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Transitory Provision for SHS Student Discipline Formation

Introduction

1. Background

The presence of the Academy in the University that comprises the Senior High School students (Grades 11 & 12) respectively, who are bound by the current Student handbook of the Academy, may need to adapt specific procedures from the Undergraduate (UG) and Graduate Students (GS) Student Handbook such as proceedings in the Board hearing but is not limited to these proceedings as detailed in this transitory provision for a smoother, alignment of processes and case management.

2. Purpose of Transitory Provision

This transitory provision shall serve as a guide for the implementation of some Student Discipline Formation of the De La Salle University Senior High School (DLSU SHS) provisions pending the needed revision for the Student Handbook of the Senior High School under the Academy.

3. Scope of Application

The transitory provision applies to DLSU SHS students of both Manila and Laguna campuses as well as the offices and units implementing student discipline and formation in the Senior High School (Grades 11 and 12) like the Student Discipline Formation Office (Manila), Student Discipline Formation Unit (Laguna) and the SHS Academics.

4. Duration of Transitory Provision

This transitory provision for SHS Student Discipline Formation shall be effective beginning September 1, 2024, until the revised Student Handbook of the Senior High School is approved.

Transitory Provisions

1. Attendance

- The Senior High School attendance shall be monitored by the Senior High School Academics Unit through the Assistant Principals and the Academic Programming Officer. The provisions related to the attendance of the Senior High School shall adhere to the Senior High School Student Handbook AY 2021 - 2024.
- Attendance-related infractions that are disciplinary in nature are endorsed to the Student Discipline Formation Office (SDFO) for Manila students and the Student Discipline Formation Unit (SDFU) for Laguna students.

2. Procedures in Handling Cases

- Procedures in handling minor offenses shall adhere to the DLSU Integrated School Senior High School Student Handbook AY 2021- 2024 and shall be handled by the Student Discipline Formation Office (SDFO) for Manila students and the Student Discipline Formation Unit (SDFU) for Laguna students.
 - The student respondent of Manila is required to report to the Student Discipline Formation Office (SDFO) for Manila, while the student respondent of Laguna will report to the Student Discipline Formation Unit (SDFU) for Laguna.
 - The case investigation and decision for minor offenses shall be conducted by the discipline officers under the supervision of the SDFO Level Prefect and SDFO Director for Manila students and the SDFU Level Prefect for Laguna students.

- Procedures in handling major offenses in both Manila and Laguna campuses shall adhere to the DLSU Student Handbook AY 2021-2025 as stipulated in Section 5.2.3.2¹ as follows:
 - Filing of Complaint - For major discipline offenses, a formal complaint in writing, whether under oath or not, is filed with the SDFO by any person having direct knowledge of the commission of the act complained within 100 calendar days upon the date of its discovery.²
 - Investigation of Cases - The SDFO shall conduct an initial investigation of the complaint by requiring the respondent to answer within five (5) working days from receipt of the complaint. The respondent may opt to remain silent during the initial investigation.³
 - Determination of Prima Facie Case - The University Legal Counsel (ULC) may summon both parties for clarificatory questions in determining whether there is a prima facie case. If the ULC finds no prima facie case, they will dismiss the complaint. The decision of the ULC in finding whether or not there is a prima facie case is final and not appealable.⁴

If the ULC finds a prima facie case, the complaint will be given clearance to proceed.

If the case falls under the list of mediatable offenses, the case may be referred to mediation upon agreement of the parties under Section 5.2.3.4.

The decision of the ULC on whether there is a prima facie case is final and not appealable.

- Mediation - For offenses that can be the subject of mediation as defined in this rule, the parties may undergo mediation and enter into a compromise agreement to settle the case.⁵
- Respondents with declared mental health conditions - If the respondent will not indicate the presence of a mental health condition, the case will be handled with the usual process (see Section 5.2.3.2.2 and onwards) and will be endorsed to the OULC to determine if the case should proceed or be dismissed. If in the process, a mental health concern arises, SDFO may refer the respondent to the OCCS for psychological support and/or the LCIDWell for assessment and intervention.
- Appeal - A party not satisfied with the decision of the SDFB may appeal the decision in writing to the Provost within five (5) working days from receipt of the

¹ Formal Hearing before the Board (DLSU SHB AY 2021-2025)

² Section 5.2.3.2.1.1

³ Section 5.2.3.2.2.1

⁴ Section 5.2.3.2.3

⁵ Section 5.2.3.4

decision, specifically stating the grounds for the appeal (e.g., lack of due process, penalty is too severe, the decision is not based on the evidence presented, etc.).

If an appeal is not availed of by a party within the period prescribed, or is turned down, the decision of the SDFB becomes final and immediately executory. The SDFB may defer the imposition of penalty for meritorious reasons

Please refer to APPENDIX A⁶ which shall form an integral part of this transitory provision.

- Jurisdictions in handling major offenses in both Manila and Laguna campuses shall adhere to the DLSU Student Handbook AY 2021-2025 as stipulated in Section 5.2 except for the composition of the members for University Panel for Case Conference (UPCC) and Student Discipline Formation Board (SDFB) that may be represented by their counterparts from the Senior High school.
 - The members of the UPCC for Senior High School (SHS) are composed of the following:
 - Presiding Officer: SDFO Director
 - Admin representative: Head of the Senior High School (Manila Campus) or Vice Dean of Student Affairs (Laguna Campus)
 - Faculty representative: Assistant Principal (Manila and Laguna Campus)
 - Student Representative (should be of legal age)
 - The members of the SDFB for Senior High School (SHS) are composed of the following:
 - Chair: Member of the Integrated Bar of the Philippines (IBP)
 - Admin representative: Head of the Senior High School (Manila Campus) or Vice Dean of SA (Laguna Campus)
 - Faculty representative: IS Faculty Association
 - Student Representative (should be of legal age)

Please refer to APPENDIX A⁷ which shall form an integral part of this transitory provision.

3. Parents' Consent and Information

- Student Discipline Formation Office forms that require information from senior high school students must secure the parents' consent.
- Parents must be informed of all the documents related to the student's discipline cases.

4. Minor and Major Offenses

- The determination of the minor and major offenses for senior high schools shall continue to be based on the DLSU Integrated School Senior High School Student Handbook AY 2021- 2024.

5. Corrective Measures and Formative Interventions

⁶ Section 5.2.3.2 of the DLSU Student Handbook AY 2021-2025 - Formal Hearing before the Board

⁷ Section 5.2 of the DLSU Student Handbook AY 2021-2025 - Jurisdiction over Discipline-Related Cases

- Imposing disciplinary sanctions on student respondents who were found responsible for the alleged minor or major offenses shall continue to be based on the DLSU Integrated School Senior High School Student Handbook AY 2021- 2024.
 - Warning Slip for Minor Offenses and Major Offenses (Category 1)
 - Violation Report and a reduced grade in Department for Major Offenses (Category 1)
 - Disciplinary Probation for Major Offenses (Category 1)
 - Strict Disciplinary Probation for Major Offenses (Category 1 and 2)
 - Suspension for Major Offense (Category 1 and 2)
 - Dismissal or Withdrawal from school for Major Offenses (Category 1 and 2)
 - Expulsion for Major Offenses (Category 2)

- Formative interventions facilitated by the Student Discipline Formation Office (SDFO) in Manila and the Student Discipline Formation Unit (SDFU) in Laguna may be provided to SHS student respondents, if deemed necessary and appropriate, based on the outcome of the UPCC and SDFB Discipline Case Conferences.

APPENDIX A

5.2 Jurisdiction over Discipline-Related Cases based on DLSU SHB 2021-2025

5.2.1 The Director of SDFO shall have jurisdiction over all minor offenses involving students under these rules. The respondent is required to see the Director of SDFO who investigates and decides on the case.

5.2.2 The University Panel for Case Conference (UPCC) shall have jurisdiction over all major offenses involving students should there be complete admission on the part of the respondent. The UPCC is composed of the Director of SDFO or an appointed representative as the presiding officer, the Dean of Student Affairs (DSA) or the Associate Dean of Student Affairs as the DSA's alternate, a student representative trained and appointed by the USG and SDFO, and the Associate Dean of the College where the student belongs. The UPCC meets the student and their parent/s or guardian to hear and decide on the discipline offense committed by the student.

5.2.2.1 Proceedings in the case conference are governed by rules applicable to Summary Proceedings before the Student Discipline Formation Board (SDFB).

5.2.3 The Student Discipline Formation Board (SDFB) shall have jurisdiction over all major offenses involving students should there be incomplete or qualified admission, or full denial on the part of the respondent, pursuant to the published rules of the SDFO.

5.2.3.1 The SDFB is composed of a Chair who is a member of the Integrated Bar of the Philippines (IBP) and not a member of the Student Discipline Formation Office (SDFO), and three other members representing sectors of administration, faculty, and students. The sector representatives may appoint alternates. The administration and student representatives shall not come from the SDFO and the USG, respectively. The Associate University Legal Counsel (AULC), who is a member of the IBP and appointed by the President from the University constituency, assists the University and the parties in conducting formal hearings.

5.2.3.2 Formal Hearing before the Board

Procedures for the filing of complaint, investigation, and case endorsement in this section will be standard also for the management of all complaints and cases. The following procedures, which may be conducted face-to-face or online, will be followed in handling complaints against students.

Refer to Appendix P for a flowchart of this procedure.

5.2.3.2.1 Complaint

5.2.3.2.1.1 For major discipline offenses, a formal complaint in writing whether under oath or not is filed with the SDFO by any person having direct knowledge of the commission of the act complained within 100 calendar days upon the date of its discovery. For minor offenses, 30 calendar days is given to the complainant to file a written complaint with the SDFO from the date of its discovery.

5.2.3.2.1.2 The SDFO will ask the respondent to fill out the Incident Report and Student Response Form.

5.2.3.2.1.3 If the respondent will not indicate the presence of a mental health condition, the case will be handled with the usual process (see Section 5.2.3.2.2 and onwards) and will be endorsed to the OULC to determine if the case should proceed or be dismissed. If in the process, a mental health concern arises, SDFO may refer the respondent to the OCCS for psychological support and/or the LCIDWell for assessment and intervention.

5.2.3.2.1.4 If the respondent reports a mental health condition as stated in the Student Response Form, the respondent will be asked to submit a psychological report from a licensed clinical psychologist. If the respondent has not been assessed, he/she will be required to undergo a psychological assessment with the following options:

5.2.3.2.1.4.1 Option 1: The LCIDWell clinical psychologist will conduct the psychological assessment.

5.2.3.2.1.4.2 Option 2: The respondent will be asked to undergo a psychological assessment from a licensed psychologist external to DLSU and the report will be submitted to SDFO and will be reviewed by the LCIDWell clinical psychologist.

5.2.3.2.1.5 If the respondent is undergoing psychological assessment and/or intervention, the complainant will be informed.

5.2.3.2.1.6 The LCIDWell clinical psychologist may provide recommendations for:

- Further assessment
- Possible interventions
- Handling case investigation and deliberations by the UPCC/ SDFB
- Other mental health support

5.2.3.2.1.7 If recommended for further psychological assessment and/or intervention, the respondent will be asked to submit a certification from the attending clinical psychologist or psychiatrist to SDFO.

5.2.3.2.1.8 The case will be endorsed to the OULC to determine if the case should proceed or be dismissed.

5.2.3.2.1.9 The LCIDWell clinical psychologist can be invited as a resource person during the hearings as a consultant on mental health issues in the case deliberations.

Refer to Appendix P for a flowchart that illustrates the above procedures.

5.2.3.2.2 Answer

5.2.3.2.2.1 The SDFO shall conduct an initial investigation of the complaint by requiring the respondent to answer within five (5) working days from receipt of the complaint. The respondent may opt to remain silent during the initial investigation.

5.2.3.2.3 Clarificatory Hearing to Determine Prima Facie Case / Mediation

The University Legal Counsel (ULC) may summon both parties for clarificatory questions in determining whether there is a prima facie case.

If the ULC finds no prima facie case, they would dismiss the complaint. The decision of the ULC in finding whether or not there is a prima facie case is final and not appealable.

If the ULC finds a prima facie case, the complaint will be given clearance to proceed.

If the case falls under the list of mediatable offenses, the case may be referred to mediation upon agreement of the parties under Section 5.2.3.4.

The decision of the ULC on whether there is a prima facie case is final and not appealable.

5.2.3.2.4 Endorsement to SDFB/UPCC

After the ULC resolution, the SDFO shall endorse the case and all pertinent documents to the SDFB/UPCC for case conference.

5.2.3.2.5 Notice of Hearing

After completion of the required documents, the case is filed before the SDFB and a notice of hearing will be issued to all parties involved. The issuance of the notice of initial hearing is mandatory. The notice of hearing should be sent at least five working (5) days before the date of the hearing except when a new schedule has been agreed upon during the hearing.

5.2.3.2.6 Hearing

In all cases where the complaint is found to be sufficient in form and substance, the Chair convenes the SDFB to a formal hearing. A majority

of the SDFB constitutes a quorum but the student representative should always be present.

5.2.3.2.6.1 The clarificatory hearing before the SDFB shall be summary in nature and shall be conducted using the case conference type of proceedings. However, the SDFB should ensure that the following standards required by due process in discipline cases are satisfied:

5.2.3.2.6.1.1 The respondent should have been informed in writing of the nature and cause of the accusation;

5.2.3.2.6.1.2 The respondent should have been granted the right to answer the charges against them;

5.2.3.2.6.1.3 The respondent should be informed of the evidence against them;

5.2.3.2.6.1.4 The respondent is given the right to adduce evidence on their own behalf; and

5.2.3.2.6.1.5 The evidence should be considered by the SDFB.

5.2.3.2.6.2 Should the complaining witness fail to appear without just cause on the scheduled initial hearing despite notice, the complaint is dismissed. On the other hand, should the respondent fail to appear for the initial hearing after notice and without sufficient cause, this fact is placed on record and the hearing shall proceed ex-parte without prejudice to the appearance of respondent in subsequent hearings.

5.2.3.2.6.3 Evidence, testimonial or documentary, is limited to allegations in the complaint or answer;

5.2.3.2.6.4 Witnesses testify under oath. Testimonial Affidavit may be submitted.

5.2.3.2.6.5 The Chair exercises complete control of the proceedings on all stages. The Chair prescribes the order in the presentation of evidence by the parties. The Chair rules on the exclusion of other witnesses for the same party while a witness testifies. The Chair has the power to rule on the admissibility of evidence or testimony. The Chair may invite a University Counselor as consultant or resource person during the formal hearings and/ or summary proceedings. The student-respondent may be represented by a private counsel of choice during formal hearings. However, the private counsel must direct all

clarificatory questions through the SDFB Chair, who can screen the questions to be asked.

5.2.3.2.6.6 As a general rule, clarificatory hearings are continuous the moment they begin. All cases should be finished the soonest possible time, but each party is allowed only one postponement upon submission of a written request addressed to the SDFB at least three (3) working days before the date of formal hearings or summary proceedings or to the UPCC for case conferences copy furnished all concerned.

5.2.3.2.6.7 A record of the entire proceeding is taken and filed as part of the record of the case. The parties may be furnished copies of the record (Transcript of the Stenographic Notes) of the proceedings upon request and upon payment of the required fee

5.2.3.2.7 Decision

5.2.3.2.7.1 The duty of the SDFB is to find and establish facts relevant and substantial evidence on which to base a decision rendered in the manner provided.

5.2.3.2.7.2 A majority of the SDFB, which consists of a quorum, is necessary to pass a judgment in a case. However, if the penalty imposed is expulsion or dismissal, a unanimous vote of the members present consisting a quorum is necessary. Failure to obtain a unanimous vote automatically calls for the imposition of the next lower penalty. In case of a tie on whether the respondent is guilty or not, the student respondent shall be exonerated, or the case shall be dismissed. It is the duty of members of the SDFB present and constituting a quorum to cast their votes. There shall be no abstentions.

5.2.3.2.7.3 The SDFB renders its decision within five (5) working days from the date the case is submitted for decision. The decision shall be in writing stating the reasons therefore, copy furnished the Provost, the Associate Dean of the college to which the respondent belongs, the Dean of Student Affairs, the Director of OCCS, the SDFB members, the ULC, the aggrieved party and witnesses, as well as the respondent and their parent or guardian. A copy of the decision with the complaint is filed with the SDFO and forms part of the respondent's record.

5.2.3.2.7.4 A party not satisfied with the decision of the SDFB may appeal the decision in writing to the Provost within five (5) working days from receipt of the decision, specifically stating the grounds for the appeal (e.g., lack of due process, penalty is too severe, the decision is not based on the evidence presented, etc.). If an appeal is not availed of by a party within the period

prescribed, or is turned down, the decision of the SDFB becomes final and immediately executory. The SDFB may defer the imposition of penalty for meritorious reasons.

5.2.3.3 Summary Proceedings

If during the clarificatory hearing by the SDFB, the respondent appears and admits guilt in writing, the case may be acted upon by the SDFB summarily. This is entered into the record and the Chair of the SDFB may decide that a hearing be dispensed with. The action is terminated as soon as the respondent explains the charges and the members of the SDFB are through with their clarificatory questions. Any penalty imposed in a summary proceeding is final and immediately executory unless the Board defers the imposition of the penalty for meritorious reasons.

5.2.3.4 Mediation

For offenses that can be the subject of mediation as defined in this rule, the parties may undergo mediation and enter into a compromise agreement to settle the case. The following are the specific rules on the mediation process:

5.2.3.4.1 Any compromise agreement or settlement shall be done prior to the termination of the reception of evidence for the complainant/s.

5.2.3.4.2 Any settlement reached after the termination of the reception of the evidence for the complainant/s shall be valid only upon the approval of the Office of the University Legal Counsel (OULC). The effect of the compromise agreement or settlement shall be the withdrawal and termination of the case.

5.2.3.4.3 In all cases where the case is already filed with the Student Discipline Formation Board (SDFB), the compromise agreement or withdrawal shall be with the approval of the SDFB.

5.2.3.4.4 If the compromise agreement was executed prior to the submission of the records to the OULC, the compromise agreement shall be noted and become part of the Investigation Report to be endorsed to the Office of the University Legal Counsel for review, recommendation, and approval.

5.2.3.4.5 Before the submission of the case to the OULC and up to the filing of the case with the SDFB, the parties may make a written request to the Student Discipline Formation Office (SDFO) for the appointment of a mediator or panel of mediators to facilitate the mediation process.

5.2.3.4.6 In cases where the compromise agreement was executed when it is with the OULC for determination of whether there is a prima facie case and prior to filing of the case with the

SDFB, the compromise agreement and eventual termination of the case shall be valid only upon the approval of the OULC. The settlement of the case among the parties shall be considered by the OULC in its determination of whether there is a prima facie case but shall not bar the OULC from filing the case with the SDFB.

5.2.3.4.7 Upon agreement of the parties to settle the case, the parties shall execute a compromise agreement manifesting their agreement to settle the case and setting forth the reasons for the settlement.

5.2.3.4.8 The procedures below will serve as guide for mediation process for cases already filed with the SDFB:

5.2.3.4.8.1 SDFB shall make a determination if the case is a mediatable one. If in the affirmative, the Chair will ask the parties if they are willing to undergo mediation.

5.2.3.4.8.2 If any of the parties disagree, the summary proceedings or formal hearing shall proceed as scheduled. On the other hand, if there is agreement, the Board will appoint a mediator or panel of mediators from the pool of trained mediators.

5.2.3.4.8.3 The mediator or panel of mediators shall submit a report to the SDFB of the result of the mediation process. The SDFB shall review the mediation report and the compromise agreement and shall approve the same unless it is contrary to law, public order, or public policy.

5.2.3.4.8.4 The matters discussed in the mediation process are strictly confidential and are inadmissible as evidence in the case.

5.2.3.4.9 While mediation is encouraged, there are offenses which are, by its nature, non-mediatable. These involve offenses which violate basic principles of honesty and integrity and are not personal in nature. All cases are subject to mediation EXCEPT for the following offenses which are considered non-mediatable offenses:

- any form of cheating or academic dishonesty
- cases involving use of firecrackers, deadly weapon, drugs, alcohol, and other vices
- deliberate disruption of academic function
- acts of lewdness or any acts of immorality
- unauthorized collection of money

- forgery and/or tampering with official or academic records or any form of fraud
- scalping
- bribery
- computer security breach
- willful failure to comply with discipline related summonses
- any violation of the Data Privacy Act
- cybercrime
- violation of policies on the legal review of contracts
- violation of any provisions stated in the Zero Tolerance for all Forms of Violence Policy.
- other analogous cases where it involves moral turpitude.