

# Prevention Rules on Campus Sexual Assault, Sexual Harassment or Sexual Bullying of National Yang-Ming University

Passed by the 1st (enlarged) Administrative Conference on September 14, 2005

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## Chapter I General Provisions

Article I To prevent and handle the campus sexual assault, sexual harassment or sexual bullying events, the school hereby, according to the [Gender Equity Education Act] (hereinafter referred to as the Act) and [Prevention Guidelines on Campus Sexual Assault, Sexual Harassment or Sexual Bullying], formulates the Prevention Rules and announces it in public.

Article II Terms and related definitions of the Prevention Rules are as follows:

I. Sexual assault: it refers to the criminal behavior of sexual assault prescribed in the Sexual Assault Prevention Act.

II. Sexual harassment: that meeting one of the following case but failing to reach the degree of sexual assault:

(I) That involving words or behaviors with unpopularity, sexual connotation or gender discrimination, explicit or implicit, which influence the personal dignity, study, work opportunity or performance of others;

(II) That gaining, losing or reducing his learning or working rights for himself or others in a behavior related to sex or gender.

III. Sexual bullying: the behaviors of belittling, assaulting or threatening others for his sex character, gender trait, sexual orientation or gender identity in a way of language, body or other violence, which are excluded from the scope of sexual harassment.

IV. Campus sexual assault, sexual harassment or sexual bullying event: it means that one party concerned refers to the headmaster, teacher, office clerk, workmate or student, and another party concerned refers to the student, including that happening among different schools.

V. Teacher: full-time teachers, part-time teachers, drillmasters and other personnel engaging in teaching, researching or educational practices.

VI. Office clerk and workmate: personnel regularly executing the school affairs except for teachers aforementioned.

VII. Student: those with school roll and accepting Continuing and Extension Education or exchange students.

Article III To prevent and treat campus sexual assault, sexual harassment or sexual bullying events, [Gender Equity Education Committee] (hereinafter referred to as the Committee) of the school researches and formulates the implementation rules on gender equity education and the prevention rules, as well as takes charge of investigation and settlement for events.

Article IV Apart from actively promoting prevention education courses relevant to campus sexual assault, sexual harassment or sexual bullying events, relevant departments shall implement the following measures via cooperation in order to promote the consciousness of faculty members and students to respect others' or his gender or body independence:

- I. Regularly hold the education advocacy activities that are themed by campus sexual assault, sexual harassment or sexual bullying for faculty members and students each year and assess its effect of implementation;
- II. Regularly handle in-school or encourage the Committee or people in related units in charge of handling campus sexual assault, sexual harassment or sexual bullying events to participate in the in-service training and event handling study activities; handle public errand registration and issue budget subsidy for participants;
- III. Include this rules into the faculty employment contract and the student handbook.
- IV. Encourage the victim or prosecutor to apply for investigation or accuse as early as possible to facilitate to search evidence and investigate and settle it.

Article V Student Affairs Division and Psychological Counseling Center of the school will be responsible for gathering and establishing the prevention, remedy and other information relevant to campus sexual assault, sexual harassment or sexual bullying, and actively providing related personnel when handling events. Information referred herein shall include the following items:

- I. Demarcation, type and related regulations of campus sexual assault, sexual harassment or sexual bullying events;
- II. Right protection of the victim and necessary assistance provided by the school;
- III. Mechanism of investigation application, reapplication and remedy;
- IV. Relevant competent authorities and responsible units;
- V. Group and network offering resources assistance.
- VI. Other related items required by the Committee or Gender Equity Education Committee of the competent authority.

## Chapter II Campus Safety Program

Article VI In order to prevent and control campus sexual assault, sexual harassment or sexual bullying, Office of General Services of the school shall regularly inspect the overall security of the campus as well as adopt the following measures to improve dangerous space of the campus:

- I. Regularly inspect the actual use of campus space and facilities as well as the overall security of the campus according to spatial allocation, management and preservation, marking system, distress system and emergency route, lighting and space penetrability and other space security factors;
- II. Record the campus space where sexual assault, sexual harassment or sexual bullying event ever happened, and improve dangerous environment of the campus based on the actual demand;
- III. Regularly hold the campus space security inspection meeting, invite the professional space designer, faculty members, students and other campus users to take part in, announce the inspection results, inspection report, related records as well as the improvement schedule on campus dangerous space.

## Chapter III Announcements on Teaching and Interpersonal Interaction Inside/Outside Campus

Article VII Faculty members and students shall respect gender diversity and individual difference when carrying out teaching activities, executing duties and proceeding with interpersonal interaction inside and outside campus. In regard to gender prevention courses, textbooks and other teaching related matters inside and outside campus as well as matters like preventing teachers' violation of professional ethics, it shall be in the charge of Office of

Teaching Affairs of the school under the assistance of Personnel Office, Student Affairs Division and Psychological Counseling Center.

Article VIII The teacher shall not develop any relationship in violation of professional ethics while performing teaching, guidance, training, assessment, management, tutoring or providing the work opportunity for students regarding interpersonal interaction relevant to sex or gender.

The teacher shall actively withdraw or report it to the school for settlement when discovering any behavior violating the professional ethics aforesaid in teacher-student relationship.

Article IX Faculty members and students shall respect others' and his own sex or body independence, and avoid any unpopular pursuit behavior, and shall not copy with any disputes related to sex or gender by means of coerciveness and violence.

#### Chapter IV Treatment Mechanism, Procedures and Remedies of Campus Sexual Assault, Sexual Harassment or Sexual Bullying

Article X The victim or his statutory agent (hereinafter referred to as the Applicant), or prosecutor involved in the campus sexual assault, sexual harassment or sexual bullying event shall apply for investigation or accusation in written to the school where the perpetrator commits the behavior. The following cases shall not be subject to this limit:

- I. If the perpetrator is the leading cadre of the school, it shall be applied to the competent authority governing the school;
- II. If the behavior happens in the part-time school, it shall be applied to the part-time school.

Article XI As for the case that where the behavior happens is not the school where the perpetrator belongs, the school or organ accepting investigation application or accusation shall notice the school where the the perpetrator belongs to assign representatives and participate in investigation in written, who shall not refuse.

Upon the completion of investigation by the school or organ accepting investigation application or accusation above, those accepting the sexual assault, sexual harassment or sexual bullying event shall deliver the investigation report and punishment suggestions to the school, organ or organization where the perpetrator belongs for treatment; that involving criminal liability shall be transferred to the judicial authority.

Article XII Part-time school of the perpetrator accepting investigation application or accusation in terms of the situation in Item II of Article X shall notice the school where the the perpetrator belongs to assign representatives and participate in investigation in written, who shall not refuse.

Upon the completion of investigation by the school or organ accepting investigation application or accusation above, those accepting the sexual assault, sexual harassment or sexual bullying event shall deliver the investigation report and punishment suggestions to the school, organ, organization or other part-time school where the perpetrator belongs for treatment; that involving criminal liability shall be transferred to the judicial authority.

Article XIII If the perpetrator has more than 2 different identities of headmaster, administrative director, teacher, staff member, workmate or student while the behavior happens, the perpetrator identity under investigation shall be defined based on the identity when interaction happens between the perpetrator and the victim, and it will be investigated and settled by the school or competent authority where the identity belongs.

As for the case that identity of the perpetrator cannot be judged when behavior occurs or it is undecided which school the perpetrator will attend in his educational system transition, the school accepting investigation application or accusation shall be responsible and relevant school shall assign the representative and take part in

investigation.

Article XIV If the event involves two perpetrators or more, who belong to different schools, the school where the perpetrator belongs accepting investigation application or accusation shall be in the charge, and relevant school shall assign the representative and take part in investigation.

Article XV The school or competent authority receiving the investigation application or accusation but without right of competency shall within 7 workdays hand over the case to other related unit with right of competency and notice the party concerned.

If any dispute arises out of right of competency in the investigation application or accusation event during educational system transition, it shall be decided by the joint higher organ; if no such joint higher organ exists, it shall be agreed and decided by each higher organ.

Article XVI After the school is aware of the campus sexual assault or sexual harassment event, the Student Affairs Division and Military Education Office shall notice and report it to the Ministry of Education and Social Science Research and Ideological Work Department of Taipei according to the provision of related decrees. Except for necessary investigation, the consideration of public security or other special provisions in laws and regulations during noticing and reporting according to this Article, it shall be confidential for the name or other data capable of recognizing the identity related to parties involved and prosecutor.

Article XVII Applicant or prosecutor of the campus sexual assault, sexual harassment or sexual bullying event shall apply for the investigation or accusation in a form of words, writing or E-mail; that applied for in a way of words or E-mail shall be recorded by the school, and the record shall be read by the applicant or prosecutor and signed or sealed after no error is confirmed.

前项书面或言词、电子邮件作成之纪录，应载明下列事项：

Records made regarding the form of words, writing or E-mail above shall list the following matters:

I. Name, ID document number, service or schooling unit or title, residence, contact number and investigation application date of applicant or prosecutor;

II. Applicant applying for investigation shall list the birth date of the victim;

III. Applicant commissioning the agent to apply for investigation on his behalf shall attach the letter of appointment, and list name, ID document number, residence and contact number of agent;

IV. Facts and evidence related to investigation application or accusation.

Campus sexual assault, sexual harassment or sexual bullying events reported by media shall be deemed accusation, and the school shall actively hand it over to the Committee for investigation and treatment. If the victim is unwilling to cooperate with the investigation, the school or the competent authority shall also provide necessary guidance or assistance.

Article XVIII Event acceptance, investigation, reapplication, remedy procedures and other related matters are as follows:

I. When receiving the campus sexual assault, sexual harassment or sexual bullying events, the Student Affairs Division or Responsible Unit assigned by the school shall serve as the receiving unit, and related unit of the school shall cooperate and assist when necessary.

Receiving unit aforementioned shall proceed with the first trial according to the regulations specified by Item II of Article XXIX in the Act after receiving the case, and then deliver the opinion of primary examinations to the Committee to decide whether to accept or not. Convener of [Administrative Guidance Group] in the

Committee shall assign or appoint in turn the Committee members to constitute a group with more than 3 people to make a decision.

- II. The Student Affairs Division shall hand over the event to the [Committee] of the school for investigation and treatment within 3 workdays after receiving the case.
- III. The Student Affairs Division shall notice the applicant or prosecutor whether to accept or not in written within 20 workdays after receiving the investigation application or accusation. As for the unaccepted written notice, related reason shall be stated according to regulations in Item III of Article XXIX in the Act, besides, the applicant or prosecutor shall be noticed with the reapplication time limit as well as the accepting unit.
- IV. Applicant or prosecutor shall state the reason and file the reapplication to the school within 20 days if receiving no notice after applying or accusing or within 20 days since the next day of receiving the unaccepted notice; that applied with words shall be recorded by the school, and the record shall be read by the applicant or prosecutor and signed or sealed after no error is confirmed.  
前款不受理之申复以一次为限。  
Reapplication for nonacceptance above-mentioned shall not exceed 1 time.
- V. The secretariat shall notice the re-applicant of the reapplication result in written within 20 days after receiving the reapplication. Reapplication with reasons shall be submitted to the [Committee] for investigation and settlement within 3 days after the investigation application or accusation is determined.
- VI. The [Committee] of the school shall establish an [Investigation Group] according to Article XXX and Article XXI in the Act to investigate. The Investigation Group shall be composed of 3 or 5 members, who are selected according to the regulations in Article XXX of the Act.

(I) Instructor of parties involved shall avoid the investigation work of the event; personnel participating in investigation and treatment of the event shall also avoid the guidance work of parties involved;

(II) The investigation group shall follow the principle of objectivity, fairness, profession and confidentiality, give both parties with the opportunity to fully state his opinions and reply, and avoid repeated inquiry. Perpetrator, applicant (prosecutor) and people or unit invited to assist the investigation shall cooperate and provide related data;

(III) Party involved under age shall be accompanied by his statutory agent during accepting investigation. In case of any power asymmetry situation among perpetrator, victim, prosecutor or people invited to assist the investigation, confrontation shall be avoided. The school shall additionally make a written material abiding by the duty of confidentiality based on the demand of investigation, which shall be delivered to the perpetrator, victim, or people invited to assist the investigation for reading or telling the gist;

(IV) The school or competent authority shall keep confidential for name and other data capable of recognizing identity related to perpetrator, victim, prosecutor or people invited to assist the investigation. Those with necessary investigation or in consideration of public security shall not be subject to this limit;

(V) When the applicant withdraws the investigation application, the accepting school or competent authority shall continue with investigation and settlement in accordance with the decision made by the Committee or request made by the perpetrator in order to clarify relevant legal liability. For those with serious case recognized by the competent authority, the school shall be ordered to continue

with investigation and settlement;

(VI) Investigation and settlement of the Committee shall not be influenced by proceeding of the judicial procedure and the treatment result of the event. The investigation procedure shall also not be suspended due to the original identity loss of the perpetrator;

(VII) The school shall comprehensively support the investigation work of the investigation group members, and give a public errand registration; transportation fees or related expenses shall be paid by the school or competent authority in charge of investigation;

(VIII) The Committee shall finish the investigation and report within 2 months after accepting application or accusation. It shall be extended when necessary, shall not exceed 2 times but shall not exceed 1 month each time, besides, the applicant (prosecutor) and perpetrator shall be noticed.

(IX) The investigation group shall set 1 spokesman. Upon the completion of investigation, the group shall finish the investigation report and submit it to the Committee for deliberation. The Committee shall propose report for investigation report and treatment suggestion to the school in written.

(X) Following the principle of respecting professional judgment and avoiding repeated inquiry, the school or competent authority shall affirm the fact relevant to campus sexual assault or sexual harassment event according to the investigation report from the Committee.

VII. The school shall inform the applicant (prosecutor) and perpetrator of the treatment result of the event in written, provide the investigation report at the same time and notify the time limit of reapplication as well as the accepting school or authority.

VIII. The Committee shall trace, assess and supervise after the event to ensure effective implementation of the adjudication and avoid the occurrence of the same event or revenge behavior.

IX. Applicant or perpetrator dissatisfying the treatment result shall reapply to the secretariat within 20 days since the next day of receiving the written notice.

X. The secretariat shall manage according to the following procedures after receiving the reapplication:

(I) After the receiving unit assigned by the school or competent authority receives the reapplication, a review group shall be instantly established to make a decision attached with reasons within 30 days and inform the re-applicant of the reapplication result in written;

(II) Review group shall include gender equity education related specialists and scholars and 3 or 5 legal professionals. The group member shall be composed of more than half female number, one third of specialists and scholars with specialty literacy in campus sexual assault or sexual harassment investigation.

(III) Original members of the Committee and original members of the investigation group shall not hold the post of the review group members;

(IV) The convener shall be elected by the group members for the review group during convening meeting and preside over the meeting;

(V) During the process of review conference, the re-applicant shall be given the opportunity to state his opinion based on the demand, besides, members related to the Committee or members of the investigation group shall attend and make statement;

(VI) In case of reason in reapplication, the reapplication decision shall be informed to relevant responsible unit to re-decide.

Article XI Applicant or perpetrator dissatisfying the reapplication result shall file a remedy within 30

days since the next day after receiving the written notice according to regulations in Article XXXIV of the Act.

Article XIX Those with confidentiality obligation for campus sexual assault, sexual harassment or sexual bullying events refer to all personnel in the school or competent authority participating in the campus sexual assault, sexual harassment or sexual bullying events.

Those with confidentiality obligation as set forth divulging a secret shall be punished in line of the criminal law or other relevant regulations.

Except for necessary investigation and the consideration of public security, it shall be confidential for the name or other data capable of recognizing the identity related to parties involved, prosecutor and witness. Those with confidentiality obligation as set forth divulging a secret shall be punished in line of the criminal law or other relevant regulations.

Article XX If the event is verified via investigation, the school shall voluntarily transfer the inflicter to other responsible authority for punishment according to relevant laws or regulations. As for that verified with false accusation, the applicant or prosecutor shall be appropriately punished.

When applying punishment for sexual harassment event, the school shall punish the inflicter with one to more following items:

- I. Apologize to the victim after agreed by the victim or his statutory agent;
- II. Accept 8 hours of courses relevant to gender equity education;
- III. Accept psychological guidance;
- IV. Other measures meeting the educational purpose.

When the punishment in Item I involves the change of the inflicter identity, the inflicter shall be given the opportunity to state his opinion in written, and the following regulations shall be based to handle:

- I. The responsible unit deciding to punish shall notice the inflicter to raise a written statement before convening a meeting review;
- II. Teacher involving in the sexual assault event shall be noticed to make a written statement before the Committee convenes the meeting, and handled in line with regulations above.

In addition to the case stipulated by Item III of Article XXXII in the Act regarding the written opinions mentioned above, the responsible unit deciding to punish shall not require the Committee to re-investigate or shall not investigate without authorization.

Article XXI To guarantee the education right or work right of parties involved in campus sexual assault, sexual harassment or sexual bullying events, the school or school accepting investigation application or accusation shall adopt the following disposal measures when necessary:

- I. Flexibly handle the attendance/absence record or performance evaluation of parties involved, actively assist his schoolwork or duty; not be subject to the limit of regulations on leave of absence and performance evaluation of teachers and students;
- II. Respect the will of the victim and reduce the opportunities for interaction between parties involved;
- III. Avoid revenge affairs;
- IV. Reduce the possibility of further harm from the perpetrator;
- V. Other disposition required by the Committee.

Article XXII The school shall actively transfer it to related organization based on the physical and psychological status of parties involved to offer necessary assistance, however, the school shall still investigate and settle according to the rules.

Article XXIII The school shall provide the following suitable assistance for parties involved when

necessary:

- I. Psychological counseling;
- II. Legal consulting channel;
- III. Schoolwork assistance;
- IV. Financial assistance;
- V. Other assistance required by the Committee.

Costs required by the assistance above shall be budgeted and paid by the school.

Article XXIV Psychological Counseling Center of the school shall establish the archive data in accordance with Item I of Article XXVII in the Act, which shall be kept by special person, and shall notice the school where the inflicter in studying or serving.

Original documents with the name of parties involved, prosecutor and witness shall be filed and kept with confidential documents, shall not be for reading or provided to other people except for the investigation and adjudication organ. That additionally prescribed by relevant laws shall not be subject to this limit.

Except for the original documents, documents additionally made by personnel investing and handling the campus sexual assault or sexual harassment events shall be excluded with the name of parties involved, prosecutor and witness as well as the data capable of recognizing their identity, which shall be replaced with code.

Article XXV Personnel Office or Psychological Counseling Center of the school shall implement necessary trace, observation and guidance regarding faculty members or students inflictors with transfer of position or translative reading of other schools, and shall not publish the name or other data capable of recognizing their identity relevant to the inflicter without any right reason.

When evaluating the recidivism case of inflicter, the correction status of inflicter shall be noted in the notification contents above.

Article XXVI The school shall publish the authenticity, status and handling mode of the event after agreed by the victim or his statutory agent after finishing the treatment on campus sexual assault, sexual harassment or sexual bullying events, but shall not disclose the name or other data capable of recognizing their identity relevant to parties involved.

Article XXVII Headmaster, teacher, office clerk or workmate violating the notification regulation on suspected campus sexual assault event stipulated by Item I of Article XXI in the Act and causing re-occurrence of campus sexual assault event, or forging, making up, annihilating or concealing the evidence of others' violating campus sexual assault event shall be dismissed or deposed according to law.

Article XXVIII The school sets the complain telephone and E-mail relevant to the campus sexual assault, sexual harassment or sexual bullying events as well as assigns the special treatment people.

Complain telephone: 28267005 (Student Affairs Division)

Complain E-mail: [sa@ym.edu.tw](mailto:sa@ym.edu.tw)

#### Chapter V Supplementary Provisions

Article XXIX The Prevention Rules is published and implemented after passed by the university assembly, so is its amendment.