

CYCU Directions for Sexual Harassment Prevention Complaint and Resolution Thereof

Approved at 893rd School Administration Council on January 5, 2012
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- I. Chung Yuan Christian University (hereinafter referred to as “CYCU”) establishes the Directions in accordance with the Act of Gender Equality in Employment, Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace, Sexual Harassment Prevention Act and Regulations of Sexual Harassment Prevention, in order to prevent sexual harassment, provide the working environment free from sexual harassment and protect the victim’s interest and right.
- II. Unless otherwise provided in laws, the complaints against sexual harassment prevention and incidents and resolution thereof shall apply the Directions.
- III. Where CYCU’s faculty (including the employees by contract) involve the sexual harassment incidents referred to in Article 12 of the Act of Gender Equality in Employment and Article 2 of the Sexual Harassment Prevention Act, the Directions shall apply, unless the Gender Equity Education Act shall apply.
- IV. The sexual harassment referred to herein includes the following:
 - (1) Any of the circumstances referred to in Article 12 of the “Act of Gender Equality in Employment”:
 1. When CYCU’s faculty are performing their duties, anyone makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination and thereby causes them to work in a hostile, intimidating and offensive working environment leading to infringe on or interfere with their personal dignity, physical liberty or affects their job performance.
 2. Various supervisors explicitly or implicitly make a sexual request of an employee or a job applicant, use verbal or physical conduct of a sexual nature or with an intent of gender discrimination as an exchange for the establishment, continuance, modification of a labor contract or as a condition to his or her appointment, employment, assignment, compensation, performance evaluation, promotion, demotion, award and discipline.
 - (2) As provided in Article 2 of the “Sexual Harassment Prevention Act”, excluding sexual assault crimes, the sexual or gender behavior violating another person's wishes and also to the following situations:
 1. If a person's obedience to or rejection of said behavior becomes a condition of obtaining, losing or impairing his or her rights and interests in work, education, training, services, plans or activities.
 2. If impairing another’s dignity of character, causing others to feel like living in the intimidating, hostile or offensive scenario, or unfairly influencing the others’ work, education, training, service, plan, activities or normal life by displaying or broadcasting texts, pictures, voices, images or other objects, using languages and behaviors of discrimination, or in any other manner.

- V. The “CYCU Gender Equality Education Committee” (hereinafter referred to as the “Gender Equality Education Committee”) established in accordance with the “CYCU Regulations Governing Establishment of Gender Equality Education Committee” shall be responsible for the investigation and review on the complaints related to the Directions. Notwithstanding, the student representatives shall not participate in the investigation and review on the complaints against sexual harassment by the faculty.
- VI. Where any of CYCU's faculty is the offender in the complaint against any sexual harassment incident, the complainant shall file the complaint with CYCU Gender Equality Education Committee, provided that where the offender is CYCU's principal, the complaint shall be filed with Taoyuan County Government. Where the offender is any person other than CYCU's faculty, the Gender Equality Education Committee shall still take appropriate urgent measures and submit the written complaint and related information to the competent authority of the municipal or county (city) within the jurisdiction where the offender is situated within seven (7) days upon receipt of the complaint.
- VII. The Gender Equality Education Committee shall be assigned the following missions:
- (1) Organize the educational training for prevention of sexual harassment;
 - (2) Set up the hotline, fax, and mailbox or email dedicated to accepting complaints and disclosing the related information in a prominent place of CYCU;
 - (3) Refer the concerned party who needs counseling or medical service, if any, to CYCU's related unit or dedicated organization to take the counseling or treatment, if necessary.
- VIII. The victim of a sexual harassment incident or his/her agent shall file the complaint with the Gender Equality Education Committee within one (1) year upon the incident.
- The complaint may be filed with the Office of Human Resource, in writing or verbally. Where the complainant prefers to file the complaint verbally, the personnel dedicated to accepting the complaint shall make documentation of the verbal complaint and read it out to the complainant or ask him or her to read it in order to confirm the accuracy of documentation. Then, the documentation shall be signed or sealed by the complainant.
- The written complaint or documentation of verbal complaint shall contain the following:
- (1) Name, gender, date of birth, ID number or passport number, service unit and job title, residence or domicile and contact No. of the complainant, and the date of complaint.
 - (2) Name, gender, date of birth, ID number or passport number, service unit and job title, residence or domicile and contact No. of the legal representative, if any, and the representative's relationship with the concerned party.
 - (3) Name, gender, date of birth, ID number or passport number, occupation, residence or domicile and contact No. of the agent, if any, and the agent's relationship with the concerned party, attached with a power of attorney.
 - (4) Facts and pertinent evidence of the complaint.

- (5) Available facts, evidence and witness.
- (6) Date, month and year of the complaint.
- (7) Signature or seal entered by the complainant.

Where the written complaint or documentation of verbal complaint that fails to satisfy the requirements referred to in the preceding paragraph is remediable, the Office of Human Resource shall ask the complainant to rectify it within fourteen (14) days.

- IX. Under the following conditions, the complaint against sexual harassment shall not be accepted:
 - (1) The written complaint or documentation of verbal complaint is not rectified within the specific deadline prescribed herein.
 - (2) The complaint is filed beyond the expiration date.
 - (3) The complaint which has already been withdrawn is filed against the same incident.
 - (4) The investigation on the same incident has been completed and the investigation result was responded to the concerned party in writing.

- X. The investigation and review on the complaint against sexual harassment incidents are conducted in the following manners:
 - (1) Upon receipt of any complaint against sexual harassment, the Office of Human Resource shall verify whether the complaint shall be accepted within three (3) days. The complaint that is not accepted shall be decided by the Gender Equality Education Committee within seven (7) days, and the decision shall be notified to the concerned party in writing within twenty (20) days upon receipt of the complaint.
 - (2) Upon acceptance of the complaint, the Gender Equality Education Committee shall have its chairperson select 3 ~ 5 members to form an investigation taskforce and to elect one out of the members to act as the taskforce convener to conduct the investigation.
 - (3) Upon acceptance of the complaint, the Gender Equality Education Committee shall initiate the investigation within seven (7) days as of the day following submission of the complaint and complete the investigation within two (2) months. If necessary, the investigation may be extended for one (1) month and the extension shall be notified to the concerned party.

- XI. CYCU shall conduct the investigation on sexual harassment incidents in the following manners:
 - (1) The investigation shall not be open, and shall protect the concerned party's privacy and other rights of personality.
 - (2) The investigation shall be based on the principles of objectivity, justice and profession and provide the concerned party with the chance to make statements and opportunity for defense.
 - (3) Where the victim gives clear statement and no further inquiry is required, repeated inquiries shall be avoided.
 - (4) The investigation may ask the concerned party and the interested parties to show up at the scene to give explanation, and also invite people with related knowledge and experience to assist.
 - (5) Where there is power imbalance between the concerned party or witness, confrontation(s) shall be avoided.

- (6) When necessary, the investigators may produce written documents insofar as they don't violate the obligation of confidentiality, and hand the same over to the concerned party for review or advise the concerned party of the same.
- (7) The personnel dedicated to processing the sexual harassment incidents shall keep confidential the concerned party's name and other information that afford to identify the concerned party, unless it is required by the investigation or there are any public safety concerns.

XII. Under any of the following circumstances, the personnel dedicated to investigation and review on the complaint against sexual harassment shall recuse themselves from the investigation and review:

- (1) The concerned party is or once was the personnel, his/her spouse, ex-spouse, relative by blood within the fourth degree of kinship, or relative by marriage within the third degree of kinship.
- (2) The personnel, his/her spouse or ex-spouse is connected to the incident, as a joint creditor or a joint obligator with the concerned party.
- (3) The personnel member that is or once was an agent or an assistant of the concerned party.
- (4) The personnel member that is or once was a witness or expert witness of the incident.

Where the personnel dedicated to investigation and review on the complaint against sexual harassment meet any of the following circumstances, the concerned party may state the reasons and facts in writing to the Gender Equality Education Committee to apply for the personnel's recusal:

- (1) Where the personnel member has failed to recuse himself/herself voluntarily under any of the circumstances set forth in the preceding paragraph.
- (2) Where it is reasonable to believe based on certain concrete facts that the personnel may become prejudiced when executing the investigation or review.

The personnel against whom the application for recusal is made may hand in written opinion against the application. The personnel shall stop involving in the investigation and review on the complaint before the Gender Equality Education Committee approves or rejects the application.

Where the personnel fail to recuse themselves under the circumstances referred to in Paragraph 1 and the concerned party also fails to apply for the personnel's recusal, the Gender Equality Education Committee may order the personnel to recuse themselves.

XIII. The investigation result shall be notified in the following manners by the relationship between concerned parties:

- (1) For the sexual harassment incidents which apply the "Act of Gender Equality in Employment": The investigation result shall be notified to both parties and CYCU's related unit in writing, including the reasons of the result and time limit for re-consideration, as well as the suggestions about punishment or other measures.
- (2) For the sexual harassment incidents which apply the "Sexual Harassment Prevention Act": The investigation result shall be notified to Taoyuan

County (City) Governing in writing, including the reasons of the result, time limit for appeal and unit dedicated to accepting the complaint.

XIV. Where the concerned party disagrees to the decision rendered against the complaint against sexual harassment, he/she may apply for a reconsideration or appeal in the following manners:

(1) For the complaint which may apply the “Act of Gender Equality in Employment”:

1. Where the complainant or the complainant's counterpart disagrees to the decision, he/she may apply for reconsideration within twenty (20) days. Said-noted period shall be counted from the day following the service of the written decision to the concerned party.
2. The application for reconsideration shall be made in writing with statement of reasons, and submitted together with the photocopy of the original written decision to the Gender Equality Education Committee that renders the original decision.
3. Where the Gender Equality Education Committee considers that the application for reconsideration should be groundless, it shall maintain the original decision; otherwise, it shall change the original decision and notify the concerned party and related entities.
4. After the application reconsideration is concluded, no further complaints may be initiated against the same incident.

(2) For the complaint which may apply the “Sexual Harassment Prevention Act”:

Where CYCU fails to complete the investigation within specific period or the concerned party disagrees to the investigation result, the concerned party may file an appeal with Taoyuan County Government within thirty (30) days as of the day following expiration of said time limit or the service of the written decision.

XV. Where the investigation confirms the sexual harassment or it is proven to be a false accusation and the offender or person making the false accusation is any of CYCU's faculty, CYCU shall render adequate punishment subject to the circumstances.

XVI. Under any of the following circumstances, CYCU's Gender Equality Education Committee may resolve to suspend the investigation and review. The period for resolving the review shall be re-counted as of the date following extinguishment of the causes of the suspension or expiration of the suspension:

- (1) The complainant requests it. The application for suspension may be made for no more than once, and the suspension shall be no longer than one (1) month.
- (2) The sexual harassment incident has been subject to judicial process.
- (3) Any other circumstances required necessarily to suspend the investigation and review.

XVII. Both parties in the sexual harassment incident which may apply the Sexual Harassment Prevention Act may apply with Taoyuan County Government, in writing or verbally, for a mediation.

XVIII. The Gender Equality Education Committee shall follow up, appraise and supervise the case afterwards to ensure that the resolution made by it is

executed effectively to prevent the same incident from occurring again or any retaliation.

- XIX. CYCU shall record the investigation taskforce members as taking business trip during the investigation, and pay the members related fees based on CYCU's rules.

The Gender Equality Education Committee members who draft the investigation report may claim remuneration. The experts and scholars invited to attend the meeting of Gender Equality Education Committee may claim attendance fees.

- XX. Any matters not covered herein shall be implemented in accordance with the "CYCU Implementation Directions for Prevention and Resolution of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus", "CYCU Regulations Governing Establishment of Gender Equality Education Committee" and related laws.

- XXI. The Directions are passed by the School Administration Council, and shall be promulgated and enforced by the Principal.