Content

Title：	Gender Equity Education Act Ch
Date：	2010.05.26
Legislative：	1.Promulgated by the President on June 23, 2004. by the Order of Hwa-Tung-1-I- Tze-No. 09300117611 2.Amended Article 34、Article 36 on May 26,2010. by the Order of Hwa-Tung-1-I- Tze-No.09900125131
Content：	Chapter 1 General Provisions Article 1 This Act is prescribed in order to promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish education resources and environment of gender equality. For matters not set forth in this Act, the relevant provisions of other laws shall govern. Article 2 The following terms that appear in this Act are hereby defined: 1. Gender equity education: to eliminate gender discrimination and promote substantive gender equality through education. 2. School: public and private schools of all levels. 3. Sexual assault: any sexual offense defined by the Sexual Assault Prevention Act 4. Sexual harassment: cases described by the following and do not constitute as sexual assaults: i) 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. ii) 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. 5. Sexual assault or sexual harassment on campus: sexual assault or sexual harassment that involves the school principal, faculty, staff or student as one party and student as the other party. Article 3 The term competent authority used in this Act is referred to the Ministry of Education at the central government level, the municipal government at the municipal level, and the county or city government at the county or city level. Article 4 The central competent authority shall establish a gender equity education committee whose tasks include: 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 whose tasks include:
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.

Article 6 The school shall establish a gender equity education committee whose tasks include:
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. Draft and implement regulations on gender equity education and prevention of sexual assault and sexual harassment 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. At least half of the committee members shall be women. Experts, scholars, NGO/NPO 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 staffer(s) ad hoc to handle related matters. Matters regarding the organization and meetings of the committee and other related affairs 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. At least half of the committee members shall be women. Experts, scholars, NGO/NPO 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 staffer(s) ad hoc to handle related matters. Matters regarding the organization and meetings of the committee and other related affairs shall be prescribed by the competent authorities at municipal, or county or city level.

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, and at least one half of the committee members shall be women. Representatives of faculty, staff, parents, students, and experts with gender equity consciousness, 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 staffer or teacher ad hoc to handle related matters. Matters regarding the organization and meetings of the committee, and other related affairs shall be prescribed by the school.

Article 10 The competent authority at central, municipal, county or city shall designate budgeting 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 and establish a safe campus environment.
The school shall respect the gender temperaments and sexual orientation of students, faculty and staff.
The school shall erect regulations to implement gender equity education, and promulgate them.

Article 13 The school shall not discriminate against prospective students and their admission acceptance on the basis of their gender or sexual orientation. This dose not apply to schools, classes and curricula with historical tradition, special education missions, or other non-gender related reasons, upon the approval of the competent authority.

Article 14 The school shall not discriminate against students on the basis of their gender or sexual orientation in its teaching, activities, assessments, award and punishment, welfare and services. This does not apply to matters only suitable for specific gender.
The school shall affirmatively provide assistance to students who are disadvantaged due to their gender or sexual orientation in order to improve their situation.
The school shall affirmatively protect rights to education of pregnant students, as well as provide assistance where necessary.

Article 15 Gender equity education shall be included in pre-service training of staff members, 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 16 At least one-third of members of Staff Appraisal Committee, Grievance Review Committee, and Faculty Evaluation Committee at the school level, as well as the Faculty Grievance Review Committee of the competent authority at the central, municipal and county or city level, 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.
The school and competent authority shall complete reorganization of committees according to the aforesaid regulations within one year from the effective date of this Act.

Chapter 3 Curriculum, teaching materials and instruction
Article 17 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 18 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 19 When using teaching materials and engaging in educational activities, teachers shall maintain gender equity consciousness, 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 gender.

Chapter 4 Prevention and handling of sexual assault and sexual harassment on campus

Article 20 The central competent authority shall prescribe regulations to prevent and handle sexual assault or sexual harassment on campus. Such regulations shall contain campus safety plans, matters needing attention regarding instruction and interpersonal interaction on and off campus, and handling mechanisms, procedures, and relief for a case of sexual assault or sexual harassment on campus.
The school shall prescribe and promulgate prevention and handling regulations for the aforesaid regulations.

Article 21 In its handling of a campus sexual assault or sexual harassment case, the school or competent authority shall fulfill its report responsibility in accordance to pertinent laws and regulations. The school or competent authority shall turn over the case to its gender equity education committee for investigation and handling.

Article 22 In its handling of campus sexual assault or sexual harassment cases, the school or competent authority shall be objective, fair and professional, allowing both involved parties sufficient opportunities to make their statement and plea. Repeated interrogation shall be avoided.
The party’s and offense-reporter’s name and other information that may lead to personal identification shall be kept confidential, except for investigation necessity or public safety concerns.

Article 23 In its handling of a campus sexual assault or sexual harassment case, the school or competent authority shall deploy necessary measures for the protection of the involved party’s rights to education or work.

Article 24 In its handling a campus sexual assault or harassment case, the school or competent authority shall inform the victim or his or her guardian of his or her rights and relief, or refer him or her to related institutions. Psychological counseling, protection measures or other assistance shall be provided where necessary.

Article 25 Once a campus sexual assault and harassment case has been investigated and established, the school or competent authority shall impose punishment on the offender, or transfer him or her to other authority institutes for punishment in accordance to pertinent laws or regulations.

In its punishment of a sexual harassment offender, the school, competent authority or other authority institute may impose one or more of the followings on the offender:
1. Apologize to the victim upon the consent of the victim or his or her guardian;
2. Attend eight hours of courses on gender equity education;
3. Receive psychological counseling;
4. Prescribe other measures that comply with educational purposes.
In the case of the punishment in the first paragraph, the offender shall be allowed an opportunity to make a written statement when his or her status is changed.

Article 26 During the investigation of a campus sexual assault or sexual harassment case, 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 or his or her guardian, 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 27 The school or competent authority shall establish a database on cases of sexual assault or sexual harassment on campus, as well as profiles of offenders.
When the aforesaid offender transfers to another school for studies or employment, the former competent authority and the school where the offender worked or studied shall notify the new school where the offender works or studies within one month from the date of knowing such transfer. The notified school 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.

Chapter 5 Application for investigation and relief
Article 28 When the school violates regulations in this Act, the victim or his or her guardian may apply for an investigation to the competent authority supervising the school. The victim of a campus sexual assault or sexual harassment or his or her guardian may apply for an investigation in writing to the offender's school. If the offender is the head of the school, the investigation application shall be made to the competent authority supervising the school.
Anyone with the knowledge of the events mentioned in the preceding two paragraphs may report them to the school or competent authority according to prescribed procedures.

Article 29 After receiving an application for investigation or an offense report, the school or competent authority shall send a written notification to the applicant or offense-reporter within twenty days to notify him or her whether the application is accepted.
The school or competent authority shall reject the application or offense report if one of the followings applies:
1. Events not prescribed in the regulations of this Act;
2. Applicants or offense-reporters 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.
If the applicant or offense-reporter does not receive a notification of application acceptance or rejection within the time frame mentioned in the first paragraph may reapply in writing to the school or competent authority within twenty days from the date following the notification is received. .

Article 30 After receiving an application or offense report mentioned in the first paragraph of the preceding Article, the school or competent authority shall turn over the case to its Gender Equity Education Committee within three days for investigation and handling, except when the second

paragraph of the preceding Article applies.
The Gender Equity Education Committee of the school or competent authority may form an investigation team for the aforesaid case.
Members of the aforesaid team shall have gender equity consciousness, and more than half of members shall be women. Part of the members may be invited from outside the school when necessary. At least one-third of the investigation team at the school level and at least one half at the competent authority level shall be composed of experts or scholars specialized in the investigation of such cases. The investigation team shall include representative(s) of the applicant's school when the two parties of the case belong to different schools.
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.
Pertinent regulations in the Administrative Procedure Law regarding jurisdiction, transfer, avoidance, service and rectification shall be applied or applies mutatis mutandis in this Act.
The Gender Equity Education Committee shall not be affected by the judicial procedures of the case in its investigation and handling of a case.
The Gender Equity Education Committee shall take into account the difference in power between the two parties in its investigation and handling of a case.

Article 31 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, offense-reporter 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, offense-reporter 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 32 If not agreeing with the conclusion referred to the third paragraph of the preceding Article, the applicant and offender may apply in writing with grounds for reapplication within twenty days from the date following the date of receipt of the written notification. .
The aforesaid reapplication may be made only once.
The school or competent authority 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.

Article 33 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 34 If not satisfied with the disposition of the reapplication, the applicant or offender may petition for relief according to the following regulations within thirty days from the date following the date of receipt of the written notification.:
1. Public and private school principals and teachers: regulations prescribed by the Teacher's Act 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. Private school staff: regulations prescribed by the Gender Equality in Employment Act shall apply;
4. Public and private school workers: regulations prescribed by the Gender Equality in Employment Act shall apply;
5. Public and private school students: regulations prescribed by the school shall apply.

Article 35 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.

Chapter 6 Penal Provision

Article 36 School violating Article 13, Article 14, Article 16, the second paragraph of Article 20, Paragraph 2to Article 22, or Paragraph 3 to Article 27 shall be subjected to a fine not less than 10,000 New Taiwan Dollars and not more than 100,000 New Taiwan Dollars.
An offender who violates the fourth Paragraph of Article 30 without legitimate reasons shall be subjected to a fine not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars. Consecutive fine may be made until he or she cooperates or provides pertinent information.

Chapter 7 Supplementary Provisions
Article 37 Enforcement Rules for this Act shall be drawn by the central competent authority.
Article 38 This Act will take effect as of the date of promulgation.

Data Source： Laws and Regulations Retrieving System