

# Ming Chuan University Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment

Revised and Passed at the Administrative Council Meeting on April 26, 2021

- Article 1. In order to protect working rights of faculty and staff, provide a friendly working environment, prevent sexual harassment behavior, and protect victims' rights, Ming Chuan University (herewith refer to as the University) established these regulations in accordance with the Act of Gender Equality in Employment, Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment in the Workplace, Sexual Harassment Prevention Act, and Regulations of Sexual Harassment Prevention.
- Article 2. Measures of sexual harassment prevention, sexual harassment complaint and punishment shall be dealt in accordance with these regulations unless other acts or regulations prevail.
- Article 3. These regulations apply to MCU faculty and staff (including contract employees), or individuals from outside, when sexual harassment incidents meet Article 12 of the Act of Gender Equality in Employment and Article 2 of Sexual Harassment Prevention Act. Cases to be dealt with in accordance with the Gender Equity Education Act are not covered under these regulations.
- Article 4. To prevent sexual harassment, measures for preventing and correction are as follows:
1. Implement educational programs for preventing sexual harassment to elevate gender equality concepts among supervisors, faculty and staff.
  2. Announce and publicly present a written policy for the prohibition of sexual harassment in the workplace.
  3. Promulgate complaint procedures for handling sexual harassment incidents.
  4. Set up designated telephone, telex, special mail box or e-mail addresses to handle the complaints concerning sexual harassment. The related information shall be openly displayed at a noticeable place on campus.
  5. Handle these complaints in confidentiality and protect complainant from any retaliation or other adverse treatment.
  6. If an employer regards that it is necessary to provide counseling or medical treatment for the parties involved, he/she may refer them to professional counselors on campus or at relevant medical institutions.
  7. Establish measures for punishing those who are proven to be perpetrators after formal investigation.
- Article 5. The Gender Equality Education Committee is responsible for the investigation and review of complaints regulated under the Sexual Harassment Prevention Act and Act of Gender Equality in Employment. However, student and parent representatives will not be invited to review any faculty or staff sexual harassment complaint.
- To handle complaint cases, Gender Equality Education Committee may establish an investigation team. The investigation team shall consist of 3 to 5 people in principle, among them; female members are to comprise more than half of the team. Professionals and scholars may be invited to join the team when necessary.
- Article 6. In accordance with Act of Gender Equality in Employment and Sexual Harassment Prevention Act, the complainant shall file a complaint with Human Resources Division. If the complaint is filed in accordance with Sexual Harassment Prevention Act, the complaint shall be filed within one year of the sexual harassment incidents and the complaint shall be submitted in written or oral record format with one's own name to meet legal requirements.
- The written form shall be signed or sealed by the complainant; if a complainant prefers to use the verbal method, the personnel or unit in charge of receiving these complaints shall document the verbal complaint and read it out to the applicant or ask him or her to read it in order to confirm its accuracy. Subsequently, the documentation shall be signed or sealed by the complainant.
- The written or orally filed complainant referred to in the preceding paragraph shall contain the following items:

1. Name, gender, date of birth, ID number, service unit and position title, address or residence, contact telephone number of the complainant.
2. If he/she has an agent, a form appointing the agent shall be provided and the name, gender, date of birth, ID number, occupation, address or residence, contact telephone number of the agent and the relationship with the complainant shall be listed.
3. Facts and contents of the complaint.
4. Pertinent evidence of the complaint.
5. Date of filing the complaint.

If the complaint form or documented verbal statement does not meet the requirements of the preceding paragraph, for those situations that can be remedied, the competent authority may ask the applicant to rectify the missing data with fourteen days. Application will be denied if the complaint fails to provide required documents by the designated date.

Article 7. Under the following conditions, the complaint of a sexual harassment incident shall not be accepted:

1. The applicant fails to rectify the complaint form or documented verbal statement by the due date prescribed in Paragraph 4 of the preceding Article.
2. Exceeds the complaint timeline.
3. The investigation of the same case has been completed and the result has been sent to those directly involved.
4. Complainant's case is not a sexual harassment case, or the complainant is not the victim or victim's agent in the case.
5. Sexual harassment incidents shall be dealt with in accordance with Gender Equity Education Act.

Article 8. Aside from cases as regulated in Paragraph 7 of the preceding Article, Human Resources Division must transfer the evidence and documentation provided by the complainant to [MCU Gender Equality Education Committee](#) for investigation within 3 days, and a written notification shall be made within 20 days to inform complainant whether the complaint has been accepted or not. If the Gender Equality Education Committee doesn't accept the complaint, it shall inform those directly involved through a written notice and state the competent authority and date for re-filing a complaint. Taipei City Government should be informed of sexual harassment incident cases involving any individual external to the University via a duplicate copy.

When receiving a complaint wherein the offender is not an employee of MCU, appropriate emergency measures shall be taken and the complaint form and related information shall be transferred to the competent municipal or county (city) government authority within seven days. Within two weeks from the day the complaint is accepted by the Gender Equality Education Committee, and the University Faculty Hiring and Promotion Committee (herewith refer to as the University Faculty Committee) or Employee Review Committee (herewith refer to as the Employee Committee) has reviewed the matter and given approval, the institution shall temporarily suspend any faculty or staff member who is involved in sexual assault, sexual harassment, or sexual bullying behavior and await the results of the investigation.

Article 9. Gender Equality Education Committee shall investigate complaints of the incidents and complete the investigation within two months. If necessary, the length of the investigation may be extended by one additional month and those directly involved shall be informed.

Investigation result notification, as well as deadline for appeal and handling procedures, are listed as follows based on the relationship between the parties involved:

1. Sexual harassment incidents between MCU employees (apply Act of Gender Equality in Employment):
  - (1) Gender Equality Education Committee should submit the investigation result (including reasons, recommendations for punishment or other methods of handling the situation) to University Faculty Committee or the Employee Committee for final resolution. The committee should inform those directly involved and relevant units of the final resolution in a

written report. The written report should include the reasoning behind the resolution and the deadline for appeal.

(2) If those directly involved do not feel satisfied with the result of the investigation, those directly involved may propose an appeal to Human Resources Division within 20 days of receipt of the result of the investigation, along with a written reason and any new evidence. A case may be appealed only once.

(3) After the Gender Equality Education Committee accepts an appeal, it shall review the appeal in accordance with Article 31 of the Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus and reply with review results within 30 days. Once the investigation of the case has been completed, a complaint on the same case shall not be accepted.

2. Sexual harassment incidents between a MCU employee and individual outside MCU (apply Sexual Harassment Prevention Act):

(1) The result of the investigation shall be given to University Faculty Committee or the Employee Committee for final resolution. The committee should inform those directly involved and Taipei City Government of the final resolution in a written report. The written report should include reasoning behind the resolution, deadline and competent authority for appeal.

(2) If those directly involved do not feel satisfied with the result of the investigation, or Gender Equality Education Committee was not able to complete the investigation within the designated timeline, those directly involved may propose an appeal to Taipei City Government within 30 days of receipt of the result.

Article 10. Complainant or his/her agent may withdraw a sexual harassment complaint with a written notice during the investigation or case review period of MCU Gender Equality Education Committee. Once a complaint is sent to the Gender Equality Education Committee, and the case is withdrawn and closed, no other complaint on the same case will be accepted.

Article 11. When investigating sexual harassment incidents, the following policies shall be followed:

1. The investigation of the sexual harassment incident shall not be open, and shall protect the privacy and other personality of those directly involved.
2. The investigation of the sexual harassment incident shall be based on the principles of objectivity, justice and professionalism and provide those directly involved with an opportunity to make statements and opportunity for defense. The investigation of the sexual harassment incident may ask those directly involved and the interested parties arrive upon the scene to give explanation and also invite people with related knowledge and experience to assist.
3. If the description of the victim is clear and further inquiry is not required, the redundant inquiry shall be avoided.
4. If there is power imbalance between those directly involved or witness, confrontation(s) shall be avoided.
5. When necessary, written information may be produced without infringing the obligation of confidentiality, and be provided to those directly involved, or be summarized and read to those directly involved.
6. The names and other information that may lead to the identification of those directly involved of a sexual assault incident shall be kept confidential, except for the necessity of investigation or public safety concerns.
7. In its investigation of sexual assault incident, the university shall transfer those directly involved to related institutions or provide psychological counseling and legal consultation, according to his or her physical and mental condition.

Article 12. All persons participating in the handling of an incident of campus sexual harassment are bound by the obligation of confidentiality; Person(s) who violate the obligation of confidentiality shall be subjected to penalties in accordance with criminal laws and other pertinent regulations. The university shall seal and store all original documents containing the names of the victim, the offender, complainant, and witness. Excepted otherwise provided by the law, these documents

should not be examined or made available to any person(s) other than the agency in charge of legal investigation or trial.

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

Article 13. During the investigation, a compliant investigator of a sexual harassment incident shall recuse him/herself when any of the following conditions happens:

1. Those directly involved in the incident are or once were the investigator, his/her spouse, ex-spouse, relative by blood within the fourth degree, or relative by marriage within the third degree.
2. The investigator, his/her spouse or ex-spouse is connected to the pending case at issue, as a joint creditor or a joint obligator with those directly involved in the incident.
3. The investigator is or once was an agent or an assistant of those directly involved in the incident.
4. The investigator is or once was a witness or expert witness of the incident.

Under either of the following circumstances, those directly involved may file a recusal application against the investigators of complaint and appeal of sexual harassment incident:

1. where such investigator has failed to withdraw of his/her own accord under any of the circumstances set forth in the preceding paragraph.
2. where it is reasonable to believe that the investigator involved may become prejudiced in performing his/her functional duties.

The investigators or mediators against whom the application for recusal is made shall submit a written statement and shall stop investigation procedures before obtaining further approval from Gender Equality Education Committee.

If the investigators or mediators do not follow the regulation prescribed in Paragraph 1 and those directly involved also do not file a recusal application, Gender Equality Education Committee shall order the investigators or mediators to recuse themselves.

Article 14. After a case of sexual harassment is investigated and proved to have taken place; the university shall execute appropriate punishment to the respondent of the complaint in accordance with the seriousness of the incident, such as warning, demerit, demotion, removal, dismissal and other corrective measures. In order to prevent the recurrence of a sexual assault incident or revenge, tracking, evaluation, and supervision are required. If damage occurred to the claimant's reputation, the university shall assist to administer appropriate punishment to recover his/her reputation. If false reporting is proved, the university shall execute appropriate punishment or render other corrective measures to the complainant.

The facts of the sexual harassment incident in the preceding paragraph shall be determined in accordance with the investigation reports as deliberated on by MCU Gender Equality Education Committee.

Article 15. When a case of a sexual harassment incident enters investigation or on trial under the legal system, with the claimant's consensus, the Gender Equality Education Committee may pass a resolution to cease its investigation and resolution process and is not regulated as prescribed by Article 8. Should the conditions leading to ceasing the review process be removed, the review process may be resumed starting from the following day.

Article 16. In the case of a sexual harassment incident involving an individual from outside MCU, either of the involved parties may apply to the municipal or county (city) competent authorities for mediation through either a written or verbal statement. If an applicant prefers to use the verbal method, a written transcript of the statement should be made.

Article 17. Upon being passed by the Gender Equality Education Committee and the Administrative Council, and approved by the President, these procedures were implemented. Any revision must follow the same procedure.

**\*\*In the event of any inconsistency or discrepancy between the Chinese and other language versions of this document, the Chinese version shall prevail.\*\***