

Creating Campus Gender Equality and A Friendly Workplace Policy and Procedures Manual



College of Public Health
National Taiwan University

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1. Types of Sexual Misconduct and Case Management Processes

1.1. Types of Sexual Misconduct

1) Campus Sexual Assault

- Coercive sexual intercourse: using force, coercion, intimidation, hypnosis, and/or other means to have sexual intercourse against another's will.
- Coerced indecent acts.
- Consensual sexual intercourse or indecent acts with minors under the age of 16.
- Case Example: The Humanistic Education Fund accused a Tainan City teacher of assaulting up to 10 students over the last 20 years. The Ministry of Education strongly punished the school and faculty, as they were suspected of a cover-up.

2) Campus Sexual Harassment

- Those who, through explicit or suggestive means, engage in unwelcome, sexually charged, and/or sexist language or behavior that negatively impacts others' dignity, studies, or work opportunities.
- Those who use sex or sexual behavior as a condition to gain, lose, or diminish academic or professional rights and benefits for themselves or others.
- Case Example:
 - Physical: unnecessary exposure or secretly watching/filming of private parts; taking the opportunity to kiss, hug, or feel buttocks or other private parts of the body; touching of the hands and feet; lifting or peeking under skirts.
 - Verbal/online: display of pornographic video or disturbing text; humiliating, derogatory, hostile, or harassing words or attitudes.

3) Campus Sexual Bullying

- Ridicule, attacks, and threatening behavior towards one's sex characteristics, qualities, sexual orientation, or gender identity through verbal, physical, or other means of violence that do not constitute sexual harassment.
- Victims of sexual bullying need only be harmed once, as this makes sexual bullying possible.
- Case Example:
 - Teacher C criticized a more feminine Student A for not being masculine while also mocking the more androgynous Student B for being a tomboy and not being able to get married in the future.
 - In 2019, University Student D heard a knock at their dorm door. Once opened, a man all dressed in black rushed in. Appearing to want to hit him, the man instead groped Student D's genitals while cursing him and calling him a "sissy." Two accomplices stood by and watched with their arms crossed at their chests.
 - Internet sexual bullying: Student A was begged by their ex-boyfriend to film a sex tape. Following their breakup, it was purposefully spread and even posted online. Students all over the internet called her a "whore" and "bitch".

4) Academic Sexual Misconduct

● Definition: Referring to school administrators or faculty developing intimate relations that violate professional ethics with an underage student or take advantage of power imbalances to engage in sexual or sex-related behavior when teaching, advising, training, evaluating, managing, tutoring, or providing students with work opportunities.

● According to the ***Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus:***

- **Article 6** Faculty, staff, and students must respect gender diversity and individual differences when engaging in on-campus, off-campus activities, professional and social activities
- **Article 7-1** Teachers must not develop relationships that violate professional conduct in interpersonal interactions when teaching, advising, training, evaluating, managing, tutoring, or providing students with work opportunities.
- **Article 7-2** Teachers, when discovering their relationship with a student is likely to violate professional conduct referenced in the previous item, should proactively avoid further interaction with the student or report the matter to the school for management.
- Faculty, staff, and students should respect the sexual and bodily autonomy of others and themselves, refrain from unwanted advances, and must not resolve related conflicts through coercive or violent means.

● Case Example:

- In 2020, a female NTUST professor was suspected of having developed a romantic relationship with a male graduate student, she advised, causing the other graduate students to suspect the professor of giving exclusive research resources to said graduate student. The school conducted an investigation in accordance with ***the Gender Equity Education Act, and the faculty evaluation committee decided to give the professor a written warning and suspend her department's*** supplementary funding for a year.
- Deliberately manipulating a student's emotional reliance: Teacher A says to Student B, "I really want to take care of you; you're so cute when you pout and get angry."
- Intimate gestures with students, teasing students: Teacher A says to Student B, "Go to bed early; dream of me."

1.2. Handling Process of Gender-related Incidents on Campus (Based on Gender Equality Education Act)

General Sexual Misconduct Case Management Process (Refer to ***Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus.***), as well as the Gender

Equality Handling Process Chart announced by National Taiwan University, are as follows.

In addition, if there are objections to the acceptance or investigation results, the following remedies can be pursued:

- Request for Review: Submitted to the school
- Complaint: Filed with the school
- Appeal: Submitted to the Ministry of Education
- Administrative Litigation: Filed with the court

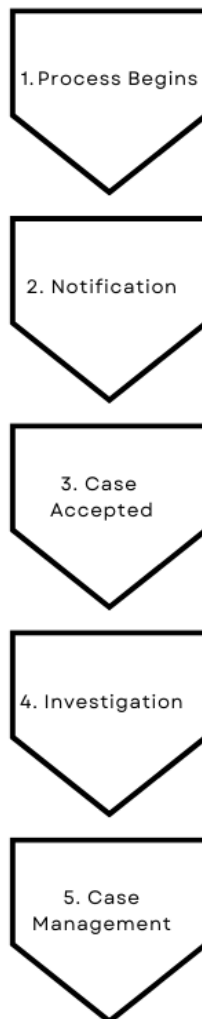


Image 1.1. - General Sexual Misconduct Case Management Process

Note: The Gender Equity Education Committee and Campus Safety Center are the administrative bodies responsible for overseeing gender equity at NTU.

Sexual Misconduct Case Management Process

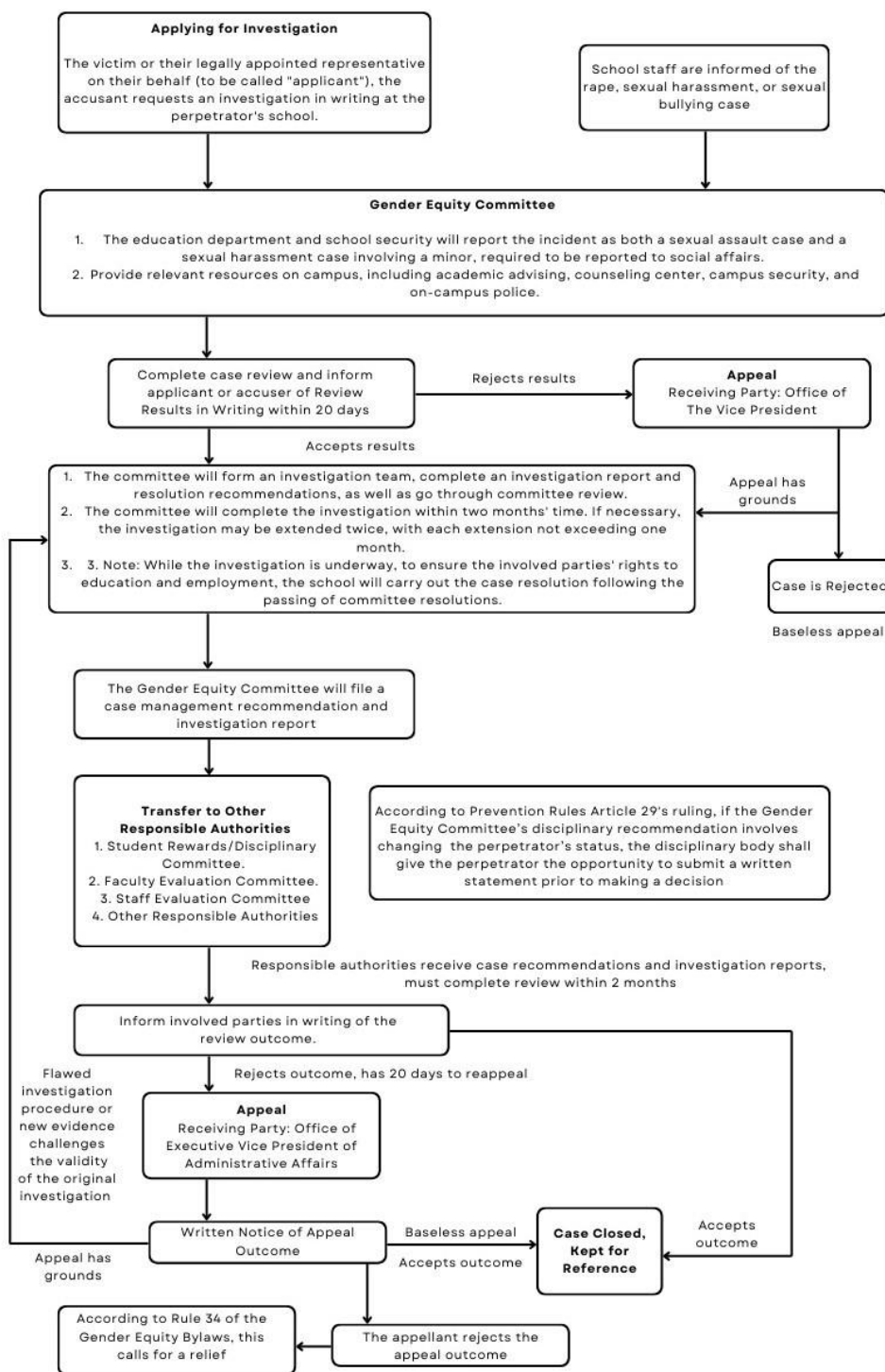


Image 1.2. Visual Guide of NTU's Sexual Misconduct Case Management Process

1.3. Workplace Sexual Misconduct Case Management Process (in accordance with the Gender Equality in Employment Act)

1) Types of Workplace Sexual Harassment

Type	Looks Like...
Harassment in a Hostile Work Environment	Any person who creates a hostile, coercive, or dangerous work environment through sexual demands, sexually-charged/sexist language or behavior, thus infringing upon or obstructing the employee's personal dignity, freedom, or work performance.
"Quid Pro Quo" Sexual Harassment	An employer's implicit or explicit sexual demands, sexually suggestive or gender discriminatory language and behavior, as a condition for the establishment, continuation, change, assignment, distribution, compensation, promotion, demotion, and reward of an employment contract.

2) Case Management Process (Source: Ministry of Labor, https://eeweb.mol.gov.tw/genderZone/harassment_7.html)

● Jurisdiction & Filing Complaints: According to the **Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Work, Article 6** states: "Sexual assault petitions must be filed orally or in writing. The unit or body responsible for receiving the case will make a record of oral petitions. This record will be read to or be read by the plaintiff to confirm its content is correct, following which it is to be signed or stamped. The record also contains the following: the plaintiff's name, line of work and position, place of residence, telephone number, and filing date. Additionally, if they have an attorney, an authorization letter shall be attached, listing the attorney's name, residence, and contact number. Finally, the record will also hold facts and contents of the complaint." In other words, the victim may file a sexual harassment complaint in either oral or written form. Since the subject of a regulation under the Gender Equality in Employment Act is the employer's responsibility to provide a safe workplace free of gender discrimination if a sexual harassment incident occurs, the victim should submit a complaint to the employer.

● Statute of Limitations & Case Review Procedures: no time limit exists. Employers must proceed with investigation procedures once a complaint is received, and cases should conclude within two months. If necessary, investigations may be extended for an additional month, though the victim must be informed of the results of the investigation within no later than 3 months.

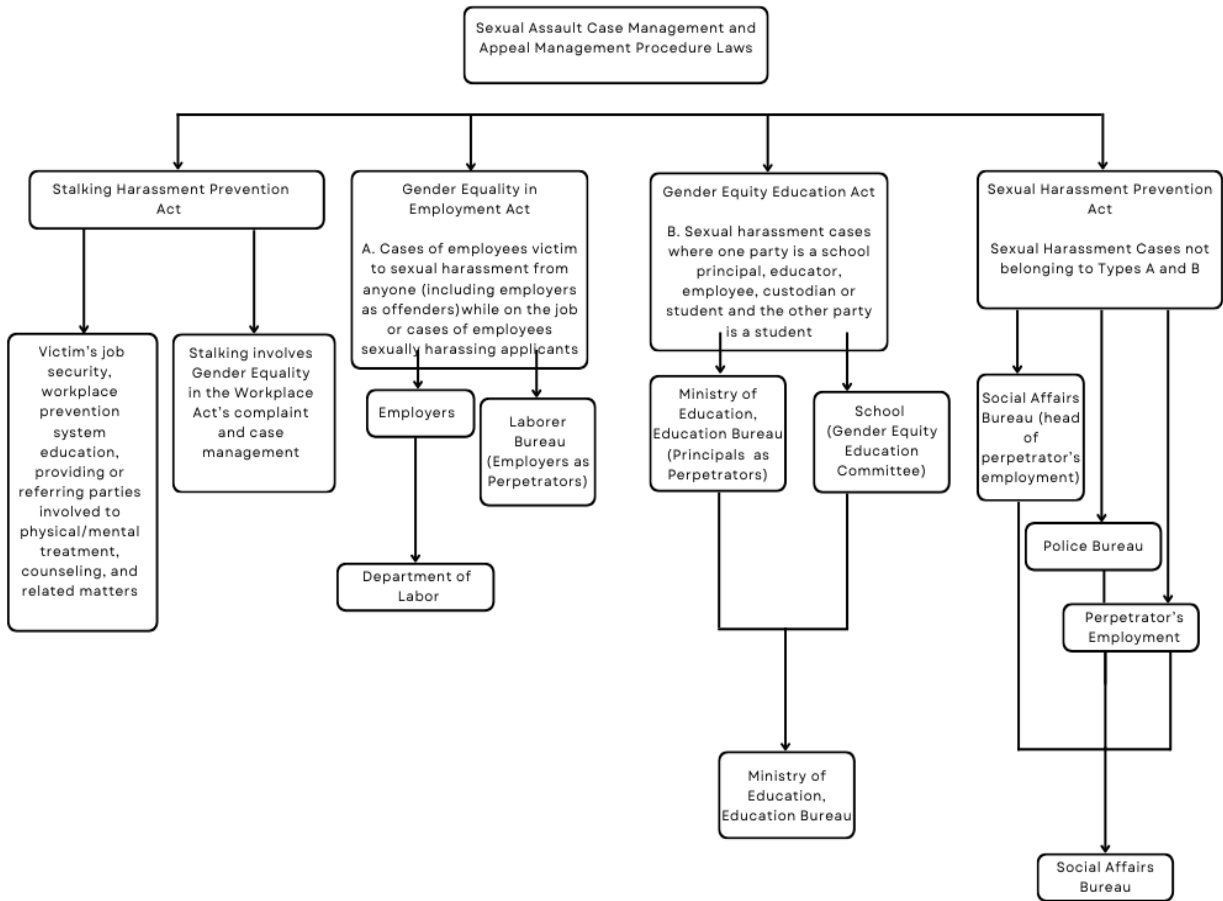


Image 1.3. Standard Operating Procedure for the Transfer of Sexual Harassment Cases to Competent Authorities (Part 1)

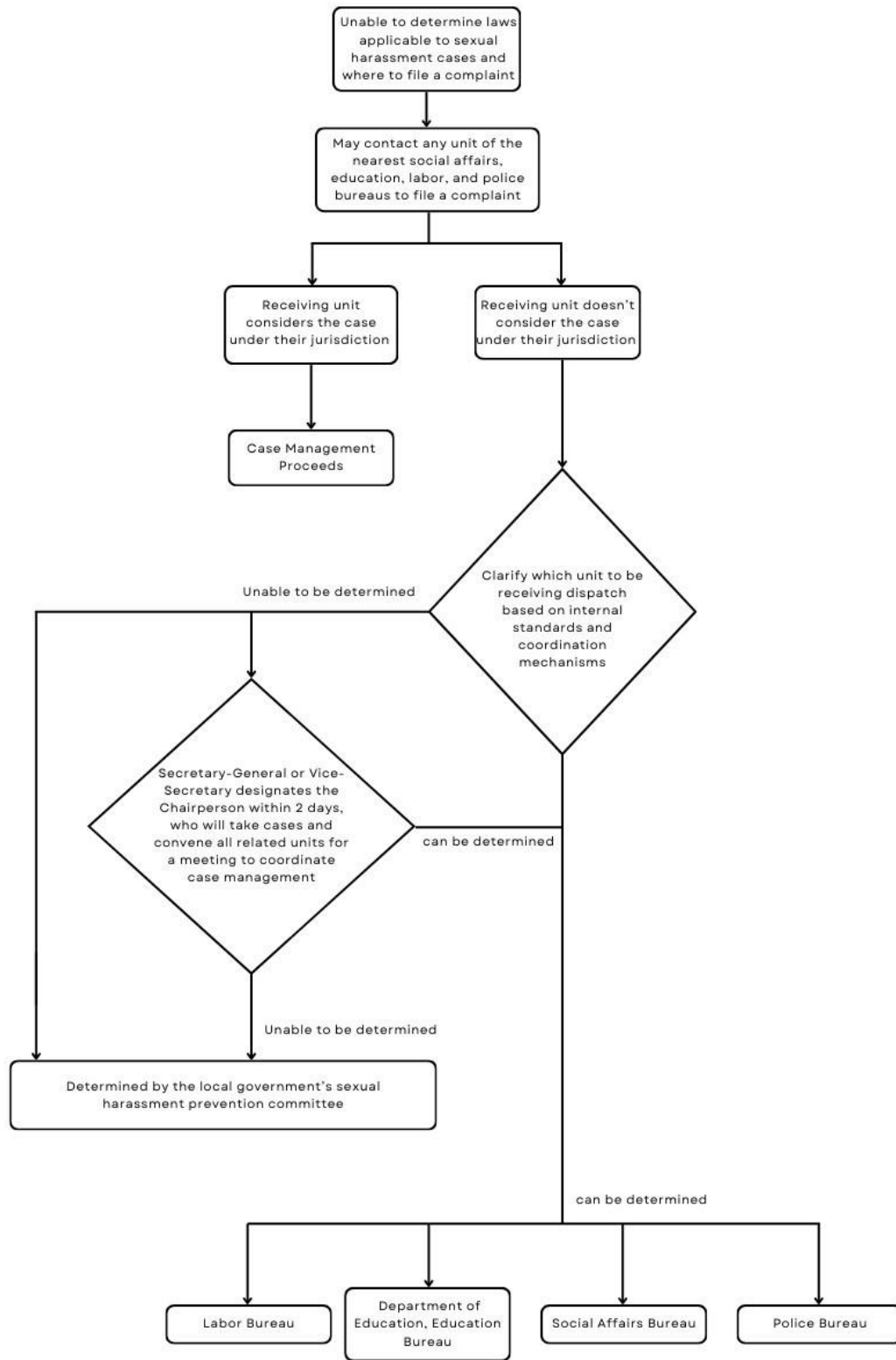


Image 1.3. Standard Operating Procedure for the Transfer of Sexual Harassment Cases to Competent Authorities (Part 2)

3) Judicial Relief System: in accordance with **Article 34 of the Gender Equality in Employment Act**

- Upon discovering employers are breaching **Articles 7-11, 13, 21, or 36 of the Gender Equality in Employment Act**, both employees and employers must file an application for review or file a petition within 10 days with the gender equality committee of the central competent authority after filing a complaint to management. Employers, employees, and applicants may also do the same should there be any objections to penalties imposed by management.
- Should employers, employees, or applicants have objections to penalties imposed by the central competent authority, they may file petitions and carry out an administrative lawsuit in accordance with standard petition and lawsuit procedures.

1.4. Standard Operating Procedure for Filing Sexual Harassment Cases (Sexual Harassment Prevention Act)

- 1) Types of Behavior: sexual harassment according to the **Sexual Harassment Prevention Act**, not including sexual assault

Type	Looks Like...
“Quid Pro Quo” Harassment	Making one's submission to or rejection of said behavior a condition for gaining, losing, or diminishing benefits related to work, education, training, services, programs, and/or activities.
Harassment in a Hostile Environment	The display or broadcasting of text, pictures, audio, images, or other items, discriminatory or offensive language, or other means that result in the loss of dignity, feelings of hostility from offensive circumstances that unduly affect conducting work, education, training, service, programs, activities or everyday life.

*The difference between the two types of sexual harassment described above lies in whether or not the perpetrator's request for sex is exchanged for the harassed person's gaining of benefits in work, education, training, service, and more.

2) Management Process

- Statute of Limitations: Victim's reporting is limited to within one year of the incident occurring.
 - Reporting:
 - According to **Regulations of Sexual Harassment Prevention Article 11 Paragraph 1**, sexual harassment complaints must be filed in writing or verbally. When one is making their oral statement, the receiving parties or units should make a recording and have the statement read aloud or read to the petitioner, confirming there is no error in its content, following which it is

to be signed or stamped. **That is, victims can file sexual harassment complaints verbally or in writing.**

- In accordance with **Regulations of Sexual Harassment Prevention Rules Sexual Harassment Prevention Act Article 13 Paragraph 1** and **Regulations of Sexual Harassment Prevention Rules Article 5**: Sexual harassment complaints should be filed with the offender's organization, military unit, school, institution, employer, or municipal/county/city authorities. Should the offender be the head of the aforementioned organizations or an employer, one should file a complaint with the competent authority of the municipality/county/city where said organization or employer is located. If the offender is unknown or not known if they are affiliated with an agency, military unit, school, institution or employer, the local police in the area where the incident occurred should conduct an investigation first.
- When an organization not associated with the offender receives a complaint, they still should adopt appropriate emergency measures and transfer the case to local authorities within 7 days. The local authorities will transfer it to the unit the perpetrator belongs to or the police branch where the incident occurred within 7 days. The competent authority in charge of the case shall be notified in its jurisdiction. After receiving the notice, the authorities shall at the same time notify the case management unit to handle the case within the prescribed time limit and reply with final conclusions.
- Case Management: After the complaint is filed and accepted, the investigation process immediately begins to determine whether the incident occurred.

2. Types of Workplace Violence and Case Management Process

2.1. Defining Workplace Violence

According to the **Occupational Safety and Health Law Article 6 Paragraph 2 Item 3**, employers should properly plan and adopt necessary safety and health measures, as well as implement precautions against behavior causing physical/mental harm in the workplace. The Ministry of Labor's Occupational Safety and Health Administration announced the third edition of their **Prevention Guidelines for Workplace Violence and Harassment**, where workplace violence and harassment is defined as "any physical and psychological harm an employee may suffer at the hands of an employer, supervisor, colleague, or another third-party while on the job (such as workplace violence, sexual harassment, etc.)."

2.2. Manifestations of Workplace Violence

1) Types of Workplace Violence

- Physical violence: all frightening behavior, including assault, use of weapons, stalking, battery, and theft.
- Verbal abuse: threats, insults, vulgar language. Fear is an invisible wound, but it is a huge harm to one's mental health.
- Psychological violence: bullying, disturbing, emotional abuse, discrimination
- Sexual violence: obscene humor, sexually suggestive behavior, sexual harassment, sexual assault

2) Case-Related Details

Persons Involved:

- Is the workplace open to non-staff?
- What is the management style?
- What are coworker interactions and the workplace atmosphere like??
- Has a colleague ever been assaulted?
- Are there colleagues that are hard to work with?
- Is there a colleague who cannot accept diversity of religion, sexual orientation, race, etc.?

Incident:

- Are there any security measures?
- Does the incident involve cash/valuable items?
- Were vulnerable persons harmed?
- Is the employee a front-line worker?
- Do employees work independently?
- How urgent are business needs? How dangerous is the workplace environment?
- Was the employee being overworked?

Time:

- Did this occur during the night/graveyard shift?
- Did this occur while an employee was working overtime?
- Does the staff work overtime long-term?

Scene:

- In what area did the incident occur?
- Is public transportation not accessible?
- Is public safety not strong in this area?
- How is grounds access management? Are there cameras?
- Are there places a perpetrator may hide?
- Is there sufficient lighting?

3) Circumstances Surrounding the Alleged Incident

The Ministry of Labor's Office of Occupational Safety amended in 2022 its ***Implementing Workplace Sexual Assault Prevention Guidelines***. Its 6 attachments highlight **15** scenarios of workplace bullying for screening, listed here below:

1. Bullies who always criticize and refuse to acknowledge the contributions or efforts of those who are bullied, as well as continue to oppose their existence and value.
2. Bullies who always attempt to belittle their person, occupation, role, value, and potential. Victims are especially singled out, treated negatively, and isolated in the workplace to a severe degree in a variety of ways.
3. Bullies who encourage coworkers to isolate their victims, preventing them from partaking in important work or social activities. They effectively marginalize

others in the workplace and continue to overlook, suppress, push out, and "freeze out" victims.

4. Bullies may belittle or demean victims in front of others.
5. Bullies may also assign an employee an overbearing workload, having them do meaningless asks, even to the extent of not assigning any work at all.
6. Verbally abuse, humiliate, or threaten a victim in private.
7. Verbally abuse, humiliate, or threaten a victim in front of others.
8. Bullies may increase their victims' responsibility at work but simultaneously restrict their privileges or demote them entirely.
9. Bullies may prevent victims from requesting time-off. allowing the bullied to request time-off.
10. Bullies may prevent victims from receiving mandatory training, leading to poor work performance.
11. Bullies may give victims unrealistic work goals, or when they are diligently striving towards said work goals, bullies assign other tasks to prevent progress.
12. Bullies may suddenly shorten deliverable timelines or purposefully not inform others of deadlines, causing a misunderstanding and resulting in disciplinary action.
13. Bullies may deliberately distort/misinterpret what victims have said and done.
14. Bullies who render heavy penalties on baseless claims and without conducting any investigation when victims commit small mistakes.
15. Bullies may pressure victims to resign or retire even under circumstances of no wrongdoing.

2.3. Overview of Workplace Violence Case Management System

The most difficult challenge in preventing workplace bullying lies in how to define it, as it involves not only one's subjective awareness and feelings but also the motivations and circumstances for one's behavior. Because of this, the burden of proof is particularly high. Some bullying behavior may be considered as poor communication, strict management, a means of maintaining discipline or even seen as the staff's inability to adapt, low tolerance, or imagining persecution. Overly expanding the scope of workplace bullying may interfere with or limit managers' authority, but normalizing hostile or emotional behavior, such as poor communication, will have negative consequences for both the organization and the victim. As such, respect and concern must be given.

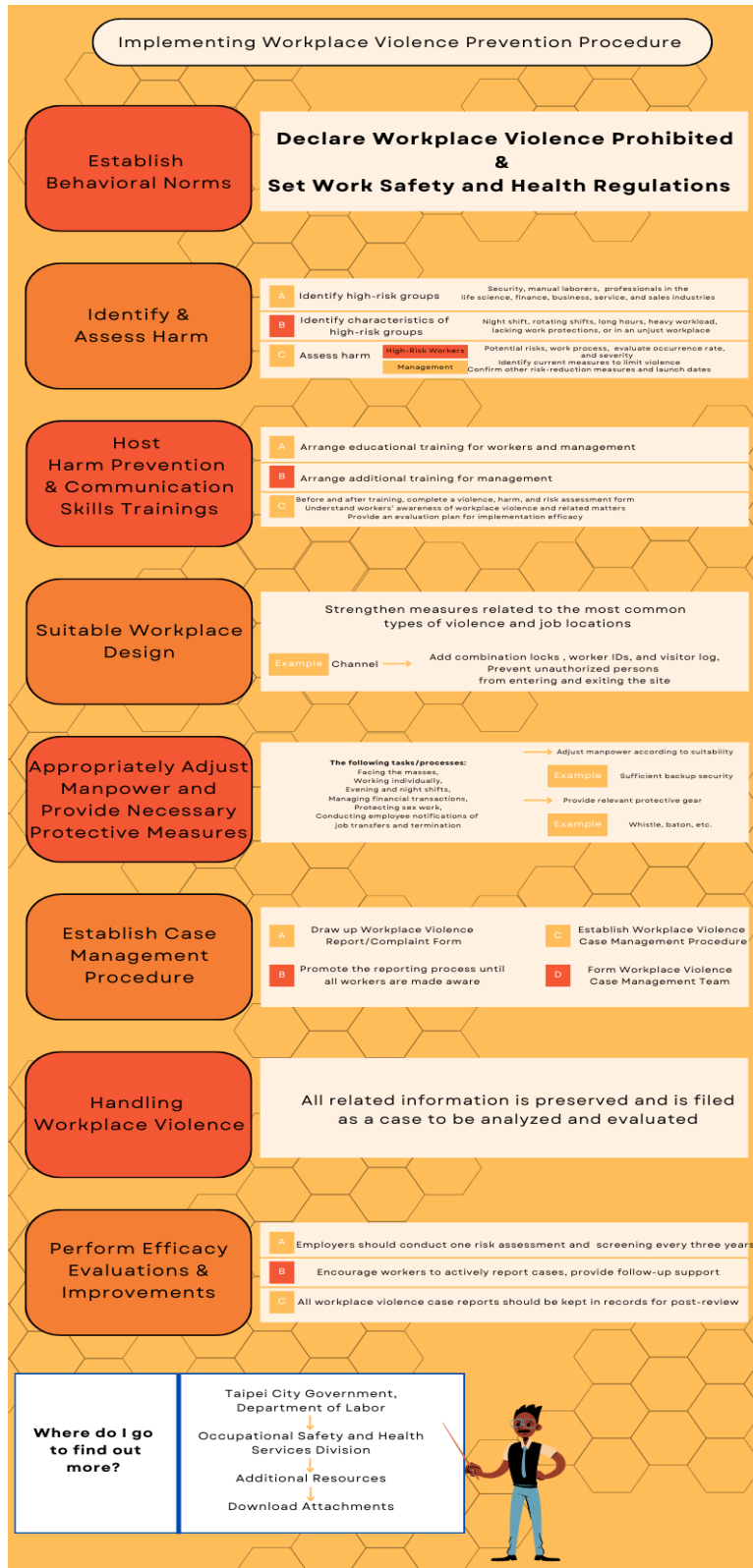
1) Once an incident of workplace harassment or violence occurs, the following 7 steps are to help you properly report what happened:

- Calmly report what happened. If you are in immediate danger, escape immediately.
- Reasonably and firmly inform the other party that such behavior is impermissible and that they must stop immediately.
- Inform your trusted colleagues and supervisor, ask for support, and face your perpetrator together. Avoid confronting them individually.
- Avoid retaliation.

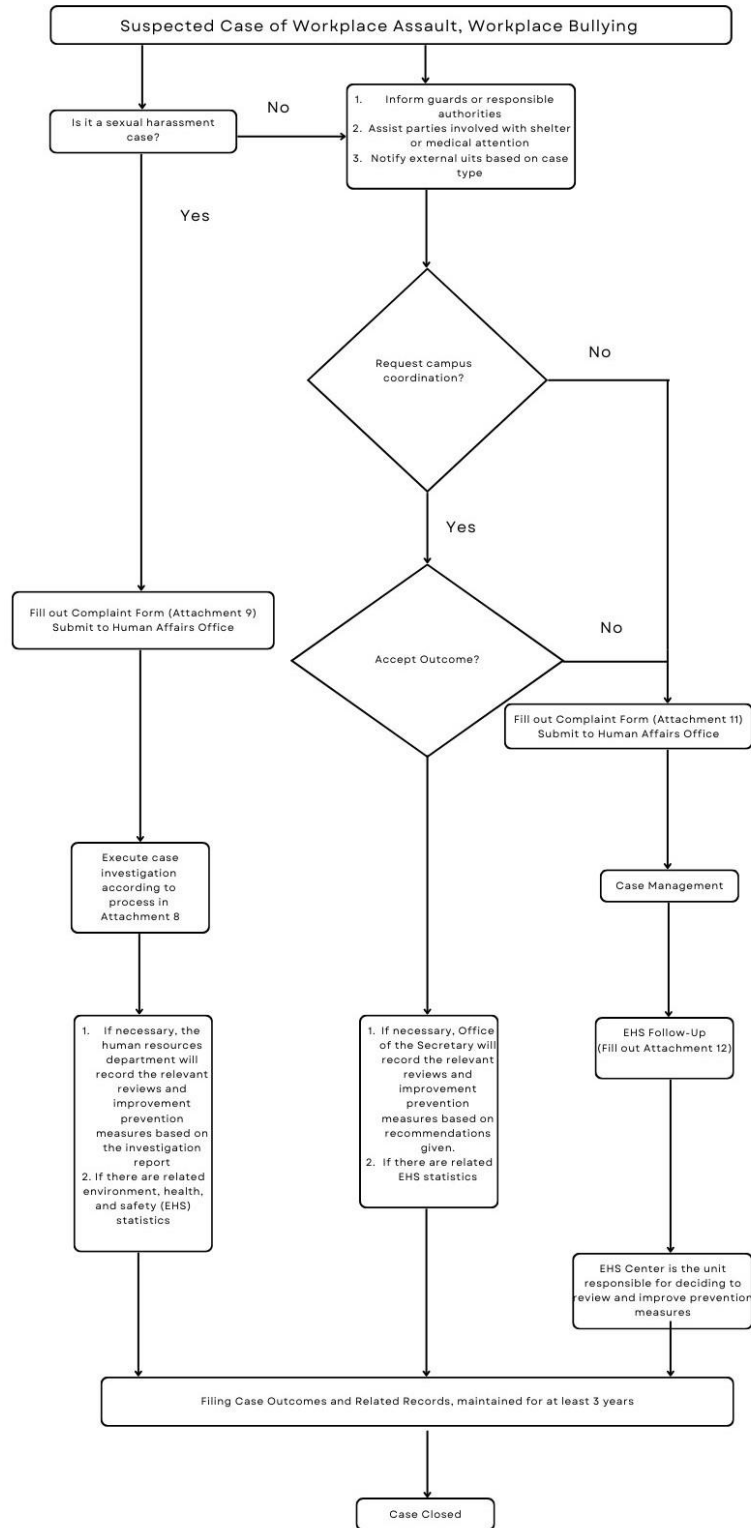
- Preserve as much evidence as possible. This includes records related to the persons involved, the incident, time, location, and other details. Additionally, witnesses and follow-up details (such as groups, dates, blogs, Line conversations, attachments, and screenshots).
- Seeking internal support - report the incident to relevant units and follow reporting procedures.
- Seeking external support - medical assistance, including treatment for external injuries and physical/mental conditions. Additionally, this includes legal resources (reporting to the police, lawyers, and legal support fund groups).

2) Once you encounter such an incident, the following is the responsible reporting procedure:

- Understand and evaluate the situation: first, describe the specific circumstance that is workplace bullying in detail, including persons involved, time, location, and quality of behavior. In addition, you must carry out your evaluation objectively.
- Establish scope: define behavior that is workplace bullying, ban such behavior, and process for reporting and resolving cases of workplace bullying.
- Provide victims with support and protection: establish an open, supportive, and confidential environment, thereby encouraging the victim to report and seek support. Mental health counseling and other necessary support services should also be provided.
- Investigation and evidence collection: carry-out just, objective, and thorough investigations in cases of workplace bullying. Collect evidence, listen to witness accounts, and note all related facts. Additionally, confidentiality and fairness must be guaranteed throughout the investigative process.
- Disciplinary measures: all measures should be in line with company regulations and laws addressing workplace bullying. This includes submitting reports to police, recording all penalties, dismissals, and other disciplinary measures implemented, and guaranteeing a just and transparent process.
- Implementing preventive measures: aside from handling individual cases of workplace bullying, the company should avoid instances of workplace bullying to the best of its ability. Besides educational training, establishing a friendly work culture and communication channels are very important. Also, don't forget to assess coworker interaction to notice anything unusual much earlier regularly.
- Legal consultation - If necessary, strongly recommend professional legal advice. That way, the company ensures no legal mishaps in understanding laws and statutes, reducing potential legal risk.



2.3.1. Taipei City Department of Labor's Workplace Violence Case Management Process



2.3.2. National Taiwan University Workplace Violence Case Management Process

2.4. Workplace Violence Case Management Laws and Regulations

- 1) **Labor Standards Act Article 8:** Employers should prevent workplace accidents and establish an appropriate work environment and amenities for their employees. In addition, matters related to safety, health, and welfare shall be in accordance with relevant laws.
- 2) **Occupational Safety and Health Act Article 6 Paragraph 2 Item 3:** Employers should appropriately plan and adopt necessary safety and health measures to prevent physical or psychological violence by others.
 - a. **Enforcement Rules of the Occupational Safety and Health Act Article 11:** "Article 6 Paragraph 2 Item 3 defines the prevention of unlawful physical or psychological harm by others as necessary measures employers adopt to prevent workers being physically or psychologically harmed by others while on the job."
 - b. **Enforcement Rules of the Occupational Safety and Health Act Article 324-3:** Employers, to prevent unlawful physical or psychological harm against workers, should adopt the following violence prevention measures, as well as keep all implementation records for three years:
 - Identify and assess the harm.
 - Properly design the workplace.
 - Appropriately adjust manpower according to suitability.
 - Establish behavioral norms.
 - Arrange harm prevention and communication skills training.
 - Establish a case management procedure.
 - Execute efficiency evaluations and improvements.
 - Other matters related to safety and health.
- 3) **Gender Equality in Employment Act** and other laws
- 4) Civil Law
 - a. **Article 483-1:** "If an employee performs labor services and his life, body, or health is at risk, the employer shall take necessary precautions based on the circumstances."
 - b. **Article 184 Paragraph 2:** "Anyone who violates the law protecting others and causes harm to others shall be liable for compensation. This does not apply if it can be proven that their behavior was not negligent."

References

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- <https://www.swingvy.com/blog-tw/how-to-prevent-bully-in-workplace>
- Taipei City Government Ministry of Labor
- Taiwan Labor Quarterly No. 61- Review of Taiwanese Industry and Labor Responses to Workplace Bullying
- National Taiwan University Environmental Protection and Occupational Safety and Health Center <https://esh.ntu.edu.tw/epc/index.php?id=NTEx#a>

3. Appendix: Sexual Misconduct and Workplace Violence Laws & Regulations

National Laws & Statutes

- 1 **Gender Equity Education Act.** 1120816; Available
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 - 1.1 **Enforcement Rules for the Gender Equity Education Act.** 1080402;
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from: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?PCode=H0080068>
 - 1.2 **Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus.** 1081224; Available
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- 2 **Sexual Harassment Prevention Act.** 1120816; Available
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 - 2.1 **Enforcement Rules for the Sexual Harassment Prevention Act.** 950125;
Available
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- 3 **Gender Equality in Employment Act.** 1120816; Available
from: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?PCode=N0030014>.
 - 3.1 **Enforcement Rules for the Gender Equality in Employment Act.**
1110118; Available
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National Taiwan University's Laws and Regulations

1. *National Taiwan University Sexual Harassment Prevention Homepage.* 1091024; Available
from: http://homepage.ntu.edu.tw/~gender/cl_n_67891.html.
2. *Ensuring Victims' Rights and Related Resources.* 1100121; Available
from: <http://homepage.ntu.edu.tw/~gender/001/Upload/1151/ckfile/dd03914b-e451-4f8e-8754-1c07dbdef35d.pdf>.
3. *National Taiwan University's Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus Homepage.* 1101023;
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4. *National Taiwan University's Guidelines for Interaction Between Thesis Advisors and Graduate Students.* 1120324; Available
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