

CYCU Implementation Directions for Prevention and Resolution of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus

December 15, 2012 Amended and passed at University Affairs Council Meeting
Amended per the official letter under Yuan-Mi-Zi No. 105002657 dated August 25, 2016

- Article 1. Chung Yuan Christian University (hereinafter referred to as “CYCU”) hereby establishes the “Implementation Directions for Prevention and Resolution of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus” (hereinafter referred to as the “Directions”) in accordance with the Gender Equity Education Act and “Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus”.
- Article 2. The definitions of the following terms used herein are stated as following:
1. Sexual assault: Any sexual offense defined by the Sexual Assault Prevention Act.
 2. Sexual harassment: The cases described as following, which do not constitute sexual assaults:
Unwelcome remarks or conducts that carry explicitly or implicitly a sexual or gender discriminating connotation and thereby adversely affect the other party’s human dignity, or the opportunity or performance of her or his learning or work. A conduct of sexual or gendered nature that is served as the condition for oneself or others to gain or lose rights or interests in learning or work.
 3. Sexual bullying: Ridicule, attacks, or threats directed at another person’s gender characteristics, gender temperaments, sexual orientation, or gender identity by using verbal, physical or other forms of violence will be under the category of sexual bullying not sexual harassment.
 4. Gender identity: An individual’s awareness and acceptance of his or her own gender.
 5. Sexual assault, sexual harassment, or sexual bullying on campus: sexual assault, sexual harassment, or sexual bullying that involves a school’s president, faculty or staff member, or a student as one party and a student as the other party, including the same occurring in different schools.
- Article 3. In order to prevent sexual assault, sexual harassment, and sexual bullying incidents on campus, CYCU shall regularly evaluate overall campus safety, and inspect the usage of campus grounds and facilities by assessing the arrangement, management and security, signage system, emergency help system and secure routes and lighting, and record the locations where the sexual assault, sexual

harassment, or sexual bullying incidents have occurred on campus, produce the inspection report on the campus grounds, and prepare a map illustrating danger areas on campus as necessary to help the improvement on campus grounds.

Article 4. When engaging in teaching and interpersonal interactions on and off campus, CYCU's faculty and students shall respect and take into consideration the different genders, gender characteristics, gender identity or sexual orientation of their own.

The faculty shall not develop intimate relationships that violate professional ethics, with respect to the interpersonal interaction about sex or gender, with the student under his/her instruction, guidance, training, evaluation, management, consultation, or when providing the student with any employment opportunity.

Upon awareness of a teacher-student relationship likely to violate the professional ethics referred to in the preceding paragraph, the faculty shall take the initiative to avoid further interaction with the student or report the case to the school for resolution.

Article 5. The faculty 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.

Article 6. The victim of a sexual assault, sexual harassment, or sexual bullying incident or his/her legal representative (hereafter referred to as "the applicant"), or a complainant to such an incident, may apply for an investigation with CYCU in writing. Notwithstanding, the same shall not apply to the following circumstances:

1. Where the alleged offender is the President of CYCU, the application shall be filed with Ministry of Education.
2. Where the alleged offender commits the misconduct in another school where he/she is employed part-time, the application shall be filed with such school.

Article 7. Upon awareness of any sexual assault, sexual harassment or sexual bullying incident on campus, CYCU's President and faculty shall notify the responsible personnel of the Gender Equality Education Committee (hereinafter referred to as the "Committee"), and CYCU shall report the case to Ministry of Education and Sexual Assault Prevention Center pursuant to the related laws and regulations within 24 hours at the latest.

The concerned party's and complainant's name or other information that may lead to personal identification shall be kept confidential, except for investigation necessity or public safety concerns, or unless otherwise provided in laws.

CYCU's President, faculty and students shall not falsify, modify, destroy, or conceal evidences of sexual assault, sexual harassment or sexual bullying incidents on campus committed by others

Article 8. 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 responsible personnel of CYCU accepting the application 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. Then, the text record shall be signed or sealed by the applicant or the complainant.

The record of the application filed in writing or verbally referred to in the preceding paragraph shall identify the following:

1. The applicant or the complainant's name, ID No., the institution where he or she is employed or studies, residence and domicile, telephone number, and date of the application for investigation.
2. At the time an application for investigation is made, the applicant shall state the victim's year, month, and day of birth.
3. If the applicant authorizes a representative to apply for investigation on behalf of him/her, a power of attorney shall be submitted specifying the representative's name, ID No., residence and domicile, and telephone number.
4. The contents of facts for which the application for investigation is made, or complained. The related evidence, if any, shall be recorded or attached to the relevant file.

Article 9. Upon CYCU's receipt of the application for investigation or the complaint on any sexual assault, sexual harassment or sexual bullying incident on campus, the Office of Student Affairs shall, as the unit dedicated to accepting the application, deliver the facts and evidence submitted by the applicant or complainant to the Committee within three (3) days for resolution.

Where the application for investigation or complaint referred to in the preceding paragraph shall be accepted is subject to the resolution made by the review team consisting of six members of the Committee called by the executive secretary of the Committee. The review team shall consist of two ex officio members, two faculty representatives, one employee representative and one student representative, and the number of female members shall account for a majority of the whole team members.

Where the alleged offender is no longer the faculty or student or adjunct faculty of CYCU at the time when the application for investigation or complaint is made, CYCU 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.

Where CYCU, upon conclusion of the investigation, determines that the campus sexual assault, sexual harassment, or sexual bullying incident for which the application for investigation or complaint referred to in the preceding paragraph is made should sustain, it shall submit the investigation report and suggested punishment to the school where the offender is currently employed on a full-time basis or another competent authority for resolution.

Where CYCU has no jurisdiction over the application for investigation or complaint received by it, it shall transfer the same to the person who holds the jurisdiction within seven working days and also notify the concerned party.

Article 10. The Committee shall notify in writing the applicant or complainant whether the application for investigation or complaint is accepted, within twenty (20) days upon receipt of the same. The written notice of rejection shall state the reasons of rejection and advise the applicant or complainant of the deadline for an application for reconsideration and the unit dedicated to accepting the application.

The applicant or complainant may submit the application for reconsideration

with the written statement of reasons within twenty (20) days as of the date following receipt of the written notice of rejection. The application for reconsideration against the rejection may be made for no more than once.

Upon receipt of the application for reconsideration, CYCU shall notify the applicant of the reconsideration result in writing within twenty (20) days. Where the application for reconsideration is held grounded, CYCU shall deliver the application for investigation or complaint to the Committee for resolution.

Article 11. The Committee shall establish an investigation taskforce when handling the sexual assault, sexual harassment or sexual bullying incident of CYCU.

The investigation taskforce shall consist of 3 or 5 members. The number of female members shall account for a majority of the whole taskforce members, and the number of experts/scholars specialized in investigation on sexual assault, sexual harassment or sexual bullying incidents shall account for more than 1/3 of the whole taskforce members.

The consultants of concerned parties of any campus sexual assault, sexual harassment or sexual bullying incident shall recuse themselves from the investigation on the incident. The persons involved in the investigation and handling of the incident shall also recuse themselves from the counseling for the concerned parties.

CYCU or any other school requesting the investigation taskforce members' assistance shall record the members as taking business trip (official leave). The transportation allowance or related expenses shall be borne by the school or competent authority responsible for the investigation.

Article 12. The Committee shall complete its investigation within two (2) months upon acceptance of the application or complaint. The investigation may be extended, if necessary. The investigation may be extended for no more than twice, and no more than one (1) month each time. The extension, if any, shall be notified to the applicant, complainant and alleged offender.

Article 13. The victim of minor age of any sexual assault, sexual harassment or sexual bullying incident, if any, under investigation shall be accompanied by his/her legal representative during the investigation. Where there is power imbalance between the alleged offender and victim, complainant or witness, confrontation(s) shall be avoided.

Article 14. The names of the concerned party, complainant and witness of any sexual assault, sexual harassment or sexual bullying incident, and other information that affords to identify the concerned party, complainant and witness shall be kept confidential, unless it is required by the investigation or there is any public safety concern.

In addition to original documents, the real names of the concerned party, complainant and witness and other information that afford to identify the concerned party, complainant and witness shall be deleted and replaced with codes in all documents produced by the investigators to the public separately.

Article 15. During the investigation on any sexual assault, sexual harassment or sexual bullying incident, CYCU shall report the same to the competent authority for record, upon resolution of the Committee, and shall handle the attendance record or performance appraisal of the concerned party with flexibility, help the concerned party with his/her studies or job duties actively, free from the

limitations about the application for leave and performance appraisal on the faculty and students to protect the concerned party's right to education or work. Meanwhile, in order to avoid situations where vengeful behavior may be undertaken, the school shall take any necessary measures to reduce the possibility for the alleged offender to commit the same misconduct again.

Article 16. In the process of handling any sexual assault, sexual harassment, or sexual bullying incident, CYCU shall inform the victim or his/her legal representative of the rights and remedies claimable by him/her, or refer him/her to relevant institutions. Psychological counseling, protective measures, or other assistance shall be provided whenever it is necessary.

Article 17. The investigation and handling by the Committee shall remain unaffected by the judicial proceedings and conclusions of the case. The investigation procedure referred to in the preceding paragraph shall not be suspended due to the alleged offender's loss of his or her status.

Where the applicant withdraws the application for investigation, in order to clarify the relevant legal liability, the investigation may be continued upon resolution of the Committee or upon request of the alleged offender.

Article 18. Once the sexual assault, sexual harassment, or sexual bullying incident has been investigated and held sustained by the Committee, the alleged offender shall be transferred to the other competent authority for punishment pursuant to the related laws or regulations.

When imposing the punishment on any sexual harassment or sexual bullying incident, CYCU shall also order that the alleged offender should receive psychological counseling, and may also order that he or she should be subject to any one or more of the following measures:

1. Apologize to the victim upon consent of the victim or his/her legal representative;
2. Attend the gender equality education courses for 8 hours;
3. Other measures that serve an educational purpose.

The Committee shall notify the applicant, complainant and alleged offender in writing of the resolution, specifying the facts, reasons and requirements about application for reconsideration.

The Committee shall take necessary measures to ensure the offender's compliance with the requirement, when ordering the offender to take the punishment referred to in Paragraph 2.

Where a false accusation is confirmed, appropriate punishment shall be imposed on the applicant or complainant pursuant to laws.

Article 19. In consideration of the respect toward professional judgment and in order to avoid repeated questioning, CYCU shall accept the findings contained in the Committee's investigation report in determining the facts relating to the campus sexual assault, sexual harassment, or sexual bullying incident.

When any punishment imposed on the offender involves a change to the offender's status, the offender shall be given an opportunity to make a written statement presenting his or her views, and the following requirements shall be followed:

1. Before convening a review meeting, the responsible unit dedicated to deciding the punishment shall notify the offender to submit a written statement.

2. Where any faculty is involved in a sexual assault incident, 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 subparagraph.

Article 20. Where the applicant or alleged offender disagree to the resolution, they may submit the application for reconsideration with the written statement of reasons with CYCU within twenty (20) days as of the date following receipt of the written notice of rejection. Where the applicant or offender files the application verbally, the verbal application shall be recorded in writing and read out to the applicant or offender or ask the applicant or offender to read it in order to confirm the accuracy of documentation. Then, the documentation shall be signed or sealed by the applicant or offender. The application for reconsideration referred to in the preceding paragraph may be filed for no more than once. Upon receipt of the application for reconsideration, CYCU shall process it in the following manners:

1. Upon acceptance of the application by the Secretariat, CYCU shall form a review team dedicated to rendering the decision with reasons and notifying the reconsideration result to the applicant within thirty (30) days.
2. The review team referred to in the preceding subparagraph shall consist of 3 or 5 experts/scholars in gender equality education or legal professionals. The number of female team members shall account for a majority of the whole team members, and the number of experts/scholars specialized in investigation on sexual assault, sexual harassment or sexual bullying incidents shall account for more than 1/3 of the whole team members.
3. Members of the Committee and investigation taskforce members may not serve as members of the review team.
4. When the review committee convenes a meeting, the team members will elect a convener who will also chair the meeting.
5. While the meeting is in progress, if necessary, the applicant for reconsideration shall be given the opportunity to make a statement, and the members of the Committee or investigation taskforce shall be invited to be present at the meeting to make explanation.
6. Where the application for reconsideration is held grounded, the decision on the application for reconsideration shall be notified to the relevant responsible unit to enable the unit to give another decision.
7. Before the decision on the application for reconsideration referred to in the preceding subparagraph is served to the applicant, the applicant may withdraw the application in the manner referred to in the preceding paragraph.

Article 21. Where the applicant or alleged offender disagrees to the decision on the application for reconsideration, the applicant or offender may petition for a relief in the following manners within thirty (30) days from the date following receipt of the written notification:

1. CYCU's President and faculty: The Teacher's Act shall apply.
2. CYCU's employees: The Act of Gender Equality in Employment shall apply.
3. CYCU's students: File an appeal with CYCU pursuant to the relevant requirements.

Article 22. The documents and information created by CYCU pursuant to the relevant requirements shall be kept by the dedicated personnel designated by the Secretariat.

The documents and information created in the manner referred to in the preceding paragraph shall be categorized into original documents and report documents.

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

1. The time when the incident occurred and type of the incident.
2. Concerned parties of the incident (including the complainant, victim and offender).
3. Persons in charge of the incident, handling process and case records.
4. Documents, collected evidence and other pertinent information produced from processing of the incident.
5. The name, job title or student school records, and family background of the offender.

The report documents referred to in Paragraph 2 shall contain the following information:

1. The time when the incident occurred and type of the incident, and codes representing the parties involved in the incident.
2. Handling process and conclusion of the incident.

Article 23. The application for investigation or complaint on any campus sexual assault, sexual harassment or sexual bullying incident of CYCU may be submitted to the dedicated unit at Tel. No. 03-265-1995 or via cycu1995@cycu.edu.tw.

Article 24. Any matters not covered herein shall be implemented in accordance with the “Gender Equity Education Act” and the “Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus” of the Ministry of Education.

Article 25. The Directions shall be promulgated by the President and enforced upon approval of the University Affairs Council Meeting. The same shall apply where the Directions are amended.