

National Central University Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus

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Chapter 1 General principles

- Article 1 National Central University established preventing methods and handling mechanisms of sexual assault, sexual harassment, or sexual bullying on campus in order to promote substantive gender equality. These regulations are drawn according to the Article 20 in the Gender Equity Education Act and the Article 34 in Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus.
- Article 2 The following terms that appear in this regulation are hereby defined:
1. Gender equity education: to generate respect for gender diversity, eliminate gender discrimination and promote substantive gender equality through education.
 2. Sexual assault: any sexual offense defined by the Sexual Assault Prevention Act.
 3. Sexual harassment: cases described by the following and do not constitute as sexual assaults:
 - i) Unwelcome remarks or conducts 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.
 - ii) 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.
 4. 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 will be under the category of sexual bullying not sexual harassment.
 5. Gender Identity: an individual's awareness and acceptance of his or her own gender.
- Article 3 The sexual assaults, harassments or bullying on campus to be handled in accordance with these Regulations refer to sexual assault, harassment or bullying incidents in which one party is the president, teacher, staff member, janitor or student of a school and the other party is a student. The concerned parties of any of such incidents do not have to be members of the same school. These Regulations shall apply when one of the parties is a member of National Central University.
- Definitions of terms in the previous paragraph are as follows:
1. Teacher: full-time teacher, part-time teacher, long-term or short-term

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 but not defined as teachers in the preceding subparagraph.
3. Student : are enrolled in a regular program or a continuing/extension education program or student exchange program.

Article 4

National Central 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 sexuality or body autonomy of others and of one's own. The following measures shall also be taken:

1. The University Gender Equity Education Committee (hereafter referred to as the Committee) is the competent authority of the school for handling sexual assault, sexual harassment, or sexual bullying incidents on campus.
2. Regularly hold educational programs and in-service education programs each year for faculty, staff, and students aimed at the prevention of campus sexual assault, sexual harassment, and sexual bullying
3. Encourage committee members or agencies involved in the handling of campus sexual assault, sexual harassment, or sexual bullying cases 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 leaves and reimburse any associated expenses.
4. Promulgate these Regulations through a wide range of channels; include them in faculty and staff employment contracts and student handbooks.
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, investigation, and other handling.

Article 5

The school 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 take the initiative in providing the information to relevant personnel when handling such cases.

The aforesaid information shall contain the following items:

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 school.
3. Mechanisms of investigation application, reapplication, and relief.
4. Related competent authorities and authorized agencies.
5. Organizations and networks that provide resources and support.

6. Other matters deemed necessary by the school's Committee.

Chapter 2 Campus safety plan

- Article 6 In order to prevent incidents of sexual assault, sexual harassment, and sexual bullying on campus, the school shall implement the following measures for enhancing safety:
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 danger areas as necessary.
 3. Regularly hold campus space safety inspection workshops and invite professional space designers, faculty, staff, students, and other users of the campus to participate in. The school shall also make public the results of the inspection and pertinent records mentioned in the preceding two subparagraphs, and inspect the improvement progress of the hazard zones on campus.

Referring to subparagraph 1 above, regarding the inspection of the planning for and usage of campus grounds and facilities, the differences of the physical and mental capabilities, or linguistic culture, of students shall be considered, the safety planning and methods of explanation provided meet their needs. The scope of these considerations should extend to on-campus dormitories, bathing and restroom facilities, campus transport, etc.

Chapter 3 Matters needing attention regarding instruction and interpersonal interaction on and off campus

- Article 7 During performance of work-related tasks and in interpersonal interactions on and off campus, faculty, staff, and students shall respect gender diversity and individual differences.
- Faculty, staff, and students shall respect others' and their own autonomy over their sexuality and 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.
- 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 employment opportunities.

Find a teacher-student relationship may violate the professional ethical codes referenced in the paragraph above, the teacher shall take the initiative to avoid further interaction with the student or report the matter to the school for handling.

Should a teacher find that his or her relationship with a student violates the code of professional ethics referenced in the previous paragraph, the teacher shall take the initiative to avoid further interaction with the student or report the matter to the school for handling.

The University shall impose appropriate sanctions on any teaching and administrative faculty members or students found in violation of the aforesaid regulations.

Chapter 4 Responsible administrative units, procedures, and relief measures for handling incidents of campus sexual assault, sexual harassment, and sexual bullying

Article 8 The victim of a campus sexual assault, sexual harassment, or sexual bullying incident or his/her legal representative (hereafter referred to jointly as “the applicant”), or a complainant to such an incident, may apply for an investigation or a complainant’s written report to the school where the alleged offender was employed or enrolled at the time of the incident (hereafter referred to as “the school with jurisdiction”).

If the application or report is made verbally or by email, the school shall create a text record of the application and read it out to the applicant or the complainant or ask him/her to read it in order to confirm its accuracy. Subsequently, the text record shall be signed or sealed by the applicant or the complainant.

The aforementioned text record of a written, verbal, or email application or report shall contain the following items:

1. The applicant or the 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 investigation’s application.
2. At the time an application for an investigation is made, the applicant shall state the victim’s year, month, and day of birth.
3. If the applicant authorizes a representative as his or her investigation applicant, an authorization letter shall be submitted containing the representative’s name, national identification card number, residence and domicile, and telephone number.
4. Factual materials presented in an application for an investigation or complainant’s report—for example, relevant evidence—should be documented in writing or included as attachments.

If the alleged offender is the principal of the school, such application should be submitted to the Ministry of Education. In cases where the incident occurred at a school where the alleged offender was employed part-time, this school shall be considered the school with jurisdiction.

In cases where the school accepting the application for investigation or a complainant's report does not possess jurisdiction in the matter, it shall within 7 days transfer responsibility for the case to a party with such jurisdiction, while informing the involved persons.

Article 9 When the president, teacher, employee, or janitor becomes aware of a possible incident of campus sexual assault, sexual harassment, or sexual bullying, he/she shall immediately notify the Committee, in accordance with the terms of the first paragraph under Article 21 of the Act. Outside office hours, such incidents shall be reported to the personnel on duty in the Military Training Office. Once notified, the Committee or the Military Training Office shall act according to related regulations and report the incidents to the competent authorities.

When reporting a case according to this Article, 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.

Article 10 Sexual assault, harassment, or bullying incidents shall be reported to the Office of Student Affairs. The phone number is 03-4229250 during office hours or 03-2805666 outside office hours. The number for inquiries is 03-4227151 extension 57268. The email address is ncu57268@ncu.edu.tw. Unless it is rightfully rejected, an incident reported shall be turned over to the Committee for investigation and handling within three days. A task force of at least three members of the Committee shall be organized either by the Committee appointment or the members on duty. The task force has to determine whether the Committee will accept the case. The application procedure is listed in the attachment.

Rejecting the application or offending report in the previous paragraph is as one of the followings applies:

1. Events not prescribed in the regulations of this Act.
2. Applicants or offense-reporters who do not provide their real names.
3. A case that has already been handled and closed.

The notification in the preceding paragraph shall explain the reason of its rejection in writing.

The Office of Student Affairs shall appoint staff members to be in charge of the case, receive related documents, and handle corresponding administrative affairs. All related units of the University shall cooperate and

provide assistance.

Article 11 The Office of Student Affairs shall send a written notification of whether an application for investigation or complainant's report has been accepted for further handling to the applicant or the complainant within twenty days after receiving the application or report. Written notification of rejection shall contain reasons, and the applicant or the complainant shall be notified of the deadline for a reapplication and the office that accepts a reapplication. 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 reapply in writing with grounds stated to the Office of Student Affairs within twenty days from the second date following the date of receipt of the notification. For an applicant who reapplies verbally, the Office of Student Affairs shall make a documentation of the reapplication and read it to the applicant or the complainant or ask him/her to read it to confirm its accuracy. The record shall then be signed or sealed by the applicant or the complainant. Reapplication in the preceding paragraph shall be made no more than once.

After receiving a reapplication, the Office of Student Affairs shall notify the applicant or the complainant of the reapplication conclusion in writing within twenty days. In the case of reapplication with legitimate grounds, the Office of Student Affairs shall turn over the investigation application or complainant to the Committee for further handling.

After receiving a reapplication, the Office of Student Affairs shall notify the applicant or the complainant of the reapplication conclusion in writing within twenty days. In the case of reapplication with legitimate grounds, documentation for the application or complaint report shall be provided to the Committee for further handling.

Article 12 Incidents of campus sexual assault, sexual harassment, or sexual bullying that have received media coverage shall be treated as having been reported. The school shall take the initiative to proactively refer the matter to its Committee for investigation. In cases where the suspected victim is not willing to cooperate with an investigation, the school or competent authority shall nevertheless provide required counseling or assistance. If in handling an incident of bullying, a school discovers that sexual assault, sexual harassment, or sexual bullying may have occurred, such a discovery shall be considered equivalent to a complainant's report. The school's team for prevention of bullying shall handle the matter in accordance with the terms of the previous paragraph.

Article 13 The Committee may organize an investigation team to handle a campus sexual assault, sexual harassment, or sexual bullying incident. The team shall be composed of three or five members who shall be appointed.

Moreover, female members and the School's member must account for at least one-half of the team. Experts with a background in the investigation shall account for at least one-third of the team.

The expert of the previous paragraph is a person shall be acknowledged by the Gender Equity Education Committee of the Ministry of Education (MOE) and included in its investigation specialist database.

Any person serving in the capacity of counselor to the victim or the alleged offender in a campus sexual assault, sexual harassment, or sexual bullying incident shall avoid participation in the case investigation. Any person involved in the investigation and handling of a campus sexual assault, sexual harassment, or sexual bullying case shall also avoid participation in the counseling of the victim or the alleged offender.

When the concerned parties are members of different schools, representatives from the school of the applicant shall participate in the investigation.

Article 14 During the investigation, the University shall give the members of the investigation team official leave, as well as provide related funds and administrative support.

The related funds mentioned in the preceding paragraph include overtime pay, transportation and business trip expenses, and remuneration for the services of specialists and scholars. The administrative support includes cooperation of the administrative units, provision of information, and personnel backup.

Article 15 The school or agency with jurisdiction shall investigate and handle a campus sexual assault, sexual harassment, or sexual bullying case according to the following principles:

1. In handling campus sexual assault, sexual harassment, or sexual bullying cases, the Committee shall be objective, fair and professional, allowing both involved parties sufficient opportunities to make their statements and respond to allegations. Repetitive interrogation shall be avoided.
2. Victim(s) of minor age may be accompanied by their guardians during investigations.
3. When an imbalance of power exists between the offender and the victim, a complainant, or a person requested to assist in the investigation, confrontation should be avoided.
4. Based on the necessity of the investigation, written information may be produced so long as it does not violate the obligation of confidentiality, and be provided to the alleged offender, the victim, or any person invited to assist in the investigation to be read or summarized.
5. In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, the school handling the investigation, after the decision of its Committee or the request of the alleged offender, may continue the investigation. The competent authority under whose

jurisdiction the school falls shall, where it considers the facts of the case to be of sufficient gravity to warrant it, must direct the school with jurisdiction to continue the investigation.

Article 16 The names and other information that may lead to the identification of the victim, the alleged offender, the complainant or persons invited to assist in the investigation shall be kept confidential, except for the necessity of investigation 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 in the preceding paragraph shall be subjected to penalties in accordance with criminal laws and other pertinent regulations.

The school or the competent authority shall seal and store all original documents containing the names of the victim, the offender, complainant, and witness. Excepted otherwise provided by the law, these documents should not be examined or made available to any person(s) other than the agency in charge of legal investigation or trial.

Except for original documents, the names and information that may lead to the identification of a victim, offender, complainant, or witness shall be deleted and replaced with codes in all documents produced by the investigators of campus sexual assault, sexual harassment, or sexual bullying cases.

Article 17 In order to protect the right to education and the right to work of the victim of a campus sexual assault, sexual harassment, or sexual bullying incident, the school may prescribe the following measures when necessary, reporting to the Ministry of Education for reference:

1. Handle the attendance record or achievement assessment of the victim with flexibility; assist the victim's studies or work affirmatively, and without limitations stemming from regulations pertaining to requests for leaves of absence, and those pertaining to performance appraisals for teachers and students.
2. Respect the wishes of the victim, and reduce the chance of interaction between the two 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 Committee.

If the victim is not employed by or enrolled at the school with jurisdiction, the school at which he/she is employed or enrolled shall be notified for handling in accordance with the terms described in the preceding paragraphs.

Any required measures covered in the first two paragraphs of this Article shall be instituted after a resolution is passed by the Committee.

The University shall take adequate measures to protect the offender, applicant, informer, those invited to assist with investigations and the members of the investigation team, as well as make clear the determination to impose severe sanctions for retaliations, threats, false accusations and other inappropriate conduct.

Article 18 When the Office of Student Affairs takes charge of a case, it is required to inform the concerned parties the application procedure, their rights and interests, the approaches to seek relief, the counseling service, and the corresponding legal procedure. Nevertheless, the Committee shall act according to these Regulations and investigate the incident without any delay.

The school shall provide the victim with the following appropriate assistance when necessary:

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

If the victim is not employed by or enrolled at the school with jurisdiction, the school at which he/she is employed or enrolled shall be notified, and in accordance with the terms of the previous paragraphs be provided with appropriate assistance.

The school shall make budgetary provisions for payment of any fees incurred in hiring professionals such as physicians, psychologists, social workers, or lawyers in order to provide the assistance described in the first two paragraphs of this Article.

Article 19 The investigation and handling by the 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 at any point of the procedure.

Article 20 The Committee shall complete its investigation of a case within 2 months from the date the application or offense report is accepted. The investigation may be extended at most twice if necessary, and each extension may not exceed one-months' time. The applicant, offense-reporter and offender shall be notified of the extension.

After the investigation is complete, the Committee shall submit a written report to competent authority of the school regarding the investigation and suggestions for handling.

After receiving the aforesaid investigation report, the competent authority of the school shall put forth a disposition or turn it over to the pertinent authority for a decision within 2 months according to this Act or pertinent

laws or regulations. The school shall notify in writing the applicant, offense-reporter and offender of its handling conclusion, facts established and grounds.

Before reaching the aforesaid conclusion, the competent authority of the school may request representative(s) of the Committee to attend the meeting for clarification.

Article 21

In accordance with the principles of deferring to expert judgment and avoiding repeated questioning, the school shall accept the findings contained in the Committee's investigation report in determining the facts relating to an alleged incident of campus sexual assault, sexual harassment, or sexual bullying.

In the case of the punishment in the Committee's investigation report, the offender shall be allowed an opportunity to make a written statement when his or her status is changed before.

The school may request the Committee to reinvestigate the case under the conditions that major flaws in the investigation procedure, or new facts or evidences that would affect the investigation are discovered.

When the aforementioned request is received, the Committee shall hold a meeting to organize a new investigation team to reinvestigate the case.

Article 22

After the Committee of the school or agency with jurisdiction has investigated and determined that a campus sexual assault, sexual harassment, or sexual bullying offense has in fact occurred; the school or agency with jurisdiction shall impose punishment according to pertinent laws or regulations. If other agencies have the authority to impose punishment according to pertinent laws or regulations, the school or agency with jurisdiction shall turn over the case to those authorized agencies. In cases in which it has been confirmed that a false accusation was made by an applicant for investigation or complainant, an appropriate punishment shall be imposed on the applicant or complainant according to the law.

The school in addition to directing the offender to receive psychological counseling, may impose one or more of the following punitive measures:

1. Apologize to the victim upon the consent of the victim or his or her guardian.
2. Attend eight hours of courses on gender equity education.
3. Prescribe other measures that serve an educational purpose.

The measures for handling the offender described in the previous paragraph shall be applied by the school responsible for stipulating punishment, and during their application the school shall take appropriate measures to ensure that the offender cooperates and complies.

Article 23

In the written notification of the handling conclusions sent to the applicant and the offender, the school shall also provide the investigation report, as well as indicate the deadline for reapplication and the school handling the

reapplication.

An applicant or offender who objects to the handling conclusion of the school may reapply in writing with grounds to the school within 20 days from the date following the date of receipt of the written notification. For those who reapply verbally, the school shall create a text record and read it to the applicant or the offender, or ask him/her 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.

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

1. After the school handling the application has received the written application form, it shall form an evaluation team. The team shall come to a reasoned judgment, providing a written notification of the decision on the reapplication to the applicant.
2. The evaluation team described in the previous paragraph shall include three or five experts in gender equity education or legal professionals. Moreover, female members must account for at least one-half of the team. At schools, experts with a background in the investigation of campus sexual assault, sexual harassment, or sexual bullying shall account for at least one-third of the team, while at competent authorities, they shall account for at least one-half of the team.
3. Members of the Committee or investigation team may not serve as members of the evaluation team.
4. When the evaluation team conducts a meeting, the members of the team will select a convener who will also 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 Committee or investigation team shall be invited to be present to make an explanation.
6. When there is cause for a reapplication, the relevant authorized agencies will be informed of the decision on the reapplication, and the authorized agencies shall be responsible to remake a decision.
7. Before the decision of the reapplication as described in the previous subparagraph is sent to the person making the reapplication, the said person may withdraw the reapplication as described in the previous paragraphs.

Article 24

If not satisfied with the disposition of the reapplication, the applicant or offender may petition for relief according to the following regulations within 30 days from the date following the date of receipt of the written notification:

1. Principal and teachers: regulations prescribed by the Teacher's Act shall apply.
2. Civil service employees who are hired according to the Civil Service

Employment Act and employees hired before the effective date (May 3rd, 1985) of the Statute for Appointment of Educational Personnel: regulations prescribed by the Civil Servant Protection Act shall apply.

3. Students: regulations prescribed by the school shall apply.

4. Others: regulations prescribed by the Gender Equality in Employment Act shall apply.

Article 25 The University shall establish classified files on incidents of sexual assault, harassment or bullying on campus and the offenders and place them in the custody of the Committee.

The school should established compiled data for the incident of campus sexual assault, sexual harassment, and sexual bullying and appoints the Committee to keep the compiled data with identification.

The compiled data in the preceding paragraph shall be categorized into original documents and report documents.

The original documents in the preceding paragraph shall contain the following information:

1. The occurrence time and type of the case.

2. Pertinent parties of the case (including the complainant, the victim, and the offender).

3. Person(s) in charge of handling the case, handling process and case records.

4. Documents, collected evidence and other pertinent information produced during the handling of the case.

5. The name, job title or student school records, and family background of the offender.

The report in the second paragraph shall contain the following information:

i.) The occurrence time and type of the case, and codes representing the parties involved in the case.

ii.) Handling process and conclusion of the case.

Article 26 During the investigation of a case, the Committee may make public a description of pertinent matters, handling methods, and principles where necessary. After the case has been closed and upon the approval of the victim or his or her guardian, the school or competent authority may also make public whether the case is established, the type of the case, and handling method of the case. Party names and other information that may lead to their identification shall not be revealed.

Chapter 5 Penal Provision

Article 27 When the Committee or investigation team carries an investigation, the offender, applicant and persons or offices who are invited to assist the investigation shall cooperate and provide pertinent information.

An offender who violates the previous paragraph without legitimate reasons

shall be subjected to a fine not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars. Consecutive fine may be made until he or she cooperates or provides pertinent information.

Article 28

A principal, faculty or staff member of the school about whom either of the following statements is true shall be subject to a fine of not less than 30,000 New Taiwan Dollars and not exceeding 150,000 New Taiwan Dollars:

1. Has violated the first Paragraph of Article 21 in the Gender Equity Education Act and did not report to the school, or the competent authority of the municipality or county with jurisdiction of the school within 24 hours.
2. Has violated the second Paragraph of Article 21 in the Gender Equity Education Act by falsifying, altering, destroying or concealing evidence of an incident of sexual harassment or sexual bullying on campus perpetrated by other persons.

Article 29

A principal, faculty or staff member of the school who violates the regulations on reporting suspected incidents of sexual assault on campus described in paragraph 1 of Article 21 in the Gender Equity Education Act when such a violation results in a further incident of sexual assault on campus, or who falsifies, modifies, destroys, or conceals evidence of sexual assault on campus committed by others, shall be dismissed or discharged from employment in accordance with the law.

The school or competent authority shall report any employee who violates the regulation described in the previous paragraph in accordance with the law.

Chapter 6 Supplementary Provisions

Article 30

Retaliations against applicants, witnesses or related parties shall be prohibited. The term “retaliations” refers inappropriate, ill-intended conduct and measures against applicants, witnesses or related parties.

Inappropriate, ill-intended conduct and measures include unjust performance evaluation, unjust academic evaluation, inappropriate school work assignment, unjust contents of reference letters, mockery in public or in private, oral or written threats or bribes, or disturbance or harassment in any form. Those confirmed to have engaged in retaliatory conduct shall be subject to heavier sanctions and demanded to undo the inappropriate, ill-intended conduct and measures as well as take effective measures to restore the reputation and compensate for the emotional damage of the victims.

Article 31

The Regulations shall be discussed by the Committee and approved by an academic affairs meeting, and shall do the same upon any amendment thereto.