

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

History of Amendment and Approval:

- Gender Equity Education Committee Meeting of 2004-Academic Year (2nd Semester) on 22-06-2005
- 2nd Gender Equity Education Committee Meeting of 2006-Academic Year (1st Semester) on 04-01-2007
- 2nd Gender Equity Education Committee Meeting of 2008-Academic Year (2nd Semester) on 10-06-2009
- 1st Gender Equity Education Committee Meeting of 2010-Academic Year (1st Semester) on 05-10-2010
- 2nd Gender Equity Education Committee Meeting of 2010-Academic Year (2nd Semester) on 09-06-2011
- 2nd Gender Equity Education Committee Meeting of 2012-Academic Year (1st Semester) on 09-11-2012
- 2nd University Affairs Research, Development, and Evaluation Committee Meeting of 2012-Academic Year on 14-12-2012
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- 1st Gender Equity Education Committee Meeting of 2013-Academic Year (1st Semester) on 05-11-2013
- 2nd University Affairs Research, Development, and Evaluation Committee Meeting of 2013-Academic Year on 06-12-2013
- 2nd University Affairs Committee Meeting of 2013-Academic Year on 20-12-2013
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- 1st University Affairs Committee Meeting of 2020-Academic Year on 23-10-2020

1. These regulations (hereinafter referred to as the regulations) are drawn according to Article 20-2 in the Gender Equity Education Act (hereinafter referred to as the Act) and Article 35-1 in the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus in order to ensure gender equity and establish proper measures of prevention and response to cases of sexual assault, sexual harassment and sexual bullying on campus.
2. The National Sun Yat-sen University (hereafter referred to as the University) shall actively promote prevention education of campus sexual assault or sexual harassment to enhance the knowledge and ability of faculty, staff, and students to respect the sexuality or body autonomy of others and of one's own. The following measures shall also be taken:
 1. Regularly host educational programs for faculty, staff, and students aiming at the prevention of campus sexual assault, sexual harassment, and sexual bullying; the effectiveness of these programs shall be evaluated.
 2. Regularly hold in-service education programs annually for members of the Gender Equity Education Committee (hereafter referred to as the Committee) or agencies related to the handling of campus sexual assault or sexual harassment cases.
 3. Encourage the aforesaid committee members 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 with official leaves and reimbursement of any associated expenses.
 4. Promulgate these Regulations through a wide range of channels, including the announcement through 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 procedures.

3. In order to prevent incidents of sexual assault, sexual harassment, and sexual bullying on campus, the Committee and relevant offices shall regularly evaluate the overall campus safety and reassess the usage of campus grounds and facilities, by inspecting the arrangement of spaces, the management of security, the emergency help system and secure routes, the lighting and visibility, and other important safety factors. The Committee shall record the locations where incidents of sexual assault, sexual harassment, or sexual bullying have occurred on campus, and produce a map illustrating danger areas.

The committee shall hold campus safety inspection seminars along with related departments and invite professional designers, teachers, students, and other campus users for participation. The seminar can be held in electronic format and shall notify the inspection results and related records.

The progress of modification to dangerous spots on campus shall be listed as a topic of the report for the Committee each semester.

4. During the performance of work-related tasks and in interpersonal interactions on and off-campus, faculty, staff, and students shall respect gender diversity and individual differences.

5. Teachers shall not develop intimate relationships that violate professional ethics codes with the student under their instruction, guidance, training, evaluation, management, consultation, or when providing students employment opportunities.

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 University for handling.

6. Faculty, staff, and students shall respect others' and their own autonomy over their sexuality and body, and shall thus avoid unfavorable sexual advances or requests for dates. Forcible or violent means must not be used to handle conflicts related to sex or gender.

7. The definitions and types of campus sexual assault, sexual harassment, and sexual bullying are as described in Article 2 of the Act.

8. The campus sexual assault, sexual harassment, and sexual bullying defined in this regulation shall include intermural incidents that involve persons employed by or enrolled at different schools.

The terms are defined as follows:

1. Teacher: full-time teacher, part-time teacher, long-term or short-term substitute teacher, nursing teacher, military instructor, other instructors, 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 item.

3. Student: individuals enrolled in a regular program, a continuing/extension education program, or student exchange program.

9. In cases where the University receives the application for investigation or a complainant's report and does not possess the jurisdiction for the incident, the University shall within seven working days transfer responsibility for the case to a party with such jurisdiction, while informing the involved persons.

10. Should the president, teacher, staff, or janitor of the University becomes aware of a possible incident of campus sexual assault, sexual harassment, or sexual bullying, he/she shall immediately notify the Student Assistance Division of the Office of Student Affairs. Moreover, the Student Assistance Division shall, in accordance with applicable legal regulations, notify the social affairs authorities of the municipality and the Ministry of Education of the incident within 24 hours.

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.

11. Should the university receive an application for investigation of an incident of sexual assault, sexual harassment, or sexual bullying, or a complainant's report, the Office of Student Affairs shall be the responsible agency for processing the requests. The contact number and the email of the Gender Equity Committee shall be specified on the Gender Equity website of the Office of Student Affairs. Unless the incident is as prescribed in Article 9, the incident shall be transferred within 3 days to the Sexual Assault, Sexual Harassment, and Sexual Bullying Prevention Team (hereafter referred to as the Prevention Team) authorized by the Committee.

Should the University notice possible cases of sexual assault, sexual harassment, or sexual bullying while handling bullying incidents, or should the sexual assault, sexual harassment, or sexual bullying has received media coverage, the incidents shall be regarded as reported. The University shall transfer the incidents into investigation and handling by the Committee. In cases where the suspected victim is not willing to cooperate with an investigation, the University shall nevertheless provide necessary counseling or assistance.

The Committee shall appoint personnel to process relevant administrative issues for the team. Relevant agencies or offices of the University shall assist with the investigation.

12. An application for an investigation or complainant's report of a campus sexual assault, sexual harassment, or sexual bullying incident may be made verbally, in

writing, or by email. If the application or report is made verbally or by email, the Office of Student Affairs 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 stamped 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/she is employed or studies, residence, and domicile, contact telephone number, and date of the application for investigation.
 2. The applicant shall specify the victim's year, month, and day of birth.
 3. If the applicant authorizes a representative as his/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.
13. The committee authorizes the Prevention team representative to evaluate an application or complaint upon receiving it and notify the applicant or complainant within twenty days in writing whether the application or complaint will be processed.

The applicant or complainant shall receive a written notice of rejection with the reasons for rejection, the deadline for appeal, and the office processing the appeals based on Article 29-3 of the Act.

Should the applicant or complainant not receive the notice, or within 20 days from the second day of the receipt of the rejection notice, the applicant or complainant may apply for an appeal through written document indicating the reason to the Office of the Secretariat at the University. If the application or report is made verbally or by email, the Office of the Secretariat 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 stamped by the applicant or the complainant. Upon the receipt of the appeal, the Office of the Secretariat should pass the investigation or grievance to the Committee to reinstate discussion and notify the applicant or complainant the results within 20 days. Should the appeal be reasonable, the community should investigate and process the appeal according to the regulations.

The appeal to the rejection of the application shall only be made once.

14. When the Committee handles a campus sexual assault, sexual harassment, or sexual bullying incident, it may organize an investigation team to handle the case. The team shall be composed of three or five members who shall be appointed according to Article 22 of the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus.

Any person serving as the 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.

Should the alleged offender be the instructor or staff at the University, the Committee should seek the responsible authority for imposing actions in accordance to Article 27-1 of the Gender Equity Education Act. After the investigation, the Committee should inform the authority of the case result.

15. The University shall investigate and handle a campus sexual assault, sexual harassment, or sexual bullying case according to the following principles:

1. The alleged offender shall attend the investigation in person. Victim(s) of minor age may be accompanied by their guardians during investigations.
2. In cases where the victim or his or her proxy requests not to notify the victim's current school, the Committee shall respect the comment and not notify the school.
3. If any party involved obtains special education certification issued by official departments, the investigation team is required to include at least one member with a special education certificate.
4. When an imbalance of power exists between the offender and the victim, a complainant, a witness, or a person requested to assist in the investigation, confrontation should be avoided.
5. 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.
6. When notifying the involved parties, related persons, or departments for investigation or data collection according to Article 14 of the Regulations, the purpose of the investigation, time, place, and consequences for being absent shall be posted.
7. The notification mentioned in the previous item shall indicate that the parties involved are not to have private communication or spread information about the incident via the internet, communication applications, or other means.

8. Personnel of the University are not to be involved in the investigation of the case and are not allowed to request the involved parties to provide self-explanatory or declaration.
 9. Based on the necessity of the investigation, written information that adheres to the obligation of confidentiality may be produced or summarized and be provided to the alleged offender, the victim, or any person invited to assist in the investigation.
 10. In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, the University may continue the investigation upon the decision of its Committee or the request of the alleged offender.
16. The persons bound by the obligation of confidentiality prescribed in item 5 of the preceding Article 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 University shall seal and store all original documents containing the names of the victim, the offender, complainant, and witness. Except otherwise prescribed 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 and pseudonyms in all documents produced by the investigators of campus sexual assault, sexual harassment, or sexual bullying cases.
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 University may prescribe the following measures when necessary and report 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 assessments 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 or offender is not employed by or enrolled at the University, the school at which he/she is employed or enrolled shall be notified for handling in accordance with the previously described terms.

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

18. The University shall take the initiative to refer the involved parties to various agencies able to provide necessary assistance, according to his/her physical and mental condition. However, the University shall continue to investigate and handle the case.

If the involved party is not employed by or enrolled at the University, the school at which he/she is employed or enrolled shall be notified, and provide any required assistance in accordance with the terms of the previous paragraph.

19. The University shall provide the involved parties with the following appropriate assistance when necessary:

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

If the involved party is not employed by or enrolled at the University, the school at which he/she is employed or enrolled shall be notified, and provide any required assistance in accordance with the terms of the previous paragraph.

The first two items can be carried out by professionals such as physicians, clinical psychologists, counseling psychologists, social workers, or lawyers.

20. 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/her status or position at any point in the procedure.

21. Based on the respect of professional judgment and to avoid repetition of questions, the School shall determine campus sexual assault, sexual harassment, or sexual bullying offense based on the investigation reports by the Committee. After the Committee of the University has investigated and determined that a campus sexual assault, sexual harassment, or sexual bullying offense has in fact occurred, in cases where the status of member(s) of school authority is suggested to be changed, the School shall attach the investigation report issued by the Committee and notify the alleged offender to provide a self-explanation

statement in writing within allotted date. If the alleged offender fails to provide the statement within the deadline, he or she waives the opportunity to comment. In cases the self-explanation statement is submitted, the Committee shall hold another meeting to examine the explanation in writing. Except for cases in which matters defined by Article 32-3 of the Act exist, no further investigation will be conducted.

The authority of the University shall not request the Committee to provide further investigation, nor is it allowed to investigate itself except for cases in which matters defined by Article 32-3 of the Act exist.

22. After the Committee of the University has investigated and determined that a campus sexual assault, sexual harassment, or sexual bullying offense has in fact occurred, the University shall impose sanctions according to Article 25-1 of the Act. If other agencies have the authority to impose sanctions according to pertinent laws or regulations, the University 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 sanction shall be imposed on the applicant or complainant according to the law.

The sanctioning for sexual harassment or sexual assault by the Committee according to Article 25-1 of the Act shall order that the offender receive psychological counseling, and it may also order that person to comply with one or more of the following disciplinary measures:

1. Apologize to the victim, if the victim or their legal representative has given consent.
2. Attend eight hours of gender equity education-related courses.
3. Other measures that serve an educational purpose.

In a case of on-campus sexual harassment or sexual bullying incident that was not serious in nature, the University may confine itself to acting in accordance with the provisions of Paragraph 2, for the required handling of the matter.

When any disciplinary action referred to in Paragraph 1 is carried out, the Committee evaluates and decides the nature, way of implementation, duration and relative fees of relative gender equity courses. The nature, way of implementation, duration and legal effects of uncooperative behaviors shall be recorded in writing as part of the notification of case result.

23. The University shall establish, at the Documentation Division of the Office of General Affairs, confidential archives of data on incidents of on-campus sexual assault, sexual harassment, and sexual bullying. The documents shall be confidential and kept for 25 years. When saved in electronic format, it shall be protected by electronic signature or password when necessary.

The original files shall be confidential; the contents shall include 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.
6. Original copy of the investigation report provided by the investigation team and the meeting record of the Committee.

The report(s) in the previous paragraph shall contain the following information:

1. The occurrence time and type of the case, and codes and pseudonyms representing the parties involved in the case.
 2. Record of investigation interviews including date and participant.
 3. Statements and replies by the applicant, alleged offender, witness, and related persons.
 4. Investigation of material proof.
 5. Findings of fact and reason.
 6. The suggestion of response.
24. The University shall acquire related evidence to the matters listed by Article 27-1-3 of the Act and the statement from involved parties before providing the above-mentioned documents to the Committee for examination.
25. When the University reports a case according to paragraph 2 of Article 27 of the Act, the report shall be limited to the occurrence time, type, offender's name, job title, or student school records of a confirmed campus sexual assault, sexual harassment, or sexual bullying case.
- After performing a follow-up and providing counseling to the offender, if there is little likelihood of a repeat offense in the estimation of the University, the offender's penitence may be indicated in the aforementioned report.
26. All the members of the Committee are positions without remuneration. However, part-time representatives from other schools or institutes attend the meeting and compose the written report shall be reimbursed.
27. In the written notification of the handling conclusions sent to the applicant and the offender, the University shall also provide the investigation report, as well as indicate the deadline for appeal and the Office of Secretariats as the agency for handling the appeal.

An applicant or offender who disagrees with the handling conclusion of the

University may file an appeal in writing with grounds to the University within twenty days from the date following the date of receipt of the written notification. The Office of Secretariats shall act as the agency for processing the appeal, which should only be applied once for each incident. For those who apply for the appeal verbally, the Office of Secretariats 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 stamp sealed by the applicant or the offender.

After receiving an appeal, the Office of Secretariats shall handle it in accordance with the procedure below:

1. After the Office of Secretariats has received the written application form, it shall form an evaluation team. The team shall come to a reasoned judgment, providing written notification of the decision on the appeal 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. 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.
3. Members of the Committee or investigation team may not serve as members of the evaluation team.
4. When the evaluation team convenes 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 applicant of the appeal shall 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 an appeal, the relevant authorized agencies will be informed of the decision on the appeal, and the authorized agencies shall be responsible to remake a decision.
7. Before the decision of the appeal as described in the previous subparagraph is sent to the applicant of the appeal, the applicant may withdraw the appeal as described in the previous paragraphs.
28. Should the applicant or the offender disagree with the decision of the appeal, he/she may propose an application for remedial measures in accordance with Article 34 of the Act within thirty days from the date following the date of receipt of the written notification.
29. The University shall accept the findings contained in its Committee's

investigation report in determining the facts relating to an alleged incident of campus sexual assault, sexual harassment, or sexual bullying.

30. Each office of the University shall track the follow-up of the incidents related to the Regulation to ensure the effective execution of the decisions.
31. The Committee shall compile an expenditure budget to reimburse the anticipated expenses for the execution of the Regulation.
32. Shall there be any unclear matters when referring to the Regulations, other related laws shall apply.
33. These regulations should be discussed by the Gender Equity Education Committee Meeting and practiced after being passed by the University Affairs Committee Meeting. The same procedure shall apply to future revisions or amendments.