National Cheng Kung University Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying

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Chapter I  General Provisions

Article 1  National Cheng Kung University (hereinafter referred to as the "University") establishes the Regulations in accordance with the Gender Equity Education Act (hereinafter referred to as the "Act") and the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus promulgated by Ministry of Education (hereinafter referred to as the "Regulations"), in order to fulfill the education philosophy concerning substantial gender equity and to establish the preventive measures and a response mechanism against sexual assault, sexual harassment and sexual bullying on campus.

Article 2  The sexual assault, sexual harassment and sexual bullying referred to herein are defined as following:

1. Sexual assault: any sexual offense defined by the Sexual Assault Prevention Act.

2. Sexual harassment: the cases described by the following and do not constitute as sexual assaults:
   (1) Unwelcome remarks or conduct 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.
   (2) A conduct of 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.

3. Sexual bullying: ridicule s, 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 under the category of sexual bullying not sexual harassment.

Article 3  Campus sexual assault, sexual harassment, or sexual bullying cases as defined herein shall include the cases that involve persons employed by or enrolled at different schools. The terms used herein shall be defined as follows:

1. Teacher: full-time teacher, part-time teacher, proxy, substitute teacher, nursing
teacher, military instructor, and other instructor, researcher, or teaching intern.

2. Staff and janitors: person(s) performing work at the school on a fixed or periodic schedule, other than the teachers defined in the preceding subparagraph.

3. Student: persons enrolled in a regular program or a continuing/extension education program, or exchange students.

Article 4

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

1. Regularly hold educational programs for faculty, staff, and students aimed at the prevention of campus sexual assault, sexual harassment, and sexual bullying; evaluation of the effectiveness of these programs.

2. Regularly hold in-service education programs each year for members of the Gender Equity Education Committee (hereafter referred to as “Committee”) or agencies involved in the handling of campus sexual assault, sexual harassment, or sexual bullying cases.

3. Encourage the aforesaid committee members to attend on and off-campus seminars on the handling of campus sexual assault, sexual harassment, or sexual bullying cases; allow them to register attendance as official leave and reimburse any associated expenses.

4. Promulgate the Regulations through diversified channels; include them in faculty employment contracts and the student handbook.

5. Encourage the victim or the complainant in a campus sexual assault, sexual harassment, or sexual bullying case to apply for an investigation or file a report at the earliest possible time in order to facilitate the collection of evidence and investigation.

Article 5

The University or the competent authority shall compile information on the prevention of and relief measures for campus sexual assault, sexual harassment, and sexual bullying; it shall provide the information to relevant personnel:

1. Definition of, classification of, and laws relevant to campus sexual assault, sexual harassment, and sexual bullying cases.

2. The rights of the victim and the necessary assistance provided by the University.

3. Mechanisms of application for investigation, reapplication, and relief.

4. Related competent authorities and responsible entities.

5. Organizations and networks that provide resources and support.

6. Other measures deemed necessary by the Gender Equity Education Committee.

Chapter II

Campus safety plan

Article 6

In order to prevent incidents of sexual assault, sexual harassment, and sexual bullying on campus, the University shall implement the following measures to improve the hazardous zones in the campus:

1. Regularly inspect the planning for and usage of campus grounds and facilities, evaluating overall campus safety by assessing the arrangement, management,
and security of indoor and outdoor areas; the signage system; the emergency help system and secure routes; lighting and visibility; and other important safety factors.

2. Record the locations where incidents of sexual assault, sexual harassment, or sexual bullying have occurred on campus, and produce a map illustrating hazardous zones as necessary.

Article 7 The Office of General Affairs shall regularly hold campus space safety inspection workshops and invite professional space designers, faculty, students, and other users of the campus to participate in. The University shall also make public the results of the inspection and pertinent records mentioned in the preceding Article, and inspect the improvement progress of the hazardous zones on campus.

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

Article 8 During performance of work-related tasks and in interpersonal interactions on and off campus, the faculty and students shall respect gender diversity and individualization.

Article 9 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 with employment opportunities.

If a teacher finds that his/her relationship with any student may violate the professional ethical codes referred to in the preceding paragraph, the teacher shall take the initiative to avoid further interaction with the student or report the matter to the related unit head of the University.

Article 10 The University's faculty and students shall respect others’ and their own autonomy over their sexuality and the body, avoid unwanted sexual advances or requests for dates, and must not use forcible or violent means to handle conflicts related to sex or gender.

Chapter IV Response mechanisms, procedures, and relief measures against incidents of campus sexual assault, sexual harassment, and sexual bullying

Article 11 When the University receives the report of an incident of campus sexual assault, sexual harassment, or sexual bullying, it shall be accepted by the University's gender equity education committee. The committee's contact No. and email are posted on the homepage of the University. Notwithstanding, if the Principal is the accused offender, the application for investigation or report shall be filed with the Ministry of Education.

Where the University has no jurisdiction over the application for investigation or complaint received by the University, it shall, within 7 days, transfer the case to a party with such jurisdiction, and notify the concerned parties. The University's gender equity education committee shall take initiative to deal with the cases which were already made public but have not been reported by the victims, in order to maintain the University's reputation and the interest and rights of the faculty and students.
When the unit dedicated to accepting the report of an incident of campus sexual assault, sexual harassment, or sexual bullying receives any report, it shall transfer the report to the gender equity education committee within three working days, and send dedicated personnel to deal with the case. The related unit shall work with it.

**Article 12**

The case about campus sexual assault, sexual harassment, or sexual bullying incident may be reported verbally, in writing, or by email by the victim or his/her legal representative (hereinafter referred to as the "applicant") or the complainant. If the application or complaint is made verbally or by email, it shall be recorded and read out to the applicant or complainant or be read or reviewed by the applicant or complainant to confirm its accuracy. Subsequently, the record shall be signed or sealed by the applicant or complainant.

The record for the written, verbal, or email application or report referred to in the preceding paragraph shall contain the following items:

1. The applicant's or complainant’s name, national identification card number, the institution where he or she is employed or studies, residence and domicile, telephone number, and date of the application.
2. If the applicant authorizes a representative on behalf of him/her, he/she shall submit a power of attorney specifying the representative’s name, national identification card number, residence and domicile, and telephone number.
3. Factual materials presented in an application for an investigation or complainant’s report, and related evidence. The relevant evidence, if any, should be documented in writing or included into the relevant files.

**Article 13**

The response team of the gender equity education committee's prevention taskforce shall review whether the case shall be accepted on behalf of the Committee, and shall notify the applicant or complainant in writing about whether the application or complaint is accepted within 20 days upon receipt of the same. The written notice of rejection shall specify the reasons, and advise the applicant or the complainant of the deadline for a reapplication and the office that is responsible for accepting the reapplication.

The University shall reject the application if one of the following applies:

1. Events not prescribed under the Act.
2. Applicants or complainants do not provide their real names.
3. The case has already been solved and closed.

If the applicant or the complainant does not receive a notification by the deadline described in the preceding paragraph or has received notification that an investigation will not be pursued, he/she may file a reapplication with written statement of grounds with the gender equity education committee within 20 days from the second date following the date of receipt of the notification. For an applicant who reapplies verbally, the committee shall make a documentation of the reapplication and read it to the applicant or complainant or ask him/her to read it to confirm its accuracy. The record shall then be signed or sealed by the applicant or complainant. Reapplication shall be made no more than once.

After receiving a reapplication, the gender equity education committee shall notify the applicant or the complainant of the decision on the reapplication in writing within 20 days. The gender equity education committee will investigate the reapplication held
Incidents of campus sexual assault, sexual harassment, or sexual bullying that have received media coverage shall be treated as a complaint. The University shall take the initiative to proactively refer the matter to its gender equity education committee for investigation. Where the suspected victim is not willing to cooperate in the investigation, the University shall nevertheless provide required counseling or assistance.

If the University, when handling an incident of bullying, finds that sexual assault, sexual harassment, or sexual bullying may have occurred, such finding shall be considered equivalent to a complaint. The University’s team for prevention of bullying shall handle the matter in accordance with the preceding Article.

Upon acceptance of the application for investigation or complaint, the gender equity education committee shall submit the investigation report. If necessary, the submission of the investigation report may be extended, provided that it shall be extended no more twice, no more than one month for each extension, and the committee shall notify the applicant, complainant and accused offender. The victim may ask for the companionship of an assistant in the duration of the investigation. The assistant may be designated by the victim. The gender equity education committee may also invite the related personnel to participate in the investigation.

Upon conclusion of the investigation, the gender equity education committee shall submit a report about the process of investigation and resolution, as well as suggestions about response action, to Student Discipline Committee, Teachers' Appraisal Committee, Personnel Office or Office of General Affairs.

In order to investigate the campus sexual assault, sexual harassment, or sexual bullying per application or complainant, the gender equity education committee may let the response team decide whether an investigation team should be established and submit the name list of recommended investigation members to the Principal for approval. The investigation team shall be composed of three or five members who shall be appointed according to Paragraph 3 of Article 30 of the Act. The consultant(s) of the victim and the offender of a campus sexual assault, sexual harassment and sexual bullying case shall avoid participation in the investigation. Person(s) involved in the investigation and handling of a campus sexual assault, sexual harassment and sexual bullying case shall also avoid participation in the counseling of the victim and the offender. The University shall record the investigation team members as taking a business trip, and pay them the transportation allowance or pertinent expenses incurred pursuant to laws or the University's regulations.

When the University's Principal, teacher, employee, or janitor becomes aware of any incident of campus sexual assault, sexual harassment, or sexual bullying, he/she shall immediately notify the University's Security Center (Military Training Office) within 24 hours to enable the Center to report the same to Ministry of Education and the competent authority in charge of social affairs. The names and other information that may lead to the identification of the victim, the offender or the complainant shall be kept confidential, except for investigation necessity or public safety concerns, or other occasions prescribed by the law.

The University's faculty and students who are proven to be involved in sexual assault,
sexual harassment, or sexual bullying shall be punished under the related laws and regulations. Anyone who carries out a sexual behavior on a victim who is mentally disordered or retarded shall not evade liability for sexual assault with the excuse that the victim did not decline the behavior.

Article 19

The names and other information that may lead to the identification of the victim, alleged offender, complainant and witness shall be kept confidential, except for investigation necessity or public safety concerns. The persons bound by the obligation of confidentiality include all persons participating in the handling of an incident of campus sexual assault, sexual harassment, or sexual bullying. Person(s) who violate the obligation of confidentiality shall be punished in accordance with Criminal Code and other pertinent regulations. The University shall seal and store all original documents containing the names of the victim, the offender, complainant, and witness. These documents should not be examined or made available to any person(s) other than the authority in charge of investigation or trial, excepted otherwise provided by the law. Except for original documents, the names and information that may lead to the identification of a victim, complainant, or witness shall be deleted and replaced with codes in all documents produced by the investigators of campus sexual assault or sexual harassment cases.

Article 20

An expert or scholar specializing in the investigation of campus sexual assault, sexual harassment, or sexual bullying incidents as described herein shall meet one of the following qualifications:

1. Hold a certificate attesting to the completion of a training program provided by a competent authority at the central, municipality, county or city level for investigators of campus sexual assault, sexual harassment, and sexual bullying. The person(s) shall also be acknowledged by the gender equity education committee established by the competent authority at the central, municipality, county or city level and included in its investigation specialist database.

2. Have a proven performance record in the investigation of a campus sexual assault, sexual harassment, or sexual bullying case, and have been approved by the gender equity education committee established by the competent authority at the central, municipality, county or city level and included in its investigation specialist database.

Article 21

The gender equity education committee shall handle a campus sexual assault, sexual harassment, or sexual bullying incident, if any, in the following way:

1. Victim(s) of minor age may be accompanied by their guardians during investigations.

2. When an imbalance of power exists between the offender and the victim, a complainant or witness, confrontation should be avoided.

3. Based on the necessity of the investigation, written information may be produced so long as it does not violate the obligation of confidentiality, and have it read by or advise the summary thereof to the alleged offender.

4. Where the applicant withdraws the application, the investigation still may be continued per resolution of the gender equity education committee meeting or request of the accused offender.

Article 22

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. Where the applicant asks to suspend the investigation due to his/her personal interest and right, the gender equity education committee may render its decision subject to the circumstances.

Article 23

In order to protect the right to be educated and the right to work of the victim of a campus sexual assault, sexual harassment, or sexual bullying incident, the University may take the following measures when accepting the application for investigation or complainant:

1. Handle the attendance record or achievement assessment of the victim in a flexible manner, and assist the victim’s studies or work affirmatively, free from the limitations under the regulations pertaining to requests for leaves of absence, and those pertaining to performance appraisals for teachers and students.

2. Respect the victim's will, and reduce the chance of interaction between both parties.

3. Avoid situations where vengeful behavior may be undertaken.

4. Prevent or reduce the possibility of further assault or harassment by the offender.

5. Other measures deemed necessary by the Gender Equity Education Committee.

If the victim is not employed by or enrolled at the University, the school at which he/she is employed or enrolled shall be notified, and the requirements referred to in the preceding paragraph shall apply.

Any required measures covered in the preceding two paragraphs shall be taken upon resolution of the Gender Equity Education Committee.

Article 24

The gender equity education committee shall take the initiative to refer the victim to various agencies able to provide necessary assistance, according to his/her physical and mental condition. Meanwhile, the University shall also provide the victim with the following assistance:

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

If the victim is not a member of staff of the University, the school at which he/she is employed or enrolled shall be notified, and in accordance with the preceding paragraph, be provided with adequate assistance. Physicians, psychologists, social workers, or lawyers may be retained in order to provide the assistance described in the preceding two paragraphs.

Article 25

In order to respect the expert judgment and avoid repeated questioning, the University shall accept the findings contained in its Committee’s investigation report in determining the facts relating to an alleged incident of a campus sexual assault, sexual harassment, or sexual bullying. If the offender, in accordance with Paragraph 3 of Article 25 of the Act, submits a written statement, it shall be processed in the following way:
1. Before conducting a meeting to deliberate on the penalties to be applied, the responsible unit shall notify the offender to submit a written statement.

2. When a teacher is involved in a sexual assault case, before the Committee holds its meeting, it shall notify the offender to submit a written statement, which shall be handled in the manner prescribed in the preceding paragraph.

After having examined the offender’s written statement described in the preceding paragraph, the responsible unit shall not demand a reinvestigation by the Committee, nor proceed with an investigation of its own, except in cases prescribed by Paragraph 3 of Article 32 of the Act.

**Article 26**

After the gender equity education committee of the University has investigated and determined that a campus sexual assault, sexual harassment, or sexual bullying offense has in fact occurred, the University shall impose punishment according to pertinent laws or regulations. If any other authority shall be entitled to impose punishment according to pertinent laws or regulations, the University shall turn over the case to the competent authority. When handling the discipline, the University shall also order the offender to receive psychological counseling in accordance with Article 25 of the Act, and may also order that he or she is subject to and must comply with one or more of the following measures:

1. Apologize to the victim, if the victim or his or her legal representative gives consent.
2. Attend eight hours of gender equity education related courses.
3. Other measures that serve an educational purpose.

When taking the measures referred to in the preceding paragraph, the University shall take measures to ensure that the offender complies with the requirement.

Where the gender equity education committee proves any false complaint or accusation, it shall render an appropriate decision against the applicant or complainant pursuant to the law. The Office of Student Affairs shall take charge, in case of students. The Personnel Office or Office of General Affairs shall take charge, in the case of employees and workers. The Teacher's Appraisal Committee shall take charge, in the case of teachers.

**Article 27**

In the written notification of the handling conclusions sent to the applicant and the offender, the gender equity education committee shall also provide the investigation report, as well as indicate the deadline for reapplication and the school or institution handling the reapplication.

An applicant or offender who objects to the decision of gender equity education may file a reapplication with a statement of grounds with the Secretariat of the University within 20 days from the date following the date of receipt of the written notification. For the applicant or offender who reapplies verbally, the unit accepting the reapplication shall record and read it to the applicant or the offender, or ask the applicant and offender to read it to confirm its accuracy. After the accuracy is confirmed, the documentation shall be signed or sealed by the applicant or the offender.

**Article 28**

Where the University finds that the investigation procedure is materially defective or there is any new fact or new evidence sufficient to affect the original finding, it may
ask the gender equity education committee to re-investigate it. Upon receipt of the application for re-investigation referred to in the preceding paragraph, the gender equity education committee may establish an investigation team. The SOP to be followed by the investigation team shall be established in accordance with the Regulations.

**Article 29**

After receiving a reapplication, the Secretariat shall handle it in accordance with the procedure below:

1. To form a review team which shall come to a reasoned judgment within 30 days, providing a written notification of the decision on the reapplication to the applicant.
2. The review team described in the preceding paragraph shall include three or five experts in gender equity education or legal professionals. The female members must account for at least one-half of the team. At schools, experts specialized in investigation of campus sexual assault or sexual harassment shall account for at least one-thirds of the team, while at competent authorities, they shall account for at least one-half of the team.
3. Members of the Committee or the investigation team may not serve as members of the review team.
4. When the review team calls a meeting, the members of the team will select a convener to chair the meeting.
5. While the meeting is in progress, should the need arise, the person making the reapplication will be given the opportunity to make a statement, and the members of the relevant gender equity education committee or investigation team shall be invited to be present to make an explanation.
6. When the reapplication is held to have grounds, the relevant responsible unit will be informed of the decision on the reapplication, and the responsible unit shall make the decision again.
7. The re-applicant may withdraw the reapplication within the review period.

**Article 30**

For disagreement with the decision on the reapplication, the applicant or offender may file a relief action within 30 days from the date following the date of receipt of the written notice pursuant to Article 34 of the Gender Equity Education Act.

**Article 31**

The compiled data created by the gender equity education committee shall be categorized into original documents and report documents, which shall be maintained as confidential information by the committee.

The original documents referred to in the preceding paragraph shall be kept confidential and contain the following information:

1. Time and type of the incident.
2. Concerned parties (including the complainant, the victim, and the offender).
3. Person(s) in charge of the case, process and case records.
4. Instruments, collected evidence and other pertinent information produced in the processing of the case.
5. The name, job title or student status, and family background of the offender.

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

1. Time and type of the incident, and concerned parties identified under code number.
2. Handling process and conclusion of the case.

Article 32
After the University has completed the investigation on an incident of campus sexual assault, sexual harassment, or sexual bullying, and its investigation report has been approved by the gender equity education committee, the status, verification during the procedures, the investigation report, and minutes of the committee meeting shall be provided to the competent authority. Where a reapplication is made by an applicant for investigation or by an offender, once a decision on the reapplication has been made, the result should be reported to the competent authority.

Chapter V Bylaw

Article 33
The Mental Health and Counseling Guidance Section of the Office of Student Affairs shall help the gender equity education committee with the committee's affairs. The Secretariat shall act as the spokesman of the committee.

Article 34
The budget required herein shall be disbursed from the University's related expenditure.

Article 35
Any matters not provided herein shall be handled in accordance with the Regulations.

Article 36
The Regulations shall be enforced upon approval of the University Affairs Meeting. The same shall apply where the Regulations are amended.