NATIONAL TAIWAN UNIVERSITY
Directives for the Prevention of Sexual Harassment and Complaint Handling

June 01, 2024 Passed by the University Council at its 2nd meeting, spring semester, Academic Year 2023-2024

Chapter I—General Provisions

Article 1 National Taiwan University (NTU or "the University") formulates the NTU *Directives for the Prevention of Sexual Harassment and Complaint Handling* ("the Directives") in accordance with Article 13, Paragraph 1 of the *Gender Equality in Employment Act*; Article 3, Paragraph 1 of the *Regulations for Establishing Measures on Prevention of Sexual Harassment in the Workplace*; Article 7, Paragraph 1 of the *Sexual Harassment Prevention Act*; and Article 7 of the *Regulations of Sexual Harassment Prevention* in order to prevent sexual exploitation and protect the rights of victims.

Article 2 Sexual harassment referred to herein shall mean the circumstances outlined in Article 12 of the *Gender Equality in Employment Act* and Article 2 of the *Sexual Harassment Prevention Act*.

Article 3 The Directives shall apply to the prevention of sexual harassment and complaint handling at NTU, unless otherwise stipulated by law.

For NTU faculty and staff who are civil servants or educators, the complaint procedures shall be governed by the Directives, along with Article 2, Paragraph 3, and Article 32-3 of the *Gender Equality in Employment Act*.

Article 4 Sexual harassment referred to in the Directives shall include the following circumstances in addition to those outlined in the *Gender Equity Education Act*:

1. Sexual harassment involving NTU faculty and staff against other NTU faculty and staff;
2. Sexual harassment involving NTU faculty and staff against non-NTU individuals;
3. Sexual harassment involving NTU students against individuals who are not the NTU President, faculty, staff, or students.

Chapter II—Prevention of Sexual Harassment

Article 5 The University shall take the following measures to prevent sexual harassment:

1. Organizing training sessions for personnel involved in the reception, handling, investigation, and resolution of sexual harassment complaints, encouraging participation in relevant education and training, and providing official leave and subsidies for participation in such events;

2. Establishing a sexual harassment hotline (02-33665903) and a dedicated email for reporting incidents, while publicly disclosing relevant information in prominent locations across the University.

The training sessions referred to in Subparagraph 1 in the preceding paragraph shall be handled in accordance with Article 8 of the *Regulations of Sexual Harassment Prevention*. The unit responsible for organizing these sessions shall adhere to Article 6 of the Directives.

Article 6 The NTU Personnel Office shall periodically organize training sessions for faculty and staff on workplace sexual harassment prevention.

NTU shall regularly conduct training sessions for personnel involved in the reception, handling, investigation, and resolution of sexual harassment complaints. Units responsible for organizing such sessions are as follows:

1. Training for top-level unit heads: Handled by the NTU Office of the Secretariat;

2. Training for second-level unit heads: Handled by their respective top-level units;

3. For personnel involved in the reception, handling, investigation, and resolution of sexual harassment complaints: Handled by the NTU Gender Equality Education Committee.

The responsible units mentioned in the preceding two paragraphs shall keep records of the training sessions on file for future reference.

Article 7 Each NTU unit shall regularly inspect and assess the spaces and facilities accessible to the public within its scope (“spaces within its scope”) to prevent sexual harassment.

If any NTU unit becomes aware of a sexual harassment incident currently occurring in spaces within its scope, it shall take the following measures to

effectively address and remedy the situation while ensuring the victim's safety and privacy:

1. Assist the victim in filing a complaint and securing relevant evidence;
2. Call the police to the scene to respond to the incident if necessary;
3. Examine the safety and security of the spaces within its scope.

If any NTU unit becomes aware of a sexual harassment incident that previously occurred in spaces within its scope, it shall take the third measure listed in Subparagraph 3 in the preceding paragraph.

In addition to the measures outlined in the preceding two paragraphs, any NTU unit that becomes aware of a sexual harassment incident occurring in spaces within its scope may also take the following actions:

1. Minimize interactions between the involved parties, respecting the victim's preferences;
2. Prevent acts of retaliation;
3. Prevent or reduce the likelihood of the offender committing sexual harassment again;
4. Take any other actions deemed necessary.

Article 8 NTU shall foster a workspace free of sexual harassment for its employees and job applicants, properly handle such incidents, implement appropriate preventive, corrective, and disciplinary measures, and safeguard the privacy of the involved parties.

When NTU unit heads or principal investigators assign their personnel to work in locations outside the University's management, they shall identify the types of risks associated with workplace sexual harassment, provide necessary protective measures, and inform their personnel about these risks in advance.

NTU unit heads or principal investigators shall raise and enhance their personnel's awareness of sexual harassment prevention and available complaint channels by appropriately using various communication methods, including assemblies, broadcasts, emails, or internal documents.

Article 9 Any NTU unit head or principal investigator, upon receiving a complaint and thus becoming aware of a sexual harassment incident involving their

personnel, shall promptly and effectively implement the following corrective and remedial measures:

1. Implement appropriate separation measures according to the complainant's wishes to prevent further harassment and ensure that the complainant does not experience detrimental changes in their employment conditions, such as salary;

2. Provide or refer the complainant to consultation services, medical or psychological counseling, social welfare resources, and other necessary support services;

3. If the accused is an NTU unit head, principal investigator, or one who holds a position of authority, and the severity of the incident warrants it, their position may be temporarily suspended or adjusted during the investigation. If the accused is later found not responsible for the harassment, they shall be compensated for the salary lost during the suspension period.

If any NTU unit head or principal investigator becomes aware of a sexual harassment incident involving their personnel, but not through a complaint as mentioned in the preceding paragraph, they shall promptly and effectively implement the following corrective and remedial measures:

1. Interview the involved individuals to clarify and investigate relevant facts;

2. Inform the victim of their rights and available remedial measures, and assist them in filing a complaint according to their wishes;

3. Appropriately adjust the duties or workspace of the relevant personnel;

4. Provide or refer the victim to, according to their wishes, consultation services, medical or psychological counseling, social welfare resources, and other necessary support services.

If any NTU unit head or principal investigator becomes aware of a sexual harassment incident based on the victim's statement, but the victim does not express a willingness to file a complaint, the University shall still immediately and effectively take corrective and remedial measures in accordance with the preceding paragraphs.

The term "become aware of" referred to in this article is not limited to instances where the awareness comes from a formal complaint filed by the

victim, but also includes various means which are not specified herein.

Article 10 If either the victim or the offender does not belong to NTU's personnel but is associated with the University through joint operations or business, NTU unit heads or principal investigators, upon becoming aware of a sexual harassment incident, shall immediately and effectively take corrective and remedial measures in accordance with the preceding article and the following provisions:

1. Upon becoming aware of a sexual harassment incident, inform the other party and work together to negotiate a resolution or remedy in writing, via fax, orally, or through other electronic methods;

2. Protect the involved parties' privacy and other personality rights.

Chapter III—Sexual Harassment Complaint

Article 11 NTU establishes the Sexual Harassment Complaint Handling Committee ("the Committee") to handle relevant complaints.

The Committee consists of 11 to 17 members, including the NTU President, the Vice President for Academic Affairs, the Vice President for Student Affairs, and the Vice President for General Affairs as ex officio members. The remaining seats are filled by faculty representatives, staff representatives, as well as experts and scholars specializing in gender equity education.

Faculty representatives and experts or scholars specializing in gender equity referred to in the preceding paragraph shall be nominated by the President from among NTU or non-NTU faculty members and experts/scholars. Staff representatives shall be nominated by the President from among NTU staff and messengers/custodians. Appointments shall be made after nominations are approved by the University Council. Alternate member may also be appointed if necessary.

The Committee members shall possess gender awareness, and at least half of the Committee members shall be female.

The term of ex officio members shall continue until the end of their term of office. The remaining members shall serve from August 1 of the current year to July 31 of the following year and may serve consecutive terms.

If a vacancy occurs during the term, ex officio members shall be replaced by

the individuals who assume their respective roles. Other vacancies shall be filled by alternate members in the predetermined order of succession, with the new member serving only for the remainder of the original term.

Article 12 The President shall serve as the Commissioner of the Committee responsible for supervising its operations. The Commissioner shall appoint a Deputy Commissioner from among the Committee members to assist with its affairs and serve as the Committee's spokesperson.

The Committee may only convene with more than half of its membership in attendance and a resolution may only be made with more than half of the attending members in concurrence.

Only the Vice President for Academic Affairs, the Vice President for Student Affairs, and the Vice President for General Affairs may designate a representative to attend meetings on their behalf. All other members shall attend in person.

Article 13 Where a sexual harassment incident occurring in NTU falls under the *Gender Equality in Employment Act*, the victim may file a complaint with the University in accordance with Article 32-1 of the *Gender Equality in Employment Act*, except in the following situations:

1. If the offender is the NTU President, the victim may file a complaint with the Taipei City Government;

2. If the offender is the NTU President and the victim is a civil servant or educator, the victim may file a complaint with the Ministry of Education.

Where a sexual harassment incident occurring in NTU falls under the *Sexual Harassment Prevention Act*, the victim may file a complaint with the University in accordance with Article 14, Paragraph 3 of the *Sexual Harassment Prevention Act*. However, if the offender is the NTU president, the victim shall file a complaint with the Taipei City Government.

If NTU lacks the authority to investigate the complaint mentioned in the preceding paragraph, the incident shall be addressed in accordance with Article 13 of the *Enforcement Rules of the Sexual Harassment Prevention Act*.

Article 14 Complaints referred to in the preceding article may be submitted in writing, via email, or verbally.

If the complaint is submitted via email or verbally, the processing personnel or unit shall make a record of it. The content of the complaint shall be read

aloud or provided to the complainant for review and verification.

Once confirmed as accurate, the complainant shall sign or affix their signature to the complaint form or the records. The complaint shall include the following information:

1. The complainant's name, gender, date of birth, identification number, academic program or unit/position, residential address, and contact number;
2. If applicable, the legal representative's name, gender, identification number or passport number, occupation, residential address, and contact information;
3. If applicable, the authorized representative's name, gender, date of birth, identification number, occupation, residential address, and contact information;
4. The factual details and evidence related to the complaint;
5. The date and time when the sexual harassment occurred and when it was discovered;
6. The date of the complaint.

If the complainant authorizes a representative to act on their behalf, they shall provide a power of attorney.

Article 15 If the complaint form or records do not adhere to the provisions specified in the preceding article and can be revised, the complainant shall make the necessary corrections within 14 days of receiving the correction notice.

Article 16 Where a sexual harassment incident falls under the *Sexual Harassment Prevention Act*, the complaint shall be transferred to the Taipei City Government, which shall determine whether to proceed with the investigation in any of the following situations:

1. The complaint is filed after the deadline;
2. The complaint is not submitted in accordance with legal procedures and is not corrected within the specified time frame after notification;
3. The same complaint has been withdrawn or deemed withdrawn under Article 21, Paragraph 5 of the *Sexual Harassment Prevention Act*, and is subsequently refiled.

Article 17 Where the sexual harassment incident falls under the *Gender Equality in Employment Act*, the Committee shall notify the supervisory authority of the local administrative region.

Article 18 Except in situations listed in Article 16, the Committee shall, within 7 days of receiving a complaint or a case transferred to the Committee, request the NTU Gender Equality Education Committee to establish an investigation panel to examine relevant evidence and facts.

The investigation panel shall consist of 3 to 5 members, including external professionals with expertise in gender equity and female members who constitute at least half of the panel.

After completing the investigation, the panel shall submit an investigation report to the Committee for a resolution. The report shall include the following information:

1. The causes of the complaint, including the involved parties' own accounts;
2. Records of the investigation and interview process, including the date, subjects, complainant, witnesses, relevant individuals, and the statements and defenses of the accused;
3. Examination and inspection of relevant exhibits;
4. Investigation results (factual findings and reasons);
5. Proposed actions and remedies.

The NTU Directives for the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus shall apply mutatis mutandis to the investigation procedures of sexual harassment incidents occurring at NTU in cases not covered herein.

Article 19 When the Committee or the investigation panel convenes, they may notify the involved parties and relevant individuals to attend and provide their statements, and shall ensure that the involved parties are given ample opportunity to present their statements and defenses. Unless required, the Committee or the investigation panel shall refrain from asking repetitive questions and may invite individuals with relevant expertise and experiences to assist in the process. In cases where there is an imbalance of power among the parties involved or witnesses in a sexual harassment incident, efforts shall be made to avoid direct confrontation.

Article 20 Upon receiving the complaint, the Committee shall conduct the investigation with objectivity, fairness, and professionalism, while maintaining confidentiality.

All individuals involved in the handling, investigation, and resolution of a sexual harassment complaint shall adhere to the following requirements:

1. Protect the privacy and other personality rights of involved parties and individuals invited to assist in the investigation; keep their names or any other identifying information in confidence, unless disclosure is required for the investigation or necessary for matters of public safety;

2. Never falsify, fabricate, destroy, or conceal any evidence related to the sexual harassment incident in the workplace.

Article 21 Any individual involved in the handling, investigation, and resolution of a sexual harassment complaint shall recuse themselves voluntarily in any of the following situations:

1. They are the involved parties, or they are, or were previously, the spouse, a blood relative within the fourth degree of kinship, or a relative by marriage within the third degree of kinship of the involved parties;

2. The sexual harassment incident falls under the *Gender Equality in Employment Act*, and they are a family member of the involved parties;

3. The sexual harassment incident falls under the *Sexual Harassment Prevention Act*, and they, or their spouse or ex-spouse, are a joint obligee or joint obligor with the involved parties, or they currently serve or previously served as a representative, assistant, witness, or expert witness in the incident.

If any individual involved in the handling, investigation, or resolution of a sexual harassment complaint meets any of the following conditions, the complainant or the accused may submit a written request to the Committee, stating the reasons and facts, to have that individual recused:

1. The individual required to voluntarily recuse themselves under the preceding paragraph fails to do so;

2. Specific facts suggest that the individual has acted with bias during the handling, investigation, or resolution of the incident.

The individual requested to recuse themselves may submit their written

opinion in response to the recusal request.

The individual requested to recuse themselves shall suspend their involvement in the handling, investigation, or resolution of the sexual harassment incident until the recusal request is either approved or denied. However, in cases of emergency, necessary actions may still be taken.

If any individual involved in the handling, investigation, or resolution of a sexual harassment complaint who meets the conditions listed in Paragraph 1 fails to recuse themselves, and no request is made by the complainant or the accused for the individual's recusal, the Committee shall take the initiative to have the individual recused.

Article 22 The Committee shall issue its resolution with appropriate reasoning based on the investigation report. It may also recommend disciplinary actions or propose other measures for resolving the complaint.

Where a sexual harassment incident occurring in NTU falls under the *Gender Equality in Employment Act*, the Committee shall notify the involved parties in writing of its resolution as described in the preceding paragraph. If the facts are confirmed, the investigation report, along with the proposed disciplinary actions and resolutions as described in Paragraph 1, shall be submitted to NTU's competent units.

Where a sexual harassment incident occurring in NTU falls under the *Sexual Harassment Prevention Act*, the Committee shall submit the investigation report along with the proposed resolutions to the Taipei City Government.

Article 23 Where a sexual harassment incident falls under the *Gender Equality in Employment Act*, the University shall conclude the case within 2 months, starting from the day after receiving the complaint or referral; if necessary, the deadline may be extended by 1 month, with notification given to the involved parties.

Where a sexual harassment incident falls under the *Sexual Harassment Prevention Act*, the University shall complete the investigation within 2 months, starting from the day after receiving the complaint or referral; if necessary, the deadline may be extended by 1 month, with notification given to the involved parties and the Department of Social Welfare, Taipei City Government.

Article 24 If NTU faculty, staff, or students are found to be in any of the following situations, NTU's competent units shall take appropriate disciplinary

measures or handle the matter accordingly, based on the specific circumstances of the offense. The process shall be monitored, assessed, and supervised to ensure effective implementation of the measures and to prevent similar actions or retaliation:

1. The Committee has identified the occurrence of sexual harassment;
2. A sexual harassment complaint is proven to be false and maliciously fabricated.

If the accused is under a labor contract with the University, and their sexual harassment offense is found to be true and severe, the University may terminate the labor contract without prior notice in accordance with Article 13, Paragraph 2 of the *Gender Equality in Employment Act*.

Article 25 Where a sexual harassment incident falls under the *Gender Equality in Employment Act*, the outcome of the proceedings shall be reported to the Taipei City Government in accordance with the regulations of the central supervising authority and Article 13, Paragraph 4 of the *Gender Equality in Employment Act*.

Article 26 For sexual harassment cases governed by the Gender Equality in Employment Act, the complainant who they wishes to withdraw the complaint shall submit a written request to the Committee before receiving the Committee's notification of the resolution. Upon receipt of the written request the Committee shall concluded the case and file it for recordation.

For sexual harassment cases governed by the Sexual Harassment Prevention Act, the complainant who wishes to withdraw the complaint shall do so in writing to the Taipei City Government.

If a sexual harassment complaint is withdrawn, deemed withdrawn, or concluded, it may not be refiled regarding the same incident. However, if new facts or evidence regarding the same incident are discovered after the complaint has been withdrawn, the victim may refile a complaint.

Article 27 NTU faculty and staff serving on the investigation panel shall be granted official leave and subsidies necessary for their participation in the investigation of sexual harassment incidents. They shall also be reimbursed for transportation and other relevant expenses in accordance with applicable law and NTU regulations.

Article 28 If the complainant or victim is an NTU faculty or staff member sexually

harassed while performing their duties, they may request up to 2 psychological counseling sessions from NTU within 6 months after the date on which the complaint is filed or on which the incident occurs. However, this rule does not apply if the complainant or victim is unable to request counseling within 6 months due to special circumstances.

Chapter IV—Miscellaneous

Article 29 Matters not addressed herein shall be subject to the *Gender Equality in Employment Act*, the *Regulations for Establishing Measures on Prevention of Sexual Harassment in the Workplace*, the *Enforcement Rules for Act of Gender Equality in Employment*, the *Sexual Harassment Prevention Act*, the *Enforcement Rules of the Sexual Harassment Prevention Act*, the *Regulations of Sexual Harassment Prevention*, and other applicable regulations.

Article 30 The Directives shall be passed by the University Council and then implemented on the date of promulgation.