

## Content

Title :	Gender Equity Education Act <b>Ch</b>
Date :	2023.08.16
Legislative :	<p>1.Presidential Decree Hua Zong Yi.Yi.Zi. No. 09300117611 issued June 23, 2004: promulgation of complete text of 38 articles, taking immediate effect.</p> <p>2.Presidential Decree Hua Zong Yi.Yi.Zi. No. 09900125131 issued May 26, 2010: Amendments to Articles 34 and 36, taking immediate effect.</p> <p>3.Presidential Decree Hua Zong Yi.Yi.Zi. No.10000131071 issued June 22, 2011: Amendment of Article 2; Articles 12 to 14; Articles 20 to 28; Article 30; Article 36; Article 38; and of the title of Chapter 4; and Addition of Articles 14-1 and Article 36-1, with the date of effect to be determined by the Executive Yuan.</p> <p>Executive Yuan Order Yuan.Tai.Zi No.1000060556 issued November 15, 2011: with the exception of Article 36-1, all Amendments issued June 22, 2011 to take effect November 15, 2011.</p> <p>Executive Yuan Order Yuan.Tai.Zi No.1000068428 issued December 30, 2011: Article 36-1 to take effect December 2, 2011.</p> <p>4.Presidential Decree Hua Zong Yi.Yi.Zi. No. 10200225121 issued December 11, 2013: Amendment to Article 25.</p> <p>5.Announced on Dec.28, 2018.</p> <p>6.Presidential Decree Hua Zong Yi.Yi.Zi. No.11100003411 issued January 19, 2022: Amendment to Article 27-1 and Article 30.</p> <p>7.Presidential Decree Hua-Zhong (1) Yi-Zi No. 11200069321 promulgated on August 16, 2023: Amendments to all 48 articles of the Act. These amendments shall take effect from the date of promulgation, with the exception of the provisions of Paragraph 2 of Article 2, Subparagraph 2 and Item 4 of Subparagraph 3 of Article 3, Paragraph 2 of Article 5, Articles 7 through 9, Article 21, Article 29, Article 30, proviso to the former part of Paragraph 2 and Paragraph 3 of Article 33, Article 37, Article 40, and Article 44, which shall take effect on March 8, 2024.</p>
Content :	<p>Chapter 1 General Principles</p> <p><b>Article 1</b></p> <p>This Act is prescribed in order to promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish the education resources and environment for gender equality. The definitional scope of a campus sexual harassment incident shall be determined in accordance with the provisions of this Act. In cases where the relationship between the parties involved does not fall within the definitional scope stipulated in this Act, the relevant provisions of the Gender Equality in Employment Act or the Sexual Harassment Prevention Act shall be applied as appropriate to the circumstances.</p> <p><b>Article 2</b></p> <p>The competent authority as referred to in this Act shall be as follows: in the central government, the Ministry of Education; in special municipalities, the municipal government; in counties (cities), the county (city) government.</p> <p>When handling matters specified in this Act at military academies,</p>

preparatory schools, police academies of all levels, and juvenile correctional institutions, the competent authority with jurisdiction shall be deemed the competent authority as referred to in this Act.

When matters specified in this Act involve the affairs of competent authorities with their responsibilities, each shall comply with this Act in its handling of these matters.

### **Article 3**

The following terms that appear in this Act are hereby defined:

1. Gender equity education: to generate respect for gender diversity, eliminate gender discrimination and promote substantive gender equality through education.
2. School, teacher, staff, worker, and student:
  - i.) School: public and private schools of all levels, military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions.
  - ii) Faculty: full-time instructors, part-time instructors, acting faculty, substitute teachers, military instructors, volunteer teaching assistants, education interns directly involved in teaching, education internship program supervisors, and other individuals engaged in teaching or research.
  - iii) Staff (member) or worker: individuals other than those listed above who perform fixed or regular school-related duties, volunteers assisting in school operations, student affairs innovation specialists, and individuals as designated by the central competent authority.
  - iv) Student: individuals currently enrolled at a school, individuals not currently enrolled but in the process of transitioning from enrollment in one school to another within the educational system, continuing education program enrollees, exchange students, educational internship students or trainees, and other individuals as designated by the central competent authority.
3. Campus gender incident: incidents in which one party is a school principal, teacher, staff member, worker, or student, and the other party is a student, and which meets one of the following conditions:
  - i) Sexual assault: acts constituting criminal sexual assault as defined in the Sexual Assault Crime Prevention Act.
  - ii) Sexual harassment: acts meeting one of the following criteria but not constituting sexual assault:
    1. Engaging in unwelcome sex- or gender-related speech or behavior, whether explicit or implied, which adversely affect the other party's personal dignity, learning, or work opportunities or performance.
    2. Sex- or gender-related behavior that serves as the condition for oneself or others to gain or lose rights or interests in learning or work.
  - iii) 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.
  - iv) Sex- or gender-related behavior by a principal or faculty and staff that violates professional ethical standards: cases where a principal or faculty member develops an intimate relationship with an underage student, or exploits an unequal power relationship in the course of teaching,

providing guidance to, training, evaluating, managing, or counseling a student, or providing a work opportunity to a student, to develop a relationship that violates professional ethical standards in the context of sex- or gender-related interpersonal interactions.

4. Gender identity: an individual's perception and acceptance of their own gender.

#### **Article 4**

The central competent authority shall establish a gender equity education committee whose with missions as following :

1. Draft laws, regulations, policies and annual projects related to gender equity education at national level.
2. Coordinate and integrate related resources, assist and fund the regional competent authority and schools and social education institutions under its jurisdiction in order to implement and develop gender equity education.
3. Supervise and evaluate gender equity-related activities carried out by the regional competent authority, schools and social education institutions under its jurisdiction under its jurisdiction.
4. Promote research and development of curricula, teaching, and assessments on gender equity education and related issues.
5. Plan and implement gender equity education personnel training programs.
6. Provide consultation services related to gender equity education, and investigate and handle cases pertinent to this Act.
7. Promote gender equity in family education and social education at national level.
8. Other matters related to gender equity education at national level.

#### **Article 5**

The competent authority of the municipal government at municipal level and the county or city government at county or city level shall establish a gender equity education committee with missions as following:

1. Draft regional laws and regulations, policies and annual projects related to gender equity education.
2. Coordinate and integrate related resources, assist and fund the regional competent authority and schools and social education institutions under its jurisdiction in order to implement and develop gender equity education.
3. Supervise and evaluate gender equity-related activities carried out by schools and social education institutions under its jurisdiction.
4. Promote research on curricula, teaching, and assessments on gender equity education and related issues.
5. Provide schools and social education institutions under its jurisdiction consultation service related to gender equity education, and investigate and handle cases pertinent to this Act.
6. Implement in-service education programs for faculty and personnel in schools under its jurisdiction.
7. Promote gender equity in family education and social education.
8. Other regional matters related to gender equity education.

The competent authorities for military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions shall establish gender equity education committees with missions as

following:

1. Provide appropriate resources to assist the schools under their jurisdiction in implementing and developing gender equity education.
2. Supervise and assess the implementation of gender equity education-related work at the schools under their jurisdiction.
3. Handle matters related to gender equity education at the schools under their jurisdiction as stipulated in Article 5, Article 6, and other relevant provisions.

#### **Article 6**

The school shall establish a gender equity education committee with missions as following :

1. Integrate related resources in various departments of the school, draft gender equity education projects, and implement and examine the results of the projects.
2. Plan and implement activities related to gender equity education for students, staff, faculty, and parents.
3. Research, develop and promote courses, teaching, and assessments on gender equity education.
4. Plan implementation of gender equity education and regulations for preventing and handling of gender-related incidents on campus, establish mechanisms to coordinate and integrate related resources.
5. Investigate and handle cases pertinent to this Act.
6. Plan and establish a safe and gender-fair campus.
7. Promote gender equity in family education and social education at community level.
8. Other matters related to gender equity at school or community level.

#### **Article 7**

The gender equity education committee of the central competent authority shall consist of seventeen to twenty-three members, who shall serve for specific terms. The Minister of Education shall be chair of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Experts, scholars, NGO/NPO representatives, student representatives, and practitioners from fields related to gender equity education shall make up at least two-thirds of the committee members. The aforesaid committee shall hold at least one meeting every three months, and appoint staff to handle related matters. The means of the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority.

#### **Article 8**

The gender equity education committee of the municipal government and county or city level shall consist of nine to twenty-three members, who shall serve specific terms. The mayor of the municipality, the magistrate of the county or the mayor of the city government shall be chair of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the

committee members shall be women. Experts, scholars, NGO/NPO representatives, student representatives, and practitioners from fields related to gender equity education shall make up at least one-third of the committee members.

The aforesaid committee shall hold at least one meeting every three months, and appoint staff member(s) ad hoc to handle related matters. Guidelines regarding the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority. Competent authorities at the municipal and county (city) level shall, in accordance with these guidelines, prescribe autonomous regulations governing their gender equity education committees. The gender equity education committees of the competent authorities for military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions shall consist of nine to twenty-three members, with fixed terms of appointment. The head official of the competent authority with jurisdiction over schools shall serve as the chairperson of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Committee members who are experts in fields related to gender equity education shall account for at least half of total committee membership.

The aforesaid committees shall hold at least one meeting every three months and appoint staff member(s) ad hoc to handle related matters. The means of the committees' organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, tasks that may be delegated to affiliated agencies, and other related matters shall be prescribed by the competent authority with jurisdiction over schools.

#### **Article 9**

The gender equity education committee of the school shall consist of five to twenty-one members, who shall serve specific terms. The school principal or president shall be chair of the committee. The committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least one half of the committee members shall be women. Representatives of faculty, staff, parents, students, and experts and scholars from fields related to gender equity education may be invited to be committee members.

The aforesaid committee shall hold at least one meeting every three months, and appoint a staff member or teacher ad hoc to handle related matters. Guidelines regarding the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority. Schools shall, in accordance with these guidelines, prescribe relevant regulations governing their gender equity education committees.

#### **Article 10**

The competent authority shall prepare budgets in accordance with all the

projects planned by its gender equity education committee.

#### **Article 11**

The competent authority shall supervise schools, social education institutions, or institutions under its jurisdiction to carry out tasks pertinent to gender equity education, as well as provide assistance where necessary. Those who accomplish significant achievements shall be awarded, whereas those who have substandard achievements shall be corrected and supervised for improvement.

### **Chapter 2 Learning environment and resources**

#### **Article 12**

The school shall provide a gender-fair learning environment, respect and give due consideration to students, faculty, and staff with different gender, gender temperaments, gender identity, and sexual orientation. Moreover, it shall establish a safe campus environment. The school shall prescribe and promulgate regulations for implementing gender equity education.

#### **Article 13**

The school shall not discriminate against a prospective student during recruitment or evaluation of applications for admission on the basis of his or her gender, gender temperaments, gender identity or sexual orientation. With the approval of the competent authority, this requirement will not apply to schools, classes and curricula with a specific historical tradition, special education objectives, or other reasons unrelated to gender.

#### **Article 14**

The school shall not discriminate against students on the basis of their gender, gender temperaments, gender identity, or sexual orientation in its instruction, activities, assessments, rewards and penalties, benefits, or services. This requirement does not apply to matters suitable only to persons of a specific gender, gender temperaments, gender identity, or sexual orientation. The school shall proactively provide assistance to students who are disadvantaged due to their gender, gender temperaments, gender identity, or sexual orientation with the aim of improving their circumstances.

#### **Article 15**

The school shall proactively protect the right to education of pregnant students, and provide necessary assistance.

#### **Article 16**

Gender equity education shall be included in pre-service training of faculty and staff  
, orientation training of new staff members, in-service education program and preparation program for educational administrators, the same in professional teacher training programs in colleges and universities.

#### **Article 17**

At least one-third of members of performance evaluation committee , appeal review committee , and teacher review committee at the school level, as well as the teacher appeal review committee of the competent authority with jurisdiction, shall consist of either sex. This requirement need not apply to schools whose number of faculty members of either sex is lower than one-third of the total number of Faculty Evaluation Committee members.

### **Chapter 3 Curriculum, teaching materials and instruction**

#### **Article 18**

The school shall design curriculum and activities to encourage students to develop their potential and shall not discriminate students on the basis of their gender.

Elementary and junior high schools, in addition to integrating gender equity education into their curriculum, shall provide at least four hours of courses or activities on gender equity education each semester.

Senior high schools shall integrate gender equity education in their curriculum, the same as the five-year junior colleges in the first three years of their curriculum.

Universities and colleges shall offer a wide range of courses on gender studies.

Schools shall develop course planning and assessment methods in accordance to principles of gender equity education.

#### **Article 19**

The compilation, composition, review and selection of course materials shall comply with the principles of gender equity education. The content of teaching materials shall present fairly on the historical contributions, life experiences of both sexes, and diverse gender perspectives.

#### **Article 20**

When using teaching materials and engaging in educational activities, teachers shall maintain an awareness of gender equity, eliminate gender stereotypes, and avoid gender prejudice and discrimination.

Teachers shall encourage students to take courses in fields that are not traditionally affiliated with their genders.

### **Chapter 4 Prevention and handling of gender-related incidents on campus**

#### **Article 21**

The central competent authority shall establish guidelines for preventing and handling gender-related incidents on campus. These guidelines shall include campus safety plans, matters needing attention regarding on- and off-campus instruction and activities as well as interpersonal interaction, ethical considerations for principals and faculty members regarding sex- or gender-related matters, matters related to self-initiated disclosure, and handling mechanisms, procedures, and relief for gender-related incidents on campus.

Schools shall prescribe and promulgate prevention and control regulations in accordance with the aforesaid guidelines. Schools at the senior high and higher levels shall prescribe and promulgate relevant regulations or professional ethical standards in accordance with the previous Paragraph. Schools shall actively promote education on the prevention of gender-related incidents, with the aim of increasing respect among principals, teachers, staff members, workers, and students for the bodily autonomy of others and oneself. Schools shall conduct annual gender-related incident prevention education and advocacy events, and evaluate their effectiveness.

#### **Article 22**

Should a principal, teacher, staff member, or worker become aware of a suspected gender-related incident occurring at the school where they are employed, they shall report the incident to the school authorities designated in the school's prevention and control regulations. The school authorities shall handle the matter in accordance with the following provisions no later than twenty-four hours after receiving the report:

1. Report the incident to the school's competent authority.
2. Report the incident to the competent social welfare authority of the municipality or county (city) where the school is located in accordance with the Sexual Assault Crime Prevention Act, The Protection of Children and Youths Welfare and Rights Act, the People with Disabilities Rights Protection Act, and other pertinent laws and regulations.

The principal, teacher, staff member, or worker of the school shall not falsify, alter, destroy, or conceal evidence of gender-related incidents on campus in which others are implicated.

In handling a gender-related incident on campus, the school or competent authority shall turn over the case to its Gender Equity Education Committee for investigation and handling. No person shall establish any other means of investigation, and the results of investigations conducted by violators shall be null and void.

#### **Article 23**

When investigating a gender-related incident on campus, the school or competent authority shall be objective, fair and professional, allowing both involved parties sufficient opportunities to make their statements and respond to allegations. Repetitive interrogation shall be avoided.

The involved parties' and informant's name and other information that may lead to personal identification shall be kept confidential, except when necessary for investigative purposes or to allay public safety concerns.

#### **Article 24**

When investigating a gender-related incident on campus, the school or competent authority shall take necessary measures for the protection of the involved parties' rights to education and employment, and must not use unequal power or status to act in a manner that could affect the victim's rights to education or employment, or to request an investigation.

#### **Article 25**

In handling a gender-related incident on campus, the school or competent



authority shall inform the victim and his/her guardian or de facto custodian of his/her rights and avenues for relief, or refer him/her to relevant institutions for resolution. In addition, based on his/her needs, psychological counseling and guidance, or other types of professional services shall be provided. When necessary, protective measures, legal assistance, referrals to social welfare resources, or other assistance shall be provided. When an informant is at risk of harm, necessary protective measures or other assistance shall be provided.

The school or competent authority shall appoint a physician, clinical psychologist, counseling psychologist, social worker, or lawyer to provide the aforementioned psychological counseling and guidance, protective measures, legal assistance, or other assistance.

If a student is the victim of sexual assault, sexual harassment, or sexual bullying, but is not within the definitional scope of this Act, the school with which the student is affiliated may apply the provisions of the preceding two Paragraphs accordingly.

#### **Article 26**

Once a gender-related incident on campus has been investigated and established as having actually occurred by the school or competent authority in accordance with the pertinent laws or regulations, the school or competent authority shall itself impose a formal reprimand, demerit, dismissal, suspension, non-renewal of contract, discharge from employment, termination of a contractual relationship, termination of a service relationship, or some other appropriate penalty on the offender, or transfer him or her to another authorized agency with the jurisdiction to do so.

When handling a gender-related incident on campus, the school, competent authority, or other authorized agency with the jurisdiction to take disciplinary measures and impose penalties shall in addition order that the offender receive psychological counseling, and may also order that he/she must comply with one or more of the following measures, except for an offender already subject to a lifetime ban on appointment, employment, contractual relationship, or service relationship.

1. Apologize to the victim, if the victim, his/her legal guardian, or his/her de facto custodian gives consent. When a legal guardian or de facto custodian consents, the best interests of the child or minor shall be given priority, and his/her opinions shall be weighed based on his/her level of mental maturity.

2. Attend eight hours of gender equity education related courses.

3. Other measures that serve an educational purpose.

The school or competent authority shall appoint a physician, clinical psychologist, counseling psychologist, social worker, or lawyer to provide the aforementioned psychological counseling and guidance.

In cases in which the incident of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards was not serious in nature, the school, competent authority, or authorized agency may just act in accordance with the stipulations of Paragraph 2, as the necessary element of handling the matter.

When any disciplinary measure referred to in Paragraph 1 involves a change to the offender' s status, the offender shall be given an opportunity to make a written statement presenting his or her views.

Any disciplinary measure listed in Paragraph 2 shall be implemented by the school or competent authority that imposes it, and when doing so, the school or competent authority shall take all necessary measures to ensure the offender' s full cooperation and compliance.

When Subparagraph 1 of Paragraph 2 is applied and the involved parties are both students, the school may utilize restorative justice or other counseling strategies to encourage relationship repair.

#### **Article 27**

During the investigation of a gender-related incident on campus, the school or competent authority may make public a description of pertinent matters, handling methods, and principles where necessary. After the case has been closed and upon the approval of the victim, his/her guardian, or his/her de facto custodian, the school or competent authority may also make public whether the case is established, the type of the case, and handling method of the case. Party names and other information that may lead to their identification shall not be revealed.

#### **Article 28**

The school or competent authority shall establish a database of gender-related incidents on campus, as well as profiles of offenders.

If the offender is a student and transfers to another school for studies, the former competent authority and the school where the offender originally studied shall, in such cases as they consider there to be a need for follow-up counseling, notify the new school where the offender studies within one month of the date of knowing such transfer.

If the offender is not a student and transfers to another school for employment, the former competent authority and the school where the offender was originally employed shall provide follow-up counseling, and notify the new school where the offender is employed within one month of the date of knowing such transfer.

The notified school described in the previous two Paragraphs shall keep track of the offender and provide counseling where necessary. The school shall not reveal the offender' s name or other information that may lead to his or her identification without legitimate reason.

The establishment, means of retention, duration of retention, destruction, and use of the database mentioned in Paragraph 1, and the school notification and other pertinent matters mentioned in Paragraphs 2 and 3, shall be prescribed in accordance with the principles of prevention prescribed in Article 21, Paragraph 1.

#### **Article 29**

If an investigation conducted by the gender equity education committee of a school or by an appropriate committee set up in accordance with the law confirms that any of the circumstances listed below apply to an educator that the school has appointed or employed, or to some other staff member with whom the school has entered a contract or whose services it has

engaged, the educational institution shall dismiss the person, revoke their appointment, terminate the contractual relationship, or terminate the service relationship, as applicable:

1. In cases of sexual assault, or in cases of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards and warrants a lifetime ban on appointment, employment, contractual relationships, or service relationships.

2. In cases of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards where it is necessary to dismiss the person, revoke his/her appointment, terminate the contractual relationship, or terminate the service relationship, and after considering the circumstances of the case, a decision is made that the school may not appoint, employ, enter into a contract with, or engage the services of the individual for a period of one to four years.

A person involved in any circumstances referred to in Subparagraph 1 of the previous paragraph apply, any school at any level is not permitted to appoint, employ, enter into a contract with, or engage the services of that person. If such a person has already been appointed, employed, entered into a contract with, or had their services engaged, the school shall revoke the appointment, discharge the person from employment, terminate the contractual relationship, or terminate the service relationship, as applicable. The same shall apply in the case of a person involved in any circumstances described in Subparagraph 2 of the previous paragraph and a period of between one and four years has been formally decided on, during which time a school is not permitted to employ, appoint, enter into a contract with, or engage the services of that person.

If the gender equity education committee of a school has investigated and verified that a personnel member to whom the dismissal from employment, revocation of appointment, or termination of a contractual or service relationship referred to in the provisions of Paragraph 1 do not apply has committed sexual assault, or in cases of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards and warrants a lifetime ban on appointment, employment, contractual relationships, or service relationships, or behavior in violation of the Child and Youth Sexual Transaction Prevention Act or the Child and Youth Sexual Exploitation Prevention Act, then appointment of, employment of, contractual relationships with, and service relationships with that person are not permitted. If the person has already been appointed or employed, or if a contractual or service relationship exists with the person, the school shall revoke the appointment, dismiss the person, terminate the contract, or terminate the service relationship, as applicable. The same shall apply if the school's gender equity education committee has investigated and verified sexual harassment, sexual bullying, sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards, violations of the Act for the Prevention and Control of Child and Youth Sexual Exploitation, or violations of the Act for the Prevention and Control of Child and Youth Prostitution that does not

warrant a lifetime ban on appointment, employment, contractual relationships, or service relationships and has formally decided on a period of between one and four years, during which time a school is not permitted to appoint, employ, enter into a contract with, or engage the services of that person.

### **Article 30**

The competent authorities and schools of all levels shall undertake reporting, and collection and checking of information regarding any persons to whom any of the circumstances referred to in the previous Article apply. Before appointing or employing any educator, or entering into a contract with or engaging the services of any other person, a school shall, in accordance with the provisions of the Sexual Assault Crime Prevention Act, check whether or not the candidate has any record of criminal sexual assault, and in accordance with the regulations referred to in Paragraph 4, shall check whether the candidate has ever been implicated in sexual assault, sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards, or acted in violation of the Child and Youth Sexual Transaction Prevention Act or the Child and Youth Sexual Exploitation Prevention Act. Such checks shall be undertaken on a regular basis of persons already employed, appointed, entered into a contract with, or whose services are being engaged.

When assisting schools to undertake the checking referred to in the preceding Paragraph, the competent authorities at each level may use the database of persons who have been subject to an administrative penalty that was compiled by the central competent social welfare authority, in accordance with the provisions of the Child and Youth Sexual Exploitation Prevention Act, or Article 27 of the Sexual Harassment Prevention Act, as well as the database compiled by the central competent labor authority under the Act of Gender Equality in Employment of incidents related to sexual harassment prevention.

The regulations governing the reporting, and the collection, checking, handling, and use of information, and other related matters referred to in the previous three paragraphs shall be prescribed by the central competent authority.

The revocation of appointment, suspension of appointment, discharge from employment, permanent dismissal from employment, suspension of employment, or discharge from military service of personnel referred to in the previous Article to whom the Teachers' Act, the Act Governing the Appointment of Educators, relevant laws governing civil servants, or relevant laws governing military personnel are applicable shall be conducted in accordance with the applicable provisions of those laws, and the provisions of the previous four Paragraphs. In cases where dismissal, revocation of appointment, permanent dismissal from employment, or discharge from military service has not occurred, the person shall be transferred away from their current position at the school.

For any personnel member not referred to in the previous paragraph who has been involved in any of the circumstances referred to in Paragraph 1 or Paragraph 3 of the previous Article, during the investigation period the

school or the competent authority shall order the person to be temporarily suspended from employment following a resolution by the gender equity education committee; if the reason(s) for the temporary suspension of employment ceases to exist and the person is reinstated, any salary that they were not paid during the suspension period shall be paid to the person in arrears in accordance with the provisions of relevant regulations.

## **Chapter 5 Application for Investigation and Remedy**

### **Article 31**

A victim of a gender-related incident on campus, his/her legal representative, or de facto custodian may apply for an investigation in writing to the school with which the offender is affiliated. However, when the offender is currently or was previously the principal of the school, the application shall be made to the school's competent authority. Anyone with the knowledge of the incidents mentioned in the preceding Paragraph may report them to the school or competent authority according to prescribed procedures.

Schools and competent authorities shall not impose adverse sanctions or measures against a victim or any person who applies for an investigation, reports an incident, or assists others in applying for an investigation or reporting an incident.

### **Article 32**

After receiving an application for investigation or a report of an offense, the school or competent authority shall notify the applicant, victim, or informant in writing within twenty days whether the application is accepted.

The school or competent authority shall reject the application or offense report if one of the following applies:

1. Events not prescribed in the regulations of this Act.
2. Applicants or informants who do not provide their real names.
3. A case that has already been handled and closed.

The notification in the preceding paragraph shall explain the reason of its rejection in writing.

The applicant, victim, or informant may submit a written request for reconsideration to the school or competent authority, specifying the grounds for reconsideration, if he/she does not receive notification of the application's disposition within the time limit specified in Paragraph 1 or may do so within twenty days from the day following receipt of notification that the application is rejected.

### **Article 33**

After receiving an application or a report of an offense referred to in Paragraph 1 of the previous article, a school or competent authority shall delegate the matter to its gender equity education committee within three days to handle an investigation, except when the circumstances referred to in Paragraph 2 of the previous article apply.

When the gender equity education committee of a school or competent authority is handling an incident referred to in the previous Paragraph, it may set up an investigation team to investigate the matter; when necessary,

some or all appointed members of the investigation team may be persons from outside the educational institution or competent authority. However, if the offender is a principal, teacher, staff member, or worker, an investigation team shall be established, and all of its members shall be external appointees. The investigation teams in which all appointed members are from outside the educational institution or competent authority and the completed investigation reports that occurred before the amendments to this Act takes effect on December 30, 2018, were legal.

Members of the investigation team shall have an awareness of gender equity, and the number of female members is not permitted to be fewer than half of the total number of members. At least one-third of any investigation team at the school level and at least one half of any investigation team at the competent authority level shall be experts or scholars with professional expertise in the investigation of gender-related incidents on campus. The qualifications required for members shall be determined by the central competent authority.

When the parties involved in a gender-related incident on campus belong to different schools, each investigation team specified in the previous Paragraph shall also include one or more representatives of the school with which the victim is affiliated. However, if the victim, his/her legal representative, or his/her de facto custodian requests that the school where the victim is currently enrolled not be notified, and the gender equity education committee determines that there is no need to make such notification, this requirement does not apply.

When a gender equity education committee or an investigation team carries out an investigation in accordance with the provisions of this Act the perpetrator, the applicant, and any person(s) who or unit(s) which have been asked to assist in the investigation shall cooperate and provide pertinent information, and shall not evade, obstruct, or refuse.

Applicable provisions of the Administrative Procedure Law regarding jurisdiction, referral of cases, recusal, service of notifications, and amendments shall be applied in this Act or apply, *mutatis mutandis*.

#### **Article 34**

The handling of the investigation of a case by a gender equity education committee will not be affected by any judicial procedures regarding the same case.

When investigating and handling a case, the gender equity education committee shall take into account the difference in power between the two parties.

When an investigation finds that an individual may have been involved in suspected gender-related incidents on campus at different schools, the schools where the individual is currently employed and previously employed shall be notified of the timing and nature of the suspected incidents and cooperate in their investigation. The notified schools shall not refuse.

If the investigation finds that the same individual is involved in suspected gender-related incidents with different victims, these cases may be investigated together.

#### **Article 35**

If a school principal is involved in a gender-related incident on campus, and the gender equity education committee established by the school's competent authority deems it to be of a serious nature, requiring adjustment to or the suspension of the principal's duties during the investigation, the school's competent authority may institute such an adjustment or suspension. However, if the principal holds a military position, the Act of Assignment for Officers and Noncommissioned Officers of the Armed Force and related regulations shall apply.

An individual who has been suspended from duties as stipulated in the preceding Paragraph may apply for reinstatement and to receive the base salary, seniority-based salary, or the equivalent remuneration for the period he/she has been suspended from duties in accordance with this Act or other relevant laws if the investigation does not conclude that the offense occurred, or if it concludes that the offense occurred but the suspension of duties, dismissal from employment, termination of appointment, suspension of appointment, or non-renewal of appointment has not been carried out in accordance with laws governing civil servants, educational personnel, or other relevant regulations.

Schools and competent authorities shall not accept retirement (military discharge) or severance applications from a principal or faculty member, civil servant, or member of the military employed or appointed by a school upon learning that he/she has been involved in a campus gender-related incident and lawfully subject to suspension of appointment, termination of appointment, non-renewal of appointment, referral for disciplinary action, or submission for review by the Control Yuan, or during a period of lawful suspension of duties or dismissal from employment.

#### **Article 36**

The Gender Equity Education Committee of the school or competent authority shall complete its investigation of a case within two 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-month's time. The applicant, victim, informant, and offender shall be notified of the extension.

After the investigation is complete, the Gender Equity Education Committee shall submit a written report to its school or competent authority regarding the investigation and suggestions for handling.

After receiving the aforesaid investigation report, the school or competent authority shall put forth a disposition or turn it over to the pertinent authority for a decision within two months according to this Act or pertinent laws or regulations. The school or competent authority shall notify in writing the applicant, victim, informant, and offender of its handling conclusion, facts established and grounds.

Before reaching the aforesaid conclusion, the school or competent authority may request representative(s) of its Gender Equity Education Committee to attend the meeting for clarification.

#### **Article 37**

If not agreeing with the conclusion referred to in Paragraph 3 of the preceding Article, the applicant, victim, and offender may, within thirty

days from the day following receipt of the written notification, submit a written request for reconsideration to the school or competent authority, specifying the grounds for reconsideration. However, if the offender is the principal, a teacher, staff member, or worker, the applicant or victim may make the request for reconsideration directly to the competent authority. The aforesaid request for reconsideration may be made only once.

The school or competent authority may request that its gender equity education committee reinvestigate the case if, upon reconsideration of the original investigation's conclusion, the school or competent authority finds significant flaws in the investigative procedure, or identifies new facts or new evidence sufficient to affect the original investigation's determination. In the case of a request for reconsideration filed directly with the competent authority under the provisions of Paragraph 1, the reinvestigation shall be completed within forty days.

If, upon reconsideration conducted pursuant to the provisions of Paragraph 1, the competent authority determines that the conclusion reached by the school's investigation is unlawful or otherwise inappropriate, it may when necessary and in accordance with the recommendations of the gender equity education committee directly impose a remedy or specify the reasons for returning the matter to the school for handling in conformance with the law, and shall also hold responsible individuals accountable.

#### **Article 38**

After receiving request for reinvestigation from the school or competent authority, the Gender Equity Education Committee shall organize a new investigation team, whose investigation and handling procedures shall follow pertinent regulations prescribed by this Act.

#### **Article 39**

If not satisfied with the disposition of the reconsideration, the applicant, victim, or offender may petition for relief according to the following regulations within thirty days from the day following receipt of the written notification. However, if there are countervailing legal provisions, those provisions shall prevail:

1. School principals and teachers: regulations prescribed by the Teachers' Act or relevant laws and regulations shall apply.
2. Civil service employees in public schools 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. School students: petition the school with which they are affiliated in accordance with regulations.

The relief provided for in the preceding Paragraph may only be initiated after the decision on reconsideration has been rendered.

#### **Article 40**

When a school's competent authority investigates and handles gender-related incidents on campus, it shall provide the school with consultation services, counseling assistance, legal supervision, or corrective actions.



If the school's competent authority finds that the school's gender equity education committee has failed to convene meetings in accordance with the law, has convened meetings but has failed to review matters for which review is required, or its investigation has procedural or substantive flaws, or if there are legal uncertainties regarding the investigation's determinations, and such findings are made before completion of the school's reconsideration process, the competent authority shall specify the reasons and notify the school to address these matters in tandem with the reconsideration process. If such matters are not addressed in tandem with the reconsideration process or if a request for reconsideration is not made within the specified time period, the competent authority shall return the matters, specifying the grounds for doing so, to the school's gender equity education committee for review within a prescribed period.

After the competent authority returns the matters to the school's gender equity education committee for review pursuant to the preceding Paragraph, if the school's gender equity education committee fails to conduct a review in accordance with the law within the prescribed period or if the results of the review still raise concerns of illegality or impropriety, the competent authority may refer the matters directly to the gender equity education committee it has established, specifying the grounds for doing so, and this committee's determination shall be considered as equivalent to a determination by the school's gender equity education committee.

When the competent authority's review of the circumstances described in the preceding paragraph reaches a determination that the school is at fault, the competent authority shall include that determination as a factor in school evaluation, reduction of grants (subsidies), or administrative assessment, and shall also hold responsible individuals accountable.

#### **Article 41**

The school or competent authority shall establish facts relevant to cases prescribed by the Act according to the investigation report provided by its Gender Equity Education Committee.

The court shall consult the investigation reports provided by the Gender Equity Education Committee at different levels in establishing facts referred to in the preceding paragraph.

#### **Article 42**

In cases where the offender involved in a gender-related incident on campus is a school principal, teacher, staff member, or worker, and the affected student suffers harm as a result of the incident, the offender shall be liable for compensatory damages.

Even if the harm described in the previous Paragraph does not involve a financial loss, the student may request monetary damages commensurate with the harm. In cases of reputational harm, the student may request appropriate measures to restore his/her reputation.

In addition to liability for compensatory damages pursuant to the provisions of the previous two Paragraphs, a court may, if the victim so requests and depending on the severity of the offense, impose punitive damages ranging from one to three times the compensatory damages. If the offender is a school principal, the court may impose punitive damages

ranging from three to five times the compensatory damages.

## **Chapter 6 Penal Provisions**

### **Article 43**

The principal or president, or a teacher, non-teaching staff member, or other worker at a school to whom any of the following circumstances apply is subject to a fine of not less than 30,000 New Taiwan Dollars and not more than 150,000 New Taiwan Dollars:

1. The person has violated, without reasonable grounds, the provisions of Paragraph 1 of Article 22 by failing to report the incident to personnel with administrative authority at the school or to the school's competent authority within 24 hours.
2. The person has violated Paragraph 2 of Article 22 by forging, altering, destroying, or concealing evidence pertaining to an incident of on-campus sexual harassment or sexual bullying perpetrated by some other person(s), or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards.

A school that acts in violation of the provisions of Paragraph 3 of Article 22, Paragraph 2 of Article 23, the latter part of Article 24, the proviso to Article 27, Paragraph 4 of Article 28, or Paragraph 3 of Article 31 is subject to a fine of not less than 10,000 New Taiwan Dollars and not more than 150,000 New Taiwan Dollars; any other person working there who acts in violation of any of these provisions is also subject to such a fine.

A school in violation of the provisions of Article 13, Article 14, Article 15, Article 17, or Paragraph 2 of Article 21 is subject to a fine of not less than 10,000 New Taiwan Dollars and not more than 100,000 New Taiwan Dollars.

If an offender violates Paragraph 6 of Article 26 by failing without reasonable grounds to comply with the implementation of the measures specified in the preamble, Subparagraph 2 and Subparagraph 3 of Paragraph 2, or violates Paragraph 5 of Article 33 by failing without reasonable grounds to cooperate with the investigation specified there, the school shall report the matter to the competent authority and request that it impose a fine of not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars, and a separate fine may be imposed for each instance of a violation until the offender complies or provides relevant information. When, however, the offender is the principal or president of the school, the fine shall be directly imposed by the competent authority. If the principal or president of a school or a member of the board of directors of a school endowment corporation has been negligent in exercising their duties with the result that the school has not, in accordance with the provisions of Paragraph 1, the preamble, Subparagraph 2 and Subparagraph 3 of Paragraph 2, or Paragraph 6 of Article 26, taken disciplinary action or measures against an offender other than those specified in Subparagraph 1 of Paragraph 2 of Article 26, or has not taken measures necessary to ensure the offender's full cooperation and compliance, the principal or president or the board member is subject to a fine of not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars.

#### **Article 44**

A principal, teacher, staff member, or worker of a school who violates the regulations on reporting suspected incidents of sexual assault on campus described in Paragraph 1 of Article 22 when such a violation results in a further incident of sexual assault on campus, or who falsifies, alters, destroys, or conceals evidence of sexual assault on campus committed by others shall, if the evidence has been verified by the school or relevant authorities to be accurate, be subject to dismissal, discharge from employment, termination of contractual relationship, or termination of service relationship in accordance with the law.

A principal, teacher, staff member, or worker of a school who falsifies, alters, destroys, or conceals evidence of on-campus sexual harassment or sexual bullying committed by others, or of sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards shall, upon verification by the school or relevant authorities that such actions have taken place, be subject to dismissal, discharge from employment, termination of contractual relationship, or termination of service relationship as required by relevant regulations.

The school or competent authority shall report any individual who violates the provisions described in the previous two Paragraphs in accordance with the law.

#### **Chapter 7 Supplementary Provisions**

##### **Article 45**

The provisions of Article 10, Article 25, and Article 26 of the Sexual Harassment Prevention Act shall apply to gender-related incidents on campus as defined in this Act.

##### **Article 46**

All gender-related incidents on campus that were already under review but whose review had not reached a determination prior to the effective date of the amendments to this Act on [date], as well as incidents that occurred before the amendments came into effect and were subsequently taken up after the amendments came into effect, shall be concluded in accordance with the provisions in effect after the amendments. However, the validity of procedures that have already been initiated shall not be affected.

##### **Article 47**

Enforcement Rules for this Act shall be drawn by the central competent authority.

##### **Article 48**

This Act will take effect as of the date of promulgation, except for the provisions of Paragraph 2 of Article 2, Subparagraph 2 and Item 4 of Subparagraph 3 of Article 3, Paragraph 2 of Article 5, Articles 7 through 9, Article 21, Article 29, Article 30, proviso to the former part of Paragraph 2 and Paragraph 3 of Article 33, Article 37, Article 40, and Article 44, which will take effect on March 8, 2024.