

# **Regulations on the Prevention of Sexual Assault or Sexual Harassment on Campus**

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## 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 evaluate the effectiveness of these activities.
2. Regularly hold in-service education programs each year for personnel of the Gender Equity Education 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; include them in faculty and staff employment contracts and student handbooks.

5. Encourage the victim or the offense-reporter in 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 Gender Equity Education Committee.

## Chapter 2        Campus safety plan

Article 4        In order to prevent campus sexual assault or sexual harassment from happening, the school shall regularly inspect the overall safety of the campus environment and evaluate the utilization of campus space and facilities in terms of space arrangement, management and security, sign system, rescue system and safety route, lighting and space permeability, and

other matters concerning space safety. The school shall also make records of campus zones where a sexual assault or sexual harassment has occurred, make campus space inspection reports, and produce a map of campus hazard zones according to practical needs so as to facilitate the improvement of the campus environment.

Article 5        The school shall regularly hold campus space safety inspection workshops and invite professional space designers, faculty members, staffs, students, and other users of the campus to participate in. The school shall also publicize the inspection results, the inspection reports and the 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        In their instruction and interpersonal interactions on and off campus, faculty members, staffs, 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.

When the teacher realizes that his or her relationship with the student may violate the aforesaid professional ethic codes, the teacher shall voluntarily avoid giving instruction, guidance, training, evaluation, management or consultation to the student, and avoid providing the student employment opportunities.

Article 8 The student shall respect other's sexuality or body autonomy as well as that of one's own. The following behaviors shall be prohibited:

1. Unwelcome acts of wooing
2. Usage of forcible or violent means to handle conflicts related to sex or gender.
3. Other behaviors infringing boni mores.

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: person(s) carrying out administrative or general affairs in the school who are not teachers as defined in the preceding subparagraph.
3. Student: person(s) studying or receiving extension education.

Article 10 The victim, his or her guardian (hereafter referred to as the applicant), or the offense-reporter of a campus sexual assault or sexual harassment case may apply for an investigation in writing to the offender's school when the offense occurred. However, if the school principal or president is the offender, the

investigation application shall be submitted to the school's competent authority.

If the school or competent authority receives an application or an offense report that is out of its jurisdiction, the case shall be turned over to the authority agency under whose jurisdiction is the case within seven days.

Article 11 After being notified of a campus sexual assault or sexual harassment case, the school or the competent authority at the municipality, county or city level shall report the case to its competent or superior authority.

When handling a campus sexual assault or sexual harassment case, the school or the competent authority shall fulfill its report responsibility prescribed by Article 8 of the Crimes of Sexual Assault Prevention Act, Article 34 of the Child and Juvenile Welfare Act, Article 14 of the Physically and Mentally Disabled Citizens Protection Act, Article 41 of the Domestic Violence Prevention Act, Article 9 of the Prevention of Child and Youth Prostitution Act, and other pertinent laws.

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 offense-reporter shall be kept confidential, except for investigation necessity or public safety concerns, or other occasions prescribed by the law.

Article 12 The applicant or the offense-reporter may apply for an investigation 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 offense-reporter 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 offense-reporter.

The written or documented verbal application shall contain the following items:

1. The applicant or the offense-reporter's name, national identification card number, the institution where he or she is employed or studies , residence and domicile, telephone number, and date of investigation application.
2. 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.
3. Facts and pertinent evidence to be investigated.

Article 13        The Student Affairs Office of the school shall be the office to accept investigation applications of a campus sexual assault or sexual harassment case. The cases shall then be turned over to the school's Gender Equity Education Committee for investigation and handling within three work days, except for reasons prescribed in the second paragraph of Article 29 of the Act.

After receiving an application, the Student Affairs Office shall appoint staffs ad hoc to handle pertinent administrative matters; relevant offices in the school shall cooperate and provide assistance.

Article 14        The school or the competent authority shall send a written notification of application acceptance or rejection to the applicant or the offense-reporter 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 offense-reporter shall be notified of the reapplication deadline and the office that accepts a reapplication.

If the applicant or the offense-reporter 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 offense-reporter 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 offense-reporter.

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 offense-reporter 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 offense report to its Gender Equity Education Committee for further handling.

Article 15        When the Gender Equity Education 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.

Members of the investigation team shall be able to register as official leaves, and the school or the competent authority shall subsidize their transportation or pertinent expense according to the law.

Article 16            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 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 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 Gender Equity Education 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 Gender Equity Education 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 17        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 there is power imbalance between the offender, victim, the offense-reporter, or witness, confrontation(s) shall be avoided. When necessary, written information may be produced without infringing the obligation of confidentiality, and be provided to the offender, or be summarized and read to the offender

3. When the applicant withdraws an investigation application, the school or the competent authority may continue its investigation and handling of the case.

Article 18 The names and other information that may lead to the identification of the victim, the offender, offense-reporter and witness of a campus sexual assault or sexual harassment case shall be kept confidential, except for the necessity of investigation or public safety concerns.

Person(s) subjected to the obligation of confidentiality in the preceding paragraph include all personnel in the school or the competent authority responsible for the handling of campus sexual assault or sexual harassment cases.

Person(s) who violate the obligation of confidentiality in the preceding two paragraphs 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, offense-reporter, and witness. Excepted 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 legal investigation or trial. Except for original documents, the names and information that may lead to the identification of the victim, the offender, offense-reporter, 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 19 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 flexibly; assist the victim's studies or work affirmatively.
2. Respect the wish of the victim, and reduce the chance of interaction between the two parties.
3. Deploy necessary measures to prevent revenge.
4. Reduce the possibility of further assault or harassment by the offender.
5. Other measures deemed necessary by the Gender Equity Education Committee.

Article 20 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 21 The school or the competent authority shall provide the victim with the following 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 Gender Equity Education Committee

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

Article 22 The investigation and handling by the Gender Equity Education 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 23 The establishment of facts of a campus sexual assault or sexual harassment case shall be based on the investigation report by the Gender Equity Education Committee.

When the punishment suggested in the investigation report by the Gender Equity Education Committee involves the change of status of the offender, the offender shall be given an opportunity to make a written statement according to the third paragraph of Article 25 of the Act.

After having examined the written statement in the preceding paragraph, the school or the competent authority shall not demand a reinvestigation by the Gender Equity Education Committee, except in cases prescribed by the third paragraph of Article 32 of the Act.

Article 24 After Gender Equity Education Committee of the school or the competent authority 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.

In serious cases of campus sexual assault or sexual harassment, in addition to imposing punishment according to

pertinent laws or regulations, the school, the competent authority or other authorized agencies may impose necessary sanctions according to the second paragraph of Article 25 of the Act.

In petty cases of campus sexual harassment, the school, competent authority or other authorized agencies may impose sanctions according to the second paragraph of Article 25 of the Act.

Sanctions in the first, third, fourth subparagraph of the second paragraph of Article 25 of the Act shall be executed by the school or competent authority. When executing these sanctions, necessary measures shall be taken to ensure the cooperation of the offender.

The sanctions in the second subparagraph of the second paragraph of Article 25 of the Act shall be arranged by the school or competent authority. The school or the competent authority shall supervise the offender to ensure his or her cooperation.

Article 25 In the written notification of the handling conclusions sent to the applicant and the offender, the school or the competent authority shall indicate the deadline for reapplication and the office in charge of reapplication.

Applicants and 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 send the applicant a written notification of reapplication acceptance or rejection within twenty days.

Article 26 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 offense-reporter, victim, and 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 27 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 and job title or student school records of a confirmed campus sexual assault or sexual harassment case.

## Chapter 5            Supplementary Provisions

Article 28            The school shall prescribe regulations of campus sexual assault or sexual harassment prevention according to contents of the Regulations.

The Regulations in the aforesaid paragraph shall contain the following matters:

1. Campus safety plan 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 29            The Regulations will take effect as of the date of promulgation.