Content

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Content：

Chapter 1　General principles

Article 1　These regulations are drawn according to the first paragraph to Article 20 in the Gender Equity Education Act (hereafter referred to as the Act).

Article 2　The school shall affirmatively promote prevention education of campus sexual assault or sexual harassment 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、Regularly hold educational activities of prevention of campus sexual assault or sexual harassment for faculty, staff, and students and to evaluate the effectiveness of these activities.

2、Regularly hold in-service education programs each year for personnel of the Gender Equity Education Committee (hereafter referred to as "Committee") or agencies related to the handling of campus sexual assault or sexual harassment cases.

3、Encourage the aforesaid personnel to participate in on and off campus seminars on the handling of campus sexual assault or sexual harassment cases; allow them to register as official leaves and subsidize the expense.

4、Promulgate these Regulations through a wide range of channels; including the inclusion them in faculty and staff employment contracts and student handbooks.

5、Encourage the victim or the complainant on a campus sexual assault or sexual harassment case to apply for an investigation or file a report at the earliest possible in order to facilitate evidence collection, investigation, and handling.

Article 3　The school or the competent authority shall compile information on prevention and relief of campus sexual assault or sexual harassment; actively provide the information to relevant personnel upon handling such

cases.

The aforesaid information shall contain the following items:

1、Definition, types and pertinent laws of campus sexual assault or sexual harassment 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 or the competent authority's Committee.

Chapter 2 Campus safety plan

Article 4 In order to prevent incidents of sexual assault or sexual harassment on campus, the school shall implement the following measures for enhancing safety:

1、Regularly inspect the 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 space visibility; and other important safety factors.

2、Record the locations where incidents of sexual assault or harassment have occurred on campus, and produce a map illustrating danger areas as necessary.

Article 5 The school shall 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 Article, and inspect the improvement progress of the hazard zones on campus.

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

Article 6 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.

Article 7 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.

Article 8　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.

Chapter 4　Handling mechanisms, procedures, and relief methods of campus sexual assault or sexual harassment cases

Article 9　Campus sexual assault or sexual harassment cases prescribed in the fifth subparagraph of Article 2 of the Act shall include the cases that occur between different schools.

Definitions of terms in the fifth subparagraph of Article 2 of the Act 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 10　The victim of a campus sexual assault or sexual harassment 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. However, this limitation does not apply in the following situations:

1、If the alleged offender is the principal or president of the school, the request should be submitted to the school's competent authority.

2、By a school where the incidence occurred, the request should be submitted to that school.

Article 11　In cases where the alleged offender is employed or enrolled in a school other than the school where the incident occurred, the school or authority that is handling the application for investigation or a complainant's report shall notify in writing the school where the alleged offender is currently employed or enrolled to send a representative to participate in the investigation; the school so notified may not refuse the request.

Should the aforementioned school handling the application for investigation or a complainant's report, after concluding the investigation determine that an incident of sexual assault or harassment did in fact

occur; it shall provide an investigation report and suggested punishment to the offender's current school, agency, or institution for handling. In cases where criminal liability exists, the same items should be provided to the legal authorities for handling.

Article 12 In the situation described in Item 2 of Article 10, the school at which the alleged offender is employed in a part-time position and which is to handle the application for investigation or a complainant's report, 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 so notified may not refuse the request.

Should the aforementioned school handling the request for investigation or a complainant's report, after concluding the investigation determine that an incident of sexual assault or harassment did in fact occur, it shall provide an investigation report and suggested punishment to the school where the offender is currently employed on a full-time basis, the relevant authorities or institutions, or other schools where the offender is employed on a part-time basis for handling. In cases where criminal liability exists, the same items should be provided to the legal authorities for handling.

Article 13 If at the time of the offense, the alleged offender served in two or more of the following staff—president/principal, teacher, employee, janitor, or student—the capacity in which he 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, as when admission to an academic program was still under consideration, responsibility for the investigation will be the school handling the application for investigation or a complainant's report. Any school(s) relevant to the incident shall send a representative to participate in the investigation.

Article 14 If two or more persons are alleged to have been offenders in the same incident, but belong to different schools, the school handling the application for investigation or a complainant's report shall be responsible for conducting the investigation. Any school(s) relevant to 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 seven working days transfer

responsibility for the case to a party with such jurisdiction, while informing 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 there is dispute 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 a school or competent authority becomes aware of an incident of campus sexual assault or sexual harassment, it shall notify relevant agencies in accordance with applicable legal regulations; the school shall notify the competent authority.

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 17 The applicant or the complainant may apply for an investigation or file a complainant's report of a campus sexual assault or sexual harassment case in writing. If the application is made verbally, the school or the competent authority shall make documentation of the verbal application and read it out to the applicant or the complainant or ask him or her to read it in order to confirm its accuracy. Subsequently, the documentation shall be signed or sealed by the applicant or the complainant.

The written or documented verbal application 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、Facts and pertinent evidence for which an investigation is requested or a complainant's report is being made.

Article 18 If a school or competent authority receives an application for investigation of an incident of sexual assault or harassment, or a

complainant's report, the agencies responsible for accepting the relevant documentation are as follows:

1、Vocational schools and higher: Student affairs office or a dedicated unit designated by the school.

2、Senior high schools and lower: Student affairs office .

3、Competent authority: Operational unit responsible for handling matters related to the Committee.

After accepting the application/accusation, the aforementioned agencies shall proceed with an initial evaluation in accordance with Article 29, paragraph 2 of the Act, then pass a suggestion based on this evaluation to the Committee to determine whether or not to handle the matter. The Committee shall designate or assign members to a team of at least three persons to make this determination.

Article 19 The school or the competent authority shall send a written notification of application acceptance or rejection to the applicant or the complainant within twenty days after receiving the investigation application or report. Written notification of rejection shall contain reasons as prescribed in the third paragraph of Article 29 of the Act, and the applicant or the complainant shall be notified of the reapplication deadline and the office that accepts a reapplication.

If the applicant or the complainant does not receive a notification or has received a rejection notification within the deadline in the preceding paragraph, he or she may reapply in writing with grounds stated to the school or the competent authority within twenty days from the second date following the date of receipt of the notification. For applicant(s) who reapplies verbally, the school or the competent authority shall make a documentation of the reapplication and read the documentation to the applicant or the complainant or ask him or 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 school or the competent authority 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 school or the competent authority shall turn over the investigation application or complainant to the Committee for further handling.

Article 20 Incidents of sexual assault or sexual harassment that have received media coverage shall be treated as having been reported. The affected school or competent authority 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.

Article 21 When the Committee of the school or the competent authority handles a campus sexual assault or sexual harassment case, 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 the third paragraph of Article 30 in the Act.

The consultant(s) of the victim and the offender of a campus sexual assault or sexual harassment case shall avoid participation in the case investigation. Person(s) involved in the investigation and handling of a campus sexual assault or sexual harassment case shall also avoid participation in the counseling of the victim and the offender.

The school or competent authority 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 Experts or scholars specialized in the investigation of a sexual assault or sexual harassment case prescribed in the third paragraph of Article 30 of the Act shall meet one of the following qualifications:

1、Person(s) holding a certificate of completing a campus sexual assault or sexual harassment investigation training program provided by a competent authority at the central, municipality, county or city level. 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、Person(s) who has had good performance record in the investigation of a campus sexual assault or sexual harassment case, and who has been approved by the Committee of the competent authority at the central, municipality, county or city level and included in its investigation specialist database.

The aforesaid campus sexual assault or sexual harassment investigation training program prescribed in the first subparagraph of the preceding paragraph shall be organized by the Committee of the competent authority at the central, municipality, county or city level. The program shall contain the following courses:

1、Basic concepts of sexual assault or sexual harassment and pertinent laws and regulations.

2、Skills and knowledge to investigate a campus sexual assault or sexual harassment case.

3、Handling procedures for a campus sexual assault or sexual harassment case.

4、Other courses recommended by the Committee.

The competent authority at the central, municipality, county or city level shall train investigation specialists of campus sexual assault or sexual harassment cases on a regular basis, and establish a human capital database as a reference for schools or competent authorities at various levels for their appointment considerations.

Article 23 The school or the competent authority shall investigate and handle a campus sexual assault or sexual harassment 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 the victim, a complainant, or a person requested to assist in the investigation, confrontation should be avoided.

3、When necessary for the investigation, written information may be produced by the school or competent authority so long as it does not violate the obligation of confidentiality, and be provided to the alleged offender, the victim, or a 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 and persons assisting in the investigation shall be kept confidential, except for the necessity of investigation or public safety concerns.

5、In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, the school or competent authority that handled the investigation must obtain the approval of its Committee, or should the alleged offender request it, continue the investigation. The competent authority shall, where it considers the facts of the case to be of sufficient gravity to warrant it, direct the school to continue the investigation.

Article 24 All persons participating in the handling of an incident of sexual assault or sexual harassment on behalf of a school or competent authority are bound by the obligation of confidentiality described in paragraph 4 of the preceding Article.

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 make 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 the victim, the offender, complainant, and witness shall be deleted and replaced with codes in all documents produced by the investigators of campus sexual assault or sexual harassment cases.

Article 25 In order to protect the rights to education and the rights to work of the victim of a campus sexual assault or sexual harassment case, the school or the competent authority may prescribe the following measures when necessary:

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、Reduce the possibility of further assault or harassment by the offender.

5. Other measures deemed necessary by the Committee.

Any required measures covered in the preceding paragraphs shall be instituted after a resolution is passed by the Committee.

Article 26 The school or the competent authority shall actively refer the victim to various related agencies to provide necessary assistance, according to his or her physical and mental condition. However, the school or the competent authority shall continue to investigate and handle the case according to the Act.

Article 27 The school or the competent authority 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 necessary assistance deemed necessary by the Committee.

The school or the competent authority shall designate budgeting for the expense needed in the preceding paragraph.

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 due to the offender's loss of his or 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 school or competent authority shall accept the findings contained in its Committee's investigation report in determining the facts relating to an alleged incident of sexual assault or sexual harassment.

If the offender, in accordance with the third paragraph 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 an investigation of its own, except in cases prescribed by the third paragraph of Article 32 of the Act.

Article 30 After the Committee of the school or the competent authority handling an application for investigation or a complainant has investigated and established a campus sexual assault or sexual harassment case, the school or the competent authority 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 the competent authority shall turn over the case to those authorized agencies. After a false accusation has been confirmed, the school or the competent authority shall impose appropriate punishment to the applicant according to the law.

When the school, competent authority or other authorized institution determines penalties according to the aforementioned regulation, it shall do so according to the following rules:

1、 In the case of a minor campus sexual harassment incident, the school, competent authority, or other authorized institution may handle the matter while observing the condition described second paragraph of Article 25 of the Act.

2、In the case of incidents of campus sexual assault or sexual harassment not covered by the preceding paragraph, the school, competent authority, or other authorized institution may handle the matter in accordance with relevant laws or regulations, while observing the condition described in the second paragraph of Article 25 of the Act.

The manner of handling described in the second paragraph of Article 25 of the Act should be instituted by the school or competent authority responsible for stipulating penalties, and during their institution the school or competent authority shall take appropriate measures to ensure that the offender cooperates and complies. Any further handling shall be determined by the school's competent authority.

Article31 In the written notification of the handling conclusions sent to the applicant and the offender, the school or the competent authority shall also provide the investigation report, as well as indicate the deadline for reapplication and the school or institution handling the reapplication.

Applicants or offenders who object to the handling conclusion of the school or the competent authority may reapply in writing with grounds to the school or the competent authority within twenty days from the date following the date of receipt of the written notification. For those who reapply verbally, the school or the competent authority shall make a documentation and read it to the applicant or the offender or ask him or her to read it to confirm its accuracy. After accuracy is confirmed, the documentation shall be signed or sealed by the applicant or the offender.

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

1、After the agency designated by the school or the competent authority 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. Moreover, female members must account for at least one-half of the team. At schools, experts with a

background in campus sexual assault or campus sexual harassment investigation 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.

Article32 The school or the competent authority shall appoint an office ad hoc to keep the compiled data according to the first paragraph of Article 27 of the Act.

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(s) in the second paragraph 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 33 When the school or the competent authority reports a case according to the second paragraph 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 or

sexual harassment case.

After performing followup and providing counseling to the offender, if in the estimation of the competent authority or the school at which the offender was originally enrolled or employed, there is little likelihood of a repeat offense, the offender's penitence may be indicated in the aforementioned report.

Chapter 5 Supplementary Provisions

Article 34 The school shall prescribe regulations on the prevention of sexual assault or sexual harassment in accordance with the principles described in these Regulations, and include Articles 7 and 8 in the employment contract for faculty and in the student handbook.

The Regulations 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 prohibiting campus sexual assault or sexual harassment.

4、Definitions and types of campus sexual assault or sexual harassment cases.

5、Investigation application procedures of a campus sexual assault or sexual harassment case.

6、Investigation and handling procedures of a campus sexual assault or sexual harassment case.

7、Reapplication and relief procedures of a campus sexual assault or sexual harassment case.

8、Warnings of revenge prohibition.

9、Protection of privacy.

10、Other matters pertinent to the prevention of campus sexual assault or sexual harassment case.

Article 35 Schools at the senior high and lower levels may apply for reimbursement from the competent authority for expenses required for investigations of campus sexual assault or sexual harassment incidents or for counseling of involved parties.

Article 36 The Regulations will take effect as of the date of promulgation.

Data Source： Laws and Regulations Retrieving System