Handling of Sexual Assault and Sexual Harassment Cases on Campus Q&A

1. What is sexual harassment? What is sexual assault?

2. Under what circumstances can I submit a complaint to the Committee of the University? Can I submit a complaint to the Committee if I am sexually harassed by a stranger on the MRT?

3. I’m afraid that if I submit a complaint, discussion or knowledge of the incident will become widespread on campus and may affect my standing or performance.

4. I have been sexually harassed by my schoolmate and would like to submit a complaint to resolve this problem. How can I submit the complaint? Are there any restrictions?

5. Will the entire process from submitting the complaint to final resolution take a long time? What are the procedures?

6. During the investigation process, what assistance will I receive?

7. My classmate has lodged a sexual harassment complaint against me. What punishments can I expect?

8. If I find the outcome unacceptable, what can I do?

9. If the sexual harassment case has been decided, except in the event that the case has been brought to trial outside the University, will the case files be destroyed after I leave the University?

10. What are campus sexual assault, sexual harassment and sexual bullying?

11. What should I do when someone sexually harasses me?

12. Which individuals come under the regulations concerning campus sexual assaults, harassment, or bullying? How should I apply for an official investigation?

13. How should I bring forward a complaint when someone sexually harasses me outside the campus or in any other public venue?

14. What are the procedures for applying for, investigating and handling campus sexual assaults, sexual harass and sexual bullying?

**1. What is sexual harassment? What is sexual assault?**

(1) "Sexual assault" refers to the definition of sexual assault as detailed in the Sex Crimes Prevention Act and means: Any sexual activity which is conducted without the consent or permission of one of the persons involved, involving use of coercion, threats, hypnotization or other means.

(2) "Sexual harassment" refers to any of the following acts that do not fall under the category of sexual assault:
Ⅰ. Engaging in speech or behavior that contains either explicit or implicit sexual connotations or involves sexual discrimination, and affects the integrity, learning, work opportunities or performance of others.
Ⅱ. Use of sexual or sexual-related behavior as a condition involving obtaining, losing or damaging one's own or another’s rights to learn or work.

**2. Under what circumstances can I submit a complaint to the Committee of the University? Can I submit a complaint to the Committee if I am sexually harassed by a stranger on the MRT?**

(1) For sexual assaults or harassments involving one party who is the principal, faculty, staff, employee or student of university, and the other party who is a student, the victim may submit a complaint against the accused to the University Committee for Gender Equality Grievances.

(2) If you encounter sexual harassment outside of the University or in public places and you know the organization which the accused is affiliated with, you may submit a complaint to the organization (agency, troop, school, institution or employer) of the accused or the municipality, county (or city) government in accordance with the Sex Crimes Prevention Act. The investigation will be conducted by the organization of the accused. However, in cases where the accused is unknown or does not belong to any known organization, the case may be transferred to the police or other authorities for investigation.

**3. I'm afraid that if I submit a complaint, discussion or knowledge of the incident will become widespread on campus and may affect my standing or performance.**

During the investigation of sexual assault or harassment on campus, we have drawn up the following measures to protect the persons involved:

(1) The names and identity of the concerned parties, reporters, and witnesses involved shall be kept confidential during and after the investigation, unless there are extenuating public safety considerations.

(2) To protect the rights to study or work of the concerned parties, the University may handle the absences, resulting assessments flexibly, and reduction of opportunities for interaction between both parties, and/or adopt the necessary measures to prevent retaliation.

(3) If the concerned parties are of unequal status, confrontations will be prevented.

**4. I have been sexually harassed by my schoolmate and would like to submit a complaint to resolve this problem. How can I submit the complaint? Are there any restrictions?**

(1) You should submit the complaint to the Office of Student Affairs.
Ⅰ. The concerned party or reporter will submit the complaint in written form. The staff at the Psychological Counseling Center will record the verbal description, read the record to the complainant or reporter and allow them to review and confirm that the content is correct before asking them to sign or stamp the record.
Ⅱ. The written documents shall list the following items clearly: all names, identity card numbers, organizations and job titles, residency addresses, contact numbers and date(s) of the investigation, and all facts and relevant evidence to be used in the investigation.
Ⅲ. The University or supervising agency shall notify the complainant or reporter if the complaint is accepted within 20 days after receiving the complaint.

(2) The Committee shall reject complaints under any of the following circumstances:
Ⅰ. Complaints which are not regulated by the Gender Equality Education Act.
Ⅱ. The complainant or reporter did not provide their real name(s).
Ⅲ. The same incident has already been submitted and adjudicated.

**5. Will the entire process from submitting the complaint to final resolution take a long time? What are the procedures?**The investigation process shall proceed as follows:
(1) Complaint Submitted to the Office of Student Affairs:
The Office of Student Affairs will transfer the case to the Committee 3 days after accepting the case, and will notify the complainant or reporter if the investigation application has been accepted within 20 days after receiving the complaint.

(2) Investigation Conducted (Usually to be completed within 2 months, but may take up to a maximum of 4 months):
Ⅰ. The Committee will invite relevant personnel to attend the investigation meeting to objectively review and clarify the facts of the case.
Ⅱ. The investigation unit shall complete their investigation within 2 months after receiving the complaint. When necessary, the investigation may be extended. A maximum of 2 extensions are allowed, with each extension to last not more than 1 month.

(3) Deliberation and Resolution (to be completed within about 2 months):
The University shall transfer the case to the relevant committee (such as the Student Rewards and Punishments Committee) for deliberation and resolution according to the regulations within 2 months of completion of the above-mentioned investigation report. The University shall notify the complainant, reporter and all persons directly involved with the outcome by clearly stating the facts and reasons for the decision in written form.

**6. During the investigation process, what assistance will I receive?**

The University will provide the following assistance, depending upon the needs of the parties concerned:

(1) Psychological counseling

(2) Legal counseling channels

(3) Academic assistance

(4) Financial assistance

(5) Other assistance as deemed necessary by the Gender Equality Education Committee

**7. My classmate has lodged a sexual harassment complaint against me. What punishments can I expect?**

After thorough investigation, the University may impose one or more of the following punishments according to relevant regulations:

(1) Issue warnings, minor demerits or major demerits depending on the degree of the case in accordance with the regulations governing student rewards and punishments.

(2) Require a formal apology be made to the victim upon the consent of the victim or his/her legal proxy.

(3) Require eight hours of relevant courses on gender equality education.

(4) Require psychological counseling.

(5) Institute other measures that comply with social and educational objectives.

**8. If I find the outcome unacceptable, what can I do?**

(1) You may state your reasons in written form and appeal to the University within 20 days after receiving the written notice. Only one appeal is allowed.

(2) You may request that the Committee re-conduct the investigation if you discover that the investigation procedures have major flaws or in the case of new facts or evidence that have substantial influence on the original established outcome.

**9. If the sexual harassment case has been decided, except in the event that the case has been brought to trial outside the University, will the case files be destroyed after I leave the University?**

(1) To ensure continuous counseling of the offender, when the offender is transferred to another institution, the former institution will notify the current institution of the facts of the case and the investigation, the student’s status and other relevant information regarding the offender within 1 month after being informed of the transfer.

(2) The notified institution shall not publicly make known the name or identity of the offender without valid reasons. The notified institution shall continue counseling the offender according to the previous decision.

**10. What are campus sexual assault, sexual harassment and sexual bullying?**

Sexual assault, sexual harassment, and sexual bullying on campus: sexual assault, sexual harassment, or sexual bullying that involves a school's president, faculty or staff member, or a student as one party and a student as the other party.

Sexual assault: any sexual offense defined by the Sexual Assault Prevention Act.

Sexual harassment: cases described by the following and do not constitute a sexual assault:
Ⅰ. Unwelcome remarks or forms of conduct of one party that carry explicitly or implicitly a sexual or gender discriminating connotation and thereby adversely affect a second party’s human dignity, or the opportunity or performance of her or his learning or work.
Ⅱ. A form of conduct of a sexual or gendered nature that is expressed as the condition for oneself or others to gain or lose rights or interests in learning or work.

Sexual bullying: ridicule, attacks, or threats directed at another person’s gender characteristics, gender temperament, sexual orientation, or gender identity by using verbal, physical or other forms of violence fall under the category of sexual bullying, and not sexual harassment.

**11. What should I do when someone sexually harasses me?**

(1) Ask him/her to cease all such unwelcomed language and behavior.

(2) Tell someone you trust and obtain and preserve evidence.

(3) Record details of the event (including the persons, process, time, place, and objects involved)

(4) File a complaint at the NCCU Gender Equity Education Committee or report the incident to the police.

**12. Which individuals come under the regulations concerning campus sexual assaults, harassment, or bullying? How should I apply for an official investigation?**

(1) Sexual assault, sexual harassment, or sexual bullying that involves a school's president, faculty or staff member, or a student as one party and a student as the other party.
Ⅰ. Faculty: including full-time teachers, part-time teachers, substitute teachers, nursing teachers, military instructors, or other faculty members engaged in teaching, research or as trainees.
Ⅱ. Staff: long-term or contracted school employees other than faculty members listed above.
Ⅲ. Students: including registered students, students enrolled for advanced degrees, exchange students

(2) Applying to the offender's school for an official investigation
◎ Anyone who learns about a specific event should report it to the Gender Equity Education Committee.

**13. How should I bring forward a complaint when someone sexually harasses me outside the campus or in any other public venue?**

(1) When the offender's affiliation is acknowledged: bring forward a complaint to the offender's place of affiliation or to their city or county government. The offender's affiliated agency/institution will be responsible for the investigation.

(2) When the offender's place of affiliation is unknown: report the incident to the police.

**14. What are the procedures for applying for, investigating and handling campus sexual assaults, sexual harass and sexual bullying?**

**Application for Formal Investigation/ Complaint**

Apply to the Gender Equity Education Committee during office hours or to the Military Office during non-office hours.

**Application acceptance or rejection**

**Investigation**

The investigation should be completed within two months and two extensions are available if deemed necessary (each extension should be no longer than one month.)

**Investigation Reports and Suggestions are sent to the authorized office or department.**

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Notification of the Investigation

**Objection**

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Notification of the **Investigation Outcome**

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Appeal

Administrative Legal Recourse

Student/ Student Complaint Committee

Faculty/Teacher’s Act

Staff/ Public Functionaries Protection Act

Contractor/ Act of Gender Equality in Employment

Notification of acceptance/rejection in written form