

Implementation Details of Preventing and Handling Sexual Violation and Sexual Harassment for Student at Yuan Ze University

11.07.2005 Ratified in the 5th administrative meeting of academic year 2005

06.05.2006 Revised and ratified in the 2nd university affair meeting of academic year 2005

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Clause 1 This set of details is based on “Campus Sexual Violation and Harassment Prevention Principles.”

Clause 2 The terms used in this set of details are defined as follows:

- I. Sexual violation: this term refers to the criminal behaviors of sexual violation used in Sexual Violation Prevention Law.
- II. Sexual Harassment: this term refers to one of the following conditions but has not reached the degree of sexual violation.
 - (1) Implicitly and explicitly, words or behavior that are not welcome, carry sexual connotation or sexual discrimination are used to affect others’ dignity, learning, learning opportunity or performance.
 - (2) Engaging in behaviors that are related to sexual behavior or gender as a term to gain, lose or damage the learning or working privileges for those involved or the third party.
- III. Incidents of Sexual Violation or Sexual Harassment on Campus: this condition refers to one party involved in sexual violation or sexual harassment is the president, teacher, staff, custodian, or student while the other party is a student.

Clause 3 In order to prevent sexual violation or harassment on campus, the university should allocate funding, regularly investigate the overall safety issue on campus, allocate/manage the security system based on the available space, ensure the operation of rescue system, safety circuits and illumination, and regularly review campus space and facility use. Moreover, the space in which sexual violation or sexual harassment has happened on campus should be recorded. The space examination report of campus should be produced. In addition, a map marking the dangerous zones on campus should be created to meet the actual needs so that the campus space can be better improved.

Clause 4 When university faculty and staff conduct on-campus and off-campus teaching or interpersonal interaction, gender diversity and individual difference

should be respected. When teachers teach, instruct, train, evaluate, manage, consult, or provide students with job opportunities, the teachers should not develop any relationship that may violate professional ethics or gender ethics in their interactions.

Clause 5 The students should respect their and others' sexual or bodily autonomy and should not be engaged in the following behaviors.

- I. Unwelcomed courting behaviors.
- II. Using forceful or violent means to handle any conflicts related to sexual behavior or gender issues.
- III. Engaging in other behaviors that violate customs.

Clause 6 When campus sexual harassment or sexual violation happens, the one who reports (including the violator, the violated or his/her legal guardian) or the one who engages in the deeds can ask the university to investigate the matter in a written form. However, when the university president is involved, sexual equality educational committee (hereafter as Gender Equality Committee) should ask the Ministry of Education to investigate such a matter.

Clause 7 When the university realizes a sexual violation or sexual harassment has happened on campus, the Office of Student Affairs should report such an incidence to the Ministry of Education or Sexual Violation Prevention Center. Unless there is a need for investigation, based on the consideration of public safety or other regulations stipulated by the laws and regulations, the information related to those involved and the one who reports should be kept confidential (including their names and identifications).

Clause 8 The applicant and the reporter of on-campus sexual violation and sexual harassment have to fill out a claim form. If the reporting behavior is done verbally, the handling unit will record the entire incident in detail. After the applicant or the reporter has verified the content, a signature or stamp should be provided. The former written or verbal records should include the following items clearly.

- I. The names and identification numbers of the applicants or the reporters, the units and names where the people work or study, contact numbers or investigation application dates should be clearly indicated.
- II. If the applicant has commissioned an agent to file the application, the commission letter indicating the names, identification numbers, residence and contact numbers should be submitted.
- III. The facts, contents and other related evidence pertinent to the investigation should be provided.

Clause 9 When an on-campus sexual violation or sexual harassment happens, the

Office of Student Affairs should be the handling department. Moreover, within 3 working days, the case will be forwarded to the Secretariat Office so that a meeting will be called by the Gender Equality Educational Committee.

Clause 10 After the investigation request or report is received, within 20 days, a written notice should be sent to the applicant or the reporter to see if the case is handled. If the case is not handled, a written notice should be provided with details and the applicants or reporter should be notified for the date limit or the handling unit of a claim.

When the reporter or the applicant receives the notice of their unhandled case, he/she has twenty days to file for a claim through a written format. However, such a claim is limited to one time only.

When a claim is reported to the university, the university has twenty days to notify the party filing the claim in a written format about the claim results.

If the applicant and the reporter do not feel satisfied about the handling results, they can follow the previous principle in handling a claim.

Clause 11 When the Gender Equality Committee handles a campus sexual violation or sexual harassment, an investigation team should be formed. The investigation team is limited from three to five people. The female members should take up 1/2 of the team. If necessary, the team members can be hired from outside of the campus.

The consultants of those who are involved in campus sexual violation or harassment cases should avoid the investigation of the reported incident. Those who have participated in the investigation or handling of campus sexual violation or sexual harassment cases should avoid participating in the consultation of those who are involved.

Clause 12 The Gender Equality Committee should complete the investigation within two months after the application or reporting is processed. If necessary, the investigation can be prolonged.

Clause 13 When campus sexual violation or sexual harassment is investigated, those involved are allowed to hire lawyers. If those involved are minors, they should be accompanied by legal guardians when an investigation takes place. When the violator, the violated, the reporter or the witness have unequal powers, they should avoid the face-to-face communication scenario.

Clause 14 The information about those involved in campus sexual violation or sexual harassment, the reporter, and the witness should be kept confidential. The information includes the names and other information that helps to identify the people's identities. The only exception states there is a need for investigation or there is a concern for public safety. With the exception of the original documents,

the documents that are created later should be coded with fake names. The information includes the names and other data that help identify their identities of those involved, the reporter, and the witness.

Clause 15 In order to guarantee the right of education or the right to work for those involved in campus sexual harassment or sexual violation cases, the university can take the following measures if necessary.

- I. Flexibly handle the attendance or evaluation of those who are involved and actually help their study or work.
- II. Respect the willingness of the violated to decrease the chance of the two parties to interact with each other.
- III. Take necessary measures to prevent revenge from happening.
- IV. Decrease the possibility for the violator to further hurt the violated party.
- V. Provide other assistance deemed necessary by the Gender Equality Committee.

Clause 16 When campus sexual violation or sexual harassment is handled, the violated or his/her legal guardians should be notified about the rights he/she is entitled and other rescue approaches or his/her case can be transferred to other related institutes for further handling. If necessary, psychological training and consultation, legal consultation, financial assistance, protective measures or other assistance should be provided.

Clause 17 The investigation conducted by the Gender Equality Committee will not be affected by the fact whether the incidence has gone through judicial procedures or the processing results.

Clause 18 Once the Gender Equality Committee has investigated and proved the details of the campus sexual violation or sexual harassment are true, the penalty will be administered according to related regulations. If other authorities are given the right by other regulations or laws to impose a penalty, the university or the authorities should give the incident to other authorities for handling. Once the incidence is proved to be not true, the reporter will be given appropriate punishment based on the regulations and laws.

Clause 19 The files and information about campus sexual harassment or violation and the violators should be established.

When the violators transfer to study or work at other universities, the university should notify their new universities within one month after this transfer or change is made known.

The universities that have received such a notice, necessary follow-up consultation regarding the violators should be carried out. Unless there is a proper reason, the names or other information that helps identify the violators

should not be made publicly known.

Clause 20 If, after the violators are punished, the violators still harass or try to revenge the violated parties, the violators will be penalized by the regulations and laws related to the criminal laws. Moreover, the names of the violators can be made public as warning.

Clause 21 The sexual harassment or sexual violation happening to YZU campus should be handled according to “Investigation and Claim Procedures of Sexual Harassment or Violation of YZU Students” (please see details in Appendix One).

Clause 22 Any matters not stipulated in this set of details will be handled according to the Gender Equality Educational Regulations and related regulations.

Clause 23 This set of details is ratified in the university affair meeting before announcement.

If any controversies or disputes occurred regarding clauses of the contract, it shall always refer to its Chinese version.