Content

Title：	Disposal Directions for Prevention and Complaint Handling Against Sexual Harassment in National Taiwan Arts Education Center Ch
Date：	2023.03.27
Legislative：	1.Promulgated on May 25th, 2006 in accordance with Yi-Ren-Zi No. 0950001411 and effective from this date 2.Amended on May 8th, 2013 in accordance with the notification of Yi-Ren-Zi No. 1020001742 3.Amended and promulgated on September 14th, 2016 in accordance with the notification of Yi-Ren-Zi No.1050003352 A total of 24 Articles of this full text, effective immediately (Former name: The Guideline for Prevention, Complaint as well as Investigation and Response against Sexual Harassment in National TaiwanArts Education Center) 4.Amended article 13 on March 27th, 2023 in accordance with the notification of Yi-Ren-Zi No. 1120000851 with immediate effect
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generates a hostile, coercive or offensive work environment which infringes upon the said Parties' personal dignity and personal liberty, or affects their performance; or the express or implied sexual requirements, the words or behavior with sexual meaning or gender discrimination of the officer in charge for the exchange of labor contract formation, existence, alteration or distribution, allocation, remuneration, performance appraisal, promotion, reduction, reward and punishment.

Examples of sexual harassment include the following:
a. Attitudes and behaviors of insult, contempt or discrimination arising from gender differences.
b.Inappropriate, uncomfortable, offensive language, body touching of a sexual nature or sexual requirements.
c. To demand sexual or sexuality-related behavior by threat or punishment.
d. Compulsive sexual intercourse and sexual assault.
e. Demonstrating pictures and text that have sexual connotations or sexual temptations.
(2) The application of the Sexual Harassment Prevention Act:
Excluding sexual assault crimes, the so-called sexual harassment in the Guidelines refers to the sexual statements or sexual behavior violating another person's wishes and also to the following situations:
a. If a person's obedience to or rejection of another's sexual advances become a condition of obtaining, losing or reducing their rights and interests in work, education, training, services, plans or activities.
b. If texts, pictures, voices, images or other objects are used to inundate or intimidate; or if discriminatory language and behavior, and insults or other methods are adopted. - For such reasons, the other's person's dignity is impaired. Or if another person feels frightened, feels dislike and hostility or feels offended; or if another persons' work, education, training, services, plans, activities or other normal habits are improperly influenced.

3. In accordance with the regulations provided in the Act of Gender Equality in Employment or the Sexual Harassment Prevention Act, the Center regulates the guidelines for sexual harassment prevention and complaints. These Disposal Directions are applicable along with other relevant laws and regulations.

4. The Center should strengthen its advocacy of sexual harassment prevention measurements and complaint channel to the staff as follows:
(1) Encourage employees, by means of public holidays or financial subsidies, to participate in yearly organized education and training related to sexual harassment and prevention as well as to strengthen the concept of gender equality among employees, respect the gender characteristics and sexual orientation of employees and service workers to establish a safe and friendly work and service environment .
(2) If any sexual harassment or suspected incident occurs, the prevention and control measurements shall be reviewed and improved.
(3) Publicly announce the treatment measurements for sexual harassment prevention and complaints channels in distinct places such as the Center's site, bulletin boards and workplace to enhance the effectiveness of prevention and treatment.

5. Channels for complaints against sexual harassment are as follows:
(1) Special line Tel: 02-23892360
(2) Special line Fax: 02-23892360
(3) E-mail: cdp@linux.arte.gov.tw
(4) Special handling unit: Personnel Department
After accepting the sexual harassment complaint, the special handling unit shall conduct coordination and processing.

6. Upon learning of a sexual harassment incident, the Center shall take immediate and effective corrective and remedial measurments and pay attention to the following matters:
(1) Protecting the rights and privacy of the victims.
(2) Maintaining or improving the space security of related domain and

space;
(3) Other control and improvement measurements.

7. The Sexual Harassment Complaint Committee (hereinafter referred to as the “Committee”) has been set up by the Center in order to handle sexual harassment complaints and investigation incidents. Members of this Committee shall be concurrently appointed by the Center’s Auditing and Appraisal Committee and, if necessary, social justice persons, experts and scholars.

The number of female members may not be less than 1/2 of the total members of the Committee , and the number of male members may not be less than 1/3 of the total members of the Committee. A member of the Committee shall be the Chairman who will be served by the Chairman of the Auditing and Appraisal Committee. If the Chairman is unable to preside over a meeting, he/she may appoint another member to represent him/her.

A Committee meeting must have a quorum of over one-half of the total number of Committee members before a meeting can be held. A decision in the Committee shall be resolved by a majority vote of the attending members. When the pros and cons are equal in number, the Chairman has the final say in the decision.
In the event of sexual harassment of dispatch workers by the staff, the Center will accept the complaint and conduct investigation with the dispatching institution, and inform the dispatching institution and the person concerned of the result. In this investigation, the person concerned and related parties shall be informed of the presentations, and may be assisted by those with relevant knowledge and experience.

8. A complaint of sexual harassment may be made in either a written statement or verbally. If an applicant prefers to use the verbal method, the personnel or unit handling the case shall make documentation of the verbal application and read it out to the applicant as well as ask him or her to read it in order to confirm its accuracy. Subsequently, the documentation shall be signed by the applicant or stamped with his/her seal.
The complaint form or documented verbal application shall contain the following items:
(1) Name, gender, age, ID number or passport number of the applicant. Name of the unit and school where the applicant serves or studies and his/her title, domicile or address and phone number.
(2) Where the applicant has a guardian, the guardian's name, gender, age, ID number or passport number, job, domicile or address and phone number.
(3) Where the applicant has an attorney, the attorney's name, gender, age, ID number or passport number, job, domicile or address and phone number, and power of attorney.
(4) Facts and pertinent evidence of the complaint.
(5) Application date.
If the complaint form or documented verbal application doesn't meet the requirement of the preceding paragraph, for those situations that could be remedied, the relevant unit may ask the applicant to rectify within fourteen days

9. Under the following conditions, a complaint of sexual harassment shall not be accepted:
(1) The complaint form or documented verbal application, where the Act of Gender Equality in Employment is applicable, that has not been rectified within 14 days of being notified will not be accepted and the said party shall be notified in writing.
(2) The complaint form or documented verbal application, where the Sexual Harassment Prevention Act is applicable, has not been rectified within 14 days of being notified or the investigation of the same incident has been completed and the result has been sent to those directly involved will not be accepted and the said party shall be notified in writing and the Bureau of Social Responsibility of Taipei Municipal Government also notified.

10. Before a resolution is made by this Committee, the complainant or his authorized agent may withdraw his/her claim in writing:
(1) Should a complaint incident applicable to the Equality in Employment Act be withdrawn, no further complaint shall be lodged for the same cause.
(2) Once a complaint incident applicable to the Sexual Harassment Prevention Act has been withdrawn, a further complaint lodged for the same cause shall be accepted.

11. Under any of the following circumstances, investigation personnel for a sexual harassment complaint incident shall withdraw on his/her own accord:
(1) Where the investigator himself/herself, his/her spouse, his/her former spouse, his/her relative by blood within the fourth degree or one who once had such relationship is a party to the subject event.
(2) Where the investigator himself/herself, his/her spouse, or his/her former spouse has joint rights or liabilities with a party to the subject event.
(3) Where the investigator is, or once was, an agent or an assistant of a party to the subject event.
(4) Where the member once acted as a witness or an expert witness in the subject event.

If the investigator in the incident of sexual harassment complaint has one of the following circumstances, the party may apply to avoid:
(1) Where such investigator has failed to withdraw of his or her own accord under any of the circumstances set forth in the preceding paragraph.
(2) Where it is reasonable to believe that the investigator involved may become prejudiced in performing his/her functional duties.
The application mentioned in the preceding paragraph shall describe the reason and fact, which description shall be lodged with the committee.
Those investigators against whom the application for recusal is made may hand in a written opinion.
The investigators against whom the application for recusal is made shall stop investigation procedures until obtaining further approval of the investigation unit. In incident of emergency, the investigator shall take necessary measurements.

If the investigators don't follow the regulation prescribed in Paragraph 1 and those directly involved party also don't file recusal application, the investigation unit shall order the investigator to recuse.

12. Where in the meeting, members, participants and other relevant staff who are involved in their own matters should be avoided; for matters non-related to themselves but to be avoided according to other laws, the persons should be avoided or ordered by the Chairman Ex officio.
If the person referred to in the preceding Paragraph has a circumstance that he / she should avoid but does not do so, he / she may request to be voided by the void application from the rest of the meeting participants.

13. If the Director of the Center is accused to have involved in a sexual harassment incident as defined in the Act of Gender Equality in Employment, the complainant is supposed to file a complaint in the Ministry of Education, and to process the filing according to the Ministry’s related rules.

14.　The investigation and handling procedures of this Committee are as follows:
(1) Upon receipt of a complaint of sexual harassment, the chairman shall, within seven days from the date of the complaint or transfer, appoint three or more members to form an investigation team to conduct an investigation.
If the investigation of a complaint incident where the Sexual Harassment Prevention Act is applicable is not completed within the deadline, the party concerned shall, within 30 days after the day on which the written notice is received, lodge a complaint with the Bureau of Social Responsibility of Taipei Municipal Government for further complaints against the overdue investigation.
(2) The investigation committee shall, after completion of the

investigation, make the results known to an investigation report and submit it to the Committee for review.
(3) This Committee shall make a decision on the establishment or non-establishment of the investigated complaints incident. For the established decision, a recommendation of punishment and other appropriate measure shall be made. As to the non-established decision, a proposal shall be handled as necessary.
(4) Investigation of an accepted complaint incident should be completed and concluded within two months. If necessary, it may extend the limit by one month and shall notify the party in writing.
(5) The resolutions of this Committee shall be delivered to the party concerned in writing, and the contents thereof shall include the results of the investigation (the establishment or non-establishment of such incident) and the reasons therefor, along with the relief period and handling unit:
a. For complaint incident where the Act of Gender Equality in Employment is applicable, this Council shall make a resolution, with reasons, and make recommendations for disciplinary or other action. If the parties have objections to the resolution, they may within 20 days of having received written notice, apply with a written reason to this Committee for the Committee to convene another meeting. However, the subject matter of the application for reversion shall take place after or at the time of the latter's knowledge.
After the incident has been closed, no further complaint shall be lodged for the same cause.
b. Where the Sexual Harassment Prevention Act is applicable to a complaint incident, its resolution, in writing, shall be delivered to the party and to the Social Bureau of the Taipei City Government. If the party has objection to the resolution, he or she may lodge a complaint with the Social Bureau of the Taipei City Government within 30 days after receiving the written notice.
The content of such written notice should include the complaint, interview records, relevant meeting records, related exhibits, sexual harassment complaint investigation record, a notification to the party about the investigation results and certificate of delivery or receipt of registered with A.R.

(6) Where object of recommended punishment proposed by the Committee is a member of the Centre staff and such incident is approved by the Director, it shall be transferred to the Personnel Department for punishment or to related units to implement the resolution of matters; objective of non-staff should inform his/ her service units in accordance with the relevant laws and regulations. The party and the Social Bureau of the Taipei City Government should be notified in writing of the results of the investigation and handling of sexual harassment conducted by the Center. The written notice shall include the reason for the handling results, and that any further complaint shall be lodged with Taipei City Sexual Harassment Prevention Committee within 30 days from the date of receipt the investigation notice.

15. Under the following conditions, the party of the complaint incident to which the Act of Gender Equality in Employment applies shall lodge a further complaint to this Committee’s resolution:
(1) The reasons of the resolution are obviously inconsistent with the holding.
(2) The Committee is not constituted as stipulated by law.
(3) The commissioner participating in the deliberation decision was required to withdraw according to Article 15 of the Regulations of Sexual Harassment Prevention.
(4) The member who is involved in the resolution decides that the incident is contrary to his/her duty because he/she has been convicted of a crime.
(5) A witness or expert witness makes false statements in his/her testimony, expert opinion or interpretation used as the basis of the decision.
(6) Evidence being used as the basis of the decision is forged or fraudulently altered.
(7)A civil, criminal or administrative litigation decision or an

administrative action used as the basis of the decision has been altered according to its later final judgment or administrative action.
(8) Evidence which was not taken into consideration or may be used as the basis of the decision is discovered.

16. The investigation and handling principles of the Committee are as follows:
(1)The investigation of the sexual harassment incident shall not be open, and shall protect the privacy and other personality of the parties concerned.
(2) The investigation shall be based on objective, justice and professional principles and provide those directly involved with a chance to make statements and opportunity for defense.
(3) If the description of the victim is clear and further inquiry is not required, a redundant inquiry shall be avoided.
(4) The Committee may, according to its resolution or upon the recommendation of the investigation team, invite the complainant, the person to whom the claimant relates, the person concerned, the scholars and experts or the relevant person to attend the meeting to offer explanation or assistance; the parties concerned may apply to present at the time of investigation and processing.
(5) When an imbalance of power exists between the parties or witnesses, a confrontation should be avoided.
(6) Based on the necessity of the investigation, written information may be produced by the investigator so long as it does not violate the obligation of confidentiality, and be provided to the parties to read or be informed of in summary.
(7) The names and other information that may lead to the identification of the party, and all personnel invited to assist in the investigation of sexual harassment incident shall be kept confidential, except for the necessity of investigation or public safety concerns.
(8) When proceeding with an appeal, investigation, detection or examination of sexual harassment incidents, persons who file a lawsuit, act as witness and provide help for appeals and legal complaints and accusations shall be fair-minded and without discrimination.
(9) During the investigation process of sexual harassment incident, the Committee may, depending on complainant’s physical and mental conditions, transfer he or she to related institutions or provide psychological counseling and legal consultation.
(10) Where necessary, the counterparty in the sexual harassment or sex discrimination incident may be required to accept psychological consultation and counseling.
(11) Sexual harassments committed by perpetrators to victims with mental retardation, mental exhaustion, physical injury, alcohol, drug effects or loss of awareness shall not avoid the responsibility of sexual harassment based on the ground of no refuse.
(12) While dealing with cases involving in Article 25 of the Sexual Harassment Prevention Act, the victim shall be informed of the right to file a complaint with the judiciary or to report the case to the police, and given necessary assistance.
(13) Should the name of the victim shall be reported or recorded in the advertisement, publication, broadcast, television, electronic signal, computer network or other media which violates the provisions of Article 12 of the Sexual Harassment Prevention Act and will be sufficient to identify the victim's identity, the competent authority shall be notified of such condition for such purpose and be dealt with in accordance with the provisions of Article 24 of the same law.

17. Should persons violate the duty of confidentiality while dealing with sexual harassment incidents, the Chairman shall terminate their participation and shall impose punishment on them in accordance with the relevant provisions. Furthermore, such person shall hold responsibility and their appointment or employment shall be dismissed.

18. If the incident of sexual harassment complaints enters the judicial process, the Committee shall complete the investigation within the

prescribed time. The Department of Social Welfare, Taipei City Government shall be informed of the results of the investigation on complaint case applicable to provisions of the Sexual Harassment Prevention Act and, if necessary, shall report to the Sexual Harassment Prevention Committee for decision and agreement to stop the case proceeding before the end of investigation and trial proceedings.

19. The Center shall conduct ex post facto tracking, assessment and supervision to ensure that the disciplinary or handling measurements are effectively implemented in order to avoid the occurrence of the same cases or retaliation.

20. The Center shall not fire, reassign jobs or otherwise take any adverse sanction against the employee or his/her assistance to other employer who lodges the complaint.

21. If a staff member or the Director of the Center sexually harasses another person by taking advantage of his or her official position and the victim requests a proper punishment to restore his/her reputation according to Paragraph 2 of Article 9 of the Sexual Harassment Prevention Act, the said staff or Director shall provide proper help to this request.

22. Notwithstanding the fact that the Center is not the service unit of offenders, it shall take appropriate and urgent action. The complaint and related materials of a case applicable to the Sexual Harassment Prevention Act shall be submitted to the competent authority of the local municipality or county (city) government within seven days.

23. Concurrent members and professionals involved in the investigation are not staff of the Center Non-members and are serving their posts on a non-salaried basis. The fees for their preparation of the relevant investigation report instruments or attendance of the meeting by invitation shall be paid in accordance with the relevant provisions.

24. The funds required for this Committee shall be supported by the relevant budget of the Center.

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