

# **Regulations for Prevention of Campus Sexual Assault, Sexual Harassment and Sexual Bullying at I-Shou University**

Adopted on April 11, 2007 at the first meeting of the University Administration Council in the second semester of the academic year 2006

Amendments to Articles 1-22 ratified and promulgated by the President on July 12, 2010

Amendments to Articles 2-30 ratified and promulgated by the President on July 4, 2011

Amendments to Articles 1-4, 7-14, 16-20, 24, 25 and 28 ratified and promulgated by the President on November 30, 2011

Amendments to Paragraph 2 of Article 13 ratified and promulgated by the President on January 18, 2012

Article 1 The Regulations for Prevention of Campus Sexual Assault, Sexual Harassment and Sexual Bullying at I-Shou University (hereinafter referred to as the “Regulations”) are enacted as per the Gender Equity Education Act (hereinafter referred to as the “Act”) and the Regulations on the Prevention of Sexual Assault or Sexual Harassment on Campus of the Ministry of Education to promote education on prevention of sexual assault, sexual harassment and sexual bullying, and raise faculty, staff and students’ awareness of and respect for others’ and their own right to sexual and body autonomy.

Article 2 The term “campus sexual assault, sexual harassment and sexual bullying” refers to a case in which one party is the President, faculty, staff, maintenance worker or student of the University, while the other party is a student of the University or any other schools. The definitions are as follows:

1. faculty: full-time teachers, part-time teachers, long-term or short-term substitute teachers, nursing teachers, military training instructors, and anyone who teaches, conducts research or engages in teaching practicum at the University.
2. staff and maintenance worker: person(s) carrying out administrative or general duties at the University who are not teachers as defined in the preceding subparagraph.
3. student: person(s) studying or receiving extension education at the University or

any other schools, including exchange students.

4. sexual assault: any sexual offense as defined in the Sexual Assault Crime Prevention Act.
5. sexual harassment: either of the following situations, which does not constitute sexual assault:
  - a. unwelcome remarks or conducts that carry explicitly or implicitly a sexual or gender discriminating connotation, thereby adversely affecting the other party's human dignity, or the opportunity or performance of his/her learning or work; or
  - b. 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.
6. 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, which are not considered as sexual harassment.
7. gender identity: an individual's awareness and acceptance of his or her own gender.

Article 3 After being notified of a formal complaint about sexual assault, sexual harassment or sexual bullying on campus, the Office of Dean of Student Affairs (hereinafter referred to as the "Dean's Office") shall accept the complaint and be responsible for administrative procedures, while the Committee of Gender Equity Education (hereinafter referred to as the "Committee") shall deliberate the complaint, and any other units of the University shall cooperate with the aforesaid two organs. After receiving the complaint, the Dean's Office shall conduct a preliminary investigation within three working days as per Paragraph 2, Article 29 of the Act, and then submit the investigation results to the Committee's Campus Gender Issue Task Force, which is composed of three committee members as selected or appointed in rotation by the Committee. If the Dean's Office has no jurisdiction over a complaint, Article 12 of the Regulations shall apply.

Article 4 To prevent campus sexual assault, sexual harassment and sexual bullying, the University shall take the following measures to improve dangerous areas on campus:

1. reviewing campus layout and facilities, and inspecting overall campus security at least once a year: space layout, management & security, signs, emergency systems, safety routes, lighting, space openness, etc.
2. detailing the location(s) on campus in which sexual assault, sexual harassment or sexual bullying has happened, and drawing a map of dangerous areas on campus

whenever necessary.

- Article 5 The University's faculty must not develop intimate relationships that violate professional ethics with students in his or her instruction, guidance, training, evaluation, management, counseling, or when providing students with employment opportunities. When any of the faculty realizes that his or her relationship with a student may violate professional ethics, he/she shall voluntarily excuse himself/herself from relevant duties or report to the University for subsequent actions.
- Article 6 The University's faculty, staff, maintenance workers and students shall have respect for others' and their own right to sexual and body autonomy, prevent unwelcome courtship, and not resort to forcible or violent means to handle sex or gender-related conflicts.
- Article 7 The victim of campus sexual assault, sexual harassment or sexual bullying, his/her legal representative (hereinafter collectively referred to as the "complainant") or the informant may apply to the University for an investigation or file a formal complaint about sexual assault, sexual harassment or sexual bullying in writing. However, the aforesaid rule does not apply to the following situations:
1. If the offender is the University's President, the complainant or the informant shall apply/report to the Ministry of Education; or
  2. If the University's faculty or staff gets involved in sexual assault, sexual harassment or sexual bullying while serving part-time at another school, the complainant or the informant shall apply/report to the school in which the offender serves part-time.
- Article 8 When the University is the school in which an offender of campus sexual assault, sexual harassment or sexual bullying serves part-time, it shall send a written notification to the institution in which the offender serves full-time of sending representatives for an investigation.
- After the investigation is completed, the University shall deliver a report and recommendations on punishment to the school, institution or organization in which the offender serves full-time or part-time when the suspected sexual assault, sexual harassment or sexual bullying proves true. If the offender is held criminally liable, he/she shall be brought to justice.
- Article 9 If an offender, on the occurrence of the suspected campus sexual assault, sexual harassment or sexual bullying, has served at a school different from the one he/she serves now, and the University accepts an application for an investigation or receives a formal complaint, it shall send a written notification to the institution in which the offender serves now of sending representatives for the investigation.

After the investigation is completed, the University shall deliver a report and recommendations on punishment to the school, institution or organization in which the offender serves now when the suspected sexual assault, sexual harassment or sexual bullying proves true. If the offender is held criminally liable, he/she shall be brought to justice.

Article 10 If an offender has been granted two different types of status or more (i.e. the President, faculty, staff, maintenance worker or student) on the occurrence of the suspected campus sexual assault, sexual harassment or sexual bullying, his/her status under investigation is determined based on the status he/she has held when interacting with the victim, and the case is handled by the corresponding school or competent authorities.

When it is not possible to determine the status an offender has held on the occurrence of suspected campus sexual assault, sexual harassment or sexual bullying or to make sure which school the offender will study at during the period of transition to a different educational system, and the University accepts an application for an investigation or receives a formal complaint, it is responsible for an investigation and shall notify the school(s) concerned of sending representatives for the investigation. If the University is not the school which accepts an application for an investigation or receives a formal complaint, it shall send representatives to the school which accepts an application for an investigation or receives a formal complaint for investigation purposes.

Article 11 When there are two or more offenders getting involved in suspected campus sexual assault, sexual harassment or sexual bullying, not all of whom study or serve at the University, and the University accepts an application for an investigation or receives a formal complaint, it is responsible for an investigation and shall notify the school(s) concerned of sending representatives for the investigation. If the University is not the school which accepts an application for an investigation or receives a formal complaint, it shall send representatives to the school which accepts an application for an investigation or receives a formal complaint for investigation purposes.

Article 12 If the University has no jurisdiction over an application for an investigation or a formal complaint about campus sexual assault, sexual harassment or sexual bullying, it shall refer the case to the authority which has the jurisdiction within seven working days, and at the same time notify the complainant/informant.

Article 13 Whenever anyone at the University (e.g. a faculty member, student, staff, maintenance worker or military training instructor) is informed of suspected campus sexual assault, sexual harassment or sexual bullying, he/she shall report to the Dean's

Office without delay. After being informed of the suspected campus sexual assault, sexual harassment or sexual bullying, the Dean's Office shall immediately report to the Ministry of Education as well as other competent authorities as stipulated by the law within 24 hours of knowing the incident. Violators shall be fined NT\$30,000 ~ NT\$150,000.

The University's President, faculty members, staff or maintenance workers shall be dismissed or discharged from employment in accordance with the law if they violates the regulations on reporting suspected sexual assault on campus, thereby resulting in a further incident of sexual assault on campus, or falsify, modify, destroy or conceal evidence of sexual assault on campus committed by others.

When the University reports suspected campus sexual assault, sexual harassment or sexual bullying as per this Article, it is compulsory to keep confidential the names of related parties and the informant or any other information that may verify their identity unless otherwise requested by the investigator, stipulated by the law or for the sake of public security.

Article 14 The complainants or the informants may file an application for an investigation or report suspected campus sexual assault, sexual harassment or sexual bullying in writing. If the complaint or report is made orally, the content shall be taken down, read aloud or perused by the complainant/informant, and signed and affixed by the complainant/informant after verifying that the content is true and correct.

Article 15 The Dean's Office shall reply in writing to the complainant/informant about whether to accept the case within twenty days of receiving an application for an investigation or a formal complaint. If the Dean's Office refuses to accept, it shall state clearly the reasons for refusal on the notification, and at the same time inform the complainant/informant of a deadline for an appeal and the unit in charge.

The complainant/informant may file a written appeal detailing reasons to the Dean's Office within twenty days when he/she does not receive any notification by the deadline or receives a refusal notification. The complainant/informant is allowed to file an appeal against refusal for only once.

The Dean's Office shall inform the appeal applicant of the appeal results in writing within twenty days of receiving an appeal. When the appeal is tenable, the Dean's Office shall refer the application for an investigation or the formal complaint to the Committee for deliberation.

Article 16 A news report of suspected sexual assault, sexual harassment or sexual bullying at the University is considered a formal complaint filed by an informant. The University shall proactively refer the case to the Committee for investigation. If the suspected

victim is unwilling to cooperate with the University, the University shall still provide all possible counseling and assistance to him/her.

Article 17 To deal with suspected campus sexual assault, sexual harassment or sexual bullying, the Committee may organize an investigation panel. The Panel is composed of three to five members in principle, and the members shall be appointed as per the provision of Paragraph 3 of Article 30 in the Act. The counselor(s) of the person(s) involved shall be excused from the investigation into the case, while those engaging in the investigation or dealing with the case shall excuse themselves from counseling the person(s) involved. Members to the Panel will receive official leave as well as the transportation allowance or relevant fees as stipulated by the University.

Article 18 The following regulations shall be complied with when the Committee investigates into suspected campus sexual assault, sexual harassment or sexual bullying:

1. If the person(s) involved is under age, he/she may be accompanied by the legal representative during the investigation.
2. It is recommended to avoid confrontations between parties when there are power asymmetries between the offender and the victim/informant/anyone invited to an investigation.
3. Without prejudice to confidentiality obligations, the Committee may produce documentation and deliver it to the offender, victim or the person(s) invited to an investigation to read, or explain key points to the offender, victim or the person(s) invited to an investigation for the sake of a thorough investigation.
4. An application for an investigation shall not be withdrawn unless with consent of the Committee. An investigation may continue to clarify legal responsibilities as decided by the Committee or requested by the offender(s). If competent authorities consider it a serious violation and ask the University to continue the investigation, the University shall do so.

Article 19 The University shall keep confidential the names and any other information that may verify the identity to protect the offender(s), victim(s), informant(s) or anyone invited to an investigation. However, the aforesaid regulation does not apply when a thorough investigation or public security has high priority.

All persons who deal with suspected campus sexual assault, sexual harassment or sexual bullying must keep all relevant information confidential. Those who are found to have disclosed part or all of the confidential information shall be held criminally liable or disciplined as per relevant laws and regulations.

Original documents detailing the names of the persons involved, the informant(s) and the witness(es) shall be sealed for safekeeping, and must not be available to a third

party or anyone other than those from the investigation or judicial authorities, unless stipulated by the law.

Except for the aforesaid original documents, the real names and any other information that may verify the identity of the persons involved, the informant(s) and the witness(es) shown on documents produced by personnel investigating or dealing with suspected campus sexual assault, sexual harassment or sexual bullying shall be deleted and substituted with a code.

Article 20 To uphold the right to education or work of the person(s) involved in campus sexual assault, sexual harassment or sexual bullying, the University may take the following measures whenever necessary:

1. making flexible adjustments in the attendance records or performance evaluation of the person(s) involved, and proactively assisting the person(s) involved in fulfilling studies or duties; the person(s) involved may be exempted from regulations and rules for leave absence, faculty evaluation and student performance evaluation;
2. having respect for the victim's decisions and minimizing interactions between the person(s) involved;
3. preventing all forms of revenge;
4. preventing a second offense by the offender(s);
5. any other measures considered necessary by members to the Committee.

The necessary measures mentioned herein shall be implemented under the consent of the Committee.

Article 21 The University may proactively refer the person(s) involved to relevant institutions to seek further help after taking into consideration their physical and mental conditions. However, the Committee shall continue its investigation into the case as per the Act.

Article 22 The University shall offer the person(s) involved all possible assistance, including but not limited to:

1. psychological counseling;
2. legal counseling;
3. assistance in studies;
4. financial aids;
5. any other forms of assistance considered necessary by the Committee.

The University shall draw up a budget to pay all assistance-related expenses.

Article 23 Investigations conducted by the Committee are exempted from the judicial process and judicial results, and investigations shall not be suspended because the offender(s) loses the original status.

Article 24 Under the principles of respect for professional judgment and avoidance of repeated interrogation, the University shall establish facts relevant to suspected campus sexual assault, sexual harassment or sexual bullying based on the investigation report provided by the Committee.

When the recommendations on punishment on the investigation report would change the status of the offender(s), the offender(s) shall be allowed an opportunity to make a written statement, and Paragraph 2, Article 29 in the Regulations on the Prevention of Sexual Assault or Sexual Harassment on Campus shall apply.

Competent authorities with jurisdiction over punishments shall not request the Committee to reinvestigate into a case or investigate into a case on their own unless major flaws in investigation procedures, or new facts or evidence that would affect the previous investigation results are discovered.

Article 25 When the suspected sexual assault, sexual harassment or sexual bullying proves true by the Committee, the offender(s) shall be disciplined as per the University's regulations and rules. If any other government agencies have the authority to discipline the offender(s), the University shall refer the case to such government agencies for disciplinary actions. When a false accusation has been confirmed, the University shall impose appropriate punishment to the complaint(s) according to the law.

Article 26 When delivering the investigation results in writing to the complaint(s) and the offender(s), the University shall provide a copy of the investigation report as well, and at the same time inform them of a deadline for an appeal and the unit in charge.

If a complaint or offender has objection against the results, he/she may file a written appeal detailing reasons to the Dean's Office within twenty days of the second day of receiving the notification. When the appeal is made orally, the content shall be taken down, read aloud or perused by the complainant or the offender, and signed and affixed by him/her after verifying that the content is true and correct.

The Dean's Office shall follow the provision of Paragraph 3, Article 31 in the Regulations on the Prevention of Sexual Assault or Sexual Harassment on Campus to handle an appeal. The Dean's Office shall inform the appeal applicant of the appeal results and reasons in writing within thirty days of receiving an appeal.

Article 27 Files on campus sexual assault, sexual harassment or sexual bullying made according to the law shall be safely kept by the Dean's Office. These files can be divided into original documents and report documents. Original documents shall be kept confidential; the following items shall be included in original documents:

1. the occurrence time and type of the case;



2. the persons involved, including the informant(s), victim(s) and offender(s);
3. the person(s) dealing with the case, handling procedures and case records;
4. documents, evidence and other relevant information produced during the handling of the case;
5. the name, job title/student status and family background of the offender(s).

The following items shall be included in report documents:

1. the occurrence time and type of the case, and codes representing the persons involved in the case;
2. handling procedures and the conclusion.

Article 28 When the offender(s) of campus sexual assault, sexual harassment or sexual bullying studies or serves at another school after the case, the University shall notify the school in which the offender(s) studies or serves now within one month of being informed of the transfer. The report provided to the school must be true and correct and limited to the occurrence time and type of the case, the name of the offender(s), and the job title/student status.

If the follow-up and counseling records of the offender(s) preclude the possibility of a second offense, the University may include the improvement made by the offender(s) in the report mentioned above.

Article 29 Any matters not mentioned herein shall be governed by relevant laws and regulations.

Article 30 The Regulations become effective on the third day of promulgation after adopted by the University Council and ratified by the President.

*Note: In the event of any disputes or misunderstanding as to the interpretation of the language or terms of these Regulations, the Chinese language version shall prevail.*