cases: a female complainant vs. a male respondent, and a male complainant vs. a female respondent. In all the eight cases heard by the CODI, respondents were provided the Disciplinary Action (DA) memo (versus 2 out of 15 before 2017). In contrast, complainants in only 5 of the 8 cases received excerpts of the DA memo, and much later than the respondent; the other 3 did not get anything. In a consolidated case with two complainants, the DA memo reportedly addressed the complaint of one, but not that of the other complainant, and did not contain a clear basis for the decision. The situation is starkest in one (pre-CODI) DAC case, where the decision letter that was attached to an email from the LS-HRS to the complainant consisted of one brief paragraph, without any information as to how the decision was reached.

12. The Interim CODI has instituted four improvements in the CODI investigation process. First, unlike the reportedly disconcerting and cold (“objective”) manner of the old CODI, that of the Interim CODI is more “caring” or engaging. Second, at least in one case where complainant and respondent each provided the CODI with a list of possible witnesses, the committee called from among those listed, in addition to objective observers. Third, the CODI gave the complainant access to the respondent’s reply to the charge. And fourth, the Interim CODI instituted more transparent processes, including ending the sessions with the respondent and the complainant (each accompanied by one companion) by informing them what will come next, and when the subcommittee plans to conclude the investigation and submit its recommendation to the University President. Moreover, the Chair of the University Gender Focal Committee (who will be referred henceforth as Gender Focal Person) and the Interim CODI Chair organized a session discussing gender and sexual harassment concerns for the Interim CODI members.
13. The Interim CODI also took the initiative of communicating the decision to both complainant and respondent through the written DA memo and in separate face-to-face meetings with them wherein the Interim CODI chair explained the decision. An OHRMOD representative was present in the session with the complainant, while the Gender Focal Person joined the session with the respondent. To make the process more transparent, the Interim CODI chair, with the Gender Focal Person, also met with key stakeholders to explain the decision.
14. Despite these improvements, two issues have yet to be addressed, both related to the non-disclosure agreements (NDAs) binding the committee members and other parties involved in the hearing to secrecy. One issue is access to accounts of witnesses by the respondent. The other issue relates to NDAs operating as a deterrent for victim-survivors to get over their trauma by talking it out with trusted friends. The NDA also seems to continue to foster lack of transparency of the process.
15. There is no clear information on how a complainant or respondent can appeal a decision or request for a review of the case.
16. Some complainants and their allies had reportedly experienced reprisal. The threat of non-renewal of the contracts of junior faculty could be a deterrent to reporting and lead to silencing of protest, dragging the University back to the culture of silence that long surrounded sexual harassment on campus, one that was broken in October 2019.

#### **B. For Student vs. Student Cases (Peer Harassment)**

1. There have been stories of sexual harassment, including rape, among Ateneo Law School (ALS) students, but no formal complaint was known to the student leader interviewed to have been filed with either Student Affairs or the Dean. But among LS students, the Office of Student Discipline (OSD) cited 65 cases of sexual misconduct since 2005, or about 4-6 reports per year, and noted a rise of non-consensual acts of sexual misconduct from two (2) in 2017 to 6-7 in the next two years. Male students were named in all the 27 nonconsensual, sexual misconduct violations, committed mostly against female students, while 19 couples were

caught engaging in consensual sex. The Commission against Sexual Misconduct and Violence (CASMV) of the LS Sanggunian has been picking up more cases since it began operations: from 9 in AY 2017-2018 to 42 the following year. Twenty-five (25, or 60%) were backed by written complaints and had been elevated to the LS OSD, half of which had been resolved.

2. The OSD Director investigates incident reports and complaints, then assesses whether there is (a) no offence; (b) merit a warning, but put on record; or (c) there is an offence and whether to categorize it as major or minor. If a case could involve suspension (major offence), the Director elevates the case to the Discipline Committee (DC). Cases of nonconsensual sex or sexual misconduct are generally classified as major offence. From 2017-2019, the LS DC heard a total of 11 major sexual misconduct cases. It dismissed one case for insufficient evidence, and recommended, affirmed by the LS Associate Dean for Student Formation, the following sanctions for the other 10 cases: suspension (7 cases), deferred graduation (1), and dismissal (2), including one with accompanying permanent ban from the campus. Suspensions usually came with community service, attendance in Gender Sensitivity Training and/or counseling
3. During the LS Disciplinary Committee hearing of major offences, both parties have their respective counsels (of their choice). Students involved were also assigned case companions starting from pre-hearing activities. With the Gender Hub, a complainant has a case companion from the Hub, while the respondent's companion comes from the OSD. At present, the OSD is deputized by the Interim CODI to handle peer sexual harassment, although a formal policy has yet to be issued in this regard.
4. The Basic Education cluster is reportedly guided by the Department of Education (DepEd) Child Protection Policy (Department Order No. 40, series of 2012), the Anti- Bullying Act of 2013, and the university's anti-sexual harassment Implementing Rules and Regulations (IRR). Each unit in the cluster has a Child Protection Committee, which hears abuse of a student.
5. Grade School has guidance ('formation') classes, which cover psycho-spiritual topics, including lessons in sexuality, how they feel about themselves as a boy, changes in their body as they develop to puberty, and dating, but nothing about sex. Cases reported to the teacher or counselor often pertain to exposure to pornography, often manifested in children touching or hitting their private parts. To date, there have reportedly been no behavioral indicators of sexual abuse at home – which DepEd instructs teachers to watch out for – noted about the children, or as manifested in plays.
6. In the Junior High School (JHS), usual "sexual infractions" are often classified under "conduct unbecoming of a gentleman." On a reported bullying (groping) of a gay student by fellow students, the cluster coordinator and the 'A Team' served the two bullies "formative Intervention" of suspension for several days, plus disciplinary probation to be served out the following year. The latter involved transfer to another cluster, and, for one semester, meeting in alternate months the cluster mentor and a counselor, and meeting with the Jesuit chaplain. There were reportedly no repeat cases against the bullies; one of the bullies was even said to have become a leader in class.

7. In the Senior High School (SHS), abuse against student, including sexual harassment, is covered by a 48-hour rule for the first to receive the information to report it to the Strand Coordinator or APSAF, who is tasked to act within 72 hours. In pre-2017 sexual harassment cases, the APSAF elevated the case to the Principal who convenes the Child Protection Committee (CPC). With the establishment of the CODI in 2017, sexual harassment of students by faculty or staff were referred to OHRMOD and the CODI.

## **II. MOVING-FORWARD RECOMMENDATIONS**

The audit acknowledges the changes that the University has instituted in the handling of cases of sexual harassment, misconduct and violence. The old CODI has given way to the Interim CODI, which has so far showed fairness, humanity, and transparency vis-à-vis the process and its decision. Second, the Gender Focal Person keeps the community updated on the progress of reforms being instituted. And lastly, the final draft of the Anti-Sexual Harassment Manual has been prepared for use by various units of the University.

The audit found that while a number of issues have been resolved, some continue to fester because of continuing dissatisfaction over how specific past complaints have been handled by the University, while new concerns have been noted relative to current policies, processes and procedures. Moreover, there are two issues that require immediate attention. Their resolution or non-resolution would jeopardize whatever gains the University has achieved thus far in its campaign to arrest sexual harassment on campus.

### **II.1. Recommendations for Immediate Action**

1. **Decide on an outstanding appeal.** The delayed action on appeals may be resurrecting the same suspicions and distrust that led to the October 2019 mass action. Is the University protecting a tenured faculty member charged with sexual harassment from harsher sanctions, such as termination of employment? Is the fear of facing a legal battle with the terminated employee a deterrent to imposing strong sanctions?
2. **Protection to whistleblowers.** There are moves to discipline the whistleblowers whose action mobilized members of the Ateneo community to stage the protest in October 2019. It will be unjust to leave unpunished professors who many believe are sexual harassers (one, an alleged serial offender), but sanction those who dare protest and break the culture of silence surrounding sexual harassment and violence. Naming professors as sexual harassers in social media posts should probably not be countenanced, but without this, the impact of the 15 October 2019 protest would have been dramatically blunted and the reforms not instituted. Putting in place a clear and fair process for grievance, reporting and investigation of sexual harassment complaints would minimize the probability of whistleblowing in the future. But at present, the whistleblowers should be given a warning, nothing more.

## II.2. Recommendations for Addressing Identified Gaps

The recommendations, below, are grouped into those pertaining to needed policies and policy-related actions; changes in processes and procedures; and suggested structure for handling sexual harassment and violence cases.

### A. Policies

1. **Update the University anti-sexual harassment policy to conform with the Safe Spaces Act.** The updating of the policy is already underway. The updated policy should not burden victim-survivors. It should also set minimum standards for handling sexual misconduct and sexual and gender-based harassment that will apply to all cases, whether it be peer harassment or a case involving ascendancy, or faculty/superior vs. student/staff member.
2. **Communicate the updated sexual harassment policy to the community**, by highlighting the coverage or scope and process of reporting. It is imperative, too, to make the new policy widely known not just through the University website, but also through posters around the campus and orientation sessions to different sectors of the University community.
3. **Issue a policy that will deputize other disciplinary committees for student vs. student cases.** Following the Safe Spaces Act, the University should decree that all sexual harassment and misconduct cases will be subject to CODI processes and referred to the CODI or, in the case of student vs. student, to the Disciplinary Committee (LS) or similar bodies in other Schools that will be deputized by the CODI. There is a need to issue a policy deputizing the LS Disciplinary Committee and similar disciplinary bodies in other units or clusters that will hear peer sexual harassment cases between students using CODI processes and standards.
4. **Issue a policy that will convert the LS Gender Hub into a University Gender Hub.** Since its establishment in August 2019, the Hub has proven to be an effective haven for students of different gender identities and expressions, although about 3 of 4 persons who sought the Hub's assistance were female. The Hub is more than a care facility. It matches its array of services to a person's need or request. For the 32 persons who went to the Hub with a sexual harassment/violence complaint in Academic Year 2019-2020, the Hub staff provided care (listening, counseling) to 11; care combined with assistance to secure NCA or campus ban for the perpetrator, to 4; case companion services, to 14; and help with writing and/or filing a formal complaint, to 3. Extension of the Hub's one-stop shop of services to victim-survivors of sexual harassment/violence in the Loyola campus and in other campuses will help them process their harrowing experience, decide what action to take next, and take control of succeeding steps – *cura personalis*, with concrete steps to secure justice.

### B. Processes and Procedures

Outlined, below, are improvements in the CODI and disciplinary committee processes and procedures that aim to address the issues that emerged during the audit. These would have to

be reflected in future policies and in the anti-sexual harassment manual that is currently being prepared.

1. **Provide clear markers for sexual harassment.** The standards and processes should be resistant to the personal biases and prejudices of, and friendships and animosities among key individuals in the process. What should apply is due process, with clear markers as to what constitute sexual harassment or violence, who to call in as witnesses for the two parties, and what are impossible sanctions. *There should also be clear marker on how a “hostile environment” could be established as sexual harassment.*
2. **Facilitate the complaint-reporting process.** The University should *forsake the notarization requirement, simplifying the reporting process and avoiding the diversion of sexual harassment cases to ad hoc bodies.*
3. **Insulate the investigation of sexual harassment cases from relationships within toxic departments.** Student victim-survivors hesitate reporting a complaint to a department/center or unit head who is either the perpetrator or who s/he perceives as a friend of the perpetrator. In this instance, the principle of subsidiarity works against the victim-survivor. In the future, therefore, leave out the department/center/cluster head out of the process. *Instead, a two-step strategy should be pursued: first, install a process wherein victim-survivors can report to a “safe space”, such as the proposed University (currently, Loyola Schools) Gender Hub and the proposed University Gender Office; and second, leave the initial determination and preliminary determination to the University Gender Office, in coordination with the University Gender Hub.* These proposed offices are discussed more extensively in the next section (II.2.C).
4. **Impose strong minimum sanctions for sexual harassment or misconduct.** Affirming the Sanggunian CSMV recommendation, rule out “community service or formation sessions (counseling, moral guidance, gender-sensitivity training, or anger management classes) alone as effective sanctions against sexual violence and misconduct,” whether committed by students, faculty members, and other University employees and contractors. *Should there be sufficient evidence, impose harsher sanctions, including termination of employment or contract (for faculty and employees) and expulsion (for students), plus campus ban.*
5. **Provide clear guidance for appeal or review process.** This should be mentioned in the DA memo that would be provided both complainant and respondent. The anti-sexual harassment manual should explain and provide a guide to the process, including what could be appealed or reviewed, and prescribe the maximum period of the review before a decision is announced.
6. **Provide respondent and complainant the same copy of the decision memo or document that contains the decision and the basis of the decision.** Because decision memos are often crafted with the respondent in mind, there is a need to recraft the same memo but addressed to the complainant.



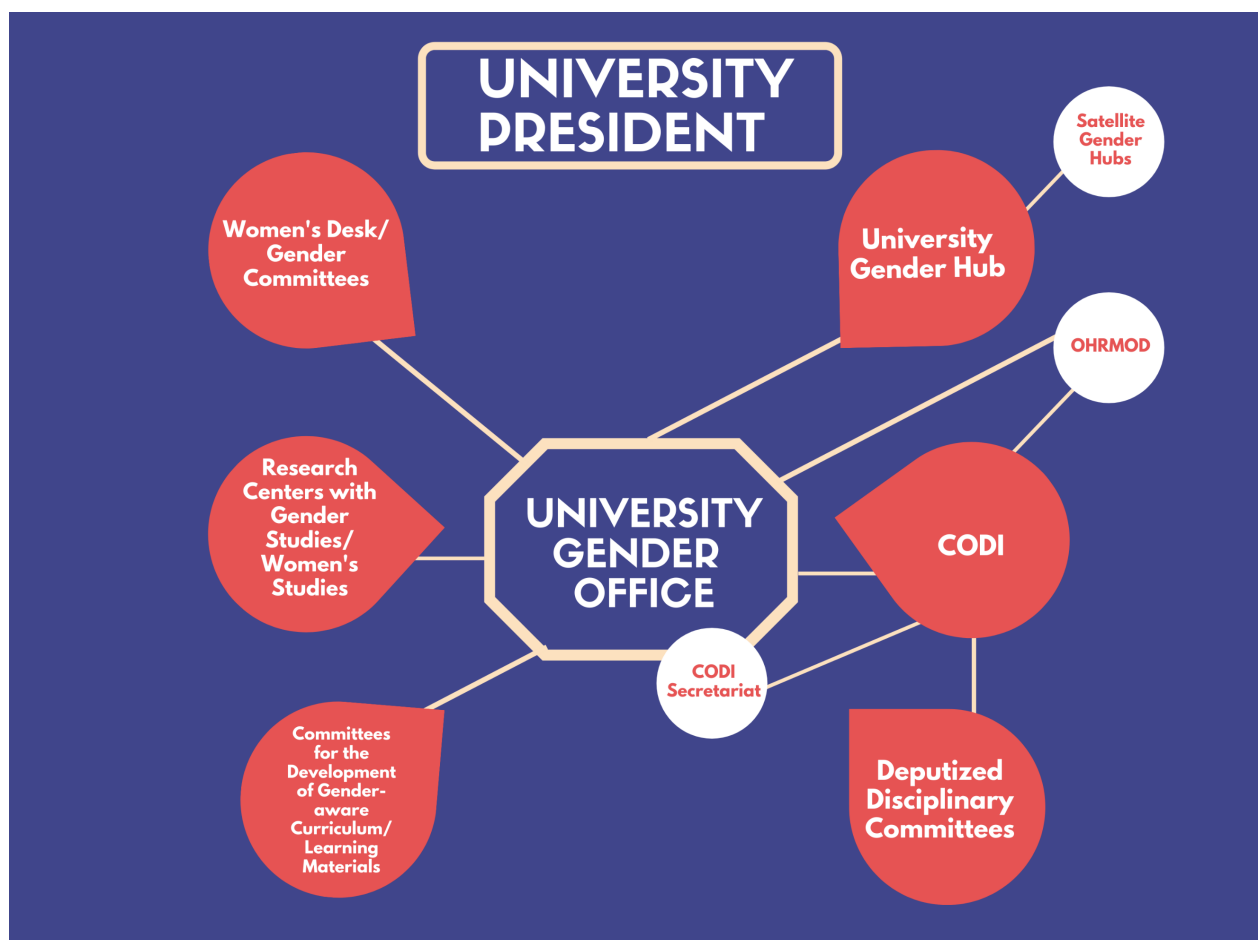
7. **Continue improving the transparency of the process, procedures and results.** In addition to changes instituted by the Interim CODI, the following steps should be pursued: *(a) providing complainants and respondents access to key information, and (b) allowing complainant or respondent to make the decision public, should they choose to.*
8. **Continue the practice of pursuing anti-sexual harassment cases filed by third parties.** However, OHRMOD and similar offices or the CODI/hearing committee should not badger traumatized victim-survivors to testify.
9. **Protect victim-survivors from reprisal and extend protection to supporters of the victim-survivors.** The current anti-sexual harassment policy prohibits retaliation against victim-survivors. There should be a clear guide as to reporting of, and sanctioning reprisals and other retaliatory moves against victim-survivors. Again, this process needs to be insulated from the friendships and animosities that exist between or among complainant, respondent, and the person who will receive and/or act on the report. *The updated policy should extend effective protection to supporters/sympathizers of victim-survivors and to vocal critics of the manner in which sexual harassment complaints are handled.*
10. **Introduce preventive measures, particularly vetting of applicants for University employment, permanent appointment or tenure for pedophilia-related (basic education) and sexual harassment/violence records or tendencies.** These preventive measures should include (a) pre-employment vetting, in conformance with CMO No. 26, series of 2003, to ensure that applicants to vacant faculty or staff position are “morally fit,” that is, s/he has not been found guilty of a sex-related misconduct from a previous employment; (b) require applicants for a vacant faculty or staff post, permanent employment or tenure to undergo a battery of psychological tests to attest to their psychological fitness (anger issue, sexual violence, etc.); and (c) disqualify faculty members who have been found guilty of sexual harassment or misconduct, or who have been the subject of multiple complaints of sexual harassment, from permanent status or tenure.

### **C. Structure**

1. **Establishment of a University Gender Office.** The proposed office will be headed by the current University Gender Focal Person. *The office will exercise university-wide oversight for gender-related matters, particularly sexual harassment or misconduct, including monitoring repeat sexual-misconduct offenders, and gender-based discrimination; and facilitate the harmonization of processes and procedures of the various APS units and centers in connection with gender-related complaints. It will function as coordination and communications center for Gender and Development (GAD)-related matters, including ongoing reforms in the handling of sexual harassment; coordinate GAD initiatives, such as Women’s or Gender Studies research, and development of gender-aware curricula and learning materials, of various groups in University campuses, clusters or units; and provide Secretariat support to the CODI, in close coordination with OHRMOD. The Gender Office should be party to the initial determination of cases as sexual harassment or not.*

2. **Conversion of the LS Gender Hub into a University Gender Hub.** The current LS Gender Hub can serve as the main Gender Hub serving the Loyola campus (LS, Basic Education), while a satellite Hub can be established in the ASMPH, Rockwell and Salcedo campuses.
3. **Coordination among offices or bodies.** The University Gender Office will be an office under the University President. It will be at the center of gender initiatives in the University (see graph in next page). The office will support and coordinate with the proposed University Gender Hub, which has satellite hubs in three other Ateneo campuses. In addition, the office will work with the Gender Committees or Women's Desks of various clusters, and committees or groups tasked to develop gender-aware curricular and learning materials; and centers, such as the Institute of Philippine Culture, involved in gender and women's studies research.

For sexual harassment-related matters, the Gender Office, in coordination with OHRMOD, will provide Secretariat support to the CODI, which has under it deputized disciplinary committees in various units with existing disciplinary committees that handle peer sexual harassment/misconduct among students. The CODI will remain an independent body that submits its recommendations to the University President.



Graph showing relations among offices with gender-mainstreaming functions

#### 4. Appointment and support to the CODI

- a. **Re-appointment of current interim CODI members to the CODI** should members of the Interim CODI wish to continue to serve. This is to maximize the benefits from the investment in capacitating the interim CODI and the traction it has created in improving the CODI process.
- b. **Ensure gender balance and awareness and sensitivity of CODI members to gender issues underlying sexual harassment cases.** This also involves vetting of potential CODI members for misogynistic and homophobic views and attitudes, and embroilment in sexual misconduct cases; and providing CODI members sexual-harassment relevant gender sensitivity sessions and gender-aware psychological sensitivity training, which could include a gender-power framing of sexual harassment, as well as, interview techniques and active listening, among others. This training is important because it will help the CODI find a balance between sympathy and impartiality. Justice demands that the CODI give a sympathetic hearing for the complainant, and that the side of the respondent is also heard.
- c. **Continue the CODI practice of tapping available expert support,** including assistance from a psychologist, either as resource person or as a member of the subcommittee hearing a case, to help during hearings with traumatized victim-survivors who are willing to testify.
- d. **Provide CODI support staff.** The staff, which can be based at the proposed University Gender Office, will organize sexual harassment-related complaints forwarded to it by the University Gender Hub, prepare the case documents; record, and send out notices in behalf of the CODI; and do documentation during CODI meetings. OHRMOD will continue issuing Preventive Suspension Order, NCO, NOC, etc.; and formally recording of complaints that would/could go into the employees' Personnel file, for cases involving employees.

A final comment. The University's *cura personalis* approach to infractions of members of the community should not be at the price of social justice. Sexual harassment is a grave offence that, if proven, requires strong sanctions, including dismissal of sexual predators to make the campus a safe space for everyone. Maintaining a safe space at the Ateneo also requires vigilance among its members, forever breaking the silence that shrouds sexual offences and protects sexual predators.

## **Institutional Responses to the Independent Review Findings and Recommendations**

**Maria Elissa J. Lao**

**University Gender and Development Office**

**31 March 2021**

The Independent Review Findings and Recommendations were submitted by the Independent Auditor, Jeanne Frances I. Illo, to then University President Fr. Jose Ramon T. Villarin SJ on June 23, 2020. It has been presented to (1) the Technical Working Group for the drafting of the Code of Decorum and Administrative Rules on Sexual Harassment, Other Forms of Sexual Misconduct and Inappropriate Behavior ("Code and Rules") with representatives from the different units of the University, (2) a reference group of stakeholders from the Loyola Schools, and (3) student representatives from the Loyola Schools. The Independent Audit informed the final version of the Code and Rules.

There were two types of recommendations for the Independent Audit, one for immediate action which involved specific cases and individuals. The University has taken note of these recommendations in the contexts in which these were given and have taken them under consideration for appropriate action.

The second set of recommendations were made to address identified gaps in the appurtenant processes and were "grouped into those pertaining to needed policies and policy-related actions; changes in processes and procedures; and suggested structure for handling sexual harassment and violence cases." These have been duly addressed by the Code and Rules, primarily through the creation of a University Decorum and Investigation System and the establishment of a new set of administrative rules, which have been implemented since September 26, 2020 and are being monitored for further evaluation.

The Code and Rules is the culmination of an extensive process. It went through a long period of research and consultations with various members of the Ateneo de Manila community, from students and faculty members to school personnel and administrators.

### **A. Policies**

<i>Audit Findings and Recommendations</i>	<i>Institutional Response</i>
<b>Update the University anti-sexual harassment policy to conform with the Safe Spaces Act.</b>	The Ateneo de Manila Code of Decorum, Administrative Rules on Sexual Harassment, Other forms of Sexual Misconduct and Inappropriate Behavior (or, the Code and Rules) was released on 29 August 2020 and it took effect on 26 September 2020.
<b>Communicate the updated sexual harassment policy to the community, by highlighting the coverage or scope and process of reporting</b>	The Onboarding and GST of the University Community began with the Workshop on the New Code and Rules and the University GAD Plan (which was also in compliance with CHED CRM 27) on 1 December 2020. Awareness-raising activities are ongoing.

<i>Audit Findings and Recommendations</i>	<i>Institutional Response</i>
	A copy of the Code and Rules is available at <a href="http://www.ateneo.edu/policies/20200829-code-decorum-investigation-sexual-harassment">http://www.ateneo.edu/policies/20200829-code-decorum-investigation-sexual-harassment</a> .
<b>Issue a policy that will deputize other disciplinary committees for student vs student cases</b>	The Code and Rules (Part III the University Decorum and Investigation System) provides for the School CODI (section 20) and the University/School CODI hearing panel (section 21). The School CODIs (SCODIs) were onboarded and given GST training and their membership announced to their respective Units in January 2021.
<b>Issue a policy that will convert the LS Gender Hub into a University Gender Hub</b>	In accordance with Section 23 of the Code and Rules, the University Gender Hub was created (for the Interim in October 2020 and as a permanent office in March 2021).

## **B. Processes and Procedures**

<i>Audit Findings and Recommendations</i>	<i>Institutional Response</i>
<b>Provide clear markers for sexual harassment</b>	Part II of the Code and Rules (Code of Decorum) provides for the Decorum of Personnel, Teachers and Students as well as the definition of Inappropriate Behavior, Sexual Harassment and Other Forms of Sexual Misconduct and the definition of consent. It classifies infractions and corresponding sanctions.
<b>Facilitate the complaint-reporting process</b>	<p>Part IV of the Code and Rules (Administrative and Disciplinary Rules) outlines How to Report Incidents of Sexual Harassment and other forms of Sexual Misconduct (Section 29) as well as the Duty to Report (Section 30). Section 32, on the other hand, who may file a complaint and section 33 outlined where to file a complaint. Appendix B provides for the CODI Alert which is also available as an online, fillable form.</p> <p>Section 30.1 (duty to report) states that “All members of the University community are expected to report any suspected, possible, or impending sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, or 7.2), and to assist in arriving at the truth to the extent of one’s knowledge and ability. While reporting may be in any form, members of the University are</p>

<i>Audit Findings and Recommendations</i>	<i>Institutional Response</i>
	encouraged to accomplish and submit a CODI Alert form (Annex B) to the Gender Hub as soon as possible.”
<b>Insulate the investigation of sexual harassment cases from relationships within toxic departments</b>	In addition to avenues for informal and formal reporting as stated above, the preliminary investigation of cases is conducted by the University Office of Decorum and Investigation which reports to the University President. It is no longer conducted by the immediate supervisor, which was the case under the old policy.
<b>Impose strong minimum sanctions for sexual harassment or misconduct</b>	Table 3 (Sanctions for Minor Infractions Under 11.3, Minor Infractions) provides for an escalating sanctions (different for personnel and students covered by the Code and Rules) with the 4 <sup>th</sup> Infraction meriting Termination or Dismissal.
<b>Provide clear guidance for appeal or review process</b>	Part IV (Administrative Disciplinary Rules) provides for 37.1 (Motion for reconsideration or appeal). In addition, Section 27 provides for the grievance mechanisms on Code and Rules related processes.
<b>Provide respondent and complainant the same copy of the decision memo or document that contains the decision and the basis of the decision</b>	<p>Part IV (Administrative Disciplinary Rules) provides for 37.9.d that states that “A copy of the Decision will be provided to the complainant and respondent by the UODI/SODI. This Decision will be explained to them separately, in a manner best determined by the University/School CODI Chairperson.”</p> <p>Further, Section 28.1 of the Code and Rules states that both complainant and respondent should “f. Be furnished with copies of all the documents and evidence that the other party submits in support of that party’s claims or defenses, as well as all resolutions, decisions, and issuances of the CODI addressed to one party; g. Receive timely information on the status of the case; h. Adduce evidence in their own behalf; i. Have such evidence duly considered in the decision-making process; and j. Be informed promptly of the Decision.”</p>
<b>Continue improving the transparency of the process, procedures, and results.</b>	The Code and Rules provides for mechanisms to ensure that the overall implementation of its provisions, including transparency, is monitored, evaluated, and improved. Section 24 of the Code and Rules states that the UGDO has the mandate

<i>Audit Findings and Recommendations</i>	<i>Institutional Response</i>
	<p>to “Coordinate, monitor, and evaluate the implementation of the GAD plan; Establish a system to monitor, evaluate, and ensure the University’s compliance with Gender and Development laws and issuances; Address grievances in relation to Section 27 of this Code and Rules; Facilitate the audit of the University Decorum and Investigation System as provided in Section 26 of this Code and Rules;”</p> <p>Section 25 requires the University to issue a Semi-Annual Report which provides the community statistical information on cases.</p> <p>Section 26 requires an audit of the University Decorum and Investigation System every three years.</p>
<b>Continue the practice of pursuing anti-sexual harassment cases filed by third parties</b>	<p>Part I (Statement of Principles, Scope and Definition) in Section 2.2 (scope) states that “Any report or complaint of sexual harassment (Section 8), other forms of sexual misconduct (Section 9), or inappropriate behavior (Sections 4.6, 5.3, and 7.2) committed by a member of the University against any person falls within the coverage of this Code and Rules, subject to the exceptions as provided in this Section.”</p> <p>As to who may file a formal complaint, Section 32 states that apart from the person who experienced the incident, any other person with personal knowledge or the Gender Hub, under certain circumstances, may file the complaint.</p>
<b>Protect victim-survivors from reprisal and extend protection to supporters of the victim survivors.</b>	Part IV (Administrative Disciplinary Rules) provides for non-retaliation in Section 43.
<b>Introduce preventive measures, particularly vetting of applicants for University employment, permanent appointment or tenure for pedophilia-related (basic education) and sexual harassment/violence records or tendencies</b>	Part V (Miscellaneous Provisions) Section 45 and 46 provide for screening and training of personnel as well as screening of student applicants.

### C. Structure

<i>Audit Findings and Recommendations</i>	<i>Institutional Response</i>
<b>Establishment of a University Gender Office</b>	The University Gender and Development Office was created and announced via memo to the

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	University # U2021-031 in compliance with Section 24 of the Code and Rules.
<b>Conversion of the LS Gender Hub into a University Gender Hub</b>	The University Gender Hub was made permanent via memo to the University # U2021-032 in compliance with Section 23 of the Code and Rules
<b>Coordination among offices or bodies</b>	The University Office of Decorum and Investigation was created and announced via memo to the University # U2021-033 in compliance with Section 22 of the Code and Rules. It shares coordinative responsibilities with the UGDO.
<b>Appointment and Support to CODI</b> <b>a. Re-appointment of current interim CODI members to the CODI</b>	The Committee on Decorum and Investigation was announced via memo to the University # U2021-003. Most of the Committee members agreed to continue with a new term from 1 June 2020 to 31 May 2021.
<b>b. Ensure gender balance and awareness and sensitivity of CODI members to gender issues underlying sexual harassment cases.</b>	Part III (the University Decorum and Investigation System) Section 14 lists the Qualifications and Attributes of the University CODI Chairperson, Co-Chairperson, and Members. Further, the interim CODI en banc underwent Gender Sensitivity Training with Jeanne Illo on 6 December 2019. The Onboarding and GST of University Officials (including CODI members) was held on 1 December 2020. The Onboarding and GST of new SCODI and CODI members was held last 16 January 2021.
<b>c. Continue the CODI practice of tapping available expert support</b>	The CODI and SCODI lists include members of the University Community with backgrounds in psychology, law and other related expertise.
<b>d. Provide CODI support staff</b>	The CODI currently has a technical/process manager who ensures that the CODI hearing panel can proceed with their work expediently. The establishment of the UODI will ensure that this support will be continuously provided.