

**Article 8**  
of the  
**Students Rights, Duties and Responsibilities, Conduct and Discipline**  
of the  
**JRMSU Code**

**Procedure in the Filing of Complaint**

Section 448 The complainant or aggrieved parties shall put the complaints in writing and sworn to by the complainant. The complaint shall state the full name and address of the complainant-plaintiff and the College to which he/she belongs; the substance of the claim evidence in support of the complaint if any; certification of non-forum shopping (in case of faculty and employee) made; grounds of action; the relief sought and the date the claim arose.

Section 449 The written complaint shall be filed with the Board of Discipline through office of the student affairs in case of students, and to the Grievance Committee in case of faculty or employee. The Board of Discipline and Grievance Committee shall perform the following:

- a. Conduct a preliminary hearing by probing questions to the complainant and the witness he/she may produce;
- b. Upon probable cause, the Board of Discipline/Grievance Committee shall issue a summon to the respondents.

Section 450 The respondents upon receipt of the summons shall answer the complaint within three (3) days in writing, either denying specifically the material allegations of the complainant alleging any lawful defense or confirming the allegations raised or in the case of the faculty/employee shall submit a counter - affidavit/comment under oath within 3 days upon receipt furnishing a copy to the complaint.

Section 451 In any action, after receipt of the answer of the defendant, the Chairman of the Board of Discipline/Grievance Committee shall call upon the parties to appear before him/her for conference in order to consider the following:

- a. Simplification of issues;
- b. Possibility of obtaining stipulations or admission of facts and of documents to avoid unnecessary proof;
- c. Consideration of other matters that may aid in the prompt disposition of the action;
- d. Possibility of amicable settlement in cases that can be settled.

Section 452 Preliminary Investigation -shall be conducted by Board of Discipline/ Grievance Committee which involves the ex parte examination of the documents submitted by the complainant and the person complaint to, as well as the document available.

During the preliminary investigation, proceeding shall be held under strict confidentiality.

Section 453 Duration of the Investigation - a preliminary investigation shall commence not later than five (5 days) from receipt of the complaint and shall be within fifteen (15) working days.

Section 454 After the trial has been set, the Board of Discipline/Grievance Committee en banc shall follow the following order, in the conduct of the formal investigation:

a. The Board of Discipline/Grievance Committee shall hear first the testimony of the complainant and his/her witnesses;

b. Then, it listens to the testimony of the defendant and his/her witnesses;

c. And, finally, hears the rebutting testimony that is offered by the complainant and the defendant.

Section 455 Investigation Report - within five (5) working days from the termination of the preliminary investigation, the Board of Discipline / Grievance Committee shall submit the investigation report and the complete records of the case to the University President.

Section 456 The Board of Discipline/Grievance Committee shall render judgment in favor of the complainant or for the defendant three (3) days after trial and on the basis of the law and evidence presented.

Section 457 The decision of the majority of the quorum (1/2 plus 1) shall be necessary to pass judgment. Provided, that, a unanimous vote of the members present during the deliberation of the case shall be necessary for the imposition of either dismissal or expulsion; Provided, further, that failure to obtain a unanimous vote shall automatically call for the imposition of the lesser penalty of suspension. It shall be the duty of all members present to cast their vote. There shall be no abstentions.

Section 458 If the complainant does not appear at the time and place designated in the summons or in subsequent order without any justifiable cause, the Board of Discipline/Grievance Committee shall dismiss the complains.

Section 459 Judgment by default. If the defendant does not answer the complaint and does not appear without justifiable cause during the pre-trial, he/she may be declared in default. The Board of Discipline/Grievance Committee shall thereupon proceed to hear the testimony of the complainant and his/her witnesses, and shall render judgment in favor of the complainant in accordance with the facts alleged and proved.

Section 460 Promulgation of judgment by the Board of Discipline. In cases where the penalty imposed shall fall under major offenses, after thorough deliberation and evaluation of the merits of

the case, the Board of Discipline shall render its decision in the presence of the parents or a representative of both, the plaintiff and defendant.

Section 461 Execution for minor offense of students. Execution is issued upon final judgment of the Board of Discipline. For major offenses, execution shall be issued after the terms for perfecting appeal to the President of the State University has expired or after no appeal has been made.

Section 462 Decision After Preliminary Investigation By The Grievance Committee. If a prima facie case is established during the investigation, a formal charge shall be issued by the Grievance Committee with confirmation of the University President within 3 working days from receipt of the investigation report. In the absence of a prima facie case, the complaint shall be dismissed within the same period.

Section 463 Formal Charge. After finding a prima facie case, the Grievance Committee with confirmation of the University President shall formally charge the person complained of. The formal charge shall contain a specification of the charge (s) a brief statement of material or relevant facts, accompanied by certified true copies of documentary evidence. If any, sworn statements covering the testimony of witnesses, a directive to answer the charge (s) in writing under oath in not less than 72 hours from receipt, thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge, and a notice that he/she is entitled to be assisted by a counsel of his/her choice.

If the respondent has submitted his/her comment and counter affidavit during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.

The Grievance Committee shall not entertain requests for clarification, bills of particular or motions to dismiss which are obviously designed to delay the administrative proceeding. If any of these pleadings is filed as part of his/her answer which he/she may file within the remaining period for filing the answer.

Section 464 The Answer - The answer must be in writing and under oath, shall be specific and shall contain material facts and applicable laws , if any including documentary evidence, sworn statements covering testimonies of witnesses, If there be any, in support of respondent case. It shall also include also a statement indicating whether he/she elects a formal investigation.

Section 465 Failure to File Answer - If the respondent fails or refuses to file his/her answer to the formal charge within seventy-two hours from receipt thereof without justifiable cause, he/she shall be considered to have waived his right there to and formal investigation may commence.

Section 466 At any time after the service of the formal charge against the faculty/employee, the University President upon the recommendation of the Grievance Committee may order the preventive suspension of the respondent during the formal charge.

Section 467 Duration of Preventive Suspension - When the Administrative case against the faculty/employee respondent under preventive suspension is not finally decided within the ninety (90) days after the date of his/her preventive suspension, unless otherwise provided by a special law, he/she shall be automatically reinstated into the service. Provided, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of the delay should not be included in the country of the ninety (90) Calendar days period of preventive of preventive suspension. Provided, further, that should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been duly enjoyed.

Section 468 Remedy from the Order of Preventive Suspension. The respondent faculty/ employee may file a motion for reconsideration with the Grievance Committee or may elevate the same fo the Board of Regents by way of an appeal within fifteen (15) days from receipt thereof.

Section 469 Conduct of Formal Investigation. Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the Grievance Committee if it deems such an investigation is necessary to decide the case judiciously. It shall be held not later than ten (10) days from receipt of the respondents answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge on the receipt of the answer unless the period is extended by the Grievance Committee in meritorious cases.

Section 470 Continuous hearing until terminated;

Postponement - Hearings shall be conducted on the hearing dates set by the Grievance Committee or as agreed upon a pre - hearing conference; where no pre - hearing conference is conducted, the parties, their counsels and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing, specifying the time, date and peace of the said hearing and subsequent hearings. Thereafter, the schedule of hearing previously set shall be strictly followed without further notice, A party shall be granted only three (3) postponements upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Grievance Committee.

If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed ex-parte and the respondent is deemed to have waived his/her right to be present and to submit evidence in his/her favor during those hearings.

Section 471 Preliminary Matters -At the start of the hearing, the Grievance Committee shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If the faculty/employee respondent appears without the aid of the counsel, he/she shall be deemed to have waived his right to counsel.

Before taking the testimony of a witness, the Grievance Committee shall place him/her under oath and then take his/her name, address, civil status, age and place of employment.

Section 472 Appearance of Parties - Any person representing any of the parties before any hearing shall manifest orally or in writing his/her appearance for either the respondent or complainant stating his/her full name and exact address where he/she can be served with notices other documents. Any pleading or appearance made without complying with the above stated requirements shall not be recognized.

Section 473 Order of Hearing - Unless the Grievance Committee directs otherwise, the order of hearing shall be as follows:

- a. The complainant shall present evidence in support of the charge;
- b. The respondent faculty/employee shall then offer evidence in support of his/her defense;
- c. The complainant may then offer rebuttal evidence, and the respondent, counter - rebuttal evidence;

Every witness may be examined in the following order:

- a. Direct examination by the proponent;
- b. Cross examination by the opponent;
- c. Re - direct examination by the opponent;
- d. Re - cross examination by the opponent;

A sworn statement of a witness properly identified and affirmed by the witness before the Grievance Committee shall constitute his/her direct testimony.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. Thereafter, both parties may be given opportunity and time to submit their respective memorandum which in no case shall not be beyond five (5) days after the termination of the investigation. Failure to submit the memorandum within the period shall be considered a waiver there of.

Section 474 Objections - All objections raised during the hearing shall be resolved by the Grievance Committee. However, objections that cannot be ruled upon by the Grievance Committee shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the University President.

The Grievance Committee shall accept all evidence deemed material and relevant to the case. In the case of doubt, the Grievance Committee shall allow the admission of evidence subject to the objection interposed against its admission.

Section 475      Markings - All documentary evidence or exhibits shall be properly marked by letters ( A, B, C, etc.) if presented by the respondents. These shall form part of the complete records of the case.

Section 476      Request for Subpoena - If a party desires the attendance of a witness or the production of documents, he/she shall make a request for the issuance of the necessary subpoena, at least three (3) days before the scheduled hearing.

Section 477      Issuance of Subpoena. The Grievance Committee may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena duces tecum for the production of documents or things.

Section 478      Records of Proceedings - The proceedings of the formal investigation must be recorded. Any motion, petition, appeal and other pleading sent by mail shall be deemed filed on the date shown by the postman.

Section 479      Effect of the Pendency of an Administrative Case - The pendency of any administrative case shall not disqualify the respondent from promotion or from claiming maternity/paternity benefits. For this purpose, a pending administrative case shall be construed as pending when the Grievance Committee recommends the formal charge and is confirmed by the University President.

Section 480      Formal Investigation Report - Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings, and the evidence supporting said findings, as well as the recommendation, shall be submitted by the Grievance Committee to the University President. The complete records of the case shall be attached to the Report of Investigation.

A Table of Contents shall be prepared. Whoever is in-charge of the records shall be held responsible for any loss.

Section 481      When Case Is Decided. The University President shall render his decision on the case within thirty (30) days from receipt of the Report of Investigation. Where the penalty of suspension for not more than thirty (30) days or a fine is imposed or suspension exceeding thirty (30) days shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.