

NATIONAL CHUNG HSING UNIVERSITY

Regulations for the Prevention of Sexual Assault, Harassment, and Bullying on Campus

September 21, 2005—Formulated by the 314th Administrative Meeting

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- Article 1 National Chung Hsing University (NCHU or “the University”) has formulated the following regulations in accordance with Article 20, Paragraph 1 of the *Gender Equity Education Act* (“the Act”) and Article 35 of the *Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus* (“the Regulations”) to promote gender-equal education and to establish a system for the prevention and handling of sexual assault, sexual harassment, and sexual bullying on campus.
- Article 2 The term “sexual assault” shall mean the criminal act of sexual assault as defined in the *Sexual Assault Crime Prevention Act*.
- The term “sexual harassment” shall mean any of the following acts which does not constitute sexual assault:
1. Engaging in unwelcome behavior or speech that is sexually suggestive or discriminatory, whether explicitly or implicitly, and that affects others’ dignity, educational experience, job opportunities, or performance
 2. Using sex or sex-related behavior as a condition for one’s own advantage or for others’ gain or loss of educational or work rights.
- The term “sexual bullying” shall mean speech or physical violence that is targeted at others’ gender traits, sexual orientation, or gender identification in a belittling, critical, or threatening manner that does not constitute sexual harassment.
- Article 3 The University shall take the following measures to combat sexual assault, harassment, and bullying on campus and to promote awareness of sexual and physical autonomy among faculty, staff, and students:
1. Organization of annual campus sexual assault, harassment, bullying prevention campaigns for faculty, staff, and students; evaluation of the effectiveness of the campaigns
 2. Organization of annual on-the-job training for personnel of the Gender Equality Education Committee (“the Committee”) and other units that handle on-campus sexual assault, harassment, and bullying incidents
 3. Encouraging personnel described in the preceding subparagraph to participate in on- and off-campus workshops on sexual assault, harassment, and bullying; processing official leave and subsidies for participation in such workshops
 4. Publication of the provisions herein through multiple channels, including in faculty contracts and the *Student Handbook*
 5. Encouraging victims and witnesses to report acts of sexual assault, harassment, bullying as early as possible for timely investigation and collection of evidence.
- Article 4 Faculty, staff, and students of the University shall respect others’ sexual and physical autonomy, refrain from unwelcome sexual advances, and address any conflicts related to sex or gender through non-coercive, non-violent means.
- Article 5 The University shall take the following measures to improve campus safety in order to combat sexual assault, harassment, and bullying on campus:

1. Review of overall campus safety and periodic review of venue/facility planning and usage with consideration of safety factors such as spatial configuration, management, security, signage, emergency facilities, evacuation routes, lighting, and transparency
2. Maintenance of a record of locations where previous incidents of sexual assault, harassment, or bullying took place; publication of a map indicating high risk areas on campus

The review of venue/facility planning and usage, as described in Subparagraph 1 of the preceding paragraph, shall be informed by students' varying physical and mental capacities and the differences in their linguistic and cultural backgrounds to produce the appropriate safety plans and instructions. The scope of the review shall extend to all dormitories, sanitation facilities, and school buses on campus.

Article 6 The University shall hold regular campus safety review meetings to seek the opinions of professionals in spatial design, faculty members, students, and other campus users. The review meetings described in the preceding paragraph may be convened online. Results and minutes of the meetings shall be made available to the public. The progress of improvements made to high-risk areas on campus shall be reported to the Committee on a semesterly basis.

Article 7 Faculty, staff, and students of the University shall respect gender diversity and individual differences when taking part in activities, performing duties, or interacting with others both on and off campus.

Article 8 "On-campus sexual assault, harassment, and bullying incidents" shall mean incidents of sexual assault, harassment, and bullying where the victim is a student of the University while the alleged perpetrator is the President or a faculty member, staff member, worker, or student of the University.

Definitions of the terms listed in the preceding paragraph are as follows:

1. Faculty members: Full-time faculty members, adjunct faculty members, acting lecturers, substitute lecturers, military instructors, volunteer teaching assistants, teachers-in-training who actually teach at the University, and other teaching and research personnel at the University
2. Staff members and workers: Employees of the university not described in the preceding paragraph who regularly/periodically perform school duties, and volunteer administrative assistants.
3. Students: Students with formal student status; students without formal student status while transitioning between institutions; continuing education students; exchange students; students who are teachers-in-training; and visiting students.

Article 9 The University shall compile information on sexual assault, harassment, and bullying on campus into booklets and/or a website that can be made available to those involved in an on-campus sexual assault or harassment incident.

The booklets or website described in the preceding paragraph shall include the provisions listed under Article 3, Paragraph 2 of the *Regulations*.

The University shall refer victims to the competent agencies based on their physical and mental condition and shall provide all necessary assistance stipulated under Article 27, Paragraph 1 of the *Regulations*. The associated costs shall be provided for in the Committee's budget.

The University shall provide adequate safeguards for victims, informants, whistleblowers, investigators, and individuals offering assistance during investigations, and shall expressly delineate severe consequences for any retaliation, intimidation, false accusations, or other misconduct.

- Article 10 Pursuant to Article 21, Paragraph 1 of the *Act*, the President or a faculty member, staff member, or worker of the University who becomes aware of an alleged on-campus sexual assault, harassment, or bullying incident shall immediately notify the Office of Student Affairs either in writing or via other communication channels. The Office of Student Affairs shall then notify the competent social services and educational authorities of the local administrative region within 24 hours, as required by the applicable regulations.
- Article 11 Faculty/staff members may not develop sexual or sex-related interpersonal relationships with students in violation of professional ethics during teaching, instruction, training, evaluation, management, or consultation, or when providing students with job opportunities.
- Faculty/staff members who become aware that their relationship with a student may violate professional ethics, as described in the preceding paragraph, shall either remove themselves from the situation or ask the University to step in.
- The University shall take the appropriate measures to address violations of the preceding two paragraphs by faculty/staff members.
- Article 12 Any victim of on-campus sexual assault, harassment, or bullying or their legal representative (“applicant”), or a third-party whistleblower, may file a report or claim requesting an investigation in writing with the institution (“competent institution”) with which the alleged perpetrator is affiliated at the time of the incident. In the event that the alleged perpetrator is currently, or was at the time of the incident, head of the competent institution, the report or claim shall be filed with the supervisory agency (“competent authority”) of the alleged perpetrator’s current institution.
- In the event that the incident takes place at an institution where the alleged perpetrator only works in an adjunct capacity, said institution shall remain as the competent institution.
- Personnel involved in the investigation shall actively disclose information to the applicant or whistleblower and shall investigate or process the report/claim in accordance with the *Act*.
- Article 13 Reports and claims of on-campus sexual assault, harassment, and bullying shall be directed to the Office of Student Affairs, which shall assign dedicated personnel to handle the relevant administrative matters. Other units of the University shall provide active support as necessary.
- To facilitate the reporting and investigation of on-campus sexual assault, harassment, and bullying, the Office of Student Affairs shall set up a dedicated mailbox to accept reports and claims, and shall implement the necessary confidentiality measures to protect the identity of applicants and whistleblowers.
- Upon receiving a report or claim, the Office of Student Affairs shall conduct a preliminary review in accordance with Article 29, Paragraph 2 of the *Act* to determine whether to accept the report or claim. The decision shall be made by three or more members from or appointed by the Committee.
- Article 14 In the event that the competent institution or authority is not the same as the alleged perpetrator’s current institution, a written notice shall be delivered to the latter, which shall appoint a representative to cooperate in the investigation without objection.
- Upon completion of the preliminary review and the opening of a sexual assault, harassment, or bullying case, the competent institution or authority shall forward the investigative report and recommended actions to the alleged perpetrator’s current institution for processing in accordance with Article 30 of the *Regulations*.
- Article 15 Under the circumstances described in Article 12, Paragraph 2 herein, the competent

institution shall deliver a written notice to the institution with which the alleged perpetrator has a full-time engagement (“current institution”), which institution shall appoint a representative to cooperate in the investigation without objection.

Upon completion of the preliminary review and the opening of a sexual assault, harassment, or bullying case, the competent institution shall forward the investigative report and recommended actions to the alleged perpetrator’s current institution for processing in accordance with Article 30 of the *Regulations*.

Article 16 If the alleged perpetrator served in multiple roles such as President and/or faculty/staff member, and/or worker, and/or student at the time of the incident, the role in which they interacted with the victim shall be the role for which they shall be investigated by the competent institution or authority.

In the event that the role of the alleged perpetrator cannot be determined, or that they were transitioning between institutions and thus not affiliated with any institution at the time of the incident, the institution that accepted the claim or report shall serve as the competent institution. The foregoing notwithstanding, if the alleged perpetrator subsequently is granted formal student status at the time of the investigation or report, their current institution shall serve as the competent institution.

Article 17 In the event that there are multiple alleged perpetrators involved in a single incident, the institution that accepted the claim or report shall serve as the competent institution, while the other institution(s) shall each appoint a representative to cooperate in the investigation.

Article 18 Upon receiving a claim or report over which it holds no authority, the University shall notify the applicant and forward the case to the competent institution/authority within seven business days.

For a claim or report filed while the alleged perpetrator is transitioning between institutions, the competent institution shall be determined by the common supervisory authority for the involved institutions. In the event that the two institutions share no common supervisory authority, their respective superordinate units shall negotiate the selection of a competent institution.

Article 19 On-campus sexual assault, harassment, and bullying victims or whistleblowers may file a claim or report verbally, in writing, or via email. The competent institution shall produce a formal record for claims/reports filed verbally or via email and shall read the record back to, or have it read by, the victim or whistleblower, who shall affix a signature or seal as confirmation of its accuracy.

The record of a claim/report filed verbally or via email as described in the preceding paragraph shall include the following information:

1. The applicant’s or whistleblower’s name, national identification number, affiliated institution, job title, residential address, contact number, and application date
2. For an investigation claim, the victim’s date of birth
3. For an investigation claim filed by a legal representative, a power of attorney that indicates the representative’s name, national identification number, residential address, and contact number
4. Any evidence that supports the facts being investigated or reported, which shall be included in or attached to the case record

Article 20 The University shall notify the applicant or whistleblower as to whether it decides to accept a claim or report within 20 days of receiving it. Pursuant to Article 29, Paragraph 3 of the *Act*, the applicant or whistleblower shall be informed of the specific reason(s) for non-acceptance and the deadline and competent unit for appeal.

An applicant or whistleblower who does not receive notice by the aforementioned

deadline or who receives a non-acceptance notice may file an appeal with the University in writing within 20 days. If the appeal is filed verbally, the University shall produce a formal record and read it back to, or have it read by, the applicant or whistleblower, who shall affix a signature or seal as confirmation of its accuracy.

Appeals of non-accepted claims are limited to once per incident.

Upon receiving an appeal, the University shall forward the case to the Committee to determine whether to reopen it, and the Committee shall notify the appellant of its decision in writing within 20 days. The Committee shall reopen the investigation in accordance with the applicable laws if it believes there are sufficient grounds to do so.

Article 21 Media coverage of an on-campus sexual assault, harassment, or bullying incident shall be treated as a formal report. The competent institution or authority shall refer the case to the Committee for processing and shall provide the necessary guidance or assistance for the victims, even if they are unwilling to cooperate in the investigation.

The University's Anti-Bullying Working Group shall refer bullying cases involving alleged sexual assault, harassment, or bullying to the Committee for processing in accordance with the preceding paragraph.

Article 22 The Committee may establish an ad hoc task force to conduct on-campus sexual assault, harassment, and bullying investigations. The task force shall be composed of three to five members who meet the requirements set forth under Article 30, Paragraph 3 of the *Act*.

The victim's counsellors and the managers/officers of the Committee or the competent institution shall recuse themselves from the investigation of an on-campus sexual assault, harassment, or bullying incident. Similarly, individuals involved in the investigation and handling of an incident shall recuse themselves from any advisory role to the victim.

Members of the ad hoc task force shall be issued official leave, travel allowances, and other applicable reimbursement, which shall be covered by either the competent institution/authority or the institution with which the members are affiliated.

Article 23 Pursuant to Article 30, Paragraph 3 of the *Act*, investigators of sexual assault, harassment, and bullying incidents shall be professional experts or scholars who meet one of the following criteria:

1. Holding a certificate of advanced on-campus sexual assault, harassment, and bullying investigation training issued by the local or central competent authority AND inclusion in the professional investigator database following approval by the gender equality committee of the local or central competent authority
2. Having previously investigated on-campus sexual assault, harassment, and bullying incidents AND inclusion in the professional investigator database following approval by the gender equality committee of the local or central competent authority

Those who were issued a certificate of advanced on-campus sexual assault, harassment, and bullying investigation training by the local or central competent authority prior to the December 24, 2019 amendments of the Regulations AND who were included in the professional investigator database following approval by the gender equality committee of the local or central competent authority may continue to serve as an investigator without meeting the requirements of Paragraph 1, Subparagraph 1 until December 24, 2022.

Article 24 The following provisions shall apply to the investigation of on-campus sexual assault, harassment, or bullying incidents conducted by the University:

1. The alleged perpetrator must appear in person, but they may be accompanied by a legal representative if they are under age at the time of investigation.

2. The University shall respect the victim or their legal representative's request not to involve their current institution, in which case the University may not ask the current institution to appoint a representative to the investigation.
3. The investigative task force shall include members with expertise in special education if any parties involved hold a valid special education certificate.
4. Confrontation between the alleged perpetrator and the victim/whistleblower shall be avoided if an unequal power relationship exists between the two parties.
5. The University shall maintain the confidentiality of any personally identifiable information of the alleged perpetrator, victim/whistleblower, and individuals who aid in the investigation, except where the disclosure of such information is necessary to the investigation itself or for the safety of the general public.
6. Pursuant to Article 30, Paragraph 4 of the Act, written notices delivered to the alleged perpetrator, victim/whistleblower, and individuals and units involved in the investigation shall clearly indicate the purpose of the investigation, the time and place where they should appear, and the consequences for being absent or refusing to provide information.
7. The notices described in the preceding subparagraph shall require the recipients not to share any information related to the case privately via the Internet, telecommunication software, or any other channels
8. Personnel of the competent institution/authority may not be involved in the investigation or attempt to acquire any information related to the case under any guise, and they may not ask the parties involved to submit any statements or affidavits.
9. To facilitate investigation, the University may, without breaking confidentiality, produce written records or summaries of the incident for perusal by the alleged perpetrator, victim, or individuals who aid in the investigation.
10. In order to clarify any matters of legal liability, in the event that a claim is rescinded by the applicant, the Committee may move to continue the investigation whether of its own accord or at the alleged perpetrator's request.

Article 25 All NCHU personnel involved in the investigation and handling of on-campus sexual assault, harassment, and bullying incidents shall be bound by the confidentiality requirements set forth in Subparagraph 5 of the preceding article.

A breach of confidentiality by personnel described in the preceding paragraph is punishable under the *Criminal Code* and other applicable laws.

Unless otherwise required by law, documents containing the alleged perpetrator's, victim's, whistleblower's, and/or witnesses' names shall be sealed and may not be made available to anyone other than law enforcement.

With the exception of the original case documents, the personnel investigating or handling an on-campus sexual assault, harassment, or bullying incident shall delete or redact the names and any identifiable personal information of the alleged perpetrator, victim, whistleblower, and witnesses on all records produced.

Article 26 Pursuant to Article 23 of the *Act*, in order to safeguard the rights to education and work of the parties involved in an on-campus sexual assault, harassment, or bullying incident, the following measures may be taken and reported to the supervisory authority for recordation:

1. Providing flexibility in the handling of the parties' attendance records and performance reviews; providing assistance with their studies or work; and providing exemptions from the applicable performance review/evaluation regulations
2. Minimizing interactions between the parties to respect the victim's wishes
3. Preventing any acts of retaliation

4. Preventing or minimizing the possibility of any further offenses by the alleged perpetrator
5. Other measures deemed necessary by the Committee

If a party is not affiliated with the competent institution, the institution with which the party is affiliated shall be notified to handle matters in accordance with the preceding paragraph.

Measures described in the first paragraph shall be implemented upon approval by the Committee.

Article 27 Pursuant to Article 24, Paragraph 1 of the *Act*, the University shall refer victims to the competent agencies for the necessary assistance based on their physical and mental condition. However, the University shall continue its investigation in accordance with the *Act*.

If a party is not affiliated with the competent institution, the institution with which the party is affiliated with shall be notified to provide the necessary assistance.

Article 28 Pursuant to Article 24, Paragraph 1 of the *Act*, the University may provide the following assistance for the parties involved as needed:

1. Counselling services
2. Legal advice
3. Schoolwork support
4. Financial support
5. Other safeguards or measures deemed necessary by the Committee

If a party is not affiliated with the competent institution, the institution with which the party is affiliated with shall be notified to provide the necessary assistance described in the preceding paragraph.

Counselling services, as described in the first paragraph, may be provided by a physician, clinical psychiatrist, therapist, social worker, lawyer, and/or other professional, the costs associated with which shall be borne by the University.

Article 29 Investigations by the Committee shall be independent from the results of litigation or legal procedures, if any.

Such investigations will not be terminated on the grounds that the alleged perpetrator no longer holds their original role.

Article 30 To respect professional judgment and avoid double jeopardy, the University shall refer to the Committee's investigative report for all facts related to an on-campus sexual assault, harassment, or bullying incident.

If the Committee's investigative report finds a sexual assault, harassment or bullying allegation to be true and recommends a change in the status of the alleged perpetrator at the competent institution or authority, the University or its supervisory authority shall forward the report to the alleged perpetrator and ask them to provide a written statement by a given deadline.

Failure on the part of the alleged perpetrator to provide a written statement by the deadline shall be deemed as a forfeiture of their right to appeal. If a written statement is submitted, the Committee shall convene to review the statement. The investigation may only be reopened if the requirements set forth in Article 32, Paragraph 3 of the *Act* are satisfied.

The competent unit of the University or its supervisory authority that issues the decision may not reopen the investigation or ask the Committee to do so unless the requirements set forth in Article 32, Paragraph 3 of the *Act* are satisfied.

Article 31 If the Committee finds an on-campus sexual assault, harassment, and bullying allegation to be true, the alleged perpetrator shall be issued a warning or demerit,

dismissed, suspended, vacated, removed from office, have their contract or employment status terminated, or receive other appropriate penalties in accordance with Article 25, Paragraph 1 of the Act. The University shall also refer the alleged perpetrator to any agencies with authority over the case in accordance with the applicable laws or regulations. The applicant or whistleblower shall receive the appropriate penalties in accordance with the applicable regulations if they are found to have submitted a false accusation.

The University shall order the alleged perpetrator to comply with the corrective measures stipulated in Article 25, Paragraph 2 of the *Act* and shall take the necessary measures to ensure the alleged perpetrator's compliance.

The corrective measures described in the preceding paragraph shall be determined by the gender equality committee of the competent institution or authority, and shall include gender equality training. The nature of the training, method of implementation, duration, costs, and consequences for absences shall be determined by the Committee and be indicated in the written notice.

Pursuant to Article 25, Paragraph 2, Subparagraph 2 of the *Act*, alleged perpetrators shall receive eight hours of mandated gender equality training, which shall be organized by the supervisory authority of the competent institution.

Article 32 Upon completion of the investigation, the University shall provide a copy of the investigative report with the written notices sent to the applicant and alleged perpetrator, who shall be informed of the deadline and competent unit for appeal.

An applicant or alleged perpetrator who wishes to dispute the results may file an appeal with the University in writing within 20 days of the day following their receipt of the written notice. For appeals filed orally, the University shall produce a formal record and read it back to, or have it read by, the applicant or alleged perpetrator, who shall affix a signature or seal as confirmation of its accuracy.

The University shall handle appeals in accordance with the following procedures:

1. Upon receipt of an appeal, the University shall establish an ad hoc committee to issue a decision supported by the facts and notify the appellant of the results in writing within 30 days.
2. The ad hoc committee described in the preceding paragraph shall be composed of three to five members who are experts, scholars, or legal professionals specializing in gender equality. Female members shall make up at least half of the committee, while members with a professional qualification in the investigation of on-campus sexual assault, harassment, and bullying shall make up at least one third of the committee.
3. Members of the Gender Equality Education Committee and the original investigative task force may not serve on the ad hoc committee.
4. Members of the ad hoc committee shall select a convener from among themselves to serve as chair of its meetings.
5. If necessary, the ad hoc committee may ask the appellant to make a statement or invite members of the Gender Equality Education Committee or the original investigative task force to attend its meetings as non-voting members.
6. If the ad hoc committee finds that there are reasonable grounds for the appeal, it shall notify the competent unit to issue a new decision.
7. The appellant may rescind an appeal in accordance with the preceding paragraph at any time prior to the issuance of the appeal results.

Article 33 Records produced by the University in accordance with Article 27, Paragraph 1 of the *Act* shall be maintained by a dedicated unit or personnel for 25 years. Records stored electronically shall be encrypted or locked with an electronic signature if necessary.

Records described in the preceding paragraph shall include original case files and investigative reports.

Original case files, as described in the preceding paragraph, shall include the following information:

1. Time and description of the incident
2. Parties involved in the incident, including the whistleblower, victim, and alleged perpetrator
3. Personnel who handled the incident and the associated procedures and records
4. Records produced during the handling of the incident, including interview recordings, evidence, and other relevant information
5. The alleged perpetrator's name, job title/student status, and family background
6. Draft of the investigative report and the Committee's meeting minutes

Investigative reports, as described in the second paragraph, are reports approved by the Committee, which shall include the following information:

1. The course of the incident, including descriptions provided by the parties involved
2. Records of interviews, including the dates and interviewees
3. Statements and responses provided by the applicant, alleged perpetrator, witnesses, and other related individuals
4. Examination of the evidence
5. Determination of facts and reasoning
6. Recommended measures

Article 34 Evidence acquired by the competent institution or authority under Article 27-1, Paragraph 3 of the Act shall be submitted to the Committee for verification and review after the parties involved have been given an opportunity to provide a statement.

Article 35 The contents of reports submitted by the University in accordance with Article 27-1, Paragraphs 2 and 3 of the *Act* shall be limited to the time and description of the confirmed on-campus sexual assault, harassment, or bullying incident, as well as the perpetrator's name and job title/student status.

If necessary, the University may provide information related to counselling, re-education, or other relevant measures imposed on the perpetrator to the institution with which they are subsequently affiliated.

If, following an evaluation, the University determines that the perpetrator is unlikely to commit any further offenses, it may choose to include such information in the reports described in the first paragraph.

Article 36 The University shall formulate a set of regulations for the prevention of sexual assault, harassment, and bullying on campus in accordance with the *Regulations* and shall include Articles 7 and 8 of the *Regulations* in its faculty contracts and *Student Handbook*.

The regulations described in the preceding paragraph shall include the following matters:

1. Campus safety planning
2. Guidelines on interpersonal interaction on and off campus
3. Promotion of sexual assault, harassment, and bullying awareness
4. Definitions and possible forms of on-campus sexual assault, harassment, and bullying
5. Competent unit(s) for claims and reports of on-campus sexual assault, harassment, and bullying incidents (including contact email and phone number)
6. Procedures for the investigation and handling of on-campus sexual assault, harassment, and bullying incidents
7. Procedures for appeal of and redress for on-campus sexual assault, harassment,

and bullying incidents

8. Warnings against retaliation
9. Privacy and confidentiality
10. Other matters related to the prevention of sexual assault, harassment, and bullying on campus

Article 37 Upon the Committee's completion of an on-campus sexual assault, harassment, or bullying investigation, the University shall forward a status report, procedural report, investigative report, and the Committee's meeting minutes to the Ministry of Education for recordation. The same shall apply to any appeals filed by an applicant or alleged perpetrator, the results of which shall be reported to the Ministry of Education upon completion of the appeal process.

Article 38 These Regulations shall be implemented upon approval by the Administrative Meeting. The same shall apply when amendments are made.