

# National Taiwan Normal University Policy for the Prevention of Gender Discrimination, Sexual Assault, Sexual Harassment, and Sexual Bullying

106年1月5日105學年度第1學期第1次性別平等教育委員會議通過

106年5月24日第118次校務會議通過

108年3月27日107學年度第2學期第2次性別平等教育委員會議通過

108年5月22日第122次校務會議通過

109年3月10日108學年度第2學期第1次性別平等教育委員會議通過

Amendments passed during the 124th University Affairs Meeting on May 20, 2020

## Chapter 1 General Provisions

### Article 1 (Legal Basis)

The National Taiwan Normal University Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying (hereafter referred to as “the Regulations”) are formulated according to Article 20, Paragraph 2 of the Gender Equity Education Act and Article 34, Paragraph 1 of the Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus.

### Article 2 (Purpose)

The Regulations are established to promote the concept of gender equality, strengthen gender equity education, facilitate substantial gender equality, and protect the rights and interests of the faculty, staff, and students, providing safe education opportunities and a safe environment free of gender discrimination, sexual assault, sexual harassment, or sexual bullying.

### Article 3 (Definition of Terminology)

Terms herein are defined as follows:

- I. Gender discrimination: Refers to unreasonable differential treatment of individuals based on their biological sex, sexual orientation, gender presentation, or gender identity.
- II. Sexual assault: Refers to any sexual offense defined in the Sexual Assault Crime Prevention Act.
- III. Sexual harassment: Cases described by the following and do not constitute sexual assault:
  - (I) Engaging in remarks or conduct that are unwelcome and have explicit or implicit connotations of a sexual nature or of gender bias that adversely affect another person’s human dignity, their opportunity to learn or work, or their learning or work performance.
  - (II) Conduct related to using sex or gender as a condition for that person or any others to obtain, lose, or impair their learning or work-related rights or interests.
- IV. Sexual bullying: Refers to engaging in ridicule, attacks, or threats directed at another person’s gender characteristics, gender traits, sexual orientation, or gender identity using verbal, physical, or other forms of violence that are not in the category of sexual harassment.
- V. Sexual assault, sexual harassment, or sexual bullying on campus: Refers to sexual assault, sexual harassment, or sexual bullying that involves the principal or president, or a teacher, non-teaching staff member, other worker, or student at an educational institution as one party, and a student as the other party. The above includes incidents that happen between different schools.
- VI. Faculty: Full-time teachers, part-time teachers, long-term or short-term substitute teachers, military instructors, volunteer workers assisting in instruction, teaching interns actually engaged in instruction, or other persons engaged in instruction or research.
- VII. Staff, custodian: Persons not defined as a teacher according to the preceding Subparagraph

but perform work at the school on a fixed or periodic schedule, as well as volunteers assisting in school affairs.

VIII. Students: Persons enrolled in a school, persons not enrolled in a school but in a period of transition between education programs or levels, persons undertaking a continuing/extension education program, exchange students, education interns, or research trainees.

#### Article 4 (General Mission)

NTNU shall actively promote campus gender discrimination, sexual assault, sexual harassment, and sexual bullying prevention education to enhance the faculty and students' respect for the sexuality and bodily autonomy of themselves and others.

NTNU shall provide a learning environment with gender equality, establish a safe campus, and respect the gender presentation and sexual orientation of students, faculty, and staff members.

NTNU's employment, recruitment, and enrollment shall not be unreasonably discriminatory based on gender or sexual orientation.

NTNU shall not discriminate in terms of teaching, activities, evaluations, rewards and punishments, and welfare and services due to the gender or sexual orientation of faculty, staff, and students. NTNU shall also actively provide assistance to students who are disadvantaged due to their gender or sexual orientation.

NTNU shall actively protect pregnant students' right to education and provide necessary assistance.

NTNU shall gather and provide information on campus sexual assault, harassment or sexual bullying prevention and remedies for faculty, staff and students.

### Chapter 2 Campus Safety Plan

#### Article 5 (Campus Safety Evaluation)

In order to prevent incidents of campus sexual assault, sexual harassment, and sexual bullying, NTNU shall implement the following measures for enhancing campus safety:

- I. Regularly inspect the planning for and usage of 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 visibility; and other important safety factors.
- II. Record the locations where incidents of sexual assault, sexual harassment, or sexual bullying have occurred on campus, and produce a map illustrating danger areas as necessary.

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

#### Article 6 (Evaluation Briefing)

NTNU shall regularly hold campus safety review briefings and invite professional space designers as well as faculty, staff, students, and other users of the campus to participate.

The review briefings referenced in the previous Paragraph may be conducted through electronic means, and the review conclusions and pertinent records shall be made public. NTNU's review of progress in improving the safety of hazardous campus areas shall be an item in the working report of the Gender Equity Education Committee (hereby referred to as the Committee) each school term.

### Chapter 3 Matters Regarding Instruction and Interpersonal Interaction

#### Article 7 (General Matters)

During the 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 8 (Notice for Instructors)

Instructors may not develop relationships that violate professional ethics when teaching, instructing, training, reviewing, managing, guiding, or providing students with work opportunities with regard to interactions related to sex or gender.

Should an instructor find that his or her relationship with a student violates the code of professional ethics referenced in the previous Paragraph, the teacher shall take the initiative to avoid further interaction with the student or report the matter to the university for handling.

Article 9 (Notice for Faculty Members, Staff, and Students)

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 Investigation Application Procedure

Article 10 (Applying for Investigations)

The victim of a campus sexual assault, sexual harassment, or sexual bullying 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 submit a complainant's report in writing, verbally, or by email to the school where the alleged perpetrator was employed or enrolled at the time of the incident (hereafter referred to as "the school with jurisdiction"). If the application or report is made verbally or by email, the school or competent authority with jurisdiction 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. Subsequently, the text record shall be signed or sealed by the applicant or the complainant. However, if the alleged perpetrator was at the time of the offense or is presently the principal or president of a school, an application for an investigation or submission of a complainant's written report should be made to the competent authority with administrative jurisdiction over the school (hereafter referred to as "the agency with jurisdiction") where the alleged perpetrator is presently employed.

In cases where the incident occurred at a school where the alleged perpetrator was employed part-time, this school shall be considered the school with jurisdiction. The aforementioned text record of a written, verbal, or email application or report shall contain the following items:

- I. The applicant or the complainant's name, national ID number, the institution where he or she is employed or studies, residence and domicile, telephone number, and date of the application for investigation.
- II. At the time an application for an investigation is made, the applicant shall state the victim's date of birth.
- III. 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, place of residence or domicile, and telephone number.
- IV. For the factual materials presented in an application for an investigation or complainant's report, relevant evidence should be documented in writing or included as attachments.

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.

Article 10-1 (Investigation of Cases Reported by the Media)

Incidents of campus sexual assault, sexual harassment, or sexual bullying that have received media coverage shall be treated as having been reported. NTNU 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, NTNU shall nevertheless provide required counseling or assistance.

If, during the handling of an incident of bullying, NTNU discovers that sexual assault,

sexual harassment, or sexual bullying may have occurred, the discovery shall be considered equivalent to a complainant's report, and the school's anti-bullying response team shall refer the matter to the Committee to handle in accordance with the terms stipulated in the previous Paragraph.

#### Article 10-2 (Jurisdiction of Different Schools)

In cases where the school or agency with jurisdiction is different from the school at which the alleged perpetrator is employed or enrolled, the school where the alleged perpetrator is currently employed or enrolled shall be notified in writing to send a representative to participate in the investigation; the school so notified may not refuse the request.

Should the aforementioned school or agency with jurisdiction determine after concluding the investigation that an incident of campus sexual assault, sexual harassment, or sexual bullying did in fact occur, it shall provide an investigation report and recommended course of action to the school where the perpetrator is employed or enrolled for handling in accordance with the terms listed under Article 30 of the Gender Equity Education Act.

#### Article 10-3 (Investigation of Schools where the Perpetrator is Employed Part-time)

In the situation described in Paragraph 2 of Article 10, the school with jurisdiction shall notify in writing the school where the alleged perpetrator 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 with jurisdiction determine after concluding the investigation that an incident of campus sexual assault, sexual harassment, or sexual bullying did in fact occur, it shall provide an investigation report and recommended course of action to the school where the perpetrator is employed or enrolled for handling in accordance with the terms listed under Article 30 of the Gender Equity Education Act.

#### Article 10-4 (Investigation of Perpetrators that Serve in Multiple Capacities)

If at the time of the offense, the alleged perpetrator has served in two or more of the following capacities—president/principal, teacher, employee, custodian, or student—the capacity in which he/she interacted with the victim shall determine the capacity under whose applicable conditions the investigation will be conducted, as well as the school or agency with jurisdiction.

In cases in which it is not possible to determine the capacity in which the alleged perpetrator was serving at the time of the incident, or during a transition period when the alleged perpetrator's status was indeterminate, such as when admission to an academic program was still under consideration, the school with jurisdiction shall be the school handling the application for investigation or complainant's report. Any and all schools involved in the incident shall send a representative to participate in the investigation. However, if at the time the application for investigation is made or a complainant's report is filed, the alleged perpetrator and the victim already possess student status, the school at which the alleged perpetrator is enrolled shall be the school with jurisdiction.

#### Article 10-5 (Investigation in Cases with Multiple Perpetrators)

If two or more persons who belong to different schools are alleged to have been perpetrators in the same incident, the school that first receives an application for investigation or a complainant's report shall be the school with jurisdiction. Any and all schools involved in the incident shall send a representative to participate in the investigation.

#### Article 11 (Reporting Procedure)

When a school's president/principal, teacher, employee, or custodian becomes aware of a possible incident of campus sexual assault, sexual harassment, or sexual bullying, he/she shall, in writing or by other forms of communication, immediately notify the person with administrative responsibility as designated by the school's regulations for preventing said offenses, in accordance with the terms of Paragraph 1 of Article 21 of the Gender Equity Education Act. Moreover, the person at the school with administrative responsibility shall act in accordance with the following regulations within 24 hours:

- I. Notify the competent social affairs authority of the municipality or county/city in accordance with applicable legal regulations.
- II. Notify the competent authority under whose jurisdiction the school falls.

When a member of the personnel of school departments, an instructor, or a counselor becomes aware that a student was involved in a campus gender incident, they should notify school authorities and report the incident within 24 hours (the report should be filed within 24 hours of learning about the incident). In cases where the student is only willing to receive assistance from the teacher or counselor above, the administrator of the Committee should still be notified. The administrator will inform the personnel of relevant laws and regulations and the scope of which they can provide assistance (the personnel should only provide counseling or assistance and shall not be involved in the investigation or make factual judgments).

When reporting a case in accordance with this Article, names and other information that may lead to the identification of the victim, the perpetrator, or the complainant shall be kept confidential, except when it is necessary for the investigation or there are public safety concerns, or in other situations prescribed by the law.

#### Article 12 (Agency Responsible for Accepting Reports)

If NTNU receives a report of an incident of campus sexual assault, sexual harassment, or sexual bullying, the Office of Student Affairs or Office of Administrative Affairs shall be responsible for accepting the report. Unless specified by Paragraph 2, Article 29 of the Gender Equity Education Act, NTNU shall provide within three days the factual and evidential materials from the applicant or complainant to the Committee for handling.

The aforementioned particulars from the Paragraph 2, Article 29 of the Gender Equity Education Act shall be examined, should it be necessary, by a team of at least three persons designated by the Committee.

#### Article 13 (Acceptance)

NTNU shall send a written notification of whether an application for investigation or complainant's report has been accepted for further handling to the applicant or the complainant within twenty days after receiving the application or report. NTNU shall not accept investigation applications or reports under the following circumstances:

- I. The application or report pertains to matters not specified in these regulations.
- II. The applicant or the complainant did not state his/her real name.
- III. The same incident has already been processed.

A written notification of rejection shall contain clear reasons for the rejection, and the applicant or the complainant shall be notified of the deadline for an appeal and the office that accepts appeals.

#### Article 14 (Appeals)

If the applicant or the complainant does not receive a notification by the deadline described in the preceding Paragraph or has received a notification that an investigation will not be pursued, he/she may file an appeal in writing with grounds stated within twenty days from the second date following the date of receipt of the notification. If the appeal is made verbally, a text record of the application shall be made and read out to the applicant or complainant or given for them to read to confirm its accuracy. Subsequently, the text record shall be signed or sealed by the applicant or the complainant.

Appeals in the preceding Paragraph shall be made no more than once.

After receiving an appeal, NTNU shall forward the application for investigation or the complaint to the Committee for rediscussion, and provide written notification of the reapplication decision to the applicant within twenty days.

In the case of appeals with legitimate grounds, the Committee shall handle the investigation in accordance with the law.

### Chapter 5 Investigation and Handling Process

#### Article 15 (Establishment of an investigation team)

When the Committee of NTNU handles a campus sexual assault, sexual harassment, or

sexual bullying incident, it may organize an investigation team to handle the case. When necessary, some or all of the members of the investigation team may be hired from outside NTNU.

Members of the aforementioned investigation team must have gender equality awareness. Moreover, female members must account for at least one-half of the team. If necessary, some team members may be hired from outside NTNU. For investigation teams established to handle incidents of sexual assault, sexual harassment, or sexual bullying, one-third of members must comprise experts with a background in the investigation of campus sexual assault, sexual harassment, or sexual bullying. If the parties involved belong to different schools, the school of the applicant shall send a representative.

Any person serving in the capacity of counselor to the victim or the alleged perpetrator in a campus sexual assault, sexual harassment, or sexual bullying incident, or as a supervisor with authority over the Committee's affairs or as a Committee officer shall recuse themselves from participation in the case investigation. Any person involved in the investigation and handling of a campus sexual assault, sexual harassment, or sexual bullying case shall also recuse themselves from participation in the counseling of the victim or the alleged perpetrator.

For investigation team members, NTNU shall record time spent serving on the team as work-related travel (leave of absence). NTNU and the school dispatching the team member to participate in the investigation shall pay any transportation or other pertinent expenses incurred.

While the Committee or investigation team conducts their investigation according to these regulations, the perpetrator, applicant, and persons or units invited to assist in the investigation shall cooperate and provide relevant information.

When handling the investigation, the Committee shall consider the power dynamics between the two parties. The investigation and handling by the Committee shall not be affected by judicial proceedings regarding the case. The investigation procedure in the preceding Paragraph shall not be suspended due to the perpetrator's loss of his or her status. The relevant provisions regarding jurisdiction, transfer, recusal, service of process, and amendment shall apply or shall apply mutatis mutandis to these Regulations.

#### Article 16 (Professional Qualifications)

Experts specializing in the investigation of campus sexual assault, sexual harassment, or sexual bullying incidents as described in Paragraph 2 of the previous Article shall meet one of the following qualifications:

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

#### Article 17 (Investigation Method)

NTNU shall investigate and handle campus sexual assault, sexual harassment, or sexual bullying cases according to the following methods:

- I. An alleged perpetrator shall appear in person for investigation; an involved person of minor age may be accompanied by a legal guardian during investigations.
- II. When a victim or a victim's legal guardian requests that the school at which the victim is presently enrolled not be notified of the case, such a request shall be respected, and notification shall not be given to the school to dispatch a representative to participate in the investigation.
- III. When a party involved possesses a valid special-needs student certification issued by competent authorities at any level, the members of the investigation team shall include a special education professional.
- IV. If an imbalance of power exists between the perpetrator and the victim, a complainant, or a

person requested to assist in the investigation, they should not be permitted to confront each other directly.

- V. The names and other information that may lead to the identification of the victim, the alleged perpetrator, the complainant or persons invited to assist in the investigation shall be kept confidential, except when it is necessary for the investigation or there are public safety concerns.
- VI. When, in accordance with the terms specified in Paragraph 4 of Article 30 of the Gender Equity Education Act, written notification is given to involved persons, or to pertinent personnel or agencies to cooperate with an investigation and provide information, the investigative purpose, time, location, and consequences for failure to appear shall be recorded.
- VII. The notification referenced in the previous Subparagraph shall clearly record that the involved parties may not engage in private communications or use the Internet, messaging software, or other means to disseminate information about the case.
- VIII. Persons affiliated with NTNU shall not, under any pretext, undertake to learn about or investigate the incident, and may not request an involved person provide a first-hand account or affidavit.
- IX. When necessary for the investigation, written information may be produced so long as it does not violate the obligation of confidentiality, and be provided to the alleged perpetrator, the victim, or any person invited to assist in the investigation to be read or summarized.
- X. In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, NTNU may continue the investigation after the decision of the Committee or at the request of the alleged perpetrator.

#### Article 18 (Duty of Confidentiality)

The persons bound by the obligation of confidentiality prescribed in Subparagraph V of the preceding Article include all persons participating in the handling of an incident of campus sexual assault, sexual harassment, or sexual bullying.

Persons who violate the obligation of confidentiality in the preceding Paragraph shall be subjected to penalties in accordance with criminal laws and other pertinent regulations.

NTNU shall seal and store all original documents containing the names of the victim, perpetrator, complainant, and witness. These documents should not be examined or made available to any person(s) other than the agency in charge of legal investigation or trial, unless otherwise provided by law.

Except for original documents, the names and information that may lead to the identification of a victim, perpetrator, complainant, or witness shall be deleted and replaced with codes in all documents produced by the investigators of campus sexual assault, sexual harassment, or sexual bullying cases.

#### Article 19 (Protecting the Right to Education and the Right to Work)

In order to protect the right to education and the right to work of the victim of a campus sexual assault, sexual harassment, or sexual bullying incident, NTNU may in accordance with the terms of Article 23 of the Act, prescribe the following measures when necessary, reporting to the competent authority for reference:

- I. Handle the attendance record or achievement assessment of the victim with flexibility and actively assist the victim's studies or work and without limitations stemming from regulations pertaining to requests for leaves of absence or those pertaining to performance appraisals for teachers and students.
- II. Respect the wishes of the victim, and reduce the chance of interaction between the two parties.
- III. Avoid situations where retaliation may be undertaken.
- IV. Prevent or reduce the possibility of further assault or harassment by the perpetrator.
- V. Other measures deemed necessary by the Committee.

If an involved person is not employed by or enrolled at NTNU, the school at which he/she is employed or enrolled shall be notified for handling in accordance with the terms described in the preceding Paragraph.

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

Article 20 (Provide Assistance when Necessary)

NTNU shall, in accordance with the terms of Paragraph 1 of Article 24 of the Act, provide the victim with the following appropriate assistance when necessary:

- I. Psychological counseling.
- II. Channels for legal consultation.
- III. School work assistance.
- IV. Financial assistance.
- V. Other assistance or protective measures deemed necessary by the Committee.

If an involved person is not employed by or enrolled at NTNU, the school at which he/she is employed or enrolled shall be notified to provide appropriate assistance in accordance with the terms of the preceding Paragraph.

NTNU shall make budgetary provisions for payment of any fees incurred in hiring professionals such as physicians, clinical psychologists, counseling psychologists, social workers, or lawyers in order to provide the assistance described in the preceding two Paragraphs.

Article 21 (Applying for Investigation)

The Committee should complete the investigation within two months after accepting the application or complaint. Extensions may apply if necessary. Extensions are limited to a maximum of two times with each time no more than a month, and the applicant, the complainant, and the perpetrator must be notified.

After the Committee completes its investigation, it shall submit a written investigation report and recommended course of action to NTNU.

NTNU shall, within two months of receiving the aforementioned report, handle the case or transfer the case to be handled by relevant competent authorities and compile the handling results into a written report bearing all facts and grounds for the applicant, complainant, and perpetrator.

Article 22 (Factual Judgments and Subsequent Course of Action)

NTNU shall accept the findings contained in its Committee's investigation report in determining the facts relating to an alleged incident of campus sexual assault, sexual harassment, or sexual bullying. In incidents of sexual assault, sexual harassment, or sexual bullying on campus with sufficient severity, NTNU shall impose on the perpetrator a reprimand, official demerit, dismissal, suspension, non-renewal of appointment, discharge from employment, termination of the contractual relationship, or other appropriate punishment in accordance with Paragraph 2, Article 25 of the Gender Equity Education Act.

For minor incidents of sexual harassment or sexual bullying, NTNU may impose only the necessary punitive measures according to Paragraph 2, Article 25 of the Gender Equity Education Act.

The punitive measures described in Paragraph 2 of Article 25 of the Act shall be imposed on the perpetrator by the school responsible for stipulating punishment. During their imposition, the school shall take appropriate measures to ensure that the perpetrator cooperates and complies.

The Committee of the school or competent authority imposing the punitive measures referenced in the previous Paragraph shall discuss and determine the characteristics, manner of administration, time of administration, and handling of expenses incurred by the provision of a gender equality education-related course. The characteristics of the course, means of enforcing attendance, time of administration, and legal consequences of failing to attend shall be clearly recorded in the written notification of the case conclusions.

In cases in which it has been confirmed that a false accusation was made by an applicant



for investigation or complainant, an appropriate punishment shall be imposed on the applicant or complainant according to the law.

#### Article 22-1 (Appointment of Instructors Involved in Relevant Behavior)

If a member of NTNU's education personnel or other individuals employed by NTNU are found to have been involved in one of the following behaviors, the school may impose dismissal, suspension, termination of the contractual relationship, and discharge from employment:

- I. Committed sexual assault or severe cases of sexual harassment or sexual bullying.
- II. Involvement in minor incidents of sexual harassment or sexual bullying, where it is necessary for NTNU to dismiss, suspend, and terminate contractual relationships. Depending on the severity of the case, NTNU may also decide not to re-employ the person for one to four years.

NTNU may not employ individuals described in Subparagraph I of the preceding Paragraph. For those who are already employed, NTNU shall impose dismissal, suspension, termination of the contractual relationship, and discharge from employment. In the case of individuals described in Subparagraph II of the preceding Paragraph, NTNU may decide not to employ such persons for one to four years.

Personnel who were dismissed, suspended, had their contractual relationship terminated, or discharged from employment for reasons other than the situations in Paragraph 1 may not be employed if found to have committed sexual assault or severe sexual harassment or sexual bullying by the Committee. Those who are already employed by NTNU shall be dismissed, suspended, had their contractual relationship terminated, or discharged from employment. Individuals found to be involved in minor incidents of sexual harassment and sexual bullying by the Committee may not be employed for one to four years. In cases such as these, NTNU shall submit the case to the Committee for investigation once it had obtained relevant information on the incident and notified the parties involved to make their statements.

NTNU shall report and gather information on incidents described in the preceding three Paragraphs.

Before appointing or appointing educational personnel or recruiting other personnel, NTNU shall, in accordance with the provisions of the Sexual Assault Crime Prevention Act, check whether they have a criminal record of sexual assault, and whether they have ever committed sexual assault, sexual harassment or sexual bullying. Such checks should also be performed regularly for personnel that are already appointed or employed.

Those referred to in Paragraphs 1 to 3 that are subject to the Teachers' Act, the Act Governing the Appointment of Educators, laws related to civil servants, or laws regarding the army, navy, and air force shall be dismissed, suspended, or discharged according to these laws. The provisions in Paragraph 4 shall also apply. Those who are not dismissed, suspended, or discharged shall be transferred from their current position at the school.

Persons other than those mentioned in the preceding Paragraph that are involved in acts described in Paragraphs 1 or 3 shall be suspended by resolution of the Committee during the course of the investigation. For those who are reinstated after the reasons for suspension have been eliminated, their unpaid wages shall be repaid in accordance with relevant regulations.

#### Article 22-2 (Course of Action after the Recommendation of a Change in Status)

If the Committee convenes a meeting to evaluate an investigation report and finds that sexual assault, sexual harassment, or sexual bullying has in fact occurred and based on the finding the Committee recommends to the school a change in status for the perpetrator, NTNU shall provide to the perpetrator an investigation report approved at the Committee meeting, notifying the perpetrator to submit a written statement by a specified time.

If the perpetrator does not submit the written statement referenced in the previous Paragraph by the specified time, it will be viewed as forfeiting the opportunity to make a statement. If the perpetrator does make a written statement, the Committee shall reconvene a meeting to consider the perpetrator's written statement, but may not reopen an investigation except in the cases stipulated by Paragraph 3 of Article 32 of the Gender Equity Education Act.

## Chapter 6 Appeals and Remedies

### Article 23 (Appeal of Investigation Results)

An applicant or perpetrator who objects to the result of NTNU's handling of the case may file an appeal in writing with grounds to the school or agency with jurisdiction within twenty days from the date following the date of receipt of the written notification. For those who appeal verbally, NTNU shall create a text record and read it to the applicant or the perpetrator, or ask him/her to read it to confirm its accuracy. After the accuracy is confirmed, the documentation shall be signed or sealed by the applicant or the perpetrator.

Appeals in the preceding Paragraph shall be made no more than once.

NTNU shall handle appeals received as follows:

- I. After the agency designated by NTNU to handle the application has received the written application form, it shall form an evaluation team. The team shall come to a reasoned judgment within 30 days, and shall provide a written notification of the decision on the reapplication to the applicant.
- II. 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. Experts with a background in the investigation of campus sexual assault, sexual harassment, or sexual bullying shall account for at least one-third of the team.
- III. Members of the Committee or investigation team may not serve as members of the evaluation team.
- IV. When the evaluation team conducts a meeting, the members of the team will select a convener who will also chair the meeting.
- V. When a meeting is held, should the need arise, the person making the appeal 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.
- VI. When there is cause for an appeal, the relevant authorized agencies will be informed of the decision on the appeal, and the authorized agencies shall be responsible for remaking a decision.
- VII. Before the decision on the appeal as described in the previous Subparagraph is sent to the person who filed it, said person may withdraw the appeal *mutatis mutandis* based on Paragraph 1.

### Article 24 (Reinvestigation)

In reviewing the appeal, if NTNU finds major flaws in the investigation process or new facts or evidence that could affect the original investigation, it may ask the Committee to conduct a reinvestigation.

Upon receiving the reinvestigation request, the Committee shall form another investigation team.

### Article 25 (Remedies for Appeal)

Should the applicant or the perpetrator disagree with NTNU's ruling, he/she may file an appeal in accordance with Article 34 of the Gender Equity Education Act within 30 days from the day after the date he/she receives the written notification.

## Chapter 7 Supplementary Provisions

### Article 26 (Establishment of Data Files)

NTNU shall compile data on sexual assault, sexual harassment, or sexual bullying on campus.

If the perpetrator is a student that transferred to another school and NTNU deems follow-up counseling necessary, NTNU shall inform the school that the perpetrator transferred to within one month of learning the information.

If the perpetrator is not a student and has transferred to work at another school, NTNU shall conduct follow-up counseling and notify the school where the perpetrator has transferred

to.

If NTNU receives a notification described in the preceding two Paragraphs, it shall conduct necessary follow-up counseling to the perpetrator and shall not publish the name or other identifying information about the perpetrator without justifiable reasons.

After providing follow-up counseling, if the school or competent authority with jurisdiction makes the assessment that there is little likelihood of a repeat offense, the perpetrator's penitence may be indicated in the report referenced previously.

The data compiled by NTNU shall be preserved for a period of 25 years by a designated unit. The compiled data shall be categorized as either original documents or report documents.

The original documents referenced in the preceding Paragraph shall contain the following information:

- I. The time and nature of the case.
- II. Pertinent parties of the case (including the complainant, the victim, and the perpetrator).
- III. Person(s) in charge of handling the case, as well as the handling process and case records.
- IV. Text documents, audio files of recorded interviews, collected evidence and other pertinent information obtained during the handling of the case.
- V. The name, job title or student school records, and family background of the perpetrator.
- VI. The initial draft of the investigation report submitted by the investigation team and minutes of the Committee meeting.

The report documents that comprise the investigation report as approved by the Committee shall include the following items:

- I. The main points of the application for investigation of the incident, including accounts provided by the involved persons or in complaints.
- II. Record of interviews conducted during the investigation, including dates and subjects.
- III. The statements and replies of the person for whose investigation an application was made, of the person applying for the investigation, of witnesses, and of other pertinent persons.
- IV. Assessment of pertinent material evidence.
- V. Determinations of fact and reasoning thereof.
- VI. Recommended course of action for the incident.

#### Article 27 (Prohibition of Retaliation)

The perpetrator may not engage in any form of retaliation against the applicant, witnesses, or other individuals involved in the incident.

Examples of retaliation as mentioned in the preceding Paragraph are as follows:

- I. Unfair performance evaluation.
- II. Unfair schoolwork or academic review.
- III. Unreasonable assignments.
- IV. Unfavorable reference letters.
- V. Public or private ridicule.
- VI. Verbal or written threats.
- VII. Bribery and other interference and harassment of a similar nature.

NTNU shall strictly penalize acts of retaliation verified to have taken place.

#### Article 28 (Obligation to Inform)

While notifying the applicant and perpetrator of the handling results in writing, NTNU shall also provide the investigation report and notify them of the appeal deadline and the office that accepts appeals.

#### Article 29 (Application of Other Laws and Regulations)

Matters not specified in these regulations shall be subject to laws and regulations that are applicable or applicable *mutatis mutandis*.

#### Article 30 (Reporting the Results of Cases)

After NTNU has completed the investigation and other handling of an incident of campus

sexual assault, sexual harassment, or sexual bullying, and its investigation report has been approved by its Committee, the manner of the handling, validation of the procedures followed, the investigation report, and minutes of the Committee's meeting shall be provided to the competent authority with administrative jurisdiction. In cases where an appeal was filed by an applicant for investigation or by a perpetrator, once a decision on the appeal has been made, the result should be reported to the competent authority with administrative jurisdiction.

Article 31 (Implementation and Revision)

These Regulations have been announced and implemented with approvals sought from a University Affairs Meeting. The same applies to all subsequent amendments.