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DISCIPLINE SYSTEM

Educational goals, aims and objectives can only be realized if there is order and discipline, cooperation and sensitivity to others. SMCL strives to develop self – discipline among its pupils and students at a level consistent with the accomplishment of school work. Good school discipline shall be maintained inside the school campus as well as outside the school premises when pupils or students are engaged in activities authorized by the College. School officials and academic personnel have the right to enforce the school policies and rules of discipline.

The College has its Discipline Committee that shall be composed of a Chair and two members and their alternates who are appointed by the President from names recommended by their respective sectors.

The Chair shall come from the Administration (School Dean/Director), while the two members and their alternates each represents the faculty and the students.

All cases involving students under the Student Handbook 2007-2008 shall be subject to the jurisdiction of the Discipline Committee. The fact that the misconduct has been committed outside SMCL premises is not a defense if it involves one's status as a student or affects the good name or reputation of SMCL or disrupts is regular academic process.

The Deans and the Directors have the direct supervision over their students and handle the disciplinary cases in coordination with the Center for Students and Co-curricular Affairs and Guidance and Counseling Center (now Counselling & Career Services Center).

SMCL enforces measures promulgated by the Commission on Higher Education provided under Article XIV Section 17 of the Manual of Regulations, 8th Edition and the Manual of Regulations for Private Higher Education.

DUE PROCESS

In the investigation of a disciplinary case, due process is observed according to established procedure. Due process exists for the protection of the students, whether the offender or the complainant. The procedure for major offenses is as follows:

1. A formal complaint in writing, preferably under oath, may be filed by the aggrieved party, any school officer or personnel, or any person having direct knowledge of the commission of act complained of, or by the College itself (as complainant). The complaint should state the following:
 - 1.1 The name of the student against whom the complaint is filed (respondent); and
 - 1.2 A narration of pertinent facts and circumstances of the act or acts complained of.
2. In every instance when an offense shall have been discovered by or reported to any school officer, the said school officer should if possible, secure independent written statements from the persons who witnessed the commission of the offense or complainants, if any. Likewise, the school officer must take custody of all items relating to the offense and make a record of the effects of the offense committed. All statements must be signed by the person making it, and if possible, made under oath.
3. Whenever circumstances warrant, the school officer that discovered the offense may secure a separate written statement from the alleged offender detailing his version of the incident. This statement must also be signed by the offender, and if possible, made under oath.
4. After collating statements, items and records, the school officer may prepare a preliminary report detailing the circumstance in which the alleged offense was committed, identifying the person (s) bringing the complaint if any, and the person(s) who are purportedly responsible for the offense, and listing the items, statements and records taken. The said official should then endorse such documents and evidence to the School **Dean/Director** for evaluation.

5. Should the School Dean/Director seek to clarify the matter further, he/she will summon such persons who are allegedly involved in the offense for further inquiry. The Dean shall notify each respondent and his/her parents/guardians in writing of the offense(s) charged against him/her.
6. The School Dean/Director shall reduce such inquiry into writing, signed by the person(s) so called. Should the Dean/Director find it necessary, he / she may immediately recommend the Preventive Suspension of the alleged offender(s).
7. If the School Dean/Director is satisfied that all necessary facts have been included in the investigation, he/she shall then prepare a final report of the incident, stating the circumstances under which the offense was committed, the identity of the purported offender(s), the reason why he/she has determined the identity of the offender(s) (i.e. admission of guilt, identified by eyewitnesses, caught in the act), the exact offense(s) allegedly committed by the offender and the corresponding penalty provided for in the Manual for the offense(s) committed. If the Dean/Director should deem necessary, he / she may recommend leniency or a more severe penalty and justify the imposition of such penalty.
8. The report shall be turned over to the Discipline Committee, along with copies of the statements, records and such other supporting documents. The Committee shall convene a hearing with the alleged offender to confront the same with the evidence against him. At least five days prior to the scheduled conference, the respondent and his/her parents/guardians shall be notified in writing of the charges against the student, with a copy of the complaint attached.
9. The respondent shall be required to answer the complaint in writing under oath within three days from receipt of the charge.
10. Upon receipt of the answer or if no answer is filed within three days, the Committee shall schedule the case for hearing. The corresponding written notice, which is mandatory, shall be issued to the parties and the parents or guardians of the respondents.
11. A hearing before the Committee shall be summary in nature and cross-examination is not essential. However, the Committee should ensure that the following standards required by due process in discipline cases are satisfied:
 - 11.1 The respondent should have been informed in writing of the nature and cause of the accusation against him; if the student is a minor, it is mandatory for his/her parent/guardian to be furnished with a copy of the show-cause letter.
 - 11.2 The respondent should have been granted the right to answer the charges against him/her;
 - 11.3 The respondent should be informed of the evidence against him/her;
 - 11.4 The respondent is given the right to adduce evidence in his/her own behalf;
 - 11.5 Such evidence shall be considered by the Committee;
 - 11.6 In all stages of the proceedings, the respondent shall have the right to assistance of a counsel of his choice.
12. If the Committee feels that all the arguments have been evaluated and addressed, and a decision could be made on the matter, the Committee may hand down the decision on the matter either independently or in consultation with other school officials, informing the parties concerned, in writing, of the said decision.
13. Should anyone appeal the decision of the Discipline Committee, he / she must take the appeal to the President/CEO in writing, within five (5) working days from the receipt of the decision, otherwise, the decision becomes final and executory.
14. In case where the appeal is found to be meritorious and with basis, the President may take such steps he / she may deem proper to re-evaluate the Discipline Committee's decision and the penalty imposed/action taken. If the penalty imposed by the Committee is suspension or higher, the matter would automatically be brought to the President/CEO for review.
15. The President's decision shall be final and non-appealable.

LOURDES ALMEDA-SESE, Ed.D.
President