

# Yuan Ze University Regulations for the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus

Passed by the 5<sup>th</sup> Executive Council Meeting of the 94<sup>th</sup> Academic Year on November 07, 2005

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Amended and passed by the 2<sup>nd</sup> University Affairs Meeting of the 108<sup>th</sup> Academic Year on May 06, 2020

Article 1: This regulation is formulated based on the Ministry of Education's " Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus " (hereinafter referred to as this regulation).

Article 2: Definitions used in this regulation are as follows:

**Sexual Assault:** Refers to behaviors defined as sexual assault crimes under the Sexual Assault Crime Prevention Act.

**Sexual Harassment:** Refers to behaviors meeting either of the following conditions and not reaching the level of sexual assault:

- (a) Engaging in unwelcome and sexually suggestive or gender-discriminatory words or actions explicitly or implicitly affecting the dignity, learning, or work opportunities or performance of others.
- (b) Using sexual or gender-related behavior as a condition for obtaining, losing, or reducing one's learning or work-related rights, whether for oneself or others.

**Sexual Bullying:** Refers to behaviors that degrade, attack, or threaten others' gender characteristics, gender traits, sexual orientation, or gender identity through language, physical actions, or other forms of violence, excluding cases of sexual harassment.

**Campus Sexual Assault, Sexual Harassment, or Bullying Incident:** Refers to incidents where one party is the school principal, faculty, staff member, worker, or student, and the other party is a student.

- (a) Faculty: Refers to full-time faculties, adjunct faculties, interim faculty, substitute faculty, instructors, volunteers involved in teaching assistance, actual teaching interns, and other individuals involved in teaching or research.
- (b) Staff, Workers: Refers to individuals other than faculty members who regularly or periodically perform school affairs or volunteer services to assist school affairs.
- (c) Student: Refers to individuals with student status, those without student status

during the inter-school system transfer period, participants in continuing education, exchange students, education interns, or research students.

Article 3: In order to prevent and address campus sexual assault, sexual harassment, or bullying, the school should allocate funds, regularly review the planning and use of campus spaces and facilities, record spaces where sexual assault, sexual harassment, or bullying incidents have occurred, produce a campus space inspection report, and draw a campus danger map as needed to facilitate campus space improvement.

The review of campus space and facility planning mentioned in the preceding paragraph should consider the special needs of students' physical and mental functions or language and cultural differences, providing safety planning and explanation methods that meet their needs. The scope should include dormitories, bathroom facilities, and school buses.

Article 4: When conducting internal and external teaching and interpersonal interactions, school personnel and students should respect gender diversity and individual differences. Faculty members should not develop relationships that violate professional and gender ethics in interpersonal interactions related to teaching, guidance, training, evaluation, management, counseling, or providing work opportunities to students.

Article 5: School personnel and students should respect the autonomy of others and themselves in terms of gender or body, avoid unwanted pursuit behaviors, and should not use force or violence to handle conflicts related to sex or gender.

Article 6: In the event of campus sexual assault, sexual harassment, or bullying, applicants (including applicants and their legal representatives) and informants may apply for an investigation in writing to the school. However, when the school principal is involved, the Gender Equality Education Committee should apply to the Ministry of Education for an investigation. For handling bullying incidents, if there is suspected sexual assault, sexual harassment, or bullying, the school shall treat it as an informant and handle it according to the application procedures.

Article 7: When the principal, faculty, staff, or workers become aware of suspected campus sexual assault, sexual harassment, or bullying incidents, they should immediately report to the Campus Safety Center. The Campus Safety Center should report to the Ministry of Education or the Sexual Assault Prevention and Control Center under relevant regulations and not later than 24 hours.

Except for necessary investigations, considerations for public safety, or special regulations, the names or other information sufficient to identify the identity of the parties involved, including the applicant and the informant, shall be kept confidential.

Article 8: The applicant or informant of campus sexual assault, sexual harassment, or bullying incidents may fill out an investigation application or complaint form. If it is done verbally or by email, a record should be created, and after confirming the content with the applicant or informant to be correct, they should sign or stamp it.

The written or verbal record mentioned in the preceding paragraph should include the following:

- a. Name, ID number, unit and title of the applicant or informant, residence, contact number, and application date are presented.
- b. If the applicant appoints a representative to apply for an investigation, a power of attorney should be attached, specifying the representative's name, ID number, residence, and contact number.
- c. Show the facts and related evidence of the investigation requested.

Article 9: Complaints or reports of campus sexual assault, sexual harassment, or bullying incidents shall be received by the Mainland Affairs Division of the Office of Student Affairs. Within three working days, the evidence submitted shall be handed over to the Secretariat Office for processing by the Gender Equality Education Committee.

Article 10: Within 20 days of receiving an application for investigation or a report, the Gender Equality Education Committee shall notify the applicant or whistleblower in writing whether the case is accepted. The written notice of non-acceptance should state the reasons and inform the applicant or whistleblower of the deadline for filing an appeal and the unit handling the case. If the applicant or whistleblower does not receive a notice within the specified period or within 20 days from the day following the receipt of the non-acceptance notice, they may submit a written appeal with reasons. Only one appeal is allowed for non-acceptance.

Upon receiving the appeal, the school shall refer the investigation or report to the Gender Equality Education Committee for reconsideration and, within 20 days, notify the appellant of the appeal results. If the appeal is accepted, the case should be handed over to the Gender Equality Education Committee for further processing.

Article 11: When handling campus sexual assault, sexual harassment, or sexual bullying cases, the Gender Equality Education Committee may establish an investigation team. The investigation team, consisting of 3 to 5 members, should have a female majority, and at least one-third should be experts or scholars with expertise in investigating campus sexual assault, sexual harassment, or sexual bullying incidents.

Counselors of the parties involved, the responsible personnel of the school, or the Gender Equality Education Committee of the relevant organization should recuse themselves from the investigation. Those involved in investigating and handling the incidents should also refrain from counseling the parties.

The school or supervisory authority should register investigation team members on official leave. The school or organization responsible for the investigation should bear the transportation and related expenses.

Article 12: The Gender Equality Education Committee should complete the investigation within 2 months of accepting the application or report, with the possibility of extension if necessary.

Article 13: When processing campus sexual assault, sexual harassment, or sexual bullying cases, the following procedures should be followed:

- a. The accused should personally attend the investigation; if the victim is a minor, they may be accompanied by a legal representative during the investigation.
- b. If the victim or their legal representative requests not to notify the current school, their request should be respected, and the current school may not be informed or participate in the investigation.
- c. If the parties involved hold a valid identification certificate for special education students issued by the competent authority, the investigation team should include a member with expertise in special education.
- d. Confrontation should be avoided to avoid power imbalances between the accused, victim, whistleblower, or those assisting in the investigation.
- e. The names and other identifiable information of the accused, victim, whistleblower, or those assisting in the investigation should be kept confidential, except when necessary for the investigation or public safety considerations.
- f. When notifying the parties involved to cooperate with the investigation and provide information, the purpose, time, location, and consequences of not appearing should be documented in writing.
- g. The written notice should specify that the parties involved should not privately contact or use the Internet, communication software, or other channels to disseminate information about the incident.
- h. The school or affiliated personnel may not inquire or investigate the case in any capacity, nor may they request the parties involved to submit statements or conclusive documents.
- i. Based on the needs of the investigation, additional written information within the scope of confidentiality may be created for the accused, victim, or those invited to assist in the

investigation to review.

- j. If the applicant withdraws the application for investigation for clarification of legal responsibilities, the school or organization responsible for the incident may continue the investigation upon resolution by the Gender Equality Education Committee or at the request of the accused. If the supervisory authority of the school deems the circumstances significant, it should instruct the school handling the incident to continue the investigation.

Article 14: The names and other information identifying the parties involved, informants, and witnesses in campus sexual assault, sexual harassment, or sexual bullying cases should be kept confidential unless necessary for the investigation or public safety considerations. Besides the original documents, externally produced documents should have the names and other identifiable information of the parties involved, informants, and witnesses deleted and replaced with codes.

Article 15: To safeguard the educational or employment rights of the parties involved in campus sexual assault, sexual harassment, or sexual bullying, the school may take the following measures when necessary:

- a. Flexibly handle the attendance or performance assessment of the parties involved and actively assist them in their academic or professional duties.
- b. Respect the accused's wishes, reducing opportunities for interaction between the parties involved.
- c. Take necessary measures to prevent retaliation.
- d. Prevent and reduce the possibility of the accused causing harm again.
- e. Other measures deemed necessary by the Gender Equality Education Committee.
- f. If the parties involved are not school personnel, the school should notify the relevant school when implementing the necessary measures.

The necessary measures in the first two items should be executed after approval by the Gender Equality Education Committee and reported to the supervisory authority for reference.

Article 16: When handling campus sexual assault, sexual harassment, or sexual bullying incidents, the accused or their legal representative should be informed of their rights to claim, actively referred to relevant institutions, and provided with necessary assistance such as psychological counseling, legal advice, academic assistance, financial assistance, protection measures, or other assistance. However, the school should still conduct and handle investigations according to this regulation.

If the parties involved are not school personnel, the school should notify the relevant school and provide necessary assistance according to the preceding paragraph.

Article 17: The investigation and handling by the Gender Equality Education Committee are not affected by whether the judicial proceedings for the incident are ongoing or the outcome of the proceedings. The investigation process is not suspended if the accused loses their original status.

Article 18: After the Gender Equality Education Committee confirms the campus sexual assault, sexual harassment, or sexual bullying incident, the school should impose penalties according to relevant regulations. If other agencies can impose penalties according to relevant laws or regulations, the school or supervisory authority should transfer the case to the relevant competent authority for penalty deliberation. If the false accusation is proven, the applicant or whistleblower should be appropriately penalized according to the law.

Article 19: When notifying the results of the handling of the applicant and the accused in writing, the school should also provide the investigation report and inform the deadline for the appeal and the unit handling the appeal.

If the applicant or the accused is dissatisfied with the handling results, they may submit a written appeal within 20 days from the day following the receipt of the written notice, with reasons. If submitted verbally, it should be recorded, read, or made available to the applicant or the accused for confirmation and signed or stamped by them. Only one appeal is allowed.

Upon receiving the appeal, the school should follow the procedure below:

- a. The Secretarial Office of the school should form a review panel, decide with reasons within 30 days, and notify the appellant of the appeal results in writing.
- b. The review panel should include 3 to 5 experts or scholars in gender equality education and legal professionals. The panel should have a female majority, and at least one-third should be experts or scholars with expertise in investigating campus sexual assault, sexual harassment, or sexual bullying incidents.
- c. Former Gender Equality Committee members and former investigation team members may not serve as review panel members.
- d. During the review meeting, the appellant may be allowed to present their opinions, and relevant Gender Equality Committee members or investigation team members may be invited to

- e. When there is justification for the appeal, the decision of the appeal shall be notified to the relevant responsible unit, and they shall make the final decision.
- f. Before delivering the appeal decision to the appellant in the previous paragraph, the appellant may withdraw the appeal.

Article 20: If the applicant or the accused is dissatisfied with the result of the appeal, they may, within thirty days from the day following the receipt of the written notice, seek redress according to the following provisions:

- a. Principal and Faculty: According to the regulations of the Faculty's Law.
- b. Technical and staff personnel: According to the regulations of the Gender Equality in Employment Act.
- c. Students: Follow the procedures outlined in Article 8 of this implementation.

Article 21: The school shall establish files and records for campus sexual assault, sexual harassment, or sexual bullying incidents and the individuals involved.

When the individuals involved transfer to other schools for study or service, the receiving school should, within one month of being informed, report to the school where the individuals are currently studying or serving.

Upon receiving the above notification, the school should implement necessary tracking and counseling for the individuals involved. Without justifiable reasons, the name or other information sufficient to identify the identity of the individuals involved may not be disclosed.

If the individuals involved, after punishment, continue to engage in unlawful behavior such as harassment or retaliation against the victims, in addition to penalties under relevant criminal laws, their names may be made public as a warning.

Article 22: The handling of campus sexual assault, sexual harassment, or sexual bullying incidents at the school should follow the "Yuan Ze University Campus Sexual Assault, Sexual Harassment, or Sexual Bullying Investigation, Handling, and Complaint Process Diagram" (see Appendix 1).

Article 23: Matters not covered by these regulations shall be handled in accordance with the provisions of the Gender Equality Education Act and relevant regulations.

Article 24: These regulations shall be implemented and publicly announced after approval by the school affairs meeting. Amendments shall also follow the same procedure.

**In case of any discrepancy between the Chinese and English versions, the Chinese version shall prevail.**