

# National Taipei University of Education Guidelines on Prevention and Handling of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus

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1. National Taipei University of Education (hereinafter referred to as the school) enacted this Guidelines prevent and handle campus sexual assault, sexual harassment or sexual bullying incidents, violations of the Gender Equality in Employment Act, and to deal with sexual assault and sexual harassment incidents related to students, staff, teachers and off-campus personnel, in accordance with the Gender Equity Education Act, the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus (hereinafter referred to as the Prevention Regulations), the Sexual Harassment Prevention Act, the Sexual Assault Prevention Act and the Gender Equality in Employment Act.
2. The following terms that appear in this Guidelines are hereby defined:
  - (1) Sexual assault, sexual harassment, or sexual bullying on campus: Refers to sexual assault, sexual harassment, or sexual bullying that involves the school's teachers or staff members, janitors, or a students as one party and a student as the other party. Students who suffer sexual abuse, sexual harassment, or sexual bullying include students from other schools.
  - (2) Sexual assault: any sexual offense defined by the Sexual Assault Prevention Act.
  - (3) Sexual harassment: cases described by the following and do not constitute as sexual assaults:
    1. 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.
    2. 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.
  - (4) Sexual bullying: 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.

- (5) Teacher: full-time teacher, part-time teacher, long-term or short-term substitute teacher, nursing teacher, military instructor, and other instructor, researcher, or teaching intern.
- (6) Staff and janitors : person(s) performing work at the school on a fixed or periodic schedule but not defined as teachers in the preceding subparagraph.
- (7) Student : are enrolled in a regular program or a continuing/extension education program or student exchange program.

3. If the offender or victim is not the school's teacher/staff member/student, the school should provide assistance in accordance with the relevant laws and regulations, school counseling procedures and social resources. If necessary, the incident should be reported to the Gender Equality Education Committee (hereinafter referred to as the GEEC). In case of violation of the Protection of Children and Youths Welfare and Rights Act, Prevention and Punishment of Sex-Trade Act, Sexual Harassment Prevention Act, the Sexual Assault Prevention Act and its enforcement rules, the competent authorities shall be immediately notified in accordance with the provisions of hierarchy of duties and responsibilities. If the school's teachers/staff/students are the victims, and the sexual assault, sexual harassment or sexual bullying incident are not to be handled by the school due to the law provisions, the same action applies.

If the offender is not affiliated to or employed by the school, the school shall take appropriate emergency measures when receiving complaint/investigation application/appeal of sexual assault, sexual harassment or bullying, and the written appeal and relevant materials shall be transferred to the local, municipality and county (city) competent authorities within seven days.

When receiving notice from jurisdictional school or authority of the incident, the school shall send representatives to participate in the investigation or to deal with the suggested punishment.

4. During performance of work-related tasks and in interpersonal interactions on and off campus, teachers, staff, and students shall respect gender diversity and individual differences.

Teachers shall not develop intimate relationships that violate professional ethic codes with the student under their instruction, guidance, training, evaluation, management, consultation, or when providing students employment opportunities.

Should a teacher find that his or her relationship with a student violates the code of professional ethics referenced in the previous paragraph, the teacher shall take the initiative to avoid further interaction with the student or report the matter to the school for handling.

Teachers, staff, and students shall respect others' and their own autonomy over their sexuality and body, avoid unwanted sexual advances or requests for dates, and must not

use forcible or violent means to handle conflicts related to sex or gender.

In order to enhance the prevention education on campus sexual assault, sexual harassment or bullying, the first to fourth provisions of this Guidelines should be included in the school teacher/staff employment contract and the student handbook.

5. The school shall affirmatively promote prevention education of sexual assault, sexual harassment, and sexual bullying on campus to enhance the knowledge and ability of teachers, staff, and students to respect sexuality or body autonomy of others and of one's own. The following measures should be implemented:
  - (1) Regularly hold educational activities of prevention of campus sexual assault, sexual harassment or sexual harassment for teachers, staff, and students and to evaluate the effectiveness of these activities.
  - (2) Regularly hold in-service education programs each year for personnel or agencies related to the handling of campus sexual assault, sexual harassment or sexual harassment cases.
  - (3) Encourage the above-mentioned personnel to attend on- and off-campus seminars on the handling of campus sexual assault, sexual harassment, or sexual bullying cases; allow them to register attendance as official leaves and reimburse any associated expenses.
  - (4) Encourage the victim or the complainant in a campus sexual assault, sexual harassment, or sexual bullying case to apply for an investigation or file a report at the earliest possible time in order to facilitate the collection of evidence, investigation, and other handling.
  - (5) Regularly organize or encourage personnel to participate in relevant educational training in sexual assault, sexual harassment or sexual bullying prevention.
6. In order to prevent incidents of sexual assault, sexual harassment, and sexual bullying on campus, the school shall implement the following measures for enhancing safety:
  - (1) Regularly inspect the planning for and usage of campus grounds and facilities, evaluating overall campus safety by assessing the arrangement, management, and security of indoor and outdoor areas; the signage system; the emergency help system and secure routes; lighting and visibility; and other important safety factors.
  - (2) Record the locations where incidents of sexual assault, sexual harassment, or sexual bullying have occurred on campus, and produce a map illustrating danger areas as necessary.

Referring to subparagraph 1 above, regarding the inspection of the planning for and usage of campus grounds and facilities, the differences of the physical and mental capabilities, or linguistic culture, of students shall be considered, the safety planning and methods of explanation provided meet their needs. The scope of these considerations should extend to on-campus dormitories, bathing and restroom facilities, campus

transport, etc.

7. In handling incidents of sexual assault, sexual harassment, or sexual bullying on campus, the school shall inform the victim or his/her legal representative of his/her rights and relief, or refer him/her to relevant institutions. When necessary, the school shall provide the following appropriate assistance to the victim through the integration of the on-campus and off-campus resource network:

- (1) Psychological counseling.
- (2) Channels of legal consultation.
- (3) School work assistance.
- (4) Financial assistance.
- (5) Interviews, accompanied to medical visit, emotional support, call to police, emergency placement or asylum.
- (6) Other assistance or protective measures deemed necessary by the Committee.

In handling incidents of sexual assault, sexual harassment, or sexual bullying on campus, the school or competent authority shall provide protective measures or other assistance when the complainant reporting an incident may be threatened. The school shall make budgetary provisions for payment of any fees incurred in hiring professionals such as physicians, psychologists, social workers, or lawyers in order to provide the necessary assistance described in the first two paragraphs of this Article.

If the victim is not employed by or enrolled at the school with jurisdiction, the school at which he/she is employed or enrolled shall be notified for providing adequate assistance in accordance with the terms described in the preceding paragraphs.

The school should prevent sexual abuse, sexual harassment or sexual bullying behavior from occurring. In the case of acknowledging incidents of sexual assault, sexual harassment or sexual bullying, immediate and effective corrective and remedial actions should be taken.

8. The University President and teachers/staff who are aware of any suspected school sexual assault, sexual harassment or sexual bullying incidents shall immediately notify the authorities based on the division of labor and authority (as shown in Table 1) within 24 hours.

Incidents of sexual assault, sexual harassment and sexual bullying that have received media coverage shall be treated as having been reported. The school shall take the initiative to proactively refer the matter to its Committee for investigation. In cases where the suspected victim is not willing to cooperate with an investigation, the school shall nevertheless provide required counseling or assistance.

When handling an incident of bullying, if the school discovers that sexual assault,

sexual harassment, or sexual bullying may have occurred, such a discovery shall be considered equivalent to a complainant's report. The school's team for prevention of bullying shall handle the matter in accordance with the provisions of the Committee.

9. If the sexual assault, sexual harassment or sexual bullying occurs to the student, or off-campus personnel suffers sexual assault or harassment from the student, the victim or the complainant shall apply for investigation to the Student Assistance Division under the Student Affairs Office (hereinafter referred to as the Student Assistance Division) with verbal, written or e-mail format of evidence.

Aforementioned application unit telephone number: (02)8732-8885; email: sg@tea.ntue.edu.tw

If the sexual assault, sexual harassment or sexual bullying occurs between the teacher/staff, or off-campus personnel suffers sexual assault or harassment from the teacher/staff, the victim or the complainant shall apply for investigation to Personnel Office with written evidence.

If the offender of the incident applied for investigation in Item 1 is the head of the school, the application investigation shall be made to the competent authority of the school.

10. The cases raised by the Sexual Harassment Prevention Act shall apply for investigation within one year from the time of the incident; the cases under the Gender Equality in Employment Act should apply for investigation within ten years from the time of the incident.
11. A written or verbal statement or an email record of an application shall be signed or sealed by the applicant, and the following items shall be indicated:
  - (1) Applicant or complainant's name, gender, date of birth, ID number or passport number, service or school unit with job title, residence address and contact telephone number.
  - (2) At the time an application for an investigation is made, the applicant shall state the victim's date of birth.
  - (3) The name of the applicant's legal representative with his/her gender, date of birth, ID number or passport number, occupation, residence address and contact telephone number.
  - (4) The name of the applicant's designated representative with his/her gender, date of birth, ID number or passport number, occupation, residence address and contact telephone number. Letter of authorization should also be attached.
  - (5) Facts and pertinent evidence for which an investigation is requested or a complainant's report is being made.
12. After receiving the application for investigation or complaint, the Student Assistance Division or the Personnel Office shall submit the evidence and documentation submitted

by the applicant or the complainant to the Committee for investigation and disposition within three days, except for any of the following circumstances:

- (1) Incidents not prescribed in the provisions of this Guidelines.
- (2) Applicants or complainant who do not provide their real names.
- (3) A case that has already been handled and closed.

When the Committee receives the incidents transferred from the Student Assistance Division or the Personnel Office, the rotation team shall conduct the preliminary examination in accordance with the matters specified in the preceding paragraph, and the following matters shall be considered:

- (1) Acceptance of an application or complaint
- (2) Investigation member list

In cases where the school accepting the application for investigation or a complainant's report does not possess jurisdiction in the matter, it shall within seven working days transfer responsibility for the case to a party with such jurisdiction, while informing the involved persons.

13. After receiving an application for investigation or an offense report, the school shall send a written notification to the applicant or complainant within twenty days to notify him or her whether the application is accepted.

Written notification of rejection in the aforesaid item shall contain reasons, and the applicant or the complainant shall be notified of the deadline for a reapplication and the office that accepts a reapplication.

14. If the applicant or the complainant does not receive a notification or has received a rejection notification within the deadline in the Item 1 of preceding paragraph, he or she may reapply in writing with grounds stated to the Committee within twenty days from the second date following the date of receipt of the notification. For applicant(s) who reapplies verbally, the school or the competent authority shall make a documentation of the reapplication and read the documentation to the applicant or the complainant or ask him or her to read it to confirm its accuracy. The record shall then be signed or sealed by the applicant or the complainant.

Reapplication in the preceding paragraph shall be made no more than once.

After receiving a reapplication, the Committee shall notify the applicant or the complainant of the reapplication conclusion in writing within twenty days. In the case of reapplication with legitimate grounds, the investigation should be carried out.

15. In order to deal with sexual assault, sexual harassment or sexual bullying, an investigation team was established by the Committee based on Article 30 (3) of the Gender Equity Education Act, Article 21 of the Prevention Regulations and Article 5 of Directions for the Establishment of the Committee.

If the offender in the aforesaid investigation conducted by the Committee or the

investigation team is not employed or enrolled by the school, a written notice shall be given to the offender's present school to send a representative to participate in the investigation.

When the Gender Equity Education Committee or investigation team carries an investigation according to the regulations prescribed by this Act, the offender, applicant and persons or offices who are invited to assist the investigation shall cooperate and provide pertinent information.

The power and responsibilities of the preceding investigation team are limited to the investigation related to the case, and the investigation report is immediately submitted after completion to the Committee for consideration.

The consultant(s) of the victim and the offender shall avoid participation in the case investigation. Person(s) involved in the investigation and handling shall also avoid participation in the counseling of the victim and the offender.

16. In any of the following circumstances, the investigators of sexual harassment incidents should withdraw from the investigation in the course of investigation:

- (1) The person himself/herself, the spouse, the former spouse, relative by blood within four generations, or relative by marriage within three generations or person with such relationship previously is the victim or the offender in the incident.
- (2) In relation to the incident, the person himself/herself or the spouse, the former spouse, and the victim/offender have a common right or a common obligation.
- (3) Current or previous representative/assistant of the victim/offender in the incident.
- (4) A witness or expert in the incident previously

If the investigator of the sexual harassment incident has any of the following circumstances, the victim/offender may apply for withdrawal:

- (1) Subject to the circumstances mentioned in the preceding paragraph without self-withdrawal.
- (2) With specific facts enough to affirm the implementation of the investigation is biased.

In the case of an application for the preceding paragraph, the parties concerned shall give reasons and facts and submit them to the Committee with appropriate explanations; the investigator who has been applied for withdrawal shall give an opinion letter on the application.

Before the application is dismissed by the Committee, the investigator who has been applied for withdrawal shall stop the investigation. For urgent circumstances that should still be dealt with as necessary.

If the investigator has the circumstance in Item 3 and does not apply for withdrawal himself, or the party concerned does not request a withdrawal of such investigator, the Committee shall order him to withdraw.

17. In response to the teacher/staff member sexual harassment or sexual assault incidents, after the Committee receives the application for an investigation, the Personnel Office shall be responsible for convening and coordinating all meetings of the investigation and handling procedures.

In the event of gender incidents involving the Gender Equality in Employment Act or the Sexual Harassment Prevention Act, the Committee will be commissioned for investigation and handling.

18. The names of the parties concerned, complainant and the witness in the sexual assault, sexual harassment or sexual bullying incidents and other information that may lead to personal identification shall be kept confidential, except for investigation necessity or public safety concerns.

All personnel responsible for dealing with sexual assault, sexual harassment or sexual bullying incidents are responsible for confidentiality, and violators shall bear all administrative and legal liabilities.

19. In order to respect the rights to privacy of the parties and to limit the scope of the disclosure, the executive secretary of the Committee shall act as a media spokesman and speak in a unified manner.

20. Pertinent regulations in the Administrative Procedure Law regarding jurisdiction, transfer, avoidance, service and rectification shall be applied or applies *mutatis mutandis* in this Guidelines.

The Committee shall not be affected by the judicial procedures of the case in its investigation and handling of a case. The investigation procedure shall not be suspended due to the offender's loss of his or her status at any point of the procedure.

Objective, fair and professional manner shall be presented in investigating campus sexual assault, sexual harassment, or sexual bullying cases, allowing the involved parties sufficient opportunities to make their statements and respond to allegations. If the victim's statement is clear, and questioning is unnecessary, repetitive interrogation shall be avoided.

When an imbalance of power exists among the offender and the victim, a complainant, or a witness in the investigation, confrontation should be avoided. However, without violating the obligation of confidentiality, it is necessary to ensure that the offender has a reasonable right of reply. A written documentation should be done and given to the offender to read or to be informed with the gist.

For a campus sexual assault, sexual harassment, or sexual bullying incident, in order to safeguard the concerned party's rights to education or work, the school should, if necessary, flexibly deal with the records of absenteeism and performance of the concerned parties in accordance with the provisions of Article 25 of the Prevention Regulations. The school should also actively assist in their duties or courses not subject



to the relevant provisions of the restrictions, and report to the competent authorities for reference.

21. The Committee shall complete its investigation of a case within 2 months from the date the application or offense report is accepted. The investigation may be extended at most twice if necessary, and each extension may not exceed one-months' time. However, the cases applicable to the Sexual Harassment Prevention Act can only be extended up to a month.

The applicant, offense-reporter and offender shall be given a written notification of the extension.

22. After the investigation has been completed by the Committee, the investigation report and suggestion shall be submitted in a written format to the Student Assistance Division or the Personnel Office. Within two months after the report been submitted, the Student Assistance Division or the Personnel Office shall file a request to convene the relevant meeting on campus. Sanctions should be given based on the relevant laws and regulations, or from the relevant authorities to which the cases are transferred. The handling conclusion, facts established and grounds shall be notified in writing to the applicant, complainant, offender and the local, municipality and county (city) competent authorities.

Before gaining sanctions from the relevant meeting on campus, representative(s) of the Committee may be requested to attend the meeting for clarification.

In the written notification of the sanction conclusions sent to the applicant and the offender, the school shall also inform the deadline for reapplication. If the offender is not the school's teacher/staff, the transfer investigation report and the punishment proposal will be provided to the school or institution to which the offender is affiliated.

23. Applicants or offenders who object to the handling conclusion of the school or the competent authority may reapply in writing with grounds to the Secretary Office or the Personnel Office within twenty days from the date following the date of receipt of the written notification. For those who reapply verbally, the Secretary Office or the Personnel Office shall make documentation and read it to the applicant or the offender or ask him or her to read it to confirm its accuracy. After accuracy is confirmed, the documentation shall be signed or sealed by the applicant or the offender.

The aforesaid reapplication may be made only once.

For cases applicable to the Sexual Harassment Prevention Act, if the school fails to complete the investigation or the party fails to accept the result of the investigation, the parties may submit re-appeal to the municipal or county (city) competent authority within 30 days from the date of the expiry of the time limit or the arrival of the investigation result.

24. After receiving a reapplication, the Secretary Office or the Personnel Office shall handle

it in accordance with the procedure below:

- (1) After the Secretary Office or the Personnel Office has received the reapplication, it shall form an evaluation team. The team shall come to a reasoned judgment within 30 days, providing a written notification of the decision on the reapplication to the applicant.
  - (2) The evaluation team described in the previous paragraph shall include three or five experts in gender equity education or legal professionals. Moreover, female members must account for at least one-half of the team. At schools, experts with a background in campus sexual assault, sexual harassment or sexual bullying investigation shall account for at least one-third of the team, while at competent authorities, they shall account for at least one-half of the team.
  - (3) Members of the Committee or investigation team may not serve as members of the evaluation team.
  - (4) When the evaluation team conducts a meeting, the members of the team will select a convener who will also chair the meeting.
  - (5) While the meeting is in progress, should the need arise, the person making the reapplication will be given the opportunity to make a statement, and the members of the Committee or investigation team shall be invited to be present to make an explanation.
  - (6) When there is cause for a reapplication, the relevant authorized agencies will be informed of the decision on the reapplication, and the authorized agencies shall be responsible to remake a decision.
  - (7) During the evaluation or before the decision of the reapplication as described in the previous subparagraph is sent to the person making the reapplication, the said person may withdraw the reapplication as described in the previous paragraphs. If a person withdraws the reapplication, he may not apply for a reapplication for the same cause.
  - (8) For the reapplication not justified or after receiving a written withdrawal of the reapplication, the Secretary Office shall notify the Committee to close the case for future reference.
25. After the reapplication reviewed by the aforementioned Review Panel, the school may request its Gender Equity Education Committee to reinvestigate the case under the conditions that major flaws in the investigation procedure, or new facts or evidences that would affect the investigation are discovered.  
When the aforementioned request is received, the Committee shall re-organize a new investigation team to investigate the case. The investigation team members are decided by the rotation team.
26. If not satisfied with the disposition of the reapplication, applicant or offender may

petition for relief according to the following regulations within 30 days from the date following the date of receipt of the written notification:

- (1) Teachers: regulations prescribed by the Teacher's Act shall apply.
  - (2) Civil service employees in the school who are hired according to the Civil Service Employment Act and employees hired before the effective date (May 3rd, 1985) of the Statute for Appointment of Educational Personnel: regulations prescribed by the Civil Servant Protection Act shall apply.
  - (3) The school's contract employees (including temporary staff) and janitor: regulations prescribed by the Gender Equality in Employment Act shall apply.
  - (4) The school's students: regulations prescribed by the school shall apply.
27. In accordance with the principles of deferring to expert judgment and avoiding repeated questioning, the school shall accept the findings contained in the Committee's investigation report in determining the facts relating to an alleged incident of campus sexual assault, sexual harassment, or sexual bullying.
28. The school shall provide adequate measures for the protection of offenders, victims, complainants, witnesses and other relevant personnel in the incident, and fully inform the relevant parties that retaliation, intimidation, false accusations or other illegal or improper conduct will be dealt with according to law.
- If offenders, victims, complainants, witnesses and other relevant personnel in the incident are affected by the unjust performance review, studies or academic appraisal, retaliation conduct with verbal or written threat, the affected parties shall retrieve relevant evidence and apply to the Committee for investigation.
29. For sexual harassment incidents filed by the Sexual Harassment Prevention Act, both the offenders and victims are able to apply for mediation to municipalities and county (city) competent authority in written or verbal format; conciliation procedures will be carried out in accordance with the provisions of the Act.
- For incidents involving the school employees and person(s) in charge who make sexual harassment to off-campus personnel by taking advantage of his post, based on Article 9 (2) of the Sexual Harassment Prevention Act, the school should provide appropriate assistance to the victim in the appropriate disposition to recover to his/her reputation.
- For incidents involving the school students and person(s) taking education/training in the school who make sexual harassment to off-campus personnel, based on Article 9 (2) of the Sexual Harassment Prevention Act, the school should provide appropriate assistance to the victim in the appropriate disposition to recover to his/her reputation.
30. The school shall establish a database on incidents of campus sexual assault, sexual harassment or sexual bullying and on the profiles of offenders, and archive and keep in the form of confidential documents to the Documentation Division.
- The data in the preceding paragraph shall be categorized into original documents and

report documents.

The aforesaid original files should be archived and kept as confidential documents; the contents should include information listed in Article 32 (1) to 32 (5) of the Prevention Regulations. The contents of the report files should include information listed in Article 32 (1) to 32 (2) of the Prevention Regulations.

31. The unsettled issues in this Guidelines are subject to relevant laws and regulations.
32. The Guidelines are passed by the Committee and considered by the University Council, and implemented after approved by the University President.

Table 1. Division of Labor and Authority for Notification

Notification hierarchy Suspected Victim	Notifying Party	Notifying Time Limit	Notified Party (Level 1)	Notifying Time Limit	Notified Party (Level 2)	Notifying Time Limit	Notified Party (Level 3)	Supervisor of Off-Campus Notification	Notification time limit	Notified Party
Administrative Staff	The School's teacher/staff	Class A Immediately Others within 2 hours	1. Administrative Unit Level 1 Supervisor 2. Military Instructor	Class A Immediately Others within 2 hours	1. Director of Personnel Office 2. Director of Student Safety Division	Class A Immediately Others within 2 hours	President Vice President Secretary-General	Director of Student Safety Division	Class A 2 hours Class B 12 hours Class C 24 hours	The Campus Security Report Center, Ministry of Education
Teacher		Class A Immediately Others within 2 hours	1. Department Supervisor 2. Military Instructor	Class A Immediately Others within 2 hours	1. College Dean 2. Director of Student Safety Division	Class A Immediately Others within 2 hours		Secretary-General	24 hours	Department of Social Welfare, Taipei City Government Department of Labor, Taipei City Government
Student		Class A Immediately Others within 2 hours	1. Department Supervisor 2. Tutor 3. Military Instructor	Class A Immediately Others within 2 hours	1. College Dean 2. Dean of Student Affairs 3. Director of Student	Class A Immediately Others within 2 hours				Taipei City Center for Prevention of Domestic Violence and Sexual Assault

					Safety Division					
Mechanic, Janitor		Class A Immediately Others within 2 hours	1. Administrative Division Supervisor 2. Military Instructor	Class A Immediately Others within 2 hours	1. Dean of General Affairs 2. Director of Student Safety Division	Class A Immediately Others within 2 hours				
The school's other employees		Class A Immediately Others within 2 hours	1. Administrative or Academic Division Supervisor 2. Military Instructor	Class A Immediately Others within 2 hours	1. Director of Personnel Office 2. Director of Student Safety Division	Class A Immediately Others within 2 hours				