

NTUB Guidelines for Sexual Harassment Prevention and Management

Reviewed and approved by the 1st University Affairs Meeting of the
2nd Semester of Academic Year 2023 on June 13, 2024

1. To prevent sexual harassment and protect the rights and interests of victims, National Taipei University of Business (hereinafter referred to as “the University”) has formulated these Guidelines pursuant to Article 7, Paragraph 1, Subparagraph 2 of the Sexual Harassment Prevention Act and the Regulations on Sexual Harassment Prevention.
2. The University shall handle the prevention and investigation of sexual harassment in accordance with the provisions of the Sexual Harassment Prevention Act. Unless otherwise provided by other laws and regulations, these Guidelines shall apply.
3. The term “sexual harassment” as used in these Guidelines refers to conduct of a sexual or gender-related nature, other than sexual assault crimes, carried out against another person against their will, under any of the following circumstances:

- (1) Through explicit or implicit expressions, discriminatory or insulting speech or behavior, or by other means, thereby impairing the dignity of another person, creating an intimidating, hostile, or offensive environment, or improperly affecting the performance of their work, education, training, services, programs, activities, or daily life.
- (2) Conditioning another person’s submission to or rejection of such conduct as the basis for themselves or others to obtain, lose, or impair rights and interests related to learning, work, training, services, programs, or activities.

The term “sexual harassment by abuse of power” as used in these Guidelines refers to sexual harassment committed by a person who, taking advantage of their authority or opportunity, engages in such conduct toward an individual under their supervision, care, or guidance due to an educational, training, medical, official, business, employment-seeking, or other similar relationship.

The patterns of sexual harassment referred to in the preceding two paragraphs refer to unwelcome conduct of a sexual or gender-related nature carried out against another person’s will, including verbal, physical, or visual harassment, or sexual remarks or demands made through technological equipment, or by means of authority, violence, coercion, or intimidation. Such conduct includes but is not limited to the following:

- (1) Humiliating, demeaning, hostile, or harassing acts.
- (2) Stalking, surveillance, or unwelcome pursuit.
- (3) Voyeurism or secret photographing/filming.
- (4) Exposure of private body parts.
- (5) Displaying, transmitting, or distributing obscene texts, sounds, images, photos, or video materials by telephone, facsimile, electronic communication, the Internet, or other equipment.
- (6) Taking advantage of another’s inability to resist to kiss, hug, or touch their buttocks, breasts, or other private body parts.
- (7) Other conduct similar to the preceding six subparagraphs.

The determination of sexual harassment shall be made on a case-by-case basis, taking into account the background and circumstances of the incident, the relationship between the parties, the words, conduct, perceptions, and other specific facts.

The type of sexual harassment set forth in Article 12, Paragraph 1, Subparagraph 1 of the Gender Equality in Employment Act, which refers to harassment committed by unspecified persons in public places or areas accessible to the public, shall be investigated in accordance with these Guidelines. The provisions of Point 5, Point 6, and Point 12, Subparagraphs 1 and 6 of these Guidelines shall apply mutatis mutandis to the crimes defined in Article 2, Subparagraph 1 of the Sexual Assault Crime Prevention Act.

4. The University provides the following channels for filing sexual harassment complaints:

Dedicated

telephone:

02-23226014

Dedicated facsimile: 02-23226019

Email: person_mohw@ntub.edu.tw

Upon receipt of a sexual harassment complaint, the University shall designate responsible personnel to coordinate and handle the matter.

These Guidelines shall be publicly posted on the “Regulations” section of the Personnel Office webpage of the University’s official website.

5. The University shall strengthen the promotion of measures for the prevention of sexual harassment and publicize the available complaint channels as follows:
 - (1) The University shall regularly organize, or encourage staff to attend on official leave, the following education and training programs related to the prevention of sexual harassment, in order to enhance employees’ gender equality awareness and prevent the occurrence of sexual harassment:
 - i. For all employees:
 - (a) Gender equality literacy.
 - (b) Basic concepts, laws, and prevention of sexual harassment.
 - (c) Procedures and methods for filing sexual harassment complaints.
 - (d) Other education related to the prevention of sexual harassment.
 - ii. For personnel responsible for handling sexual harassment cases or with managerial responsibilities:
 - (a) Knowledge of the Gender Equity Education Act, the Gender Equality in Employment Act, the Sexual Harassment Prevention Act, and procedures for handling cases.
 - (b) Awareness and recognition of power disparity in relationships.
 - (c) Effective corrective and remedial measures for sexual harassment cases.
 - (d) Assistance and protection of the rights and interests of victims.
 - (e) Other education related to the prevention of sexual harassment.
 - (2) To prevent the occurrence of sexual harassment, the University shall adopt appropriate preventive, corrective, disciplinary, and other necessary measures, and shall safeguard the privacy of the parties involved.
6. When the University becomes aware of a sexual harassment incident at the time of its occurrence, it shall take the following effective corrective and remedial measures, with due regard to the safety and privacy of the victim. When the University becomes aware of such incident after its occurrence, it shall also take the corrective and remedial measures set forth in Subparagraph (3) below, and shall additionally notify the University’s Campus Security and Disaster Prevention Reporting and Response Center:
 - (1) Assist the victim in filing a complaint and in preserving relevant evidence.
 - (2) Where necessary, assist in notifying the police authorities to handle the matter on site.
 - (3) Review the safety of the relevant premises.

When the University becomes aware that a sexual harassment incident has occurred in a public place or a place accessible to the public under its administration, it may take the following measures:

 - (1) Respect the wishes of the victim and reduce opportunities for interaction between the parties concerned.
 - (2) Prevent any act of retaliation.
 - (3) Prevent or reduce the likelihood of repeated sexual harassment by the perpetrator.
 - (4) Take other necessary measures as deemed appropriate.

The University shall regularly review the spaces and facilities of public places and places accessible to the public under its administration to prevent the occurrence of sexual harassment.
7. For the handling of sexual harassment complaints under these Guidelines, the University shall establish a Sexual Harassment Complaint Review Committee (hereinafter referred

to as “the Committee”).

The Committee shall consist of seven (7) members, including one convener, who shall concurrently serve as Chairperson and shall be appointed by the President from among the Vice Presidents. The remaining members shall be appointed or designated by the President from among University staff, impartial members of society, and experts or scholars; among them shall be professionals with gender awareness.

With respect to the members referred to in the preceding paragraph, female members shall account for not less than one-half of the total membership, and male members shall account for not less than one-third of the total membership.

The term of office of Committee members shall be two (2) years and may be renewed. Where a member is unable to continue in office for any reason during the term, the President shall appoint or designate a successor from among University staff, impartial members of society, or experts and scholars. The successor shall serve until the expiration of the original term. Meetings of the Committee shall be convened and presided over by the convener. Where the convener is unable to attend for any reason, a member shall be designated to act in their place. Committee meetings shall be convened with the attendance of more than one-half of its members. Resolutions shall be adopted with the consent of a majority of the members present. In the event of a tie, the decision shall be made by the Chairperson.

Among the members concurrently appointed from University staff, responsibility for accepting complaints shall rotate monthly.

8. A victim of sexual harassment or their representative may file a complaint with the Committee in accordance with Article 14, Paragraph 3, Subparagraph 1 of the Sexual Harassment Prevention Act. Where the alleged offender is the head of the University, the complaint shall be filed with the Taipei City Government.

A complaint may be submitted in writing or orally. Where the complaint is made orally, the personnel or unit handling the case shall prepare a written record, which shall be read aloud to the complainant or made available for their review. Upon confirmation of accuracy, the complainant shall sign or affix a seal thereto.

The written complaint or the record of an oral complaint referred to in the preceding paragraph shall include the following:

- (1) The complainant’s name, gender, date of birth, identification document number, unit of employment or study and position, domicile or residence, and contact telephone number.
- (2) Where there is a statutory representative, their name, gender, date of birth, identification document number, occupation, domicile or residence, and contact telephone number.
- (3) Where there is an appointed representative, their name, gender, date of birth, identification document number, occupation, domicile or residence, and contact telephone number, together with a power of attorney.
- (4) The facts of the complaint and relevant evidence.
- (5) The time when the sexual harassment incident occurred and when it became known.
- (6) The date of filing of the complaint.

Where the written complaint or record of an oral complaint does not comply with the provisions of the preceding paragraph but may be corrected, the complainant shall be notified to make corrections within fourteen (14) days.

The time limits for filing a complaint of sexual harassment are as follows:

- (1) For sexual harassment cases other than those involving abuse of power, a complaint shall be filed within two (2) years from the time the incident becomes known; however, no complaint may be filed more than five (5) years after the occurrence of the incident.
- (2) For cases involving sexual harassment by abuse of power, a complaint shall be filed

- within three (3) years from the time the incident becomes known; however, no complaint may be filed more than seven (7) years after the occurrence of the incident.
- (3) Where the victim was a minor at the time of the incident, a complaint may be filed within three (3) years after reaching the age of majority. However, if the time limits under the preceding two subparagraphs provide a longer period, those provisions shall apply.

Where the complainant withdraws the complaint during the investigation, such withdrawal shall be made in writing. Once a complaint has been withdrawn, or is deemed withdrawn under Article 21, Paragraph 5 of the Sexual Harassment Prevention Act, no further complaint may be filed on the same facts and grounds.

Where a sexual harassment incident falls under any of the circumstances listed in Article 14, Paragraph 5 of the Sexual Harassment Prevention Act, the case shall be transferred to the Taipei City Government for determination of non-acceptance or continuation of investigation:

- (1) The complaint is filed beyond the prescribed time limit.
 - (2) The complaint does not comply with statutory procedures, and corrections are not made within the prescribed period after notification.
 - (3) A complaint concerning the same sexual harassment incident is filed again after withdrawal or deemed withdrawal.
9. Where the University receives a sexual harassment case as defined under the proviso to Article 1, Paragraph 2 of the Sexual Harassment Prevention Act, which falls under the Gender Equity Education Act or the Gender Equality in Employment Act, the University shall, within twenty (20) days of receipt, transfer the case to the competent authority and provide a copy of the notice to the parties concerned.

Where the University receives a sexual harassment complaint but does not have investigative authority, it shall, within fourteen (14) days from receipt of the complaint, ascertain and transfer the case to the appropriate government agency, military unit, school, police authority, or municipal/county (city) competent authority with investigative power. If the appropriate investigative body cannot be determined, the case shall be transferred to the police authority of the location where the sexual harassment incident occurred for investigation. Written notice shall be provided to the parties concerned, with a copy furnished for reference to the Taipei City Government.

10. The Committee shall follow the procedures below in handling complaints:
- (1) Upon receipt of a sexual harassment complaint, the member on monthly rotation shall, within five (5) days, confirm whether the case is to be accepted. For accepted complaints, the convener shall, within seven (7) days from the date of acceptance or referral, appoint three (3) or more members to form an Investigation Task Force to conduct the investigation. The proportion of female members in the Task Force shall not be less than one-half, and all members shall possess gender equality awareness. Where the party concerned is a dispatched laborer engaged under a labor contract, the investigation shall be conducted jointly with the contracting employer.
 - (2) Upon completion of the investigation, the Investigation Task Force shall prepare a written report of the investigation. If the allegation is substantiated, the report shall include recommendations for disciplinary action or other appropriate measures. If the allegation is unsubstantiated, the report shall still, depending on the circumstances, provide necessary recommendations. The report, after deliberation by the Committee, shall be forwarded to the Taipei City Government for processing. The contents of the report shall include the following:
 1. The subject matter of the sexual harassment case, including the statements of the parties.
 2. Records of the investigation and interviews, including dates and persons interviewed.
 3. Statements and defenses of the complainant, witnesses, relevant persons, and the

respondent.

4. Examination of relevant physical evidence.
5. The results of the investigation of the sexual harassment incident and recommendations for disposition.
- (3) For sexual harassment cases other than those involving abuse of power, either party may apply for mediation with the Taipei City Government, in writing or orally. Where the Committee becomes aware during the investigation that either party wishes to pursue mediation, it shall assist them in applying for mediation with the Taipei City Government.
- (4) During the mediation period, the investigation shall continue, except where the Committee receives notice from the Taipei City Government to suspend the investigation at the request of the victim.
- (5) Where the disciplinary recommendations referred to in Subparagraph (2) concern University employees, the recommendations shall be submitted to the President for approval and then transferred to the Personnel Office for disciplinary action or to the relevant unit for execution. Where the respondent is not a University employee, the University shall notify their employing agency or institution, military unit, school, or employer, or proceed in accordance with applicable laws and regulations.
11. The University shall complete its investigation within two (2) months from the date of acceptance or transfer of a complaint. Where necessary, the period may be extended by one (1) month, and the parties shall be notified accordingly.
12. The principles for the Committee's review are as follows:
 - (1) The investigation and review of cases shall adhere to the principles of objectivity, fairness, and professionalism, and shall be conducted in a non-public manner.
 - (2) Personnel participating in the handling, investigation, and decision-making of sexual harassment complaints shall protect the privacy and other rights and interests of the parties and of individuals invited to assist in the investigation. Information sufficient to identify the victim that is obtained or held in the course of duties shall be kept confidential, unless otherwise provided by law. Violators may be disqualified from participation by the convener.
 - (3) When the Committee or the Investigation Task Force convenes a meeting, it may notify the parties and related persons to attend and provide explanations, ensuring that the parties are given sufficient opportunity to present their views and defenses, and that they are informed in a timely manner of the progress of the case. Repetitive questioning of the parties shall be avoided unless necessary, and experts with relevant knowledge and experience may be invited to assist.
 - (4) Where there is a power imbalance between the parties or witnesses in a sexual harassment case, measures shall be taken to avoid requiring them to confront each other directly.
 - (5) Investigators, as necessary for the investigation, may prepare written materials, within the limits of confidentiality obligations, for the parties to review or inform them of the key points.
 - (6) During the complaint, investigation, prosecution, or trial procedures of a sexual harassment case, no person who has filed a complaint, accusation, report, lawsuit, given testimony, provided assistance, or otherwise participated in the process shall be subjected to dismissal, demotion, reduction of pay, or other unjust infringement of their lawful rights without due cause.
 - (7) During the investigation of a sexual harassment case, the physical and psychological condition of the victim shall be considered, and the victim shall be proactively provided with or referred to counseling, psychological support, legal assistance, social welfare resources, and other necessary services. Where necessary, the offender may be required to undergo psychological counseling, gender equality education, or

other necessary measures.

- (8) The services referred to in the preceding subparagraph, including counseling, psychological support, legal assistance, social welfare resources, and other necessary services, shall be provided by the competent municipal or county (city) authority of the victim's place of residence, and assistance from relevant agencies may be coordinated as required by the circumstances of the case.
 - (9) In the course of investigation conducted by the Committee, the respondent and any persons or units invited to assist shall cooperate and provide relevant information, and shall not evade, obstruct, or refuse. Where the respondent, without just cause, evades, obstructs, or refuses to provide information, the Committee shall notify the Taipei City Government for handling in accordance with Article 30 of the Sexual Harassment Prevention Act.
 - (10) When investigating a sexual harassment case, the Committee may, where necessary, request assistance from the police in accordance with Article 19 of the Administrative Procedure Act.
 - (11) In handling cases involving Article 25 of the Sexual Harassment Prevention Act, the victim shall be informed of their right to file a complaint with judicial authorities or to report the matter to the police, and necessary assistance shall be provided.
 - (12) In handling sexual harassment cases, where it is found that publications, broadcasts, television, the Internet, other media, or any individual have reported or disclosed the victim's name or other identifying information in violation of Article 10 of the Sexual Harassment Prevention Act, without circumstances falling under the proviso thereof, the Committee may notify the National Communications Commission or the competent municipal or county (city) authority of the victim's place of residence for handling in accordance with Article 26 of the same Act.
13. Investigators of sexual harassment cases shall voluntarily recuse themselves in the course of the investigation if any of the following circumstances apply:
- (1) The investigator, their spouse, former spouse, relatives by blood within the fourth degree, relatives by marriage within the third degree, or persons formerly in such relationships are parties to the case.
 - (2) The investigator or their spouse or former spouse has a relationship of joint rights or obligations with the parties in respect of the case.
 - (3) The investigator is currently or was formerly the agent or assistant of a party in the case.
 - (4) The investigator has served as a witness or expert witness in the case.
- In any of the following circumstances, the parties may request the recusal of an investigator:
- (1) Where circumstances specified in the preceding paragraph exist and the investigator has not recused themselves voluntarily.
 - (2) Where specific facts give rise to concerns of partiality in the performance of the investigation.
- The application for recusal referred to in the preceding paragraph shall state the reasons and facts, and shall be submitted to the Committee together with an explanatory statement. The investigator subject to the request for recusal may submit a written opinion.
- The investigator subject to a request for recusal shall suspend investigative work until the Committee has ruled on the request. However, where urgent circumstances exist, necessary measures shall still be taken.
- Where an investigator fails to recuse themselves despite the existence of circumstances under the first paragraph, and no request for recusal has been filed by the parties, the Committee shall order such recusal.
14. Where the University becomes aware that a University employee is the victim of a sexual

harassment case, the University shall, according to the needs of the victim, assist in notifying the investigating authority to act in accordance with Article 11 of the Sexual Harassment Prevention Act and Article 11 of the Enforcement Rules of the Sexual Harassment Prevention Act, and shall provide other necessary assistance.

15. Where the perpetrator of a sexual harassment case falls under the circumstances prescribed in Articles 25, 26 (Paragraphs 5 and 6), Article 27, or Article 30 of the Sexual Harassment Prevention Act, penalties or fines shall be imposed by the competent authority designated under said provisions.
16. Administrative documents publicly announced by the University shall not disclose the victim's name, date of birth, residence, or any other information sufficient to identify the victim.
17. The University shall undertake follow-up, evaluation, and supervision after a case, to ensure that decisions are effectively implemented, and to prevent the recurrence of the same case or acts of retaliation.
18. Members of the Committee who are not concurrently University employees and professionals participating in investigations shall serve without remuneration. However, they may be paid fees for preparing investigation reports or for attending meetings upon invitation, in accordance with relevant regulations.
19. The expenses required for the Committee shall be covered by the University's annual allocated budget or from self-generated income.
20. In the event that the University's Continuing Education School encounters a sexual harassment case, the provisions of these Guidelines shall apply *mutatis mutandis*.
21. These Guidelines shall be implemented upon approval by the President after deliberation and approval by the University Affairs Meeting. The same procedure shall apply to any amendments.