

Directions for Preventing Sexual Assault, Sexual Harassment, and Sexual Bullying, Tzu Chi University of Science and Technology

Established in the semester-end University Affairs Meeting, June 28, 2005
9th Amendment in the semester-start University Affairs Meeting, March 3, 2017

Article 1 The present Directions are established by the University in accordance with Article 20 of the Gender Equity Education Act (hereinafter referred to as “the Act”) and Article 34 of the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus (hereinafter referred to as “the Prevention Regulations”).

Article 2 The following definitions of various terms are established in accordance with Article 2 of the Act and Article 9 of the Prevention Regulations:

1. Sexual assault: refers to any sexual offense defined in the Sexual Assault Crime Prevention Act.
2. Sexual harassment: refers to any conduct listed below, the circumstances of which are not of an extent to constitute a sexual assault:
 - (1) Engaging in remarks or conduct that are unwelcome and have explicit or implicit connotations of a sexual nature or of gender bias that adversely affect another person’s human dignity, their opportunity to learn or work, or their learning or work performance.
 - (2) Conduct related to using sex or gender as a condition for that person or any others to obtain, lose, or impair their learning or work-related rights or interests.
3. Sexual bullying: refers to engaging in ridicule, attacks, or threats directed at another person’s gender characteristics, gender traits, sexual orientation, or gender identity using verbal, physical, or other forms of violence that do not fall under the category of sexual harassment.
4. Sexual assault, sexual harassment, or sexual bullying on campus: refers to sexual assault, sexual harassment, or sexual bullying that involves the principal or president, or a teacher, non-teaching staff member, other worker, or student at an educational institution as one party, and a student as the other party, including parties of other educational institutions.

註解 [U1]: With the exception of a few articles, most of the remaining articles in these Directions are identical to its enabling statute (母法), the government’s [Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus](#). I have retained the original translation where applicable, except for very obvious typographical errors and grammar mistakes.

註解 [U2]: The following definitions were translated word for word per the official translation of the [Act](#).

- (1) Teachers: refers to full-time, adjunct, substitute, or nursing teachers, military instructors, or other personnel executing a teaching, research, or educational practicum.
- (2) Non-teaching staff member and other workers: refers to personnel other than the teachers described in the previous paragraph, responsible for implementing scheduled or unscheduled University administrative affairs.
- (3) Students: refers to registered students, Continuing Education Division students, or exchange students.

Article 3 The Gender Equity Education Committee (hereinafter referred to as “the Committee”) is established by the University in accordance with the Act, and is responsible for the planning and enforcement of prevention education on sexual assault, sexual harassment, and sexual bullying; enhancing respect for others by teachers, non-teaching staff members, and students; and raising their awareness of their own sexuality or bodily autonomy. The Committee adopts the following measures:

1. Regularly hold educational programs for faculty, staff, and students aimed at the prevention of campus sexual assault, sexual harassment, and sexual bullying; evaluate the effectiveness of these programs.
2. Regularly hold in-service education programs each year for members of the Committee or agencies involved in the handling of campus sexual assault, sexual harassment, or sexual bullying 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 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 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 to facilitate the collection of evidence, investigation, and other handling.

Article 4 The University actively collects information on campus sexual assault, sexual harassment, and sexual bullying prevention and treatment and provides it to

relevant personnel when processing related cases. The information provided shall include the following:

1. Definitions of, classifications 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 University Committee.

Article 5 To prevent incidents of sexual assault, sexual harassment, and sexual bullying on campus, the University shall implement the following safety-enhancing measures:

1. Regularly inspect the planning for and usage of campus grounds and facilities, evaluating the 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.

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

Article 6 The University shall regularly hold campus spatial safety inspection meetings, inviting the participation of professional spatial designers, teachers, non-teaching staff members, students, and other campus users, disclosing the review outcomes, reports, and related records mentioned in the previous Article, and reviewing the levels of improvement to dangerous campus zones.

Article 7 Teachers, non-teaching staff members, and students of the University shall respect gender diversity and personal differences when engaging in teaching activities, performing duties, and socializing on campus.

Article 8 Teachers may not engage in relationships that violate professional ethics in regard to sexuality or gender-related interactions when teaching, instructing, training, assessing, managing, and counseling students, or when providing them with job opportunities.

Teachers who find or suspect their relationships with particular students to be violating professional ethics shall actively avoid such relationships or report it to the University.

Article 9 University teachers, non-teaching staff members, and students shall respect others' and their own autonomy regarding one's sexuality or body, avoid unwelcome conduct, and not handle sexual- or gender-related conflicts through coercive or violent means.

Article 10 The victim of a campus sexual assault, sexual harassment, or sexual bullying incident or his/her legal representative (hereinafter 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 (hereinafter referred to as "the School with jurisdiction"). However, if the alleged offender is the principal or president of the school, such an application should be made to the competent authority with administrative jurisdiction over the school (hereinafter referred to as "the Agency with jurisdiction").

Article 11 In cases where the School or Agency with jurisdiction is different from the school at which the alleged offender is employed or enrolled, the school where the alleged offender is currently employed or enrolled shall be notified in writing to send a representative to participate in the investigation; the school thus notified may not refuse the request.

Should the aforementioned school or agency, after concluding the investigation, determine that an incident of campus sexual assault, harassment, or bullying did in fact occur, it shall provide an investigation report and recommended punishment to the school where the offender is

employed or enrolled for handling in accordance with the terms listed under Article 30.

- Article 12 In the situation described in Paragraph 2 of Article 10, the School with Jurisdiction shall notify in writing the school where the alleged offender is currently employed on a full-time basis to send a representative to participate in the investigation; the school thus notified may not refuse the request. Should the aforementioned School with jurisdiction, after concluding the investigation, determine that a campus sexual assault, sexual harassment, or sexual bullying offense did in fact occur, it shall provide an investigation report and recommended punishment to the school where the offender is currently employed on a full-time basis for handling in accordance with the terms listed under Article 30.
- Article 13 If at the time of the offense, the alleged offender served in two or more of the following capacities—president/principal, teacher, employee, janitor, or student—the capacity in which he or she interacted with the victim shall determine the capacity under whose applicable conditions the investigation will be conducted. Moreover, the school or competent authority at which the offender served in this capacity shall handle the investigation. In cases in which it is not possible to determine the capacity in which the alleged offender was serving at the time of the incident, or during a transition period when the alleged offender’s status was indeterminate, such as when admission to an academic program was still under consideration, the School with jurisdiction shall be the school that handles the application for investigation or complainant’s report. Any and all schools involved in the incident shall send a representative to participate in the investigation.
- Article 14 If two or more persons who belong to different schools are alleged to have been offenders in the same incident, the School with jurisdiction shall be the school handling the application for investigation or complainant’s report. Any and all schools involved in the incident shall send a representative to participate in the investigation.
- Article 15 In cases where the school or competent authority accepting the application for investigation or a complainant’s report does not possess jurisdiction in the matter, it shall within 7 working days transfer responsibility for the case to a party with such jurisdiction, and inform the involved persons.

In cases where an application for investigation or a complainant's report is filed during a period of academic transition, such that a dispute arises over which school or competent authority has jurisdiction, the determination shall be made by the governing body serving in a supervisory position to both parties. When no such joint authority exists, the governing bodies for the two parties shall make a collaborative determination.

Article 16 When the University president, teacher, or non-teaching staff member becomes aware of a possible incident of campus sexual assault, sexual harassment, or sexual bullying, he/she shall immediately notify the Office of Student Affairs, as designated by Article 21 of the Act. Moreover, the military instructor (security staff) shall, in accordance with applicable legal regulations, notify the social affairs authorities of the municipality and county (city) under whose administrative jurisdiction the school falls, as well as the education Agency with jurisdiction. Such a notification must be made within 24 hours.

When a campus sexual assault, sexual harassment, or sexual bullying incident is reported, the Committee of the University shall be informed to handle the incident, in accordance with Paragraph 3 of Article 21 and Article 24. When the involved persons or their legal representatives have expressed that they will accept only the counseling or counseling provided by the University, the responsible Committee member shall still be informed, who will inform the parties of the relevant regulations and the scope of assistance that can be provided.

When reporting a case according to this Article, the names and other information that may lead to the identification of the victim, offender, or complainant shall be kept confidential, except for when the investigation or public safety concerns necessitate it, or other occasions prescribed by the law.

Article 17 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 University shall create a text record of the application and read it aloud to the applicant or 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 complainant.

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

1. The applicant or 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 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/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.

Article 18 The Office of Student Affairs is responsible for accepting the relevant documentation when the University receives an application for investigation of an incident of campus sexual assault, sexual harassment, or sexual bullying, or a complainant's report.

1. Contact office phone number: 03-8572158 ext. 2489
2. Contact office email: dadja16@tcust.edu.tw

The Office of Student Affairs, after receiving the application or report, shall not only be bound by the particulars in Paragraph 2 of Article 29 of the Act, but it shall also provide within 3 days the factual and evidential materials from the applicant or complainant to the Committee for handling.

The Committee may designate an evaluation team of at least three persons to execute the following procedures:

1. Evaluate whether to accept the application or report.
2. Evaluation whether to form an investigation team.
3. Recommend investigation team members to the Committee for approval.

Article 19 Incidents of campus sexual assault, sexual harassment, or sexual bullying that have received media coverage shall be treated as having been reported. The University shall take the initiative to proactively refer the matter to the

Committee for investigation. In cases where the suspected victim is not willing to cooperate with an investigation, the University shall nevertheless provide the 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 University's team for the prevention of bullying shall handle the matter in accordance with the terms of the previous Article.

Article 20 The University 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 complainant within 20 days of receiving the application or report. Written notification of rejection shall contain reasons as prescribed in Paragraph 3 of Article 29 of the Act, and the applicant or complainant shall be notified of the deadline for reapplying and the office that accepts reapplications.

If the applicant or complainant does not receive a notification by the deadline described in the preceding paragraph or has received a notification that an investigation will not be pursued, he/she may reapply in writing with grounds stated to the University within 20 days of the day following the receipt of the notification. For an applicant who reapplies verbally, the University shall record the reapplication in a document and read it to the applicant or complainant or ask him/her to read it to confirm its accuracy. The record shall then be signed or sealed by the applicant or complainant. The reapplication described in the preceding paragraph shall be made no more than once.

After receiving a reapplication, the University shall notify the applicant or complainant of the reapplication conclusion in writing within 20 days. In the case of reapplication with legitimate grounds, the University shall turn over the investigation application or complainant to the Committee for further handling.

Article 21 When the Committee of the University 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 Paragraph 3 of Article 30 in the Act.

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 participating 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.

The University at which a member of the investigation team is employed shall record time spent serving on this team as a work-related trip (leave of absence), and the school or the competent authority responsible for the investigation shall pay any transportation or pertinent expenses incurred.

Article 22 A member investigating a campus sexual assault, sexual harassment, or sexual bullying incident of the University shall meet one of the following qualifications:

1. Hold a certificate attesting to the completion of a training program provided by a competent authority at the central, municipality, county, or city level for investigators of campus sexual assault, sexual harassment, and sexual bullying. The person(s) shall also be acknowledged by the Committee of the competent authority at the central, municipality, county, or city level and included in its investigation specialist database.
2. Have a proven performance record in the investigation of a campus sexual assault, sexual harassment, or sexual bullying case, and have been approved by the Committee of the competent authority at the central, municipality, county, or city level and included in its investigation specialist database.

Article 23 The University shall investigate and handle a campus sexual assault, sexual harassment, or sexual bullying case according to the following principles:

1. Victim(s) of minor age may be accompanied by their guardians during investigations.
2. When an imbalance of power exists between the offender and victim, a complainant, or a person requested to assist in the investigation, confrontation should be avoided.

3. Based on the necessity of the investigation, written information may be produced by the University 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.
4. 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 by the University, except for when the investigation or public safety concerns necessitate it.

In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, after the decision of the Committee or the request of the alleged offender, the investigation may be continued.

The competent authority under whose jurisdiction the University falls must, where it considers the facts of the case to be of sufficient gravity to warrant it, direct the School with jurisdiction to continue the investigation.

Article 24 The persons bound by the obligation of confidentiality prescribed in Paragraph 4 of the preceding Article include all persons of the University 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, offender, complainant, and witness. Except when 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 the 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 25 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 shall prescribe—in accordance with the terms of Article 23 of

the Act—the following measures when necessary, reporting to the competent authority 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.

Article 26 The University shall, in accordance with the terms of Paragraph 1 of Article 24 of the Act, take the initiative to refer the victim to various agencies able to provide assistance necessary according to his/her physical and mental condition. However, the University shall continue to investigate and handle the case according to the Act.

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 paragraph be provided with any required assistance.

Article 27 The University shall, in accordance with the terms of Paragraph 1 of Article 24 of the Act, 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 University shall make budgetary provisions for the payment of any fees incurred in hiring professionals such as physicians, psychologists, social workers, or lawyers to provide the assistance described in the first two paragraphs of this Article.

Article 28 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 because of the offender's loss of his/her status at any point of the procedure.

Article 29 In accordance with the principles of deferring to expert judgment and avoiding repeated questioning, the University 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.

If the offender, in accordance with Paragraph 4 of Article 25 of the Act, submits a written statement, it shall be processed in accordance with the following regulations:

1. Before conducting a meeting to deliberate on the penalties to be applied, the authorized agencies for determining the penalties shall notify the offender to submit a written statement.

2. When a teacher is involved in a sexual assault case, before the Committee holds its meeting, it shall notify the offender to submit a written statement, which shall be handled in the manner prescribed in the preceding paragraph.

After having examined the offender's written statement described in the preceding paragraph, the authorized agencies determining applicable penalties shall not demand a reinvestigation by the Committee, nor

proceed with an investigation of its own, except in cases prescribed by Paragraph 3 of Article 32 of the Act.

Article 30 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 a punishment according to pertinent laws or regulations. If other agencies have the authority to impose a punishment 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 punishment shall be imposed on the applicant or complainant according to the law. The measures for handling the offender described in Paragraph 2 of Article 25 of the Act shall be applied by the University for stipulating punishment, and during their application the University shall take appropriate measures to ensure that the offender cooperates and complies.

Article 31 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 reapplication and the school or institution handling the reapplication.

An applicant or offender who objects to the handling conclusion of the University may reapply in writing with grounds to the University within 20 days of the date following the date of receipt of the written notification. For those who reapply verbally, the University 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 University shall handle it in accordance with the procedure below:

1. After the agency designated by the University to handle 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.

註解 [BM3]: Dear author: It was unclear why this was included under Article 30 when there is a separate Article 31 later in the document. Please check whether this was a mistake.

註解 [BM4]: Three to five?

Moreover, female members must account for at least half of the team and 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 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 on the reapplication 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 31 The University shall appoint an agency to keep the compiled data according to Paragraph 1 of Article 27 of the Act. The compiled data in the preceding paragraph shall be categorized into original and report documents. The original documents in the preceding paragraph shall be kept confidential, categorized as such, and 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(s) in Paragraph 2 shall contain the following information:

1. The occurrence time and type of the case, and codes representing the parties involved in the case.
2. Handling process and conclusion of the case.

Article 32 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 in the estimation of the University little likelihood exists of a repeat offense, the offender's penitence may be indicated in the aforementioned report.

Article 33 The University shall include Articles 7 and 8 of the present Directions in the employment contract for faculty and in the student handbook.

The content stipulated in the aforesaid paragraph shall contain the following matters:

1. Campus safety plans and arrangements.
2. Matters concerning instruction and interpersonal interactions on and off campus.
3. Announcements of policies to prevent campus sexual assault, sexual harassment, and sexual bullying.
4. Definition and classification of incidents of campus sexual assault, sexual harassment, and sexual bullying.
5. Information such as the administrative unit, phone number, and email address to which to submit an application for investigation or complainant's report of an incident of campus sexual assault, sexual harassment, or sexual bullying, as well as the procedure to be followed.
6. Procedures for the investigation and handling of incidents of campus sexual assault, sexual harassment, and sexual bullying.
7. Procedures for making reapplications for investigation and for relief measures in a campus sexual assault, sexual harassment, or sexual bullying case.
8. Warnings of revenge prohibition.
9. Protection of privacy.

Other matters pertinent to the prevention of campus sexual assault, sexual harassment, and sexual bullying.

Article 34 The present regulations shall be implemented upon approval by a University Affairs Meeting and the approval of and promulgation by the president; the same applies for amendments.