

	DE LA SALLE-COLLEGE OF SAINT BENILDE			
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1. RATIONALE	1.1 It is the stand of De La Salle-College of Saint Benilde (DLS-CSB) to value the dignity of every human person and guarantee full respect for human rights. It is likewise the stand of the College to recognize the role of individuals who identify with all genders in nation-building and community-building and ensure fundamental equality before the law of all persons. The College also recognizes that individuals regardless of gender, must have equality, security, and safety not only in private but also in educational and training venues, workplaces, online spaces, and public spaces within the jurisdiction of the College. Along with the passage of Republic Act 11313 (also known as the Safe Spaces Act or Bawal Bastos Law) and the publication of its Implementing Rules and Regulations (IRR) , DLS-CSB implements this policy to parallel the IRR of RA 11313.
2. OBJECTIVES	2.1 To provide guidelines and mechanisms in the implementation of the IRR of RA 11313 as it falls within the jurisdiction of De La Salle-College of Saint Benilde.
3. SCOPE	3.1 This policy covers all students, associates, and partners of De La Salle-College of Saint Benilde (DLS-CSB). 3.1.1 Coverage and Jurisdiction Gender-Based Sexual Harassment (GBSH) may be committed by administrators, associates (whether full-time, part-time, consultant, with fixed-term contracts, or hired under a third-party contractor), students, institutional partners, and their employees and agents currently engaged with DLS-CSB, Benilde guests, and external participants of activities held in Benilde, or any person who has authority, influence or moral ascendancy over students, associates, and administrators. For DLS-CSB to have jurisdiction over complaints, the perpetrator must be connected to the College whether through enrollment or employment. 3.1.1.1 This policy only applies if the victim and perpetrator are both from Benilde (whether student, associate, or partner) and when the GBSH occurs within Benilde premises or online. 3.1.1.2 The policy also applies if the victim is not from Benilde and the perpetrator is from Benilde and the act is committed within Benilde premises.

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		3.1.1.3 In the event that the victim is from Benilde and the perpetrator is not from Benilde and the act is committed within Benilde premises, the College will provide assistance by cooperating with the appropriate government office/s according to existing policies and procedures. 3.1.1.4 Should both the victim and perpetrator not be from Benilde and the act is committed within Benilde premises, the College will provide assistance by cooperating with the appropriate government office according to existing policies and procedures. 3.1.2 Processing of complaints filed with the People and Organization Development Office (PODO), Center for Restorative Discipline (CRD), or the College's Gender Focal Person or Associate-in-charge will be processed according to existing policies and procedures. 3.1.3 This policy covers the existing and future establishments owned and operated by the College that are open to the public.
4. DEFINITION OF TERMS	4.1.	Associate – refers to current employees of DLS-CSB, whether permanent, probationary, or consultant, under a fixed-term or project-based contract.
	4.2.	Partners – refers to institutional partners and their employees and agents currently engaged with Benilde (ex.: community partners working with students under AEP, CSA, CSL), Third-party service contractors and their employees and agents; Benilde guests (ex.: panelists, mentors, other third parties invited to Benilde events and activities) and External participants of activities held in Benilde (as a venue)
	4.3.	Catcalling – refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
	4.4.	Cyberstalking – is a form of stalking that is committed through an electronic medium in which online communication takes place.
	4.5.	Gender – refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women and all other gender identities, and the relations between them.

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- 4.6. **Gender-based online sexual harassment** – refers to an online conduct targeted at a particular person that causes or is likely to cause another mental, emotional, or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft.
- 4.7. **Gender identity and/or expression** – refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, or may have been assigned a particular sex at birth but identifies with the opposite sex, or may have an identity that does not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.
- 4.8. **Homophobic remarks or slurs** – are any statements in whatever form or however delivered, which are indicative of fear, hatred, or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.
- 4.9. **Information and communication system** – refers to a system for generating, sending, receiving, storing, or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.
- 4.10. **Information and Communications Technology (ICT)** – shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present, and disseminate information.
- 4.11. **Misogynistic remarks or slurs** – are any statements in whatever form or however delivered, that are indicative of the feeling of hating women and other gender identities or the belief that men are inherently better than women and other gender identities.
- 4.12. **Public spaces** – refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets,

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5. POLICY STATEMENTS

spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.

4.13. **Sexist remarks or slurs** – are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women and other gender identities other than male.

4.14. **Transphobic remarks or slurs** – are any statements in whatever form or however delivered, that are indicative of fear, hatred, or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.

4.15. **Stalking** – refers to conduct directed at a person involving repeated visual or physical proximity, non-consensual communication, or a combination thereof that causes or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

4.16. **Student** – refers to a bona fide student of Benilde as defined in the applicable Student Handbook of DLS-CSB.

5.1 The following shall be considered acts of Gender-Based Sexual Harassment (GBSH) or violation of the Safe Spaces Act (RA 11313).

5.1.1 Gender-Based Sexual Harassment in the Workplace

The crime of GBSH in the workplace includes the following:

5.1.1.1 An act or series of acts involving any unwelcome sexual advances, requests, or demand for sexual favors or any act of sexual nature, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

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5.1.1.2 A conduct of sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;

5.1.1.3 A conduct that is unwelcome and pervasive and creates an intimidating, hostile, or humiliating environment for the recipient. GBSH in the workplace may also be committed between peers, and by a subordinate to a superior officer.

5.1.2 Gender-Based Sexual Harassment in Streets and Public Spaces

Gender-based streets and public spaces sexual harassment include, among others:

5.1.2.1 Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs;

5.1.2.2 Persistent uninvited comments or gestures on a person's appearance;

5.1.2.3 Relentless requests for personal details;

5.1.2.4 Statement of sexual comments and suggestions;

5.1.2.5 Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;

5.1.2.6 Any advances, whether verbal or physical, that are unwanted and have threatened one's sense of personal space and physical safety. This may include cursing, leering, intrusive gazing, and taunting;

5.1.2.7 Persistent telling of sexual jokes, use of sexual names; and,

5.1.2.8 Stalking

5.1.3 Gender-Based Online Sexual Harassment

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- Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through:
- 5.1.3.1 Physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic, and sexist remarks and comments online whether publicly or through direct and private messages;
 - 5.1.3.2 Invasion of the victim's privacy through cyberstalking and incessant messaging;
 - 5.1.3.3 Uploading and sharing without the consent of the victim any form of media that contains photos, voice, or video with sexual content;
 - 5.1.3.4 Any unauthorized recording and sharing of any of the victim's photos, videos or any information online;
 - 5.1.3.5 Impersonating identities of victims online or posting lies about victims to harm their reputation; or
 - 5.1.3.6 Filing false abuse reports to online platforms to silence victims.
- 5.2 The following shall be the duties and responsibilities of DLS-CSB with regard to the Safe Spaces Act.
- 5.2.1 Associate-in-Charge in DLS-CSB
- DLS-CSB designates the Office of the Vice President for Lasallian Mission and Student Life (OVPLMSL) to receive any complaints related to GBSH and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling. Towards this end, the DLS-CSB shall:
- 5.2.1.1 The OVPLMSL must be readily accessible to receive complaints on GBSH and shall ensure that received complaints are processed in a manner that is most efficient and convenient to the complainant.
- 5.2.1.1.1 The associate-in-charge shall also determine, upon receipt of the complaint, if

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the offended party needs immediate assistance, such as counseling, and/or medical services, and the same shall, to the extent possible, be provided, should the complainant choose to avail of such. The complaints shall be forwarded to the Committee on Decorum and Investigation (CODI) within forty-eight (48) hours from receipt therefrom.

5.2.1.1.2 The associate assigned to receive complaints shall be knowledgeable about gender, and gender-based violence such as sexual harassment, mental health, counseling, and other relevant knowledge and skills in handling the subject cases. The task will be part of the usual assignment of the office or the person, and will be included in the determination of salaries and benefits, if applicable, and, the performance shall be part of any regular work-related assessments.

5.2.1.2 Ensure confidentiality in the process of accepting the complaint. The area where the offended party may stay to receive counseling or narrate the incident shall be comfortable and safe, keeping in mind the privacy and general well-being of the offended party. Notwithstanding this provision, an offended party may directly file a complaint with the CODI.

5.2.2 Duties of DLS-CSB

DLS-CSB shall have the duty to prevent, deter, or punish the performance of acts of GBSH within its jurisdiction. The College and its members acknowledge that it shall have the following duties in accordance with RA 11313:

5.2.2.1 Disseminate or post a copy of the law within the campuses and facilities of DLS-CSB and its online spaces, ensuring that it is easily visible to the members of the Community. OVPLMSL with the assistance of the Social Development Council shall take the lead in an institutional campaign for the awareness of the law; b) PODO, CRD, and CSL (through the Student

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Government and Accredited Student Organizations) shall coordinate to ensure participation of all associates and students in a sustained information campaign. Information, education, and communication (IEC) materials for such awareness campaigns may include all forms of media condemning different forms of GBSH, informing the public of penalties for committing GBSH, and infographics of hotline numbers of authorities.

5.2.2.1.1 In addition, these offices and centers shall ensure that all forms of GBSH covered by the law will be included in the communication plans and awareness campaigns

5.2.2.2 Disseminate or post the Policy on the Implementation of the Safe Spaces Act (RA11313) to all members of the Community.

5.2.2.3 Conduct regular orientation and appropriate training on gender-based laws including RA11313, related College policies, and other gender and development (GAD) related topics to all members of the Community.

5.2.2.4 Ensure that the provisions and measures of RA11313 and related College policies are included in manuals of operations such as the Student Handbook, Faculty Handbook, and Support and Administrative Staff Handbook, among others.

5.2.2.5 Create an independent internal mechanism or CODI to investigate and address complaints of GBSH which shall carry out such functions in alignment with Section 22(c) of RA11313, and as further outlined in Section 33 of its IRR.

5.2.3 Duties of Students, Associates, and Partners of DLS-CSB

The following provisions are the duties and responsibilities of the students, associates, and partners of DLS-CSB.

5.2.3.1 Refrain from committing acts of GBSH;

5.2.3.2 Discourage the conduct of GBSH in the workplace;

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5.2.3.3 Provide emotional or social support to fellow students, associates, or partners who are victims of GBSH; and

5.2.3.4 Report acts of GBSH witnessed in DLS-CSB and online spaces. Reports may be made by any person to the OVPLMSL who serves as the GAD focal person of the College. A report may be anonymous and, unless made by the victim in their own name, shall not constitute a formal complaint. Any such report shall constitute sufficient notice to the associate-in-charge of DLS-CSB, who shall thereafter verify and refer the matter to the CODI. A student, associate, or partner may choose to report directly to the CODI, in which case the CODI guidelines and procedures shall be observed.

5.2.4 Grievance Procedures Handling Complaints on Acts of GBSH

Within one hundred fifty (150) days from the effectivity of these rules, DLS-CSB shall reflect the Policy on Implementation of the Safe Spaces Act (RA11313) in its grievance procedures as published in official media; to facilitate the filing of complaints by student, associates, and partners. The pendency of the adoption or absence of such grievance procedures shall not prevent DLS-CSB from immediately addressing GBSH based on the law and these rules.

5.2.4.1 Even if an individual does not want to file a complaint or does not request that DLS-CSB take any action on behalf of a student, associate, or partner, and school authorities have knowledge or reasonably know about a possible or impending act of GBSH or sexual violence, DLS-CSB should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of GBSH or sexual violence were committed and take appropriate steps to resolve the situation. If DLS-CSB knows or reasonably should know about acts of GBSH or sexual violence that could have been committed that create a hostile environment, the College must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects. This shall include the conduct of an investigation, on its own initiative, and referral of the offended party for appropriate psychosocial or medical services.

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- 5.2.4.2 Should the individual choose to file a complaint, they are strongly encouraged to immediately submit a written complaint and a report of the incident to the OVPLMSL, PODO, or CRD. Such complaint shall contain the following information: (1) Specific act/s allegedly committed by the perpetrator; (2) the date, time, place, and witnesses (if any); and (3) such other proof as may be necessary to support the complainant's allegations. If the complainant's report is coursed through the concerned administrator, the latter shall transmit the report to the OVPLMSL within three (3) working days upon its receipt. The concerned administrator may be held liable for non-compliance to his provision in the absence of any justifiable reason(s).
- 5.2.4.3 The OVPLMSL shall convene the Committee on Decorum and Investigation (CODI) and forward the complaint to CODI within forty-eight (48) hours from receipt of the complaint. OVPLMSL shall identify and appoint the CODI members based on the provisions of this policy and on the nature of the complaint.
- 5.2.4.4 The CODI of DLS-CSB shall address GBSH and online sexual harassment in accordance with the rules and procedures contained in the College's manuals and handbooks provided that they conform to the provisions required under the law and its rules. The CODI shall, at all times, observe due process and, investigate and decide on written complaints within ten (10) working days or less upon receipt thereof, provided that the required documentation is complete. The submission of documentation, responses and pieces of evidence shall follow the allowable maximum of five (5) school/working days for submission. Otherwise, the parties' right to respond shall have been waived and the case shall be resolved based on the submitted documents.
- 5.2.4.5 The findings and recommendations of the Committee shall be submitted to the OVPLMSL for final review and endorsement of the decision to the Chancellor.
- 5.2.4.6 The Chancellor's decision on the case shall be final and executory.

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- 5.2.4.7 Once a perpetrator who is a student or alumni is found guilty by the CODI, DLS-CSB may reserve the right to strip the diploma from the perpetrator or issue an expulsion order following the guidelines set by the Commission on Higher Education (CHED), Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), among others.
- 5.2.4.8 In all instances, the confidentiality of the proceeding shall be protected. Notwithstanding the prompt obligation of DLS-CSB to investigate, it shall respect the privacy of the victim and exert efforts to determine the readiness and willingness to pursue a case against the perpetrator. In the event that the victim decides to go to court, it shall be incumbent upon the College to make the proper referral for legal assistance.
- 5.2.5 Committee on Decorum and Investigation (CODI)
The CODI shall serve as an independent internal grievance mechanism that will act as the main body in the investigation and resolution of cases involving GBSH in the workplace and educational and training institutions.
- 5.2.5.1 The VPLMSL shall appoint the members of the CODI. Benilde's CODI shall be composed of at least one (1) representative each from the school administration, an associate as assigned by the Benilde Administrative and Support Personnel Association (BASPA) or Faculty Association (FA), a student, a representative from PODO, CRD, and RMCO. The administrator serves as the chairperson of the Committee. Other groups may be added to the CODI as may be applicable.
- 5.2.5.2 The VPLMSL ensured that there is equal representation of persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. Aside from the regular members of the CODI, VPLMSL must designate their respective permanent alternate who shall act on their behalf in case of absence of the regular member and must have the authority to render a decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.
- 5.2.5.3 Every CODI shall be headed by a woman and not less than half of its members shall be women.

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- 5.2.5.4 Every CODI shall be composed of members who should be impartial and not connected or related to the alleged perpetrator within the fourth degree of consanguinity or affinity and have no prior record of involvement as a respondent, defendant, or accused in any case of whatever nature on Sexual Harassment. Further, in case of relation by consanguinity or affinity to either the complainant or respondent, the CODI member shall inhibit from participating in any part of the proceeding, or be substituted by another.
- 5.2.5.5 The complainant or the respondent may request a member of the CODI to inhibit, or the CODI member may, on their initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.
- 5.2.5.6 The CODI shall, at all times, observe due process and, investigate and decide on written complaints within ten (10) working days or less upon receipt thereof, provided that the required documentation is complete. The submission of documentation, responses, and pieces of evidence shall follow the allowable maximum of five (5) school/working days for submission. Otherwise, the parties' right to respond shall have been waived and the case shall be resolved based on the submitted documents. It shall ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible. The ten-day period will not include the period of appeal which shall be available to either party.
- 5.2.5.7 The CODI, in accordance with the Code of Conduct, shall ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes. An appeal process will be ensured.
- 5.2.5.8 The CODI shall ensure the protection of a complainant from retaliation without causing them any disadvantage, diminution of benefits, or displacement, and without compromising their security of tenure.

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5.2.5.9 It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

5.2.6 Liability of DLS-CSB

In addition to liability for committing acts of GBSH, DLS-CSB or its student, associate or partner may also be held responsible for:

5.2.6.1 Non-implementation of their duties according to RA11313, as provided in the penal provisions. Upon conviction in a court of law, violators shall be penalized with a fine of not less than Five Thousand Pesos, (P5,000.00) nor more than Ten thousand pesos (PHP 10,000.00).

5.2.6.2 Failure to act on reported acts of GBSH committed in DLS-CSB or online spaces. Upon conviction in a court of law, violators shall be penalized with a fine of not less than Ten Thousand Pesos (PHP 10,000.00) nor more than Fifteen Thousand Pesos (PHP 15,000.00).

5.2.6.3 These shall not preclude the filing of administrative cases against the school head with the appropriate disciplinary authority.

5.2.6.4 The failure of the DLS-CSB to act on reports may make it liable under Section 19 (b) of RA11313.

5.2.6.5 The failure of the CODI to act on reports shall be subject to the penalties in the Code of Conduct to be developed in accordance with Section 32 of these rules.

5.2.7 Liability of Students

Students who are found to have committed acts of GBSH shall only be held liable for administrative sanctions by the College as stated in the Student Handbook.

5.2.8 Independent Action for Damages

Nothing shall preclude the victim of education or training-related GBSH from instituting a separate and independent action for damages and other affirmative relief.

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5.3 DLS-CSB shall follow the Other Provisions indicated herein based on RA 11313.

5.3.1 Gender-Based Streets and Public Spaces Sexual Harassment

The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

5.3.2 Gender-Based Sexual Harassment (GBSH) in Campus Venues, Buildings, and Other Privately-Owned Places Open to the Public

The management of campus venues, buildings, and other privately owned places open to the public shall adopt a policy of zero tolerance in their establishments against gender-based street and public spaces sexual harassment. Such policy, which shall apply to all persons who are within its area or vicinity, shall include:

5.3.2.1 Measures to prevent the occurrence of GBSH in such places, including among others:

5.3.2.1.1 Installation of clearly visible warning signs in Benilde premises against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number(s), which may include that of the nearest police station, in bold letters. The warning signs must be readable, written in a language that is understandable by customers, and placed in a conspicuous area within the vicinity of the establishment.

5.3.2.1.2 Designation of the VPLMSL and other identified associates to receive GBSH complaints. Provided that, the officer must be competent and knowledgeable on GBSH and on the appropriate assistance to be provided to victims.

5.3.2.2 Measures to address the occurrence of GBSH in such places, including, among others:

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5.3.2.2.1 Provision of assistance to victims of GBSH by coordinating with local police authorities immediately after GBSH is reported. This includes accompanying the victim to the police authorities, whenever necessary;

5.3.2.2.2 Where it is required, and/or whenever possible, installation of functional closed-circuit television (CCTV) cameras. To the extent possible, the CCTV footage shall be made available to victims of GBSH as part of the package of assistance

5.3.2.2.3 Making CCTV footage available when ordered by the court. This is without prejudice to the prerogative/practice of establishments to make CCTV footage accessible even without a court order;

5.3.2.2.4 Provision of a safe gender-sensitive environment to encourage victims to report GBSH as soon as it happens. This includes, among others, having a secure and private area where the victim can narrate the events of GBSH, and whenever possible, providing an online platform for reporting GBSH incidents;

5.3.2.2.5 Development of protocols to be followed in cases of GBSH within Benilde premises. This shall include procedures to speedily and effectively address reports and/or complaints of instances of GBSH. The complaint may be made immediately in person or online to the management of these places that are open to the public.

5.3.3 Gender-Based Sexual Harassment in Public Utility Vehicles (PUV)

In cases of GBSH in PUVs, if the perpetrator is a student or associate of DLS-CSB, the individual who experienced said harassment may file a complaint with the College. In case the perpetrator is a driver of a PUV and the individual who experiences harassment is a student or associate of DLS-CSB,

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the College may assist in forwarding a complaint to the concerned government agency/agencies.

5.3.4 Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors

In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures and diversion programs as provided for under R.A. No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006". The program shall include age-appropriate gender sensitivity training and anti-sexual harassment awareness activities.

5.3.4.1 The rules and regulations issued to implement R.A. No. 9344 as amended by R.A. No. 10630 shall govern when the offense is committed by a minor.

5.3.5 Duties of Local Government Units (LGUs)/SEC. 10. Role of the DILG./SEC. 11. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces

DLS-CSB acknowledges the roles and duties of LGUs and other government agencies under the provisions of RA11313, and when proper shall forward the reports of conducts of GBSH to the proper offices/agencies.

5.3.6 Support Parties Involved in GBSH-Related Court Proceedings

When a case is brought before the appropriate courts, DLS-CSB shall give due consideration to parties involved in court proceedings with respect to school or work requirements, such as excusing their absences from classes when they need to attend court hearings and allowing for filing of official business for associates.

5.3.7 Confidentiality

At any stage of the investigation, of an offense under R.A. No. 11313, the rights of the victim and the accused shall be recognized.

5.3.7.1 In all cases of GBSH as enumerated in the law, the confidentiality of records on the victim, and when the accused is a minor will be protected.

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5.3.8 Restraining Order

Upon issuance of a restraining order from the court, the DLS-CSB shall ensure, as far as practicable, compliance to the said Order inside school premises.

5.3.9 Remedies and Psychological Counseling

DLS-CSB shall encourage victims of gender-based street, public spaces or online sexual harassment to avail of appropriate remedies as provided for under the law as well as psychological counseling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Likewise, the College encourages victims of workplace and school-based GBSH to avail of psychological counseling and other remedies provided by the Benilde Well-being Center.

5.3.10 Administrative Sanctions

The imposition of penalties outlined under R.A. No. 11313 is without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

5.3.11 Exemptions

Acts that are legitimate expressions of Indigenous culture and tradition, as well as breastfeeding in public shall not be penalized. Expressions of indigenous culture and tradition include, among others, the wearing of traditional attires of tribes or clans that may show partial nudity. Provided that, such expressions of indigenous culture and tradition do not discriminate against women, girls, and persons of diverse sexual orientation, gender identity, and expression.

5.3.12 Prescriptive Period

Any action arising from the violation of any of the provisions of R.A. No. 11313 shall prescribe within one year provided that necessary documentation is submitted within the one year prescription period.

5.4 Alignment with Applicable Government Regulations

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6. EFFECTIVITY CLAUSE

- 5.4.1 The College shall recognize, align with, and adopt the relevant government regulations concerning the implementation of Republic Act No. 11313, also known as the Safe Spaces Act or Bawal Bastos Law. These regulations are as follows:
- 5.4.1.1 Commission on Higher Education (CHED) Memorandum Order No. 03 Series of 2022 Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions (Refer to Appendix A);
 - 5.4.1.2 Department of Education (DepEd) Division Memorandum 160 Series of 2024 Guidelines on the Implementation of the Safe Spaces Act in Basic Education (Refer to Appendix B)
- 5.4.2
- 5.5 Review of Policy
- 6.1 This policy shall take effect upon approval and publication in official handbooks and media and shall remain in effect unless superseded by subsequent policies or guidelines.

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APPENDIX A

Commission on Higher Education (CHED) Memorandum Order No. 03 Series of 2022
Guidelines on Gender-Based Sexual Harassment in Higher Education Institutions

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APPENDIX B

Department of Education (DepEd) Division Memorandum 160 Series of 2024
Guidelines on the Implementation of the Safe Spaces Act in Basic Education

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