

Guidelines for the Prevention, Appeal & Punishment of Sexual Harassment & Gender Discrimination of Faculty and Staff Members at I-Shou University

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- I. To safeguard the faculty members, staff members and job seekers' right to work and to prevent sexual harassment and gender discrimination in the workplace, I-Shou University (hereinafter referred to as the "University") hereby establishes the *Guidelines for the Prevention, Appeal & Punishment of Sexual Harassment & Gender Discrimination of Faculty and Staff Members at I-Shou University* (hereinafter referred to as the "Guidelines") according to the *Act of Gender Equality in Employment* and the *Regulations for Establishing Measures of Prevention, Complaint and Punishment of Sexual Harassment at Workplace*.
- II. The Guidelines is applicable to the cases of sexual harassment and gender discrimination among faculty & staff members or among job seekers and faculty & staff members at the University.
- III. The term "sexual harassment" referred herein shall mean the circumstances listed as follows occurred among persons concerned at the University:
 1. Any one makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination in the workplace or when faculty & staff members of the University are executing their duties, causing him/her a hostile, intimidating and offensive working environment leading to infringe on or interfere with his/her personal dignity, physical liberty or affect his/her job performances.
 2. The administrative heads explicitly or implicitly makes a sexual request toward the faculty & staff members or the job seekers, 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/her placement, assignment, compensation, evaluation, promotion, demotion, award and discipline.

IV. The term “gender discrimination” referred herein shall mean the circumstances listed as follows occurred among persons concerned at the University:

1. The University discriminates against the job seekers or the faculty & staff members due to their gender or sexual orientation when recruiting, interviewing, hiring, assigning to a specific position, evaluating their working performances or promoting to a better position. However, the aforesaid circumstance is not restricted if the nature of work is only suitable to a specific gender.
2. The University discriminates against the faculty & staff members due to their gender or sexual orientation regarding welfare policies or organizing various training programs and the like.
3. The University pays salaries to faculty & staff members depending on their gender or sexual orientation instead of on their professional skill or work performance. The University shall pay salaries according to the years of service, reward & punishment, work performance, or other proper reasons except for gender or sexual orientation.
4. The University discriminates against the faculty & staff members regarding retirement, severance, leaving of office or dismissal due to their gender or sexual orientation.

V. The Committee of Gender Equity Education of the University (hereinafter referred to as the “Committee”) is established to handle the appeals of sexual harassment and gender discrimination filed by faculty & staff members.

VI. To prevent sexual harassment or gender discrimination in the workplace, the University shall carry out and promote the following preventive measures:

1. To establish a friendly workplace and prevent faculty & staff members and the job seekers from being harassed or discriminated against sexually.
2. To organize regular training programs, meetings or other activities regarding the prevention of sexual harassment or gender discrimination to promote knowledge about the nature of sexual harassment and gender discrimination.
3. To handle the appeals process without disclosing relevant information to other people to prevent them from seeking revenge or retaliation.
4. To refer the persons concerned to responsible organizations (institutions) or the

Counseling and Guidance Section of Office of Student Affairs of the University to receive necessary counseling or treatment depending on actual situations.

5. To punish anyone who is found to have committed sexual harassment or gender discrimination, and to conduct relevant follow-up, evaluation and supervision over the persons concerned.

VII. The University sets up a hotline and a designated e-mail address for handling appeals of sexual harassment and gender discrimination. The aforesaid information shall be announced on the University website and the webpage of the Office of Human Resources.

VIII. The University shall take effective measures and pay attention to the following affairs as soon as the cases of sexual harassment and gender discrimination are detected:

1. To protect the victim's rights and privacy.
2. To safeguard or improve the safety in the workplace.
3. Other measures for prevention and improvement.

IX. If faculty & staff members or the jobseekers are harassed or discriminated against sexually, the persons concerned shall file a written or a verbal appeal specifying the names of the parties involved to the Committee. The victims shall file an appeal directly to the Ministry of Education if the person who commits the sexual harassment or gender discrimination is the President of the University. The staff in charge of handling the appeals shall conduct a record of the verbal appeal, and the person who files an appeal shall affix his/her signature or seal after he/she has confirmed the content of the record. The appeal shall be rejected unless those who file a verbal appeal provide required documents within three days of the initial report.

If the faculty & staff members are sexually harassed by part-time faculty members at the University, the Committee shall handle the appeal and notify the unit in which such faculty members hold a full-time position to assign representatives to assist in the investigation in written form, and the unit is not allowed to refuse the request.

The sexual harassment disclosed by the media is considered as a report, and the Committee shall take active actions in handling such a case. The Committee shall provide necessary counseling or assistance to the suspected victims if they are not willing to participate in the investigation.

The following information shall be specified on the written statements mentioned above:

1. The name, unit, position, residential address and contact number of the person who files the appeal, and the date of appeal filed.

2. A letter of authorization specifying the agent's name, residential address and contact number shall be attached if the authorized agent is assigned as representation.
3. Other information and evidence regarding the appeal.

If the appeal application or the record made by verbal statement does not conform to the aforesaid regulations, the Committee shall notify the person who files the appeal to make corrections within 14 days if it is allowed pursuant to relevant regulations.

- X. The appeal of sexual harassment or gender discrimination shall not be accepted if any of the following conditions occurs:
1. The record made by the written or verbal statement is not corrected within the aforesaid prescribed deadline.
 2. The Committee has finished the investigation of the same case, and has informed the persons concerned of the investigation results in written form.

The Committee shall inform the persons concerned of the reasons in written form within 20 days from the date the appeal is received if the appeal of sexual harassment or gender discrimination is not accepted.

- XI. After the Committee has received an appeal of sexual harassment or gender discrimination, the executive secretary shall report to the committee chairman to convene a meeting to determine whether the appeal is accepted or not. The Committee shall inform the persons concerned by written notification within 20 days from the date the appeal is received if the Committee decides to handle the case. Meanwhile, the chairman shall form a task force within seven days to conduct an investigation regarding the appeal.

The aforesaid investigation task force shall consist of 3-5 members, and the number of female members shall not be less than one half of total members, and the number of experts and scholars with professional expertise shall not be less than one-third of total members.

- XII. Both parties may invite the persons they trust as their companions during the process of the investigation. The Committee shall protect the reputation and privacy of the persons concerned during the investigation. The persons concerned, the committee members, and all related parties of the cases are obligated to keep all information confidential during the investigation.

- XIII. Investigators or committee members shall excuse themselves from the investigation of cases of sexual harassment or gender discrimination or judgment if any one of the following conditions occurs:

1. Investigators or committee members themselves, or their spouses, ex-spouses, blood

relatives within fourth degree, or relatives within third degree of kinship, or the parties who were in the aforesaid relationships, are engaged in the cases of sexual harassment or gender discrimination.

2. Investigators or committee members themselves, or their spouses, ex-spouses are the common obligee or obligors of the persons involved in the cases of sexual harassment or gender discrimination.
3. Those who have served or had served as the agents or assistants.
4. Those who served as witnesses or expert witnesses.

Persons concerned may request to excuse themselves from the cases if the investigators or committee members meet any of the following conditions:

1. Those who do not excuse themselves from the cases voluntarily when they meet any of the aforesaid conditions.
2. Those who are found to have bias when conducting the investigation or judgment over the cases of sexual harassment with concrete evidences.

Persons involved shall state proper reason and evidence and provide explanations to the Committee when they request the recusal. Investigators or committee members who are requested for recusal may express their opinions regarding the request.

Investigators or committee members who are requested to excuse from the cases shall stop the investigation or judgment regarding such case before an approval or disapproval on the request is made by the Committee. However, they shall take a necessary measure if an urgent incident occurs.

The Committee may ask the investigators or committee members who meet the condition specified in provision 1 to excuse from the cases even the persons concerned did not apply for the recusal.

XIV. The Committee shall finish the investigation within three months after the appeal is filed unless there is any *force majeure* event which occurs during the investigation process. The Committee may make a decision for punishment or suggestion regarding other measures with clear reasons provided.

The Committee must send the written decisions to the two relevant parties and to the related units of the University.

If those who filed appeals or other persons concerned have different opinions regarding the final decisions of the cases of sexual harassment or gender discrimination, they may make a

complaint within 10 days upon the receipt of the written decisions. However, they shall not make another appeal regarding the same case if the case is deemed closed.

XV. Those who filed appeals shall withdraw the appeals in written form during the investigation or judging process. The appeals are considered closed after those who filed appeals notify the Committee to withdraw the appeal, and they shall not file the appeal again regarding the same case.

XVI. Anyone who is found to maliciously accuse another person of sexual harassment or gender discrimination with concrete evidences shall be punished by the University depending on the severity of matters.

XVII. Anyone who is harmed physically or mentally due to sexual harassment or gender discrimination may ask for compensation. The prescriptive right shall be conducted pursuant to the *Act of Gender Equality in Employment*.

XVIII. To safeguard the right of work for persons concerned, the University may adopt the following measures when the Committee conducts investigation over the sexual harassment cases:

1. To handle the attendance record or performance evaluation of the persons concerned in a flexible way and provides assistance to the persons concerned on their studies or job duties. The persons concerned are not subject to the regulations relevant to leave application and performance evaluation.
2. To respect the victims' opinions and prevent the two parties from unnecessary further contact.
3. Adopt necessary measures to avoid possible retaliation.
4. To prevent the victims from being possibly harmed by the offenders again.
5. Other measures considered necessary by the Committee contingent on the situation.

The aforesaid necessary measures shall be conducted upon the approval of the Committee.

XIX. The Committee shall conduct follow-up, evaluation and supervision of the cases of sexual harassment to make sure the final decisions for the cases are being executed effectively, thus prevent similar situations or retaliation from happening.

XX. The Guidelines become effective on the third day of promulgation after being adopted by the University Council and ratified by the President.

Note: In the event of any dispute or misunderstanding as to the interpretation of the language or

terms of the Guidelines, the Chinese language version shall prevail.