

Code of Discipline

Chapter 67 of the University Code as amended, provides

Art. 475 **Conduct and Discipline.** The following rules and regulations on the conduct and discipline of students are hereby promulgated;

Basis of Discipline: Students at all times should observe the laws of the land and the rules and regulations of the University.

Art. 476 **Grounds for Discipline.** No student shall be suspended, expelled or dismissed except for cause and after due process as provided by this Code.

The following shall be grounds for disciplinary action:

1. Cheating in any form in any examination or any act of dishonesty in relation to his/her studies;
2. Carrying within the University premises any firearms, bladed, dangerous or deadly weapon, provided that this shall not apply to one who has a permit from the Dean or Director of his College to possess any of the above mentioned weapons in connection with his/her studies in addition to a permit from competent authorities where the carrying of such weapon is so required;
3. Bringing, selling, keeping or drinking any alcoholic beverage within the campus of the University;
4. Hoarding, selling, or taking, administering or giving out any regulated or prohibited drug without prior prescription by a duly licensed physician;
5. Any violation of law connected with marijuana, opium, morphine and other prohibited drugs;
6. Illegal gambling in any form including betting in the "Masiao";
7. Threatening another student with the imputation upon his person, honor or property of any wrong amounting to a crime;
8. Violating of curfew hours duly prescribed by competent authorities;
9. Vandalism of textbooks, references or other reading materials belonging to the University;
10. Destroying any property belonging to the University;
11. Indulging in any immoral act in and outside the campus of the University;
12. Any student who shall, by means of force or violence, assault or attack another student shall suffer the penalty of expulsion or dismissal from the University;
13. The penalty of expulsion or dismissal from the University shall be imposed upon any student who shall, by means of violence, prevent another student from doing something or not prohibited by law or the Code of the University or compel him to something to do something against his will, whether it be right or wrong;
14. Any student carrying any firearm within the University premises, unless in connection with his ROTC training and is duly authorized by competent authorities, shall suffer the penalty of expulsion or dismissal. If the firearm shall have been discharged or used to

threaten another student, the penalty to be imposed on the offender shall also be expulsion or dismissal from the University without prejudice to the filing of criminal charges;’

15. The penalty of expulsion or dismissal shall likewise be imposed upon any student of the University who shall commit any of the acts defined and penalized in the preceding paragraphs against a member of the faculty, administrative staff or any of its employees.

The penalty that may be imposed for any violation of numbers 1 to 11 of this Article shall range from suspension to dismissal depending on the gravity of each particular case, provided that in case where the offender has previously been penalized for any offense defined in this Code, the STUDENT DISCIPLINE BOARD may recommend for his expulsion and/or dismissal.

No complaint against any student shall be given due course unless the same is in writing and subscribed and sworn to by the complainant. However, when initiated by the University authorities it is enough that the complaint is in writing and states in substantial recital the facts of the alleged offense.

Art. 477. Procedure in Filing Complaint and Answer Involving Student Discipline.

- a. Any and all complaints should be filed and / or indorsed to the STUDENT DISCIPLINE BOARD through the Division of Student Affairs. The Student Discipline Board shall be composed of the following:
 1. Director, Legal Services Division.....Chairman
 2. Director, Division of Student Affairs.....Co-Chair
 3. President of the Faculty Association.....Member
 4. One Senior Employee from the Office of the Vice President for Academic Affairs.....Member
 5. Chief Security Officer.....Member
 6. University Registrar.....Member
 7. Chairman of the Student Council.....Member

Provided that the Directors of Legal Services Division and Division of Student Affairs as well as the University Registrar may appoint any of their senior staff to act in their place and stead.

- a. Even before the actual constitution of the STUDENT DISCIPLINE BOARD for any particular case, any complaint filed or indorsed to the Board through the DSA shall be proceeded within the following manner:
 1. The Director of the DSA or his representative confers with the Director of the Legal Service Division or the latter’s representative to determine whether or not a prima facie case exists. The respondent shall be notified in writing of the charge against him, attaching to said notice copies of complaint sworn statements and

other documents submitted and the respondent shall be allowed not less than seventy-two hours to answer the charges in writing under oath. In the notice a lawyer and he should indicate whether or not he elects a formal investigation if his answer is not considered satisfactory. If the answer is found satisfactory the SDB shall recommend dismissal of the case.

2. While the notice to the respondent is being served, the OVPPAA and the Dean of the respondent shall be notified for record purposes.
3. Even if a respondent does not request a formal investigation, one shall nevertheless be conducted when from the complaint and the answer including their supporting documents the merits of the case cannot be decided judiciously without conducting such an investigation.

Art. 478 **Hearing.** Hearing by the SDB shall begin not later than one week after receipt of the respondent's answer or after the expiration of the period within which the the respondent should answer.

Art. 479 **Frequency and duration of Hearing.** In the interest of speedy justice, the SDB shall hold a hearing at least once a week until the case has been resolved. In case of the failure to adhere to these rules, written explanation in every case shall be submitted by the Board Chairman to the University President. No hearing on any case shall last beyond two (2) calendar months.

Art. 480 **Notice of Hearing.** All parties concerned shall be notified of the date set for hearing at least two (2) days before such hearing. The respondent, may defend himself personally or by counselor representative of his own choice. If the complainant of the respondent should desire but is unable to secure the services of a counsel, he should manifest such fact to the SDB before the date set for hearing and shall designate a counsel for him from among members of the University constituents.

Art. 481 **Failure to appear at Hearing.** Should either complainant or respondent fail to appear for the initial hearing after due notice and without sufficient cause the SDB shall note this fact and thereafter proceed to hear the case *ex parte* without prejudice to the appearance of the absent party in subsequent hearings.

Art. 482 **Postponement.** The SDB on the application of either the complainant or the respondent or in its own motion, may at its discretion and for good cause, postpone the hearing for such period of time as the ends of justice and the rights parties for speedy hearing require. As much as possible, postponement should be limited to a maximum of three (3) days.

Art. 483 **Amicable Settlement.** Amicable settlement made by and between the parties (complainant and respondent) will not prevent the University from proceeding with the case for the purpose of instilling discipline among the studentry.

- Art. 484 **Comment and Recommendations.** The complete records of the case, with the report of findings thereon and the recommendation signed by a majority of the members of the committee shall be forwarded to the OVPAA within fifteen (15) days after the termination of the hearing. The recommendation shall state the findings of fact and the specifics on which it is based.
- Art. 485 **Action by OVPAA.** The OVPAA shall submit within ten (10) days after the receipt of the Board report, a recommendation to the President of the University.
- Art. 486 **Action by the President.** The decision of the University President shall be rendered within ten (10) days after receipt of the recommendation of the OVPAA. All decisions of suspensions not exceeding one year must be confirmed by the Board of Regents; provided, that the President cannot impose but only recommend cases of expulsion and/or dismissal to the Board of Regents. All decisions not needing the confirmation of the Board may be appealed to the Board within ten (10) days after the respondent received the copy of the decision.
- Art. 487 **How Appeal is Made.** An appeal shall be made, within ten (10) days after the respondent has received a copy of the decision, by filing with the President the notice appeal. The appeal shall not in any way stay the decision appealed.
- Art. 488 **Action by the Board of Regents.** If the Board deems the appeal meritorious, especially in the cases of recommendations for expulsion and/or dismissal, it shall refer the pertinent records to a committee of its members for review. Said committee shall submit a report thereon with its recommendations at the next meeting of the Board.
- Art. 489 **Motion for Reconsideration.** If the respondent had filed a petition for reconsideration with the President, and such petition for reconsideration is denied by the President, he may file an appeal to the Board of Regents, provided the same is submitted within ten (10) days following notice of denial of the reconsideration.
- Art. 490 **Effect of Decision.** In case final decision involving suspension or dismissal is rendered within thirty (30) days prior to any final examination, the penalty shall take effect during the subsequent semester except when the respondent is graduating in which case the penalty shall immediately take effect.
- Art. 491 **Records.** All proceedings before the SDB shall be put in writing by a competent stenographer/typist. All original records pertaining to student discipline shall be under the custody of the Director of Student Affairs. Such records are hereby declared confidential and no person shall have access to the same for the inspection or copying unless he is involved therein, or unless he has legal right which cannot be protected or vindicated without access or copying of such records. Any University official or employee who shall violate the confidential nature of

such records shall be subject to disciplinary action.

Art. 492 **Sanctions.** The penalty of expulsion or dismissal shall carry with it the accessory penalty of withholding graduation or permanent disqualification of the respondent to continue studying in any unit of the University. The penalty of suspension shall carry with the accessory penalty of forfeiture if the privilege to enjoy scholarships benefits, and dormitory and library facilities, during the period of suspension. The gravity of the offense committed and the circumstances attending its commission shall determine the nature of disciplinary action taken against the student and shall be reported to his parents or guardians. Refusal to submit to the jurisdiction of the University by any person not enrolled at the time a charge against him is filed shall prejudice his future enrollment in any unit of the University.

Art. 493 **Summary Action.** Any provision in these rules notwithstanding a Dean or Director may upon the recommendation of the SDB, immediately suspend for a period not exceeding fifteen (15) days any student in his unit for any breach of order or discipline. The order of suspension shall state the ground, the circumstances showing the responsibility of the student and the period of suspension. Before the order or suspension is served on the student copy thereof shall be furnished to the President, the Vice President for Academic Affairs and the Director of Student Affairs. The order of suspension may be appealed to the President. If the appeal of any suspension made under this article is filed with The University President, the latter may order the holding in abeyance of the suspension. If no such order is made within two (2) days after the appeal is filed, the suspension shall take effect.

Art. 494 **Definition.** The following terms shall have their meanings set forth for the Purpose of these regulations:

- a. "STUDENT" shall include any person enrolled in any academic unit of the University on regular or part-time basis at the time the charge or report involving him is filed. Regardless of whether or not he enrolled in any unit of the University during the pendency of the disciplinary proceeding against him.
- b. "LAWS OF THE LAND" shall refer to the general statutes currently in force within the Republic of the Philippines with particular reference to the Revised Penal Code and Civil Code.
- c. "BOARD" shall refer to the SDB unless explicitly stated otherwise.
- d. "OFFICIAL REPORT" shall include any report duly submitted in writing to any proper authority in the University by a faculty member, any member of the University security force, any official of a college or unit, or any official of the university administration.