

Chaoyang University of Technology Regulations on the Prevention of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus

Promulgated by the 1st Administration meeting in 2005 fall semester (November 2nd, 2005)

Amended by the 1st Administration meeting in 2008 fall semester (October 22nd, 2008)

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Chapter 1 General Provisions

Article 1 Chaoyang University of Technology Regulations on the Prevention of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus (hereafter referred to as the Regulations) are prescribed in order to promote prevention education of campus sexual assault, sexual harassment, or sexual bullying. These regulations are drawn according to Article 20 in the Gender Equity Education Act (hereafter referred to as the Act) and Regulations on the Prevention of Sexual Assault, Sexual Harassment, or Sexual Bullying on campus promulgated by the Ministry of Education.

Article 2 Definitions of terms of Article 2 of the Act are as follows:

1. Sex equity education: to generate respect for gender diversity, eliminate gender discrimination and promote substantive gender equity through education.
2. Sexual assault: any sexual offense defined by the Sexual Assault Prevention Act.
3. Sexual harassment: cases described by the following and do not constitute as sexual assaults:
 - i) Unwelcome remarks or conducts that carry explicitly or implicitly a sexual or gender discriminating connotation and thereby adversely affect the other party's human dignity, or the opportunity or performance of her or his learning or work.
 - ii) A conduct of a sexual or gendered nature that is served as the condition for oneself or others to gain or lose rights or interests in learning or work.
4. Sexual bullying: ridicule, attacks, or threats directed at another person's gender characteristics, gender temperaments, sexual orientation, or gender identity by using verbal, physical or other forms of violence will be under the category of sexual bullying not sexual harassment.
5. Sexual assault, sexual harassment, or sexual bullying on campus: sexual assault, sexual harassment, or sexual bullying that involves a school's principal, faculty or staff member, or a student as one party and a student as the other party.

The term gender identity used in the 4th paragraph is referred to an individual's awareness and acceptance of his or her own gender.

Definitions of the terms teacher, staff, and student used in the 5th paragraph of Article 1 drawn according to Article 9 in Regulations on the Prevention of Sexual Assault, Sexual Harassment, or Sexual Bullying on campus are as follows:

1. Teacher: full-time teacher, part-time teacher, long-term or short-term substitute teacher,

- nursing teacher, military instructor, and other instructor, researcher, or teaching intern.
2. Staff: person (s) carrying out administrative or general affairs in the school who are not teachers as defined in the preceding subparagraph.
 3. Student: person (s), international students, or exchange students studying or receiving extension education

Article 3 The school shall affirmatively promote prevention education of campus sexual assault, sexual harassment, or sexual bullying to enhance the knowledge and ability of faculty, staff, and students to respect sexuality or body autonomy of others and of one's own. The following measures shall also be taken:

1. Regularly hold educational activities of prevention of campus sexual assault, sexual harassment, or sexual bullying for faculty, staff and students and evaluate the effectiveness of these activities.
2. Regularly hold in-service education programs each year for personnel of the Gender Equity Education Committee or agencies related to the handling of campus sexual assault, sexual harassment, or sexual bullying cases.
3. Encourage the aforesaid personnel to participate in on and off campus seminars on the handling of campus sexual assault, sexual harassment, or sexual bullying cases; allow them to register as official leaves and subsidize the expense.
4. Promulgate these Regulations through a wide range of channels; include them in faculty and staff employment contracts and student handbooks.
5. Encourage the victim or the offense-reporter in a campus sexual assault, sexual harassment, or sexual bullying case to apply for an investigation or file a report at the earliest possible in order to facilitate evidence collection, investigation, and handling.

Article 4 The school shall compile information on prevention and relief of campus sexual assault, sexual harassment, or sexual bullying; actively provide the information to relevant personnel upon handling such cases.

The aforesaid information shall contain the following items:

1. Definition, types and pertinent laws of campus sexual assault, sexual harassment, or sexual bullying cases.
2. The rights of the victim and the necessary assistance provided by the school.
3. Mechanisms of investigation application, reapplication, and relief.
4. Related competent authorities and authorized agencies.
5. Organizations and networks that provide resources and support.
6. Other matters deemed necessary by the school's Gender Equity Education Committee.

Chapter 2 Campus safety plan

Article 5 In order to prevent campus sexual assault, sexual harassment, or sexual bullying from happening, the school shall take the following measures:

1. Regularly inspect the overall safety of the campus environment and evaluate the utilization of campus space and facilities in terms of space arrangement, management and security, sign system, rescue system and safety route, lighting and space permeability, and other matters concerning space safety.
2. Make records of campus zones where a sexual assault, sexual harassment, or sexual bullying has occurred, make campus space inspection reports, and produce a map of

campus hazard zones according to practical needs so as to facilitate the improvement of the campus environment.

The plan of campus space and facilities aforementioned shall take people with disabilities or different languages and cultures into account in order to provide necessary safety plan and instructions. The plan shall include the dormitory, toilets, and school buses on campus.

Article 6 The school shall regularly hold campus space safety inspection workshops and invite professional space designers, faculty members, staffs, students, and other users of the campus to participate in. The school shall also publicize the inspection results, the inspection reports and the pertinent records mentioned in the preceding Article, and inspect the improvement progress of the hazard zones on campus.

Chapter 3 Matters needing attention regarding instruction and interpersonal interaction on and off campus

Article 7 In their instruction and interpersonal interactions on and off campus, faculty members, staff, and students shall respect gender diversity and individual differences.

Article 8 Teachers shall not develop intimate relationships that violate professional ethic codes with the student under their instruction, guidance, training, evaluation, management, consultation, or when providing students employment opportunities.

When the teacher realizes that his or her relationship with the student may violate the aforesaid professional ethic codes, the teacher shall voluntarily avoid giving instruction, guidance, training, evaluation, management or consultation to the student and report to the school.

Article 9 The faculty members and staff shall respect others sexuality or body autonomy as well as that of one's own. They shall not apply the usage of forcible or violent means to handle conflicts related to sex or gender. Article 8 and Article 9 shall be included in faculty and staff employment contracts and student handbooks.

Chapter 4 Handling mechanisms, procedures, and relief methods of campus sexual assault, sexual harassment, or sexual bullying cases.

Article 10 Campus sexual assault, sexual harassment, or sexual bullying cases prescribed in the seventh subparagraph of Article 2 of the Act shall include the cases that occur between different schools.

Article 11 The victim, his or her guardian (hereafter referred to as the applicant), or the offense-reporter of a campus sexual assault, sexual harassment, or sexual bullying case may apply for an investigation in writing to the offender's school when the offense occurred. However, if the school principal or president is the offender, the investigation application shall be submitted to the school's competent authority. If the teacher is the offender and aforesaid cases take place at his / her part-time school, the investigation shall be applied in writing to the offender's school when the offense occurs.

Article 12 If the offense occurs at a different school, the school or the competent authority shall notify the offender's current school in writing to apply for an investigation. The notified school shall not refuse such request.

If the school or competent authority receives an application or an offense report that is outside of its jurisdiction, the case shall be turned over to the authority agency under whose jurisdiction the case lies within seven days.

After completing the investigation of the aforesaid application, the school or the competent authority shall fulfill its report and punishment suggestions regarding the campus sexual assault, sexual harassment, or sexual bullying case to the offender's current school for subsequent procedures in accordance with Article 29 of the Regulations.

Article 13 If the offender has more than two identifications (including the identifications of principal, teacher, staff member, or student) when the offense occurs, the identification he / she uses while interacting with the victim shall be deemed as the identification for the investigation by the school or the competent authority.

If the identification of the offender is not able to be identified when the offense occurs or the school of the offender is not able to be identified during the transition of the school system, the handling or reporting school shall be responsible for the investigation with the cooperation from the representatives sent by relevant schools.

Article 14 If there are more than two offenders belonging to different schools, the handling or reporting school of the offender shall be responsible for the investigation with the cooperation from the representatives sent by relevant schools.

Article 15 If the Gender Equity Education Committee receives an application or an offense report that is out of its jurisdiction, the case shall be turned over to the authority agency under whose jurisdiction the case lies within seven days.

If an application or an offense report occurs during the transition of the school system, the competent or superior authority shall determine its jurisdiction. If there is no mutual

Article 16 The school's principal, faculty or staff members shall report any possible campus sexual assault, sexual harassment, or sexual bullying case to the handling unit immediately in accordance with the first paragraph of Article 21 of the Act. The competent authority shall report the case to Taichung City's welfare municipality and educational authority within 24 hours.

The party's and complainant's name and other information that may lead to personal identification shall be kept confidential, except for the investigation necessity, public safety concerns, or other occasions prescribed by the law.

Secretariat Office is the service representative of Chaoyang University of Technology.

The relevant information is listed below:

1. Telephone: 04-23393862
2. Email address: gender@cyut.edu.tw
3. Website: <http://gender.cyut.edu.tw/>

Article 17 The applicant or the offense-reporter may apply for an investigation of a campus sexual assault, sexual harassment, or sexual bullying case verbally, in writing, or by email. If the application is made verbally, the school or the competent authority shall make documentation of the verbal application and read it out to the applicant or the offense-reporter or ask him or her to read it in order to confirm its accuracy. Subsequently, the documentation shall be signed or sealed by the applicant or the offense-reporter.

The written, documented verbal application or email shall contain the following items:

1. The applicant or the offense-reporter's name, national identification card number, the institution where he or she is employed or studied, residence and domicile, telephone number, and date of investigation application.
2. The applicant shall identify the victim's birth of date.
3. If the applicant authorizes a representative as his or her investigation applicant, an authorization letter shall be submitted containing the representative's name, national

identification card number, residence and domicile, and telephone number.

4. Facts and pertinent evidence to be investigated.

Article 18 The Gender Equity Education Committee shall be the office to accept investigation application of a campus sexual assault, sexual harassment, or sexual bullying case. The Committee Chairman shall appoint three members or above to form a 'Gender Equity Case Investigation Team' within three work days, except for reasons prescribed in the second paragraph of Article 29 of the Act. The evidence and documentations submitted by the applicant or offense-reporter will be taken into consideration whether to accept the case and as suggestions for the handling team.

The reasons prescribed in the second paragraph of Article 29 of the Act shall be handled based on the aforesaid article if necessary.

At least half of the committee members shall be women with gender equity awareness for the two preceding teams and part of the team shall consists of members hired from outside if necessary.

Article 19 The campus sexual assault, sexual harassment, or sexual bullying case reported by the press shall be considered as reported case. The school shall report the case to the handling unit and turn it over to the Gender Equity Education Committee for subsequent investigation and handling. If the victim appears to be unwilling to cooperate, the school shall provide needed consultation or assistance.

The school's competent authority shall handle any possible sexual assault, sexual harassment, or sexual bullying case arising from the bullying incident in accordance with the Article 16 to Article 18.

Article 20 The school or the competent authority shall send a written notification of application acceptance or rejection to the applicant or the offense-reporter within twenty days after receiving the investigation application or report. Within notification of rejection shall contain reasons and the applicant or the offense-reporter shall be notified of the reapplication deadline and the office that accepts a reapplication.

If the applicant or the offense-reporter does not receive a notification or has received a rejection notification within the deadline in the preceding paragraph, he or she may reapply in writing with grounds stated to the school or the competent authority within twenty days from the second date following the date of receipt of the notification. For applicant(s) who reapply verbally, the school or the competent authority shall make a documentation of the reapplication and read the documentation to the applicant or the offense-reporter or ask him or her to read it to confirm its accuracy. The record shall then be signed or sealed by the applicant or the offense-reporter.

Reapplication in the preceding paragraph shall be made no more than once.

After receiving a reapplication, the school or the competent authority shall notify the applicant or the offense-reporter of the reapplication conclusion in writing within twenty days. In the case of reapplication with legitimate grounds, the school or the competent authority shall turn over the investigation application or offense report to its Gender Equity Education Committee for further handling.

Article 21 When the Gender Equity Education Committee of the school or the competent authority handles a campus sexual assault, sexual harassment, or sexual bullying case, it may organize an investigation team to handle the case. The team shall be composed of three or five members who shall be appointed according to the third paragraph of Article 30 in the Act. Members should be conscious of gender equity, and more than half of its members shall be women. Part of the team shall consists of members hired from outside if necessary. Experts with professional investigation knowledge regarding sexual assault,

sexual harassment, or sexual bullying case shall make up at least one third of the team. Parties belonging to different schools shall have appointed school representatives.

The consultant(s) of the victim and the offender of a campus sexual assault, sexual harassment, or sexual bullying case shall avoid participation in the case investigation. Person(s) involved in the investigation and handling a campus sexual assault, sexual harassment, or sexual bullying case shall also avoid participation in the counseling of the victim and the offender.

Members of the investigation team shall be able to register related traveling as official leaves, and the school or the competent authority shall subsidize their transportation or pertinent expense according to the law.

Article 22 Experts or scholars specialized in the investigation of a sexual assault, sexual harassment, or sexual bullying case prescribed in the third paragraph of Article 30 of the Act shall meet one of the following qualifications:

1. Person(s) holding a certificate of completing a campus sexual assault, sexual harassment, or sexual bullying investigation training program provided by a competent authority at the central, municipality, county or city level and the included in its investigation specialist database.
2. Person(s) who has had good performance record in the investigation of a campus sexual assault, sexual harassment, or sexual bullying case, and who has been approved by the competent authority at the central, municipality, county or city level and included in its investigation specialist database.

Article 23 The school or the competent authority shall investigate and handle a campus sexual assault, sexual harassment, or sexual bullying case according to the following principles:

1. Victim(s) of minor age may be accompanied by their guardians during investigations.
2. When there is power imbalance between the offender, victim, the offense-reporter, or witness, confrontation(s) shall be avoided.
3. When necessary, written information may be produced without infringing the obligation of confidentiality, and be provided to the offender, or be summarized and read to the offender.
4. The names and other information that may lead to the identification of the offender, the victim, offense-reporter and investigation personnel shall be kept confidential, except for necessity of investigation or public safety concerns.
5. When the applicant withdraws an investigation application, the school or the competent may continue its investigation and handling of the case due to the decision of Gender Equity Education Committee or the request of the offender.

Article 24 Person(s) subjected to the obligation of confidentiality in the preceding paragraph include all personnel in the school or competent authority responsible for the handling of campus sexual assault, sexual harassment, or sexual bullying cases.

Person(s) who violate the obligation of confidentiality in the preceding paragraph shall be subjected to penalties in accordance with criminal laws and other pertinent regulations.

The school or the competent authority shall seal and store all original documents containing the names of the victim, offense-reporter, and witnesses. Except otherwise provided by the law, these documents should not be examined or made available to any person(s) other than the agency in charge of legal investigation or trial.

Except for original documents, the names and information that may lead to the identification of the victim, offense-reporter, and witness shall be deleted and replaced with codes in all documents produced by the investigators of campus sexual assault, sexual harassment, or sexual bullying cases.

Article 25 In order to protect the rights to education and the rights to work of the victim of a campus sexual assault, sexual harassment, or sexual bullying case, the school or the competent authority may prescribe the following measures in accordance with Article 23 of the Act when necessary:

1. Handle the attendance record of achievement assessment of the victim flexibly; assist the victim's studies or work affirmatively to remove the limitations from attendance or achievement assessment.
2. Respect the wish of the victim, and reduce the chance of interaction between the two parties.
3. Deploy necessary measures to prevent revenge.
4. Reduce the possibility of further assault or harassment by the offender and inform the offender and his or her legal guardians that any form of revenge is forbidden.
5. Other measures deemed necessary by the Gender Equity Education Committee.

If the victim is not from the school, the school or the competent authority shall notify the victim's school and handle the case according to the preceding paragraph.

The school or the competent authority shall carry out necessary handling procedures after approved by the Gender Equity Education Committee.

Article 26 The school or the competent authority shall provide the victim with the following assistance when necessary prescribed in the first paragraph of Article 24 of the Act.

1. Psychological counseling.
2. Channels of legal consultation.
3. School work assistance.
4. Financial assistance.
5. Other necessary assistance deemed necessary by the Gender Equity Education Committee.

If the victim is not from the school, the school or the competent authority shall notify the victim's school and handle the case according to the preceding paragraph.

The school or competent authority shall appoint a physician, psychologist, social worker, or lawyer to provide the aforementioned psychological counseling and legal consultation. The school or the competent authority shall also designate budgeting for the expense needed in the preceding paragraph.

Article 27 The investigation and handling by the Gender Equity Education Committee shall not be affected by the judicial proceedings and conclusions of the case. The investigation procedure in the preceding paragraph shall not be suspended due to the offender's loss of his or her status at any point of the procedure.

Article 28 On the basis of respecting professional judgment and avoiding repeated interrogation, the establishment of facts of a campus sexual assault, sexual harassment, or sexual bullying case shall be based on the investigation report by the Gender Equity Education Committee.

When the punishment suggested in the investigation report by the Gender Equity Education Committee involves the change of status of the offender, the offender shall be given an opportunity to make a written statement according to the fourth paragraph of Article 25 of the Act.

1. The school or the competent authority shall notify the offender to submit a written statement before holding the meeting.
2. If the sexual assault involves teachers, the offender shall be given an opportunity to make a written statement in accordance with the preceding paragraph before the Gender Equity Education Committee holds the meeting.

After having examined the written statement in the preceding paragraph, the school or the

competent authority shall not demand a reinvestigation by the Gender Equity Education Committee, except in cases prescribed by the third paragraph of Article 32 of the Act.

Article 29 After Gender Equity Education Committee of the school or the competent authority has investigated and established a campus sexual assault, sexual harassment, or sexual bullying case, the school or the competent authority shall impose punishment according to pertinent laws or regulations. If other agencies have the authority to impose punishment according to pertinent laws or regulations, the school or the competent authority shall turn over the case to those authorized agencies. After a false accusation has been confirmed, the school or the competent authority shall impose appropriate punishment to the applicant according to the law.

In addition to imposing punishment according to pertinent laws or regulations, the school, the competent authority or other authorized agencies may impose necessary sanctions according to the second paragraph of Article 25 of the Act. When executing these sanctions, necessary measure shall be taken to ensure the cooperation of the offender.

The 8 hours' course details arranged for the offender shall comply with the gender equity education provided by the Ministry of Education in accordance with second subparagraph, second paragraph of Article 25.

Article 30 In the written notification of the handling conclusions sent to the applicant and the offender, the school or the competent authority shall indicate the deadline for reapplication and the office in charge of reapplication.

Applicants and offenders who object to the handling conclusion of the school or the competent authority may reapply in writing with grounds to the school or the competent authority within twenty days from the date following the date of receipt of the written notification. For those who reapply verbally, the school or the competent authority shall make a documentation and read it to the applicant or the offender or ask him or her to read it to confirm its accuracy. After accuracy is confirmed, the documentation shall be signed or sealed by the applicant or the offender.

After receiving the reapplication, the Gender Equity Education Committee shall proceed based on the following procedures:

1. After receiving the reapplication, the Gender Equity Education Committee of the school or the competent authority shall form an evaluation team and notify the applicant of the reapplication conclusion in writing within thirty days.
2. Members of the aforesaid team should be composed of experts or scholars specializing in gender equity education and three or five professional legal personnel. More than half of its members shall be women. At least one-third of the evaluation team at the school level and at least one half at the competent authority level shall be composed of experts or scholars specializing in the investigation of incidents of sexual assault, sexual harassment, or sexual bullying.
3. Members of the Gender Equity Education Committee and investigation team shall not avoid participation in the evaluation team.
4. Members of the team shall nominate the convener to host the meeting.
5. The applicant shall be given an opportunity for clarification at the evaluation meeting if necessary. The relevant members from the Gender Equity Education Committee and investigation team may be invited.
6. If the reapplication is submitted with legitimate reasons, the evaluation team shall notify the relevant competent authorities and re-evaluate the result.
7. Before receiving the reapplication results, the applicant shall withdraw the application according to the preceding paragraph.

Article 31 The school or the competent authority shall appoint an office ad hoc to keep the compiled

data according to the first paragraph of Article 27 of the Act.

The compiled data in the preceding paragraph shall be categorized into original documents and report documents.

The original documents in the preceding paragraph shall be kept as confidential documents, containing the following information:

1. The occurrence time and type of the case.
2. Pertinent parties of the case (including offense-reporter, victim, and offender).
3. Person(s) in charge of handling the case, handling process and case records.
4. Documents, collected evidence and other pertinent information produced during the handling of the case.
5. The name, job title or student school records, and family background of the offender.

The report(s) in the second paragraph shall contain the following information:

1. The occurrence time and type of the case, and codes representing the parties involved in the case.
2. Handling process and conclusion of the case.

Article 32 When the aforesaid offender transfers to another school for studies or employment, the former competent authority and the school where the offender worked or studied shall notify the new school where the offender works or studies within one month from the date of knowing such transfer according to the second paragraph of Article 27 of the Act. The report shall be limited to the occurrence time, type, offender's name and job title or student school records of a confirmed campus sexual assault, sexual harassment, or sexual bullying case.

The notified school shall keep track of the offender and provide counseling where necessary. If there is no subsequent incident, the school or the competent authority shall also specify the offender's improved behavior in the preceding report.

Article 33 The school or competent authority shall complete its investigation of the campus sexual assault, sexual harassment, or sexual bullying case under its jurisdiction. After the investigation is complete, the Gender Equity Education Committee shall submit a written report to the Ministry of Education regarding the handling details, evaluation of the handling procedures, investigation report, and meeting minutes of the Gender Equity Education Committee. In the case of the reapplication, the reapplication results shall be submitted to the Ministry of Education after completing the reapplication evaluation.

To effectively promote relevant business of gender equity education and prevent gender-related incidents, the relevant resources from each unit of the school shall be organized in accordance with 'Gender Equity Education Act', 'White Paper on Gender Equity Education', and 'Gender Equity Policy Guidelines' to draft short-term, mid-term, and long-term plan for gender equity education implementation and review the results.

Chapter 5 Supplementary provisions

Article 34 The Regulations will take effect after being passed by the administration meeting and receiving the approval by the Principal. Same applies on the amendment.