

Tamkang University's policy and regulations regarding the prevention and treatment of sexual-harassment (concise version)

- 一、(目的與法源)This policy and these regulations are drafted to protect students' rights to education and self-development, and to provide a learning environment and a workplace free of sexual harassment. They are based on the Gender-Equality Education Act, Title XX, Article II , and according to Campus Sexual Harassment and Advances Prevention Ordinance, Title XXVIII.
- 二、(適用範圍)All faculty members, students and staff at Tamkang University, both part time and full time, are subject to this policy and its regulations. In addition, conduct in violation of the law may result in notification of the authorities, for example, in the case of sexual assault, a criminal act.
- 三、(處置原則) Any faculty member, student or staff found to have violated this policy by engaging in behavior constituting sexual harassment will be subject to disciplinary action or appropriate measures. A procedure for initiating a complaint, investigation, intervention, and solution is available to the plaintiff.
- 四、(教育方案) Incidents involving sexual harassment are not tolerated by the University. The University will take measures to periodically educate and train employees and students regarding conduct that could constitute a violation of this policy. All employees and students are expected to participate in this education and training and to be knowledgeable of policies and procedures concerning harassment.
- 五、(名詞定義)Definitions of the terms of the policy and regulations.
 - (一) sexual assault : the same conduct defined in the law of sexual assault prevention and treatment.
 - (二) sexual harassment : indicating any verbal, visual and/or physical conduct of sexual nature explicitly or implicitly which is unsolicited and unwelcome, has negative affect on the other's dignity, learning or work opportunity or performance, causing the other to lose or diminish his/her equal rights of learning or work.
 - (三) The incidents of sexual harassment or advances on campus mean that the alleged victim must be of student status. Also, the alleged offender must be a member of Tamkang University community.

- 六、(受害者提告權)The individual or her/his designated agent has the right to request an inquiry by the Office of Student Affairs in verbal or written form, while he/she provides the evidence. The alleged victim or complainant is encouraged to request such inquiry or to report the incidents at her/his earliest convenience in order to initiate the subsequent procedures. In case the alleged offender is the president, the request will be handled by The Ministry of Education.
- 七、(承辦單位與處理程序) Once the Office of Student Affairs accepts the complaint, it should forward a report with the relevant documents attached within three days to the Committee of Gender Equality Education. The Committee has to decide whether the complaint rises to the level of sexual harassment and to make its judgment known to the alleged victim or complainant within 20 days. The latter, if not satisfied, has the right to appeal. As a rule, the Committee will designate experts to handle the procedure of investigation and treatments. The investigation is expected to be finalized within two months. The expiration date can be postponed for one to two months when necessary.
- 八、(涉案者配合調查的義務)All faculty members, students and staff are required to cooperate with investigations of alleged sexual harassment. Failure to do so may result in disciplinary action, which may include expulsion or termination of employment.
- 九、(案情有關者之姓名身份保密原則) The alleged victim or complainant's identity will be protected. Any data or information causing him/her to be identified should be handled carefully. Members of the investigation team and staff concerned have an obligation to maintain confidentiality. Failure to do so will be subject to appropriate disciplinary measures.
- 十、(關係人主動迴避原則) Anyone who is involved in the incidents or related to the complainant or defendant, should voluntarily refrain from interfering in the investigation procedure and any decision-making concerning the case.
- 十一、(協助案主原則) During the process of investigation, the Committee should render assistance to the complainant, including the provision of relevant data, knowledge of his/her legal rights, notification of how the case is being handled and the channels followed, the provision of counseling, accompaniment to medical care, emotional support, emergency assistance, sanctuary, and information. If the

offender is a university employee, the Committee has the obligation to notify his work unit.

十二、(罰則)Based on the investigation report, the Committee will determine the factuality of the sexual harassment case. If the offender is found guilty, he or she will be subjugated to the following measures or disciplinary actions in accordance to the severity of the case:

1. rendering apology to the victim if it is agreeable to the victim.
2. receiving eight hours' lecture or training on gender equality.
3. receiving counseling.
4. receiving other measures that are in accordance with the above educational purpose.
5. If the offender is a faculty member, the Committee shall suggest to the Faculty Search and Evaluation(Assessment) Committee (教評會) the following measures : no incremental increase of salary or promotion for a period of time, discontinuation of contract or instant termination of employment.
6. If the offender is a staff member, the Committee shall suggest to the Employee Personnel Committee (職工人事評議會) the following measures: reprimand, demerit, no incremental increase of salary, demotion, or discontinuation of employment.
7. If the offender is a student, the Committee shall suggest to the Office of Student Affairs the following measures: reprimand, demerit, probation, suspending student status, or expulsion.

十三、(申覆權) If the complainant or the defendant disagrees with the Committee's decision, he/she may submit an appeal within 20 days of receipt of official notification.