

Guidelines for the Prevention & Handling of Sexual Harassment at I-Shou University

Adopted on April 1, 2009 at the University Council in the second semester of the academic year 2009

Adopted on March 16, 2011 at the University Council in the second semester of the academic year 2010

Ratified and promulgated by the President on March 24, 2011

Amendments to Provisions 1, 5, 8, 9, 12, 13, 14, 18, 19, 24, 26, 28 and 29 ratified and promulgated by the President on January 7, 2013

- I. To help prevent incidents of sexual harassment and protect the victims' rights, I-Shou University (hereinafter referred to as the "University") hereby establishes the *Guidelines for the Prevention & Handling of Sexual Harassment at I-Shou University* (hereinafter referred to as the "Guidelines") pursuant to the *Sexual Harassment Prevention Act* and the *Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus*.
- II. The Guidelines is applicable to the cases of sexual harassment among faculty & staff members and non-ISU members.
- III. The term "sexual harassment" referred herein shall mean any offensive sexual behavior that violates another person's wishes and when any of the following conditions occurs:
 1. If a person's obedience to or rejection of another's sexual advances are linked to obtaining, losing or reducing their rights and interests at work, education, training, services, plans or activities.
 2. If texts, pictures, voice, images or other objects are displayed or broadcasted; or if language and behaviors of discrimination, and insults or other methods are adopted. For such reasons, the other persons' dignity of character is sullied. Or if other persons feel scared, feel disliked, intimidated or feel offended; or if other person's work, education, training, services, plans, activities or other normal habits are improperly affected.
- IV. The University shall prevent any incidents of sexual harassment from occurring, and shall take effective measures and pay attention to the following matters as soon as the cases of sexual

harassment 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.
- V. The University sets up a hotline and a designated e-mail address for handling appeals of sexual harassment. The aforesaid information shall be announced on the University website and the webpage of the Office of Human Resources.
- VI. To prevent incidents of sexual harassment from occurring, the University shall organize regular training programs for prevention of sexual harassment, and encourage the faculty & staff members to participate in these programs. Faculty & staff members who participate in these programs shall be granted an official leave as well as subsidies.
- VII. The University shall not discriminate against the persons who file an appeal, make a legal complaint, report a sexual harassment case, file a lawsuit case, testify for other people, provide assistances, or get involved in the cases of sexual harassment during the handling, investigating or deliberation process of the sexual harassment cases.
- VIII. The Committee of Gender Equity Education of the University (hereinafter referred to as the "Committee") is established to handle the cases of sexual harassment among faculty & staff members and non-ISU members.
- IX. If the victims are sexually harassed by the faculty or staff members of the University, they can not only ask for assistance pursuant to relevant laws, but they also can file an appeal to the Committee specifying their names within one year after he/she is sexually harassed. Please refer to Attachment 1 regarding the handling procedures for the cases of sexual harassment. The victims shall, however, file an appeal to the Ministry of Education if the person who commits the sexual harassment is the President of the University.
- The sexual harassment disclosed by media is considered as a report, and the Committee shall take active actions in handling such case. The Committee shall provide necessary counseling or assistance to the suspected victims if they are not willing to participate in the investigation.
- If the faculty & staff members are sexually harassed by non-ISU members, the Committee shall also take necessary measures to handle such cases. The Committee shall submit the appeals form and relevant information to the Kaohsiung City Government within seven days upon the receipt of the appeal. If non-ISU 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.
- X. If the person involved in the case of sexual harassment served as the President, faculty member,

staff member, maintenance worker or student when the harassment occurred, the investigation shall be conducted pursuant to the status when the person concerned interacted with the victim, and the school or the authority in which such status belongs to shall conduct the investigation of the case.

XI. If more than two persons are involved in the case of sexual harassment, the school that receives the investigation application of the sexual harassment case or in which the person who files an appeal belongs to is responsible to conduct the investigation; the schools in which relevant parties belong to shall assign representatives to participate in the investigation.

XII. The Committee shall notify the persons concerned and the Kaohsiung City Government in written form within 20 days upon the receipt of the appeal from if the Committee does not want to handle the appeal for the case of sexual harassment. If the persons concerned are part-time faculty members, the Committee shall notify the unit in which the part-time faculty members hold a full-time position as well.

The Committee shall clearly state the reasons regarding the rejection of such appeal, and specify the period allowed for filing the appeal again and the organization responsible of handling such appeals.

XIII. The Committee shall notify the person involved in written form within 20 days upon the receipt of the appeal form for cases of sexual harassment in the workplace, and shall start to conduct the investigation within seven days from the date when the appeal application is accepted; the investigation shall be completed within three months.

The Committee shall conduct the investigation for cases of general sexual harassment within seven days from the date when the appeal is received, and the investigation shall be completed within two months. The Committee may extend the investigation of such cases for one more month if necessary.

The Committee shall notify the persons concerned and the Kaohsiung City Government in written form regarding the results of the aforesaid investigation. The Committee shall notify the unit in which the part-time faculty members hold a full-time position if the persons concerned are part-time faculty members. The notification shall specify the reason for the investigation results, the period allowed for filing the appeal again and the organization responsible of handling such appeals.

XIV. The persons concerned may file an appeal to the Kaohsiung City Government before the term of such appeal is expired or within 30 days from the next day of the receipt of the investigation results if the Committee fails to complete the investigation within the prescribed period, or if the persons concerned are not satisfied with the results.

XV. The persons concerned may file written or verbal appeals for the cases of sexual harassment.

The staff members tasked with handling the appeals shall be in charge of recording 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 following information shall be specified on the written appeal or the record made according to the verbal statement:

1. The name, gender, date of birth, ID card number or passport number, unit, position, household (residential) address and contact number of the person who files the appeal.
2. The name, gender, date of birth, ID card number or passport number, occupation, household (residential) address and contact number of the legal representative (if any).
3. The name, gender, date of birth, ID card number or passport number, occupation, household (residential) address and contact number of the agent (if any), and a letter of authorization.
4. Other information and evidences regarding the appeal.
5. The date the appeal is filed.

If the appeal application or the recorded oral statement did 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.

XVI. The appeal of sexual harassment shall not be accepted if any of the following conditions occurs :

1. The appeal is not filed within the prescribed period.
2. The recorded oral statement is not corrected within the prescribed deadline mentioned in item 3 of the previous provision.
3. The Committee has finished the investigation of the same case, and has informed the persons concerned of the investigation results in written form.

XVII. The Committee shall investigate the cases of sexual harassment through objective, fair and professional principles, and provide the persons concerned a chance to state their opinions and reply. It is advisable not to ask the victim repeatedly if he/she has clearly stated her grievances.

XVIII. The chairman of the Committee shall form a task force within seven days to conduct investigation over the appeal after the Committee decides to handle 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 the total members, and the number of experts and scholars with professional expertise shall not be less than one-third of the total members.

XIX. Investigators or committee members shall excuse themselves from the investigation of cases

of sexual harassment 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.
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.
3. Those who have served or had served as the agents or assistants.
4. Those who served as the 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 be biased when conducting investigation or judgment over the cases of sexual harassment with concrete evidence.

Persons involved shall state the proper reasons and provide evidence 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 request to be excused 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 necessary measures if there is an urgent matter.

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

XX. The Committee shall not disclose relevant information for the cases of sexual harassment to other people, and shall protect the privacy and other legal benefits of the persons concerned.

XXI. The Committee shall inform the persons concerned and other relevant parties to provide statements for the investigation of the case of sexual harassment, and the experts or professionals with relevant expertise or experience may be invited to provide assistance.

XXII. The Committee shall avoid confrontation among the persons concerned or witnesses in the cases of sexual harassment if there is an asymmetry of power among them. The investigators may prepare a written report on the case and hand it over to the persons concerned if it is required for the investigation.

XXIII. The staff members who handle the cases of sexual harassment shall keep the names of the persons concerned or other identity information confidential unless it is deemed essential for

investigation or public safety.

Anyone who fails to keep the information confidential shall be punished pursuant to relevant regulations.

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

1. To handle the attendance record or performance evaluation of the persons concerned in a flexible way and to provide assistance to the persons concerned in terms of 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 contacts.
3. Adopt necessary measures to avoid retaliation.
4. To protect the victims from being harmed by the offenders again.
5. Other measures considered necessary by the Committee.

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

XXV. The University may transfer the cases when necessary or provide psychological counseling, legal assistance and financial assistance depending on the mental and physical conditions of the persons concerned during the investigation process.

XXVI. To respect the judgment made by professionals and avoid repeatedly asking the victims, the University or the authority shall determine the cases of sexual assault or sexual harassment within the campus pursuant to the investigation report submitted by the Committee. The offenders may submit a written statement pursuant to the *Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus*.

XXVII. If the suspect in the sexual harassment is found to be guilty of the charge, appropriate punishment shall be meted out. If the charge is bogus, however, and the accuser(s) or those who falsely reported the sexual harassment cases are faculty & staff members of the University, they shall also be punished depending on the severity of the case. The University shall conduct follow-up, evaluation and supervision of the persons concerned to prevent similar situations or retaliation from happening.

The University shall give the persons concerned a chance to express their opinions through written statement if the status of offenders or those who falsely report the sexual harassment cases changes owing to the punishment.

XXVIII. The Committee may determine to stop handling the cases of sexual harassment before the trial or investigation procedures finishes if necessary.

XXIX. 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.

Flow Chart on Handling the Cases of Sexual Harassment at I-Shou

University

