



Article Content

Title Gender Equity Education Act 

Amended 2010.05.26

Date

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 does 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 2 to 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.



Article Content

Title Enforcement Rules for the Gender Equity Education Act 

Announced Date 2005.06.13

- Article 1 These enforcement rules are enacted pursuant to Article 37 of the Gender Equity Education Act (hereafter referred to as the Act).
- Article 2 The phrase "substantive equality of gender status" in the first subparagraph of the first paragraph of Article 1 and the first subparagraph of Article 2 of the Act shall mean that no one shall be discriminated against due to his or her sex, sexual orientation, gender temperament, or gender identity.
- Article 3 The Gender Equity Education Committee shall contain the following items in its annual project as prescribed in the first subparagraph of Article 4, the first subparagraph of Article 5, and the first subparagraph of Article 6 of the Act:
1. Goals: Evaluate the achievement of the previous year, decide the theme of the year, and set the direction of future development.
 2. Strategies: Integrate projects and affairs among different offices within the institute; collaborate, communicate, and integrate resources with related institute.
 3. Tasks: List specific tasks for the year.
 4. Resources: Plan budget and human resources needs.
 5. Other development plans characteristic to the institute.
- Article 4 When the Gender Equity Education Committee carries out supervision and evaluation according to the third subparagraph of Article 4, the third subparagraph of Article 5, and the competent authority carries out supervision and evaluation according to Article 11 of the Act, they may do so in the form of joint supervision and invite experts, scholars and NGO/NPO representatives related to the field of gender equity education to participate in the task.
- The aforesaid evaluation shall be carried out on a regular basis. Evaluation standards and rules shall be announced half a year in advance, and assessment results shall be used as references

for joint supervision evaluation and school affair evaluation.

Article 5 The research and development of curricula, instruction, and assessment prescribed in the fourth subparagraph of Article 4, the fourth subparagraph of Article 5, and the third subparagraph of Article 6 of the Act shall include the following matters:

1. curricula:

(1) Pre-service training of staff members, orientation training of new staff members, in-service program and preparation program for candidates of educational administrators as prescribed in Article 15 of the Act.

(2) Curricula and activities provided to students as prescribed in the first paragraph of Article 17.

2. Instruction:

(1) Develop innovative teaching methods related to gender equity education.

(2) Enhance teachers' competence in gender equity education pedagogies.

3. Assessments:

(1) Cognition, affection, and practice of the concept of gender equity.

(2) Diverse and non-gender-biased methods of assessment such as observation, operation tasks, performances, oral exams, written exams, assignments, learning progress portfolio, research reports etc.

Article 6 Tasks to be contained in the consultation service prescribed in the sixth subparagraph of Article 4 and the fifth subparagraph of Article 5 of the Act shall include:

1. Assistance in providing information on books, journals, thesis, human resources data files, as well as academic and NGO/NPO related to gender equity education.

2. Assistance in the establishment formation and operation of Gender Equity Education Committees.

3. Assistance in the institutionalization of research and teaching programs related to gender equity education.

4. Other consultation services related to the implementation of the Act.

Article 7 Fields related to gender equity education as prescribed in the first paragraph of Article 7, the first paragraph of Article 8, and

the first paragraph of Article 9 of the Act shall refer to researches, instruction or practicing on issues regarding gender, sex education, and multiculturalisms.

Article 8 The term "gender equity consciousness" in the first paragraph of Article 9, the first paragraph of Article 19, and the third paragraph of Article 30 of the Act shall refer to a person's identification with the value of gender equity, understanding of the phenomena and causes of gender inequity, and willingness to help improve the situation.

Article 9 When establishing a safe campus environment as prescribed in first paragraph of Article 12 of the Act, the school shall consider the following matters in accordance to principals of gender unbiasedness, safety, friendliness and fair allocation:

1. Space arrangement.
2. Management and security.
3. Sign system, rescue system, and safety routes.
4. Restroom and sports facilities.
5. Lighting and space permeability.
6. Other pertinent matters.

Article 10 In addition to postings on the school bulletin board, promulgation methods prescribed in the third paragraph of Article 12 of the Act may include written, oral, internet, or other appropriate forms.

Article 11 Assistance prescribed in the third paragraph of Article 14 of the Act shall include using resources on and off campus to provide education suitable to students who are pregnant or have recently gone through child delivery, and deploying flexible measures to assist them to complete their education and providing them with counseling Services.

Article 12 The term "Staff Appraisal Committee" in the first paragraph of Article 16 of the Act shall refer to the committee organized to evaluate the performance of school's faculty and staff. For public schools, however, the term shall refer to the committee whose evaluation is limited to the schools' faculty.
The term "Faculty Evaluation Committee" in the first paragraph of Article 16 of the Act shall refer to the committee at the school level.

Article 13 The curriculum related to gender equity education referred to

the second paragraph of Article 17 of the Act shall cover courses on affective education, sex education, and gay and lesbian education in order to enhance students' gender equity consciousness.

Article 14 To implement regulations prescribed in Article 18 of the Act, the participation of teachers with gender equity consciousness is required in the compilation, writing, evaluation and selection of teaching materials at the primary and secondary school levels. The materials shall also be free from gender prejudice and the idea of male superiority in order to make the values of gender equity and diversity explicit.

Article 15 When encouraging students to take courses in fields not traditionally affiliated with their sexes as prescribed in the second paragraph of Article 19 of the Act, teachers shall encourage a diverse and individualized development in their guidance and assistance to students' course taking, major selection, and exploration in career development, and shall avoid making certain fields solely designate to a certain gender.

Article 16 The phrase "difference in power between the two parties" in the seventh paragraph of Article 30 of the Act shall refer to the difference in status, knowledge, age, physical strength, position, ethnicity or resources between the two parties.

Article 17 When the Gender Equity Education Committee submits its report according to the second paragraph of Article 31 of the Act, the report shall contain the following items:

1. The grounds of application of an investigation, including a description by the victim or offense-reporter.
2. Records of interviews conducted during the investigation, including dates and the persons interviewed.
3. Statements by the investigated party, the investigation applicant, witness(es), and others concerned.
4. Examination of evidences concerned.
5. Establishment of facts and grounds.
6. Suggestions for punishment, treatment and remedy.

Article 18 These enforcement rules will take effect as of the date of promulgation.



Article Content

Title Sexual Harassment Prevention Act **Ch**
Amended 2009.01.23
Date

Chapter One General Principles

Article 1 The Act is formulated in order to prevent sexual harassment and protect the rights of victims.

The definition of sexual harassment and the handling and prevention of incidents of sexual harassment are stipulated under the Law. What is not regulated here is dealt with under other laws. Except for Articles 12, 24 and 25, what is applicable to the Gender Equality in Employment Act and the Gender Equality Education Act is not applicable to the regulations of the present Act.

Article 2 Excluding sexual assault crimes, the so-called sexual harassment in the Act 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 languages and behaviors of discrimination, and insults or other methods are adopted. – For such reasons, the other's person's dignity of character is impaired. Or if another person feels scared, feels disliked with hostility or feels offended ; or if another persons' work, education, training, services, plans, activities or other normal habits are improperly influenced.

Article 3 The civil servant named in the Act refers to an employee who is engaged in public affairs.

The organization named in the Act refers to a government organization.

A troop under the Law refers to an armed force, and a school is under the jurisdiction of Ministry of National Defense.

Schools referred to under the Law include both national or private schools.

The institution named under the Law refers to a corporate juridical person, a partnership, or a non-corporate body which has its own representative or manager or other institutions.

Article 4 The competent authorities referred to in this Act are the Ministry of the Interior at the central level, municipal governments at the municipal level, and county (city) governments at the county (city) level.

Article 5 The following items shall be handled by central competent authorities. However, for items related to the duties of individual competent authorities in charge of specific business, they shall be handled by the competent authorities in charge of specific business individually.

- A. Investigate, make a draft and discuss policies and regulations for sexual harassment prevention
- B. Coordinating, supervising and examining implementation of sexual harassment prevention in the government
- C. Supervising handling procedure, inquiries, medical treatment and service network for sexual harassment incidents that local competent authorities concerned have set up
- D. Advancing education and promotion of sexual harassment prevention
- E. Giving rewards to any organization, school, institution, employer, group or individual that carries out sexual harassment prevention and has excellent performance
- F. Arranging and making statistics of sexual harassment incidents
- G. Studying the trends and problems of sexual harassment prevention
- H. Dealing with other matters about sexual harassment prevention

Article 6 A municipal and a county (city) government should set up a Sexual Harassment Prevention Committee which can undertake the following items. However, for items related to the duties of individual competent authorities of a municipality and a county (city) government in charge of specific business, they shall be handled by the competent authorities in charge of specific business individually.

- A. Drafting policies and regulations about sexual harassment prevention
- B. Coordinating, supervising and implementing sexual harassment prevention in government
- C. Investigating and mediating a disputed case of sexual harassment and transferring the case to a relevant organization or organizations.
- D. Extending educational training and the promotion of sexual harassment prevention
- E. Arranging and making statistics involving various data and information about sexual harassment incidents
- F. Dealing with other matters concerning sexual harassment prevention

In the Sexual Harassment Prevention Committee mentioned in above mentioned paragraph, there should be a director general who needs to be the mayor or deputy mayor of a municipal or of county (city). Its committee members should to be drawn from the organization's high-level staff, fair and honest social figures, representatives of private institutions, scholars and experts. Among all the committee members, number of fair and honest social figures, representatives of private institutions, scholars and experts should occupy one half or over and females should also occupy one half or more. The organization's high-level staff can be assigned by the local competent authorities concerned.

Chapter Two Sexual Harassment Prevention and Responsibility

Article 7 The organizations, troops, schools, institutions or employers should prevent incidents of sexual harassment as well as immediately take effective corrective measures when becoming aware of the occurrence of sexual harassment.

If number of the organization's staff, employees or customers reaches over ten, an appeal channel for mediation and handling should be set up. If the number of people reaches over thirty, measures for sexual harassment prevention should be formulated and be publicly announced.

In order to prevent and deal with sexual harassment, the central competent authorities concerned should specify standards of sexual harassment prevention. These should include principles of sexual harassment prevention, appeal channels, rewards and

punishments, educational training projects and other relevant measures.

- Article 8 The organizations, troops, schools, institutions or employers mentioned in the previous Article should organize regular educational training about sexual harassment prevention or encourage their members to join the training.
- Article 9 A person who has sexually harassed another person should take the responsibility of offering compensation for damage. Although the damage is not related to money or property, a certain amount of money should be paid. If a reputation is harmed, a proper punishment of restoring reputation should be required.
- Article 10 When proceeding with appeal, investigation or examination of sexual harassment incidents, the organizations, troops, schools, institutions or employers should propose lawsuit, act as witness and provide help for appeals and legal complaints and accusations and also need to have a fair mind without discrimination. Those who violate the regulations should take the responsibility of offering compensation for damage.
- Article 11 If an employee or a head of institution sexually harass another person by taking advantages of his or her official position, according to the paragraph 2 of Article 9, his or her employer or the institution should provide a proper help when a proper punishment of restoring the victim's reputation back is required.

When receiving education or training in a school, or educational or training institution, a students or trainee sexually harasses another person. According to the paragraph 2 of Article 9, the school, college or training institution should provide proper help when a proper punishment of restoring the victim's reputation is required

The regulations for the above two paragraphs are not suitable for other organizations.

- Article 12 Advertisements, publications, broadcasts, television, electronic messages, computer, internet or other kinds of media report or record neither the victim's name nor other information which can lead discovery of his or her identity. However, there will be

no such limitation if an agreement is given by a competent or if the investigation on sexual harassment incident in accordance with the law thinks revealing the victim's identity is necessary.

Chapter Three Complaint and Investigation Procedure

Article 13 The victim of a sexual harassment incident can not only ask for help by following relevant laws, but can also propose a complaint against the defendant to the defendant's organization, troop, school, institution, employer, or to the municipal and county (city) competent authorities where the defendant who sets his or her domicile.

When receiving the complaint against defendant, the municipal and county (city) competent authorities where the defendant who sets his or her domicile should immediately transfer this case to the defendant's organization, troop, school, institution, or employer and also the related files of the case for inspection. If the defendant's whereabouts or his or her organization, troop, school, institution, or employer is unknown, the case should be transferred to police authorities in the area of the sexual harassment incident in order to have further investigation.

The organization, troop, school, institution, or employer should start making investigation within seven days of receiving the complaint or arrival of the transferred case and also complete the investigation within two months. If necessary, the length of the investigation may be extended by another one month and those directly involved should be informed.

The result of the investigation should be given to those directly involved and the municipal and county (city) competent authorities where above mentioned parties who set their domiciles. If the organization, troop, school, institution, or employer does not complete the investigation within the required period or those directly involved do not feel satisfied with the result of the investigation, those directly involved may once more propose an appeal to the municipal and county (city) competent authorities where above mentioned parties who set their domiciles after the required period or within thirty days of the arrival of the result of investigation.

If those directly involved propose an appeal or another appeal after the required period, the case will not be accepted by the

municipal and county (city) competent authorities where above mentioned parties who set their domiciles.

Article 14 After the competent authorities concerned accept the case of an appeal, the Sexual Harassment Prevention Committee should assign three to five committee members as an investigation team and select a team leader to proceed with an investigation. The regulations of the paragraph 3 and 4 of the previous Article should be followed.

Article 15 When a case of a sexual harassment incident is under investigation or a trial, the Sexual Harassment Prevention Committee of a municipal or county (city) needs to pass a resolution and stop the process before the procedure is concluded if they think it is necessary.

Chapter Four Conciliation Procedure

Article 16 Two parties directly involved in a sexual harassment incident can apply to the municipal and county (city) competent authorities where the two parties who set their domiciles for conciliation in either a written statement or verbally. If an applicant prefers to use the verbal method, a written record of statements should be made.

In the previous paragraph, an applicant should convey the cause to be conciliated and the situation of the argument .

When dealing with a conciliation case mentioned in the first paragraph, the regulations concerning its jurisdiction, its confidentiality, its efficacy when person involved does not come, asking relevant organization for help, etc. shall be determined by the central competent authorities concerned.

Article 17 All expenses spent in a conciliation, except the examining fee, should be fully paid by those directly involved. The authorities should not receive any extra sum of money or reward.

Article 18 Upon a conciliation is reached, a conciliation statement should be made.

Regulations of Articles 25 to 29 of the Town and City Conciliation Statute can be applied in the making and implementation of the conciliation statement mentioned in the previous paragraph.

Article 19 When conciliation fails, those directly involved need to apply to Sexual Harassment Prevention Committee of a local

government for transfer of conciliation to judicial organs. There is no need to levy any fee for the verdict from the first trial.

Chapter Five Penalty

Article 20 A person who sexually harasses another person shall be fined not less than NT\$ 10,000 but not more than NT\$ 100,000 by the municipal and county (city) competent authorities where the person who sets his or her domicile.

Article 21 A person who is in charge of education, training, medical treatment, public affairs, business affairs, employment, or other relevant fields, and uses his or her power, influence or opportunity to make sexually harass to another person: a heavier fine, up to 50% extra should be imposed on the person.

Article 22 A person who violates the regulations of the later part of the paragraph 1 and the paragraph 2 of Article 7 shall be fined not less than NT\$ 10,000 but not more than NT\$ 100,000 by the municipal and county (city) competent authorities where the person who sets his or her domicile. If behavior is not corrected within a required period specified in the verdict given, a fine shall be imposed for each violation.

Article 23 When not obeying the paragraph 1 of Article 10, the organization, troop, school, institution, or employer shall be fined not less than NT\$ 10,000 but not more than NT\$ 100,000 by the municipal and county (city) competent authorities where the organization, troop, school, institution locates or the employer who set his or her domicile. If behavior is not corrected within a required period specified in the written verdict, a fine shall be imposed for each violation.

Article 24 A person who violates Article 12 shall be fined not less than NT\$ 60,000 but not more than NT\$ 300,000 by the competent authorities in charge of specific business individually. Objects mentioned in Article 12 should be confiscated or dealt with in other necessary arrangements. If behavior is not corrected within a required period written in informed information, a fine shall be imposed for each violation.

Article 25 When a person kisses, hugs or touches the bottom, breast, or other physical private parts of the other person when the latter one cannot quickly respond or resist: this person shall be imprisoned for a definite term of less than two years, do forced

labor service under detention, or separately or jointly fined not more than NT\$ 100,000.

About the crime mentioned in the previous paragraph, a prosecution for such crime may be instituted only upon a complaint.

Chapter Six Bylaws

Article 26 The regulations written in Articles 7 to 11, 22 and 23 can be applied to crimes of sexual assault.

The punishment by administrative fine mentioned in the previous paragraph is imposed by the competent authorities concerned with sexual assault crime prevention.

Article 27 The Enforcement Rules for this Act shall be determined by the central competent authorities in charge of sexual assault crime prevention.

Article 28 The Act shall come into force one year after its announcement.



Article Content

Title Enforcement Rules of the Sexual Harassment Prevention Act Ch

Announced Date 2006.01.25

- Article 1 These rules are promulgated pursuant to Article 27 of the Sexual Harassment Prevention Act (hereinafter referred to as the Act).
- Article 2 The determination of sexual harassment referred to in the Act shall be examined on a case-by-case basis, in order to investigate the concrete facts of the background of occurrence, environments, interpersonal relationships, the offender's speech and conduct and the understandings of the respondents.
- Article 3 The sexual assault crimes referred to in Article 2 of the Act shall mean the crimes prescribed in Article 2 of the of Sexual Assault Prevention Act.
- Article 4 The organizations, troops, schools, institutions or employers taking effective corrective measures according to Paragraph 1 to Article 7 of the Act shall pay attention to the following aspects:
1. Protecting victim's rights and privacy.
 2. Maintaining and improving the safety of the surrounding environment.
 3. Punishments to the offenders.
 4. Other prevention and improvement measures.
- Article 5 The calculation of the number of the organization's staff, employees or customers referred to in Paragraph 2 to Article 7 of the Act shall cover branch offices and subsidiary units. The number shall be calculated by the total amount of employees hired by the employer on the first working day of the month that the victim proposes a complaint.
- The customers mentioned in the preceding paragraph refers to those who receive services in that organizations, troops, schools, institutions or employers' places and not the organization's staff or employees.
- Article 6 When investigating the complaint or appeal of sexual harassment incidents, the organizations, troops, schools,

institutions, employers or the competent authority of municipality and county (city) government may request the assistance of the police authorities if necessary.

Article 7 Except the regulations in Paragraph 2, the competent authority of municipality and county (city) government prescribed in the Act refer to the competent authority of municipality and county (city) government of the offender's organization, troop, school, institution or employer when the victims of sexual harassment incidents propose a complaint. If the offender disappears or his or her organization, troop, school, institution, or employer is unknown, the competent authority of municipality and county (city) government refers to the competent authority of municipality and county (city) government in the area of the sexual harassment incident.

The competent authority of municipality and county (city) government prescribed in Article 22 of the Act refers to the competent authority of municipality and county (city) government of the offender's organization, troop, school, institution or employer.

Article 8 The Enforcement Rules shall be implemented from February 5, 2006.