

Chung Yuan Christian University Workplace Sexual Harassment Prevention, Complaint, and Disciplinary Procedures

Approved at the 1024th Administrative Meeting on July 4, 2024

- Article 1. To provide faculty, staff (including contract employees) (hereinafter referred to as employees), dispatched laborers, and job seekers with a work and service environment free from sexual harassment, and to adopt appropriate prevention, correction, disciplinary, and handling measures to protect the rights and privacy of the parties involved, Chung Yuan Christian University (hereinafter referred to as the University) has established the "Chung Yuan Christian University Workplace Sexual Harassment Prevention, Complaint, and Disciplinary Procedures" (hereinafter referred to as the Procedures) in accordance with Article 13, Paragraph 1 of the Gender Equality in Employment Act and relevant regulations of the Ministry of Labor's Guidelines for Preventing Workplace Sexual Harassment.
- Article 2. These Procedures govern the prevention and handling of workplace sexual harassment unless otherwise stipulated by law.
- Article 3. University supervisors, employees, and job seekers shall not engage in the following behaviors:
1. Making sexual requests or engaging in sexually suggestive or discriminatory language or behavior, which creates a hostile, intimidating, or offensive work environment, infringes on or interferes with personal dignity or personal freedom, or affects work performance.
 2. Supervisors making explicit or implicit sexual requests or engaging in sexually suggestive or discriminatory language or behavior as conditions for establishing, continuing, changing, or distributing labor contracts, work assignments, remuneration, performance evaluations, promotions, demotions, or disciplinary actions.
- Article 4. The investigation of workplace sexual harassment, in addition to being identified in accordance with Article 12, Paragraphs 1 to 4 of the Gender Equality in Employment Act, shall also consider the following circumstances:
1. Inappropriate staring, touching, hugging, kissing, or smelling any part of another person's body; forcibly making another person touch any part of their body.

2. Sending, leaving, displaying, or broadcasting sexually suggestive or discriminatory text, pictures, sounds, images, or other items.
3. Repeated or continuous unwanted following or pursuing behavior.

Article 5. The University shall establish a dedicated telephone line, email address, and complaint channels for reporting workplace sexual harassment. The Personnel Office will receive complaints, and the Gender Equality Education Committee will review and process them.

Article 6. The University shall instruct all unit supervisors to use communication methods such as meetings, broadcasts, emails, or internal documents to strengthen the promotion of sexual harassment prevention measures and complaint channels to faculty and staff. The University shall implement sexual harassment prevention education and training for the following personnel:

1. Faculty and staff shall receive education and training on workplace sexual harassment prevention.
2. Supervisors and personnel involved in handling, investigating, and deciding sexual harassment complaints shall receive regular annual training.

Article 7. Upon learning of a harassment incident, the University will take immediate and effective corrective and remedial measures through due process:

1. Upon receiving a complaint from the victim, the University shall:
 - (1) Consider the complainant's wishes and take appropriate separation measures to prevent the reoccurrence of harassment without adversely changing the complainant's salary or working conditions.
 - (2) Provide or refer the complainant to counseling, medical or psychological counseling, social welfare resources, and other necessary services.
 - (3) Initiate an investigation procedure, including interviewing or appropriately investigating relevant personnel involved in the harassment incident.
 - (4) If the accused holds a position of power and the circumstances are serious, temporarily suspend or adjust their duties during the investigation; if the harassment is not proven to be true, the suspended period's salary shall be reinstated.
 - (5) If harassment is confirmed, take appropriate disciplinary action based on the severity of the incident. In serious cases, the University may terminate the

labor contract without prior notice according to Article 13-1, article 2 of the Gender Equality in Employment Act.

- (6) If false allegations are maliciously made, the complainant shall face appropriate disciplinary action.
2. If the University becomes aware of a workplace sexual harassment incident through means other than a complaint:
 - (1) Interview relevant personnel to clarify and verify facts.
 - (2) Inform the victim of their rights and various relief channels, and assist them in filing a complaint if they wish.
 - (3) Make appropriate adjustments to the work content or workplace of relevant personnel.
 - (4) Provide or refer the victim to counseling, medical or psychological counseling, social welfare resources, and other necessary services according to their wishes.

If the University becomes aware of a workplace sexual harassment incident from the victim's statement but the victim does not wish to file a complaint, the University shall still take immediate corrective and remedial measures as stipulated in the second clause.

Article 8. If the accused in a workplace sexual harassment complaint is not a University employee, or if the complainant is a dispatched laborer or job seeker, the University shall still handle the case in accordance with these Procedures and take immediate and effective corrective and remedial measures as stipulated in the previous article. If the victim and perpetrator belong to different units but have joint work or business relationships, the University shall take the following measures:

1. Notify the supervisor or employer of the other unit in writing, by fax, orally, or by other electronic data transmission methods to jointly discuss and resolve or remediate the issue.
2. Protect the privacy and other personal rights of the parties involved.

Article 9. For employees working outside University-managed workplaces, the University shall identify the types of sexual harassment risks in the work environment, provide necessary protective measures, and inform relevant personnel in advance. If the University becomes aware of sexual harassment incidents that fall under the Sexual Harassment Prevention Act or Stalking Prevention Act among employees, it will monitor workplace sexual harassment

risks, provide timely prevention, and offer related assistance.

Article 10. The University shall handle workplace sexual harassment complaints confidentially to ensure the privacy and other personal rights of both parties involved and protect the complainant from retaliation or adverse treatment. If a dispatched laborer is sexually harassed by a University employee, the University shall handle the complaint, conduct a joint investigation with the dispatch agency, and notify the dispatch agency and the parties involved of the results.

Article 11. If the accused in a workplace sexual harassment complaint is the President of the University, the complaint shall be filed with the Ministry of Education unless otherwise provided by law.

Article 12. Workplace sexual harassment complaints may be filed verbally, by email, or in writing. If filed verbally or by email, the receiving personnel shall make a record and read it back to the complainant or allow them to review it to confirm its accuracy. The written, verbal, or email record shall be signed or stamped by the complainant and include the following information:

1. The complainant's name, department, title, residence, contact number, and complaint date.
2. If there is a legal representative or appointed agent, their name, residence, and contact number. An appointment letter must be attached for appointed agents.
3. The facts of the complaint and related evidence.

Upon receiving a complaint, the University shall notify the Taoyuan City Government as required by the Ministry of Labor.

Article 13. Complainants may withdraw their complaint before a resolution is issued but cannot refile the same complaint unless new evidence emerges.

Article 14. Upon receiving a complaint, the University shall conduct an objective, fair, and professional investigation, protecting the privacy and rights of all parties. The University shall form a complaint investigation team to handle the complaint, including external professionals with gender awareness. The investigation results shall be submitted to the University's Gender Equality Education Committee for review and handling and shall include the following:

1. The case, including statements from the parties involved.
2. Records of investigation interviews, including dates and subjects.

3. Findings of fact and reasons.
4. Handling recommendations.

Article 15. The personnel involved in handling, investigating, and making decisions regarding sexual harassment complaints must protect the privacy of the parties involved and the individuals invited to assist with the investigation, as well as other personal rights. Except when necessary for the investigation or based on public safety considerations, the names or other identifying information of these individuals should be kept confidential. Additionally, they must not forge, alter, destroy, or conceal evidence related to workplace sexual harassment incidents.

Violators of the aforementioned provisions will be removed from participation in the sexual harassment complaint case by the convener. The school may also take disciplinary actions and pursue relevant responsibilities in accordance with related regulations, including termination of their appointment or employment.

Article 16. Personnel involved in handling, investigating, and making decisions regarding sexual harassment complaints must recuse themselves if they are the complainant, the respondent, or if they have a spouse, former spouse, a blood relative within the fourth degree, an in-law within the third degree, or a parental or familial relationship with the complainant or respondent.

If the personnel required to recuse themselves fail to do so, or if there are other specific facts that may suggest bias in the execution of their duties, the complainant or respondent may submit a written request to the school, stating the reasons and facts, to request their recusal. The personnel requested to be recused may submit a written opinion regarding the request. Before the school makes a decision to approve or reject the recusal request, the personnel requested to be recused must cease handling, investigating, or making decisions regarding the case, except in urgent situations where necessary actions may still be taken.

If the personnel required to recuse themselves fail to do so and no recusal request is made by the complainant or respondent, the school may order their recusal.

Article 17. For complaint investigation and deliberation, a meeting can only be convened with the attendance of more than half of the committee members, and decisions can only be made with the agreement of more than half of the attending members. The chairperson casts the deciding vote in case of a tie.

During the investigation and deliberation of a complaint, the parties involved may be

notified to attend and provide explanations, ensuring that the parties have ample opportunity to present their opinions and defenses. Except when necessary to question the parties, repetitive questioning should be avoided, and individuals with relevant knowledge and experience may be invited to assist.

The school's Gender Equality Committee should reference the investigation results of the complaint investigation team to make a reasoned decision and may also propose disciplinary actions or other recommendations. The decision will be communicated in writing to both the complainant and the respondent.

Article 18. The school must conclude the handling of workplace sexual harassment complaints within two months from the day following the receipt of the complaint. If necessary, this period may be extended by one month, and the parties involved should be notified.

If the complainant believes that the school has not addressed the complaint or is dissatisfied with the investigation or handling results, the complainant may file a complaint with the Taoyuan City Government in accordance with Article 32-1 of the Gender Equality in Employment Act.

If the complainant believes that the school failed to take immediate and effective corrective and remedial measures upon becoming aware of workplace sexual harassment, they may file a complaint with the Taoyuan City Government in accordance with Article 34, Paragraph 1 of the Gender Equality in Employment Act.

Article 19. During the handling of a complaint, if the workplace sexual harassment complaint has entered judicial proceedings, the investigation and decision-making may be suspended with the complainant's consent. The duration of this suspension is not subject to the time limit stipulated in the previous article, paragraph 1.

Article 20. If workplace sexual harassment is confirmed, the school will impose appropriate disciplinary actions or measures on the perpetrator based on the severity of the case, in accordance with relevant laws and the school's regulations. The school will also notify the Taoyuan City Government as per the Ministry of Labor's prescribed content and methods. If criminal liability is involved, the school will assist the complainant in filing a lawsuit.

If the school and the perpetrator of sexual harassment are jointly liable for damages under Article 27, paragraphs 1 and 2 of the Gender Equality in Employment Act, the school has the right to seek compensation from the perpetrator after compensating the victim.

Article 21. The school shall implement follow-up, assessment, and supervision measures for workplace sexual harassment to ensure that disciplinary actions or measures are

effectively carried out and to prevent the recurrence of similar incidents or retaliatory actions.

Article 22. Any matters not covered by these Procedures shall be handled in accordance with relevant laws and the school's related regulations.

Article 23. These Procedures shall be implemented after being approved by the administrative meeting and announced by the President. The same procedure applies to any amendments.