



Introduction to the Definition and Management of Sexual Assault, Sexual Harassment, or Sexual Bullying Incidents on Campus

National Yang Ming Chiao Tung University



Concepts



Laws



Solutions



Questions



Resources

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Concepts:

Sexual assault,
sexual harassment, and
sexual bullying

● Sexual assault

- Criminal Code Chapter 16 “Sexual Offenses”

- Article 221

- A person who by **threats, violence, intimidation, inducing hypnosis, or other means against the will** of a male or female and who has sexual intercourse with such person shall be sentenced to imprisonment for not less than three years but not more than ten years.

- Article 228

- A person who **takes advantage of his authority** over another who is subject to his supervision, assistance, caring because of family, guardian, tutor, educational, training, benefactor, official, or occupational relationship or a relationship of similar nature to have sexual intercourse with such other shall be sentenced to imprisonment for not less than six months but not more than five years.

- Examples

- Raped in an outing with a netizen
 - A professor coerces a graduate student into sexual intercourse to improve their grades

● Sexual harassment

- Article 2, Paragraph 4 of the Gender Equity Education Act
A case described by the following does not constitute sexual assault:
 - Unwelcome remarks or conducts that carry explicitly or implicitly a sexual or gender discriminating connotation and thereby adversely affect the other party' s human dignity, or the opportunity or performance of her or his learning or work.
 - A conduct of sexual or gendered nature that is served as the condition for oneself or others to gain or lose rights or interests in learning or work.
- Examples
 - A professor teaches a topic unrelated to sex and makes sexually suggestive jokes, which causes students to feel uncomfortable and embarrassed.
 - Taking pictures of someone using the toilet

● Sexual harassment: Excessive pursuit

- Acts of pursuit that **are unwelcome by the pursued**. The pursuer and the pursued feel differently about their interactions. Such pursuers often have abnormal perceptions and means, and their pursuit behaviors are long-lasting, distressing the pursued and affecting their normal daily life.
- Examples
 - Student A confesses feelings to Student B but is rejected. Believing that persistence will lead to success, Student A consistently inquires after Student B from others and frequently appears beside Student B (standing guard), harassing Student B.
 - To win Student B's affections, Student A persistently messages Student B. Although Student B has expressed that it is unwelcome, Student A continues harassing Student B in this manner.

● Sexual harassment: Digital and online gender-based violence

- Definition: Use of the Internet or digital technology to exact violence or a disproportionate influence on others because of their gender. This may include physical, psychological, or sexual injury, suffering, threats, and suppression and deprivation of freedom of movement.
- Examples
 - Sending explicit emails or messages.
 - Posting inappropriate or aggressive remarks that are sexually suggestive on social websites or chat rooms.
 - Spreading sexual or gender-based private information, including texts, sounds, drawings, photographs, and videos.

● Sexual bullying

- Article 2, Paragraph 5 of the Gender Equity Education Act: Ridicule, attacks, or threats directed at another person's **gender characteristics, gender temperaments, sexual orientation, or gender identity** by using verbal, physical or other forms of violence will be under the category of sexual bullying, not sexual harassment.
- Examples
 - A male student frequently making jokes about a female student's figure
 - Calling others "faggots," "pansies," "sissies," or "dikes."

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Laws:

Gender Equity
Regulations in NYC

NYCU Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus

- Protect the rights of students to learn and grow and increase faculty, staff, and students' respect for others and understanding of sexuality and bodily autonomy
- **Applicable to staff members (Party A) and students (Party B).**

NYCU Directions on Sexual Harassment Prevention, Appeals, and Investigation

- Protect faculty and staff's gender equity in employment and provide them with a gender-friendly working environment, free of sexual harassment
- **Applicable to situations among staff members or between staff members and off-campus personnel**

NYCU Provisions for the Implementation of Gender Equality Education

- Enforce substantive gender equality, eliminate gender discrimination, and develop a gender-fair educational environment

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Solutions:

Filing Complaints

● Complaint Receiving Bodies on Campus

• Gender equality appeal at Military Training Office:

- (Yang Ming Campus) 02-2826-1100
- (Chiao Tung Campus) 0972-705-757

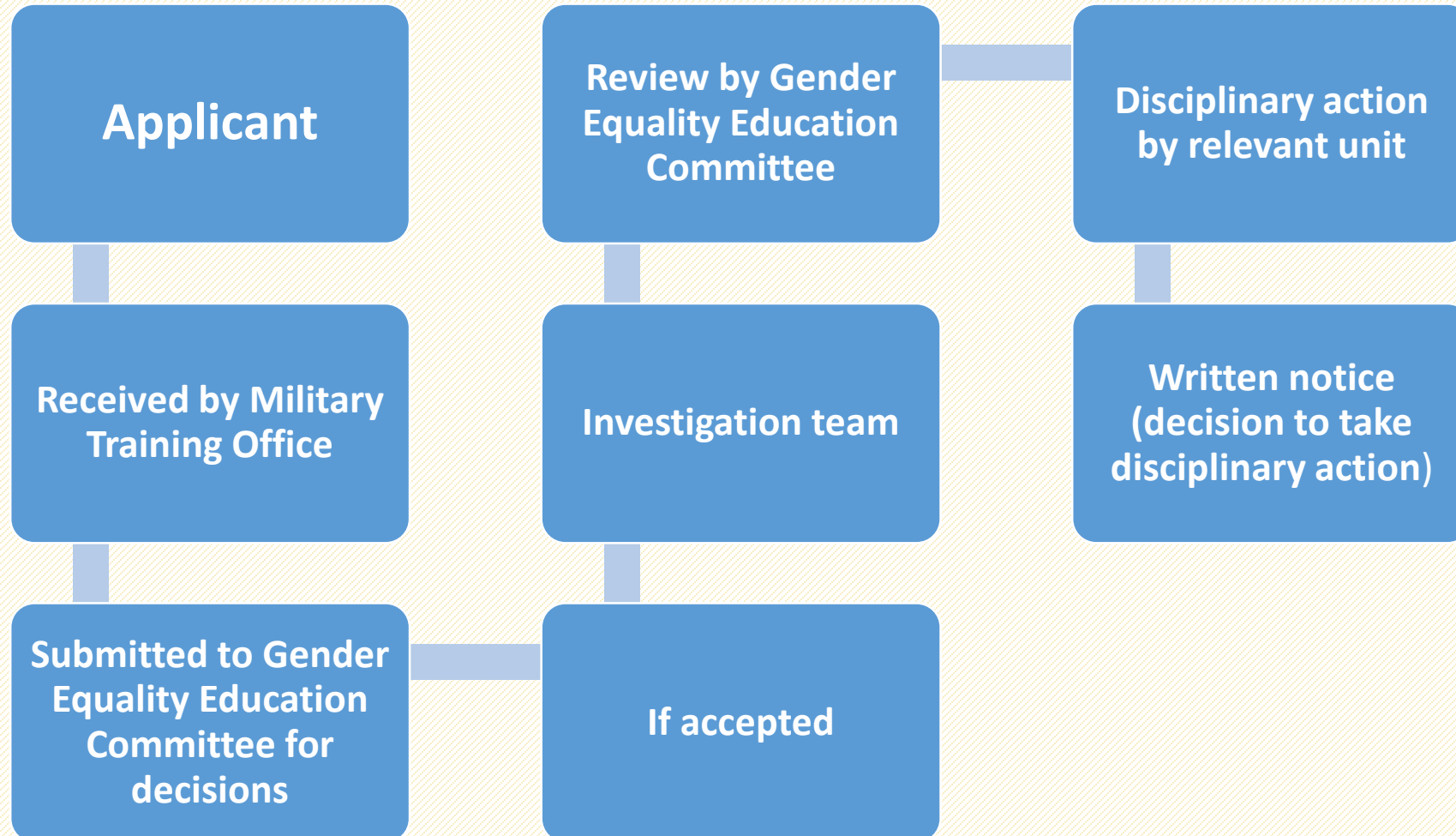
03-5712121 # 31339

• NYCU Gender Equality Education Committee

<https://gender.nycu.edu.tw/>

- (Yang Ming Campus) Ms. Chuo of the Secretariat Tel : 02-28267000 # 62100
Email: escho@nycu.edu.tw
- (Chiao Tung Campus) Ms. Liu of the Secretariat Tel : 03-5712121 # 31909
Email: liu9@nycu.edu.tw

● Gender equality incident handling procedure



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Questions:

FAQ

- Under which circumstances can I file an appeal to the NYCU Gender Equality Education Committee? Can I file the appeal if I am sexually harassed by a stranger on public transportation?
 - Victims can file an appeal to the Gender Equality Education Committee of the schools of the perpetrators if the perpetrators are school principals, faculty or staff members, janitors, or students and if the victims are students.
 - If you are sexually harassed at general facilities or in public spaces and know the authority the perpetrator is affiliated with, you can file an appeal to said authority (e.g., government agencies, military units, schools, institutions, or employers) or the municipal, county, or city government in accordance with the Sexual Harassment Prevention Act. These authorities shall open an investigation. If the perpetrators' identities or the authority they are affiliated with are unknown, you can contact the police to start an investigation.

- What should I do if I am sexually harassed?
- Confide in the people you trust and seek psychological support and other forms of support
- **Create a detailed record of the incident**, if possible, to serve as evidence for future appeals
- File an appeal to the NYCU Gender Equality Education Committee, who shall then open an investigation to handle the sexual harassment incident

- I am worried that my appeal and investigation will become known to everyone and that I will be subject to retaliation
- This will not happen. NYCU will be responsible for ensuring applicant and prosecutor confidentiality and protection.
- To protect the rights of the individuals involved to learn or work, as applicable, NYCU shall flexibly process the absences and performance appraisals of the involved parties, reduce their interactions, and take the necessary measures to prevent retaliation.
- NYCU shall prevent confrontation between the involved parties if their relationship involves power asymmetry.

- What should I do if I am sexually assaulted?
- Please **prioritize your personal safety** and complete the following:
 1. Recognize that you have done nothing wrong.
 2. Seek the company of people you trust; seek assistance from your family, the Mental Health and Counseling Center, the Military Training Office, or faculty. Another option is to call the National Women's and Children's Protection Division 24-Hour hotline: 113 for a consultation and to discuss a safety plan with professional social workers, legal advice, or assistance from police officers.
 3. Remain on the scene and assist the police in collecting evidence.
 4. Preserve evidence. Cover yourself with a coat or a blanket. Request for a social worker from the Sexual Assault Prevention Center or a female police officer to escort you to a hospital for an examination. Do not shower or change or destroy clothing immediately after the incident because this will compromise the evidence and increase the difficulty of convicting perpetrators.
 5. File an appeal to the NYCU Gender Equality Education Committee.

- If I report the case to the police or Domestic Violence and Sexual Assault Prevention Center, does NYCU cease to handle it?
- No. In accordance with Article 30 of the Gender Equity Education Act, the NYCU Gender Equality Education Committee shall continue handling the case along with the judicial procedure and provide victims with appropriate psychological and legal counseling.

- What should I do if I am sexually harassed in my internship?
- Sexual harassment against student interns constitutes workplace sexual harassment and is punishable by **the Act of Gender Equality in Employment**.
- Sexual harassment in an internship includes the following:
 - When anyone creates a hostile, intimidating, or offensive work environment for the employee as the employee is performing their duties through sexual demands or sexually suggestive or sexist remarks or actions, infringement upon the employee's personal dignity and liberty, or disruption of the employee's work performance. (Hostile environment sexual harassment)
 - The employer makes explicit or implicit sexual advances or uses sexually suggestive or sexist words or actions in exchange for the establishment, continued existence, and amendment of labor contracts or affecting pay distribution, allocation, remuneration, performance appraisal, promotion, demotion, rewards, and punishments. (Quid pro quo sexual harassment)

- What should I do if I am sexually harassed in my internship?
 - Grievance channel: **Authority associated with the internship or the local department of labor.**
 - When a student intern is sexually harassed by another student, the Gender Equity Education Act applies. To prevent repeat investigations, students should submit an appeal to the authority associated with the internship or NYCU. Regardless of the option the student selects, NYCU will assist in urging the authority related to the internship to take immediate and effective corrective and remedial measures and to provide interns with the necessary assistance.

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Resources:

You may want to
know...

● Relevant resources

- [Gender Equity Education, MOE](#)
- [Gender Equity Committee of the Executive Yuan](#)
- [Taiwan Gender Equity Education Association](#)
- [Herfection: Sexual Assault and Sexual Violence Self-Help Manual](#)
- [Sexual Bullying Out: Campus Sexual Bullying Prevention Manual](#)
- [Gender Equity Education Quarterly](#)