National Taiwan Normal University

Directives Governing the Investigation and Handling of Sexual Harassment Complaints

Passed during the 1st Gender Equity Education Committee Meeting of the 1st semester of Academic Year 2020–21 on September 9, 2020
Passed during the 125th University Affairs Meeting on November 26, 2020

Article 1. National Taiwan Normal University (hereinafter referred to as NTNU or "the University") has formulated the following *Directives Governing the Investigation and Handling of Sexual Harassment Complaints* (hereinafter referred to as "the Directives") in accordance with the *Act of Gender Equality in Employment*, the *Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace*, the *Sexual Harassment Prevention Act*, and the *Regulations of Sexual Harassment Prevention* to promote substantive gender equality, implement gender equity education, prevent sexual harassment, and ultimately, safeguard the rights and interests of NTNU faculty, staff, and employees.

Article 2. The term "sexual harassment" as used herein shall be defined as any of the following circumstances between the parties involved:

1. Pursuant to the Act of Gender Equality in Employment:
   (1) In the course of an employee executing their duties, any person who makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination and causing a hostile, intimidating, or offensive working environment resulting in the infringement on or interference with the employee's dignity, personal freedom, job performance.
   (2) An employer who explicitly or implicitly makes a sexual request towards an employee or job applicant and uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination in exchange for the establishment, continuance, or modification of a labor contract or as a condition for the employee's/applicant's placement, assignment, compensation, evaluation, promotion, demotion, award, or disciplinary action.
2. Pursuant to the Sexual Harassment Prevention Act: Any sexual- or gender-related behavior described below, which violates another person's consent but does not constitute sexual assault:
   (1) Using another person's obedience to or rejection of one's sexual advances as a condition for obtaining, losing, or reducing the person's rights and interests in work, education, training, services, plans, or activities.
   (2) Displaying or broadcasting texts, pictures, audio recordings, images, or other objects or using discriminatory or diminishing language, behavior, or other means to impair another person's dignity or character, intimidate or offend the person, create a hostile or offensive environment for the person, or otherwise

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impede the person's work, education, training, service, plans, activities, or daily life.

Article 3. To promote awareness of gender equality among its employees and to foster a safe, welcoming work and service environment, the University shall organize annual workshops on the prevention of sexual harassment and grant employees official leave to participate in said workshops.

Article 4. The University shall establish a sexual harassment complaint telephone/fax hotline and physical and electronic dedicated mailboxes and display the relevant information on the Office of Human Resources website and other appropriate locations.

Article 5. Upon becoming aware of an incident involving sexual harassment, the University shall take immediate and effective action to correct and remedy the situation in accordance with the following guidelines:

1. The rights, interests, and privacy of both of the parties involved shall be respected.
2. The safety of the location where the incident took place shall be enhanced or improved.
3. Other preventive and improvement measures shall be implemented as appropriate.

Article 6. The University shall establish a Sexual Harassment Complaints Review Committee (hereinafter referred to as "the Committee") to handle sexual harassment complaints. The Committee shall be composed of 15–19 members, with the NTNU President as chair and additional members including the Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for General Affairs, Director of the Student Counseling Center, Director of the Academy of Preparatory Programs for Overseas Chinese Students, and a number of faculty and staff representatives as well as experts and scholars specializing in the field of gender equality education.

Faculty and staff representatives shall be appointed by the NTNU President from among the faculty members (including research fellows) and staff members of the University. Gender equality education experts and scholars shall be appointed by the NTNU President from among internal and external experts and scholars. Members of the Committee shall possess the necessary knowledge of gender equality education, and female members shall make up at least half of the Committee. Each member shall serve a two-year term but may serve consecutive terms if reappointed. Any vacancy arising from a change in a former member's job or position or for any other reason shall be filled by a new member or an alternate member appointed by the NTNU President. The newly appointed member shall serve out the original term.

The Committee may only convene with at least half of its members in attendance, and a resolution may only be made with half of the attending members in concurrence. In the event of a tied vote, the vote of the chair shall prevail.

Article 7. Procedures for handling sexual harassment complaints:

Victims of sexual harassment may file a complaint with the Committee in accordance with the *Act of Gender Equality in Employment* or Article 13, Paragraph 1 of the *Sexual Harassment Prevention Act*. Complaints that

fall under Article 13, Paragraph 1 of the *Sexual Harassment Prevention Act* must be filed within one year of the incident.

Sexual harassment complaints may be filed verbally or in writing. For verbal complaints, a written record shall be produced by the competent personnel or unit and be read to/by the complainant, who shall affix a signature or seal to the record as confirmation of its accuracy.

Written complaints or records of verbal complaints shall contain the following information:

1. The complainant's name, gender, date of birth, national identification or passport number, associated unit, job title, place of residence, and contact number
2. The legal guardian's or legal representative's (if any) name, gender, date of birth, national identification or passport number, occupation, place of residence, and contact number; and in the case of a legal representative, a power of attorney
3. Description of the event and the associated evidence
4. Date of filing.

Where a written complaint or record of a verbal complaint is inconsistent with the preceding paragraph but is deemed rectifiable, the complainant shall be asked to make the necessary corrections within 14 days of being notified of such.

A complainant who wishes to rescind their complaint while it is under investigation may submit a request in writing. The Committee will close its investigation upon receiving the request.

Article 8. The Committee shall decline to process a sexual harassment complaint in any of the following circumstances:

1. The complainant fails to make the necessary corrections to a written complaint or record of a verbal complaint by the deadline stipulated under Paragraph 4 of the preceding article.
2. The underlying incident has already been investigated and the results have been delivered to the parties involved via mail.

In the event that a sexual harassment complaint is declined, the Committee shall notify the complainant of the specific reason in writing within 20 days of receiving the complaint or having it forwarded to them.

If a declined complaint, as described in the preceding paragraph, falls under Article 13 of the *Sexual Harassment Prevention Act*, the notice shall additionally indicate the deadline and competent authority for redress, and a copy of the notice shall be delivered to the Taipei City Government.

Article 9. The Committee's review procedures shall be as follows:

1. Upon receipt of a sexual harassment complaint, the competent human resources or general affairs unit (determined based on the nature of the complainant's job or position) shall conduct a speedy evaluation and submit a preliminary report to the chair of the Committee, who shall determine whether to accept or decline the complaint. For each accepted complaint, the chair of the Committee shall establish an investigative task force composed of three or more members (at least half of whom shall be female) within seven days of receiving the complaint or having it forwarded to them. Professional investigators may be invited to aid in the process when necessary.

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2. Upon conclusion of the investigation, task force members shall present an investigative report to the Committee for review.
3. The Committee shall launch an investigation within seven days of receiving a complaint or having it forwarded to them, and shall complete the investigation within two months. However, the Committee may extend the investigation period for one month upon notifying the parties involved.
4. The Committee shall determine whether the incident resulting in the complaint constitutes sexual harassment. If so, the Committee shall provide recommendations for disciplinary action and other appropriate measures; if not, the Committee may still move to take certain measures as necessary based on the nature of the incident.
5. Recommendations for disciplinary action, as described in Subparagraph 4, directed at NTNU employees shall be forwarded to the competent human resources or general affairs unit for processing or the relevant unit for execution upon the signed approval of the NTNU President. Recommendations for disciplinary action directed at individuals not affiliated with the University shall be forwarded to their respective organization/agency, military unit, school/institution, or employer for processing in accordance with the applicable regulations.

Notifications of investigation results shall be handled as follows:

1. Complaints filed under the *Act of Gender Equality in Employment*: Notices shall be delivered to the complainant and respondent in writing and shall contain information on the investigation results, reasoning, and deadline for appeal.
2. Complaints filed under the *Sexual Harassment Prevention Act*: Notices shall be delivered to the complainant, the respondent, and the Taipei City Government in writing and shall contain information on the investigation results, reasoning, and the deadline and competent authority for redress.

Appeals and redress shall be handled as follows:

1. Complaints filed under the *Act of Gender Equality in Employment*: In the event that the Committee fails to complete the investigation on time or that the complainant wishes to dispute the results, the complainant may file an appeal with the Committee within 20 days counting from the day following their receipt of written notification.
2. Complaints filed under the *Sexual Harassment Prevention Act*: In the event that the Committee fails to complete the investigation on time or that the complainant wishes to dispute the results, the complainant may initiate a redress action with the Taipei City Government within 30 days counting from the day following the investigation deadline or their receipt of the results.

Article 10. The following principles shall apply to the University's sexual harassment investigations:

1. Sexual harassment investigations shall be conducted in secret so as to protect the privacy and personal interests of the parties involved.
2. Sexual harassment investigations shall be conducted in an objective, unbiased, and professional manner where all parties involved are

given ample opportunity to make statements and respond to allegations.

3. Repeated questioning of sexual harassment victims shall be avoided where a clear statement of the incident has already been obtained.
4. The Committee may, based on its own resolution or at the recommendation of the investigative task force, invite the complainant, respondent, and related persons to an incident, as well as any scholars, experts, and competent personnel, to attend Committee meetings or aid in the investigation. Both the complainant and respondent may choose to make a statement in person during the review process.
5. Confrontations between the parties involved in and/or witnesses to incidents involving sexual harassment shall be avoided where there is a power imbalance.
6. To facilitate investigation, investigators may produce written documents for perusal by the parties involved or give a brief summary of the incident so long as they do not breach confidentiality obligations.
7. All personnel involved in the handling of sexual assault incidents shall maintain the confidentiality of the names and any other personally identifiable information of the parties involved, except where the disclosure of such information is necessary to the investigation itself or for the safety of the general public.
8. The University shall proactively refer sexual harassment victims to the competent counseling and/or legal aid agencies based on their physical condition and mental health status during the investigative process.
9. When a sexual harassment incident is reported or while it is being investigated, examined, or adjudicated, no differential treatment may be directed towards any complainants, whistleblowers, informants, appellants, or witnesses or any other persons who provide assistance or are involved in the incident.
10. If the incident falls under Article 25 of the *Sexual Harassment Prevention Act*, the University shall inform the victim(s) of their right to initiate a legal action with law enforcement agencies or file a police report, and shall provide them with the necessary assistance.
11. Upon becoming aware during the investigative process that a sexual harassment victim's name or other personally identifiable information has been disclosed or advertised in any advertisement, publication, radio/television program, radio transmission, website, or other form of media in violation of Article 12 of the *Sexual Harassment Prevention Act*, the University shall notify the competent authority to handle the violation in accordance with Article 24 of the same *Act*.

Article 11. Investigators and reviewers of sexual harassment complaints shall recuse themselves in any of the following circumstances:

1. Where they themselves, their spouse/ex-spouse, or a relative within the fourth degree of kinship by blood or third degree of kinship by marriage (former or current), is involved in the incident
2. Where they or their spouse/ex-spouse shares certain rights or obligations with a party involved in the incident.
3. Where they are or have been directly involved in the incident, or where they are or have been a legal representative or assistant to a party

involved in the incident.

4. Where they are or have been a witness to or examiner of the incident

Any party involved in a sexual harassment incident may request the removal of an investigator or reviewer in any of the following circumstances:

1. The investigator or reviewer meets any of the conditions stipulated in the preceding paragraph but refuses to recuse themselves.
2. There is tangible evidence to show that the investigator or reviewer is biased in their duties.

A removal request as described in the preceding paragraph shall be submitted to the Committee and must contain the necessary reasons, facts, and explanations. Any investigator or reviewer who is the object of such a request may produce a statement in response to the request.

An investigator or reviewer who is the object of a removal request shall cease to perform their duties until the Committee makes a decision. In urgent situations, however, the Committee shall still take the appropriate action as necessary.

The Committee shall order the removal of investigators and reviewers who meet any of the conditions stipulated in Paragraph 1 but who refuse to recuse themselves, regardless of whether a removal request is filed.

Article 12. All personnel involved in the handling of sexual harassment complaints shall maintain the confidentiality of the details of the investigation and shall provide appropriate safeguards for the privacy of the parties involved, unless the disclosure of such information is mandated by law, required for the investigation itself, or necessary for the safety of the general public. Violators may be removed by the chair of the Committee and may be subject to the *Criminal Code* and other applicable laws and regulations.

Article 13. The Committee may move to suspend the investigation and review process in any of the following circumstances:

1. The complainant requests a suspension.
2. The sexual harassment incident has entered litigation or has been forwarded to the Control Yuan for investigation or the Public Functionary Disciplinary Sanction Commission for review.
3. Other circumstances necessitate the suspension.

Article 14. The University shall take the necessary follow-up, evaluation, and supervisory measures to ensure the Committee's rulings are effectively implemented and prevent retaliation or other similar incidents from occurring.

Article 15. Upon receiving a sexual harassment complaint where the alleged perpetrator is not affiliated with NTNU, the University shall still take the necessary emergency action and forward the complaint and any associated documents to the competent municipal, county, or city government within seven days.

Article 16. Professional investigators who are not NTNU employees may be entitled to an author's fee for participating in the investigation and helping to write the investigative report. External experts and scholars appointed or invited to attend investigative meetings may be entitled to attendance fees and travel reimbursements.

Article 17. <u>In the event that the NTNU President is the alleged perpetrator in a sexual</u>

harassment incident, the NTNU employee(s) or applicant(s) responding to a job vacancy at the University who were subject to the harassment may choose to file a complaint directly with Taipei City Government in addition to filing a complaint internally with the University.

Article 18. Matters not addressed herein shall be subject to other applicable laws and regulations.

Article 19. The Directives and any amendments hereto shall be implemented upon approval by the Gender Equity Education Committee and the University Affairs Meeting.

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