



Understanding On-Campus Gender-Based Violence

**National Taiwan University Gender Equity Education
Committee**

Overview

- I. Introduction
- II. Regulations Relating to Gender Equity
- III. Purpose of the Gender Equity Education Act
- IV. Who does the Act Apply to?
- V. Types of Gender-Based Violence
- VI. Procedures for Dealing with Gender-Based Violence on Campus
- VII. Penalties for Faculty Members Guilty of On- Campus Gender-Based Violence
- VIII. Application for Legal Remedy
- IX. Recommended Readings for Gender Equity Courses
- X. Conclusion

I. Introduction: The "Rose Boy" ...

It was **April 20, 2000** when Yeh Yung-chih, a third-year student at Gao-shu Junior High School, paid the price for his gender nonconformity. He had always been a thoughtful, feminine child who enjoyed cooking and singing, and for that, he faced constant physical and verbal sexual bullying all through middle school. Frequently teased by classmates for being a "sissy", Yeh was bullied by his peers, who would forcefully remove his pants to "verify" his gender when he visited the restroom in between classes. To prevent having to endure such humiliation, Yeh would only use the washroom during lessons. On April 20, 2000, Yeh Yung-chih was found lying in a pool of blood in a school restroom and was rushed to the hospital, where he died the following morning.



圖片來源：google

I. Introduction: The "Rose Boy"

- Yeh's death called attention to issues like school bullying and gender inequity. Two years after his death in 2004, the **Gender Equality Education Bill** was renamed the **Gender Equity Education Bill** by the Ministry of Education. It is stipulated in the Bill that "no one shall be discriminated against due to his or her sex, sexual orientation, gender expression , or gender identity."
- Yeh's mother showed up at the 2011 Taiwan LGBT Pride Parade and exclaimed, "**be brave, children... Be yourself! Don't be afraid!**"
- A trainee teacher who did not manage to save Yeh Yung-chih in time claimed, "**I would thank him, but that would be too cruel.**"
- In light of this incident, Gao-shu Junior High School put up a stainless steel rose emblem at the entrance to its newly-built men's restroom, and an emblem of a tree at the entrance to the women's restroom. (Image courtesy of Gao-shu Junior High School via the Central News Agency)



I. Introduction: A Teacher-Student Relationship or an Abuse of Power?



示意圖片來源：林奕含FB頁

- Talented female writer found dead at home with a suicide note - 26-year-old writer Lin Yi-han committed suicide by hanging in 2017, after which many have discovered that Lin had, in her works, alluded to her being sexually assaulted. The alleged perpetrator is Lin's tutor from her school days.
- Huang Li-ya (2017) in the Humanistic Education Journal: "This isn't romance. It is the extended perpetuation of an act of sexual violence!" An act is considered sexual assault when it involves the bullying of the weak by the strong, such as the use of sweet nothings with the aim to confuse, or acts that exploit the discrepancy in life experience, maturity, physique, and physical strength between the parties involved.

II. Regulations Relating to Gender Equity: The Three Major Acts on Gender Equality



The Gender Equity Education Act

applies to gender equity issues in **educational institutions at all levels**. One party is the school employee, while the other is the student.

The Act aims to advance genuine gender equality, eliminate gender discrimination, safeguard human dignity, and soundly establish educational resources and environments that epitomize gender equality.



The Gender Equality in Employment Act

applies to sexual harassment in **the workplace**, and concerns the treatment of employees or job applicants by their employer.

The Act aims to protect gender equality in employment, implement the constitutional mandate of eliminating gender discrimination, and promote the spirit of substantial gender equality.



The Sexual Harassment Prevention Act

applies to sexual harassment in **public spaces**. Parties involved are not protected under the Gender Equity Education Act and the Gender Equality in Employment Act.

The Act aims to prevent sexual harassment and protect the rights of victims.

Online Quiz

示意圖片來源：
istock

- Question: Student A from OO High School claims to have been called a "whore" and a "slut" online by Student B, who is from OO University. Which of the following laws does the above case contravene? (A) The Gender Equity Education Act (B) The Gender Equality in Employment Act (C) The Sexual Harassment Prevention Act
- Question: Hsiao Mi is a working adult (not employed in a school) who was caught staring lasciviously at a female student 's chest while on the subway, making her feel angry and uncomfortable. When interrogated by the metro police, Hsiao Mi claimed, "It' s not like I did anything to her!" Which of the following laws did Hsiao Mi 's actions contravene? (A) The Gender Equity Education Act (B) The Gender Equality in Employment Act (C) The Sexual Harassment Prevention Act (D) Hsiao Mi did not physically touch the female student and therefore did not break any of the above laws.



Online Quiz

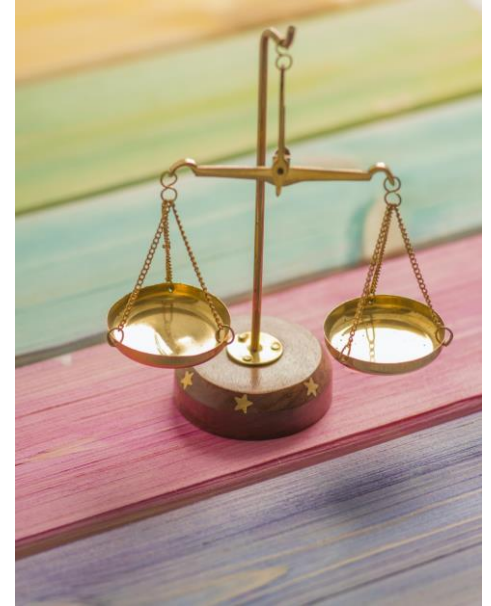
示意圖片來源：
istock

- Question: Huang is a part-time employee at an IT firm who frequently faces harassment from a colleague via phone calls. Which of the following laws should Huang turn to in order to lodge a complaint? (A) The Gender Equity Education Act (B) The Gender Equality in Employment Act (C) The Sexual Harassment Prevention Act
- Question: Student A graduated from OO University three years ago and would like to sue their ex-supervising professor (who is still employed at the university) for sexual harassment. Which of the following laws should be applied in this situation? (A) The Gender Equity Education Act (B) The Gender Equality in Employment Act (C) The Sexual Harassment Prevention Act
- Question: Student A was molested on the bus by a working adult who caressed her bottom. Which of the following laws should be applied in this situation?
(A) The Gender Equity Education Act (B) The Gender Equality in Employment Act
(C) The Sexual Harassment Prevention Act



III. Purpose of the Gender Equity Education Act

- Throwback to the time before the Act was implemented... Back in 1994, a female university student and her male professor were embroiled in a campus scandal that saw the student bearing the brunt of public opinion while her professor got away scot-free and was even allowed to continue teaching at another university.
- The Gender Equity Education Act was officially enacted in June 2004. While that did not stop similar on-campus sexual transgressions from happening, the law ensures that victims no longer need to take such abuses without any legal remedies. The Act does not have a statute of limitations, which allows victims to lodge a case against their aggressors many years after the incident had occurred. This may seem punitive when considering the fact that even murder cases have a statute of limitations. Yet it serves as a constant reminder for educators to lead by example and be more mindful of their actions.



示意圖片來源：Unsplash

III. Purpose of the Gender Equity Education Act: The School's Responsibility

- Article 1: This Act has been formulated in order to advance genuine gender equality, eliminate gender discrimination, safeguard human dignity, and soundly establish educational resources and environments that epitomize gender equality.
- Article 14: An educational institution is not permitted to treat any student differently on the basis of the person's gender, gender traits, gender identity, or sexual orientation, when providing teaching, activities, assessments, rewards and penalties, benefits, or services. Matters or activities of a nature only suitable for persons of a specific gender, gender traits, gender identity, or sexual orientation are not subject to this restriction. Educational institutions shall proactively provide assistance to any student who is disadvantaged as a result of their gender, gender traits, gender identity, or sexual orientation to improve their circumstances.



示意圖片來源：Unsplash

III. Purpose of the Gender Equity Education Act:

Teachers' Responsibilities

- Article 17 : Educational institutions shall put in place curricula and design activities which encourage students to develop their potential, and shall not permitted to treat any student in a different way on the basis of the student' s gender.
- Article 18 : The compilation, review, and selection of the teaching materials used by educational institutions shall be undertaken in accordance with gender equity education principles. The content of teaching materials shall present a balanced depiction of the historical contributions and life experiences of people of different genders, and demonstrate and present diverse gender perspectives.
- Article 19 : When using teaching materials and engaging in educational activities, teachers shall maintain their awareness of gender equity, eliminate gender stereotypes, and refrain from any gender prejudice or gender discrimination. Teachers shall encourage students to take subjects and study in fields that are not traditionally affiliated with their gender.

IV. Who does the Act Apply to?

- Article 2 Paragraph 7: Sexual assault, sexual harassment, or sexual bullying on campus refers to sexual assault, sexual harassment, or sexual bullying that involves the principal or president, a teacher, a non-teaching staff member, any other employee, or student at an educational institution as one party, and a student as the other party.
 1. **Teacher** : full-time teacher, part-time teacher, long-term or short-term substitute teacher, military instructor, volunteer worker assisting in instruction, teaching intern actually engaged in instruction, or other person engaged in instruction or research.
 2. **Staff member or janitor** : person not defined as a teacher according to the preceding subparagraph but performing work at the school on a fixed or periodic schedule, volunteers assisting in school affairs.
 3. **Student** : person enrolled in a school, person not enrolled in a school, but in a period of transition between education programs or levels, person undertaking a continuing/extension education program, an exchange student, an education intern, or research trainee.

V. Types of Gender-Based Violence: Definitions

1. Sexual Assault

- Sexual coercion (according to Article 10 of the Criminal Code): A person who by threats, violence, intimidation, inducing hypnosis, or other means against the will of a male or female and who has sexual intercourse with such person.
- Forced acts of indecency constitute sexual assault as well.
- Sexual intercourse with, or committing an obscene act against a male or female under the age of 16 constitutes sexual assault whether or not sexual consent was given.
- Persons found guilty of sexual assault may be sentenced to imprisonment.

2. Sexual Harassment

- Engaging in remarks or conduct that are unwelcome and have explicit or implicit connotations of a sexual nature or of gender bias that adversely affect another person's human dignity, their opportunity to learn or work, or their learning or work performance.
- Conduct related to using sex or gender as a condition for that person or any others to obtain, lose, or impair their learning or work-related rights or interests.

3. Sexual Bullying

- Engaging in ridicule, attacks, or threats directed at another person's gender characteristics, gender traits, sexual orientation, or gender identity using verbal, physical, or other forms of violence that are not in the category of sexual harassment.
- One may be considered a victim of sexual bullying even if the transgression had occurred only once.



Whether or not an act constitutes sexual assault, harassment or bullying depends on the extent of damage inflicted on a reasonable victim. The perpetrator's intention is not taken into consideration. That is, whether or not a sexual transgression has occurred is determined by the victim's subjective experience and not that of the perpetrator.

V. Types of Gender-Based Violence - Cases

1. Sexual Assault

- The Humanistic Education Foundation accused a teacher in Tainan who had been sexually assaulting students for two decades, with a total of 10 victims, and faculty members allegedly harbored and concealed the perpetrator. As a result, the Ministry of Education strictly punished the members involved.
- News coverage: An elementary school teacher of OO County was accused of sexual assault by a student in class 18 years ago. After the first investigation, the act was determined to be sexual molestation, and the teacher was dismissed and was never again permitted to work as a teacher. The teacher later successfully filed an appeal, and the plaintiff accused him again. The persecutor believed the case had reached the completion of prescription and decided not to prosecute. However, the Gender Equity Education Committee of the County Government reopened the investigation and determined that it was necessary for a two-year dismissal.



示意圖片來源：無聲電影劇照

V. Types of Gender-Based Violence - Cases

2. Sexual Harassment

- Teacher Y suddenly sat right beside Student X at a welcome party and, while staring up close, told to student that he/she is physically attractive, as well as some other comments. After the party, Teacher Y constantly texted Student X, including the messages "be my girlfriend" and "let's date."
- When Teacher Y invited Student X to visit his/her office, the former was verbally disrespectful to the latter. The teacher also held the student by the hand, gave bear hugs, and even snapped photos from under her skirt.
- Teacher Y stared at Student X's breasts in class and said girls should exercise their buttocks to make their bodies more attractive.
- In PE class, Teacher Y touched Student X's body with the pretense of just helping the student's posture. The teacher also caressed Student Y's arm in a sexually suggestive manner.
- Teacher Y told vulgar sexual jokes in class, making students uncomfortable.



示意圖片來源：Adobe Stock

V. Types of Gender-Based Violence - Cases

3. Sexual Bullying



示意圖片來源: unsplash

- Teacher Y criticized Student X for being rather feminine and not "macho" enough. The teacher also mocked Student Z, who wore unisex clothes, claiming that no man would marry such a "tomboy".
- Teacher Y publicly stated that homosexuals or bisexuals should go see a doctor, for they are ill and sinful. The teacher believed that these people are more inclined to get sexually transmitted diseases.
- In 2019, someone knocked on Student X's dorm room door at OO University. A student in black rushed in as the door opened, and pretended to punch Student X and touch his genitals, spouting crude words at him, cursing him that "he lives the life of a sissy boy." Two other fellow students stood by, watching with crossed arms.
- Cyber Sexual Bullying: Student A recorded sex videos at her boyfriend's request. After breaking up, the video was uploaded to the internet and was spread out endlessly by malevolent netizens. Students inside and outside the university insulted her online with offensive words, such as "slut" and "bitch."

V. Types of Gender-Based Violence - Definitions

4. Crossing boundaries in teacher-student relationships

Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus (hereafter referred to as the Regulations) :

- Article 6: During performance of work-related tasks and in interpersonal interactions on and off campus, faculty, staff, and students **shall respect gender diversity and individual differences.**
- Article 7: Teachers **shall not develop intimate relationships that violate professional ethic codes** with the student under their instruction, guidance, training, evaluation, management, consultation, or when providing students employment opportunities. Should a teacher find that his or her relationship with a student violates the code of professional ethics referenced in the previous paragraph, the teacher shall take the initiative to avoid further interaction with the student or report the matter to the school for handling.
- Article 8: Faculty, staff, and students shall respect others' and their own autonomy over their sexuality and body, **avoid unwanted sexual advances or requests for dates, and must not use forcible or violent means to handle conflicts related to sex or gender.**

V. Types of Gender-Based Violence - Cases

4. Crossing Boundaries in Teacher-Student Relationships



示意圖片來源：google

- In 2010, a female teacher of OO University of Science and Technology was suspected of developing a romantic relationship with a male graduate student she was mentoring. Other graduate students questioned that said teacher was unfairly offering advantageous research resources to the student. The University investigated according to the Act. The Faculty Evaluation Committee resolved to give the teacher a written warning and suspend the department's budget supplement for a year.
- Deliberately developing the student's emotional dependence on the teacher: Teacher Y told Student X, **"I feel like paying more attention to you. You're so adorable when you're upset and pout your mouth."**
- Having a close relationship with students or teasing students: Teacher Y told Student X, **"Don't stay up too late, and don't forget to miss me!"**

Online Quiz



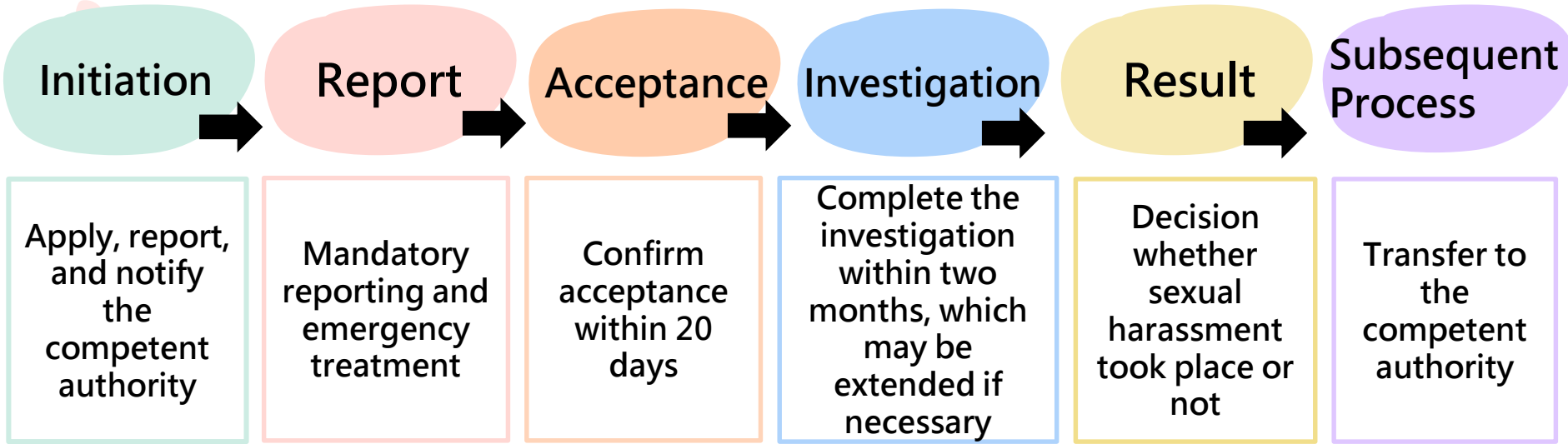
- Q: Which of the following behavior might be considered sexual harassment?
(A) Posting a pornographic poster in the office (B) Snapping photos under someone's skirt (C) Continually stalking someone to show infatuation (D) All of the above
- Q: Sexual bullying refers to using verbal, physical or other forms of violence to devalue, attack or threaten another individual's gender characteristics, gender expression, sexual orientation or gender identity, such as mocking, commenting or ridiculing their sex or body.
(A) Yes (B) No
- Q: Which of the following behavior is considered sexual harassment?
(A) Language that attempts to degrade any gender (B) A sexual quid pro quo claim (C) Physical actions or contact that cause one to feel disrespected or uncomfortable (D) All of the above
- Q: Whose feelings are the main criteria for judging sexual harassment?
(A) The assaulter (B) The assaulted (C) The judge (D) Members of the investigation committee



示意圖片來源：
unsplash



VI. Procedures for Dealing with Gender-Based Violence on Campus



A party may file an appeal should he or she object to the acceptance of the case or the results of the investigation.

VI. Procedures for Dealing with Gender-Based Violence on Campus - Mandatory Report for Faculty and Staff

- **NTU's Gender Equity Education Committee and Student Safety Center is responsible for receiving reports.**
- **Article 21 Paragraph 1 of the Act** : If the principal or president, a teacher, a non-teaching staff member, or other employee at an educational institution becomes aware that an incident of suspected sexual assault, sexual harassment, or sexual bullying has occurred on the campus where they are employed, they shall immediately report the incident in accordance with their responsibilities set out in the prevention regulations of that educational institution, and in accordance with the provisions of the Sexual Assault Crime Prevention Act, the Protection of Children and Youths Welfare and Rights Act, the People with Disabilities Rights Protection Act, and of other relevant legislation. They shall also report the incident to the educational institution and to the competent authority at the local special municipality, county, or city level **no later than 24 hours after becoming aware of the incident.**
- **Regarding prevention guidelines, Article 16** : When a school's president or principal, teacher, non-teaching staff member, or other employee becomes aware of a possible incident of campus sexual assault, sexual harassment, or sexual bullying, he/she shall, in writing or by other forms of communication, immediately notify the person with administrative responsibility, as designated by the school's regulations for preventing said offenses, in accordance with the terms stipulated in Paragraph 1, Article 21 of the Act. Moreover, the person at the school with administrative responsibility shall act in accordance with the following regulations within 24 hours.

VI. Procedures for Dealing with Gender-Based Violence on Campus - Mandatory Report for Faculty and Staff



示意圖片來源：Unsplash

How to report :

- Contact Gender Equity Education Committee on work days

Call (02) 3366-9607 or 3366-9608

E-mail : gender@ntu.edu.tw

- Contact student safety center on non-work days
24-hour emergency hotline: (02)3366-9119

VI. Procedures for Dealing with Gender-Based Violence on Campus - Penalty for Faculty and Staff who Failed to Report Known Cases

- **Case** : OO University received penalties from the Ministry of Education for failing to report the known case on time: a funding deduction of 4,000,000 New Taiwan Dollars and **a fine of 30,000 New Taiwan Dollars for all faculty and staff that had postponed reporting.**
- **Article 36 Paragraph 1 of the Act** : The principal or president, teacher, non-teaching staff member, or other employee at an educational institution 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 the provisions of Paragraph 1, Article 21 of the Act by failing to report the incident to the educational institution and to the competent authority at the local special municipality, county, or city level within 24 hours.
 2. The person has violated Paragraph 2, Article 21 of the Act by forging, altering, destroying, or concealing evidence pertaining to an incident of sexual harassment or sexual bullying on campus perpetrated by some other person(s).

VI. Procedures for Dealing with Gender-Based Violence on Campus - Penalty for Faculty and Staff who Failed to Report Known Cases

Article 36-1 Paragraph 1 of the Act : If the principal or president, a teacher, a non-teaching staff member, or other employee at an educational institution acts in violation of the provisions stipulated in Paragraph 1, Article 21 of the Act requiring the reporting of any suspected incidents of sexual assault on campus, and such a violation results in further incidents of sexual assault on campus, or if a person in such a position forges, alters, destroys, or conceals evidence pertaining to any incident of sexual assault on campus perpetrated by some other person(s), then they will have acted in violation the provisions and **shall be dismissed or discharged from employment** in accordance with the law.

VI. Procedures for Dealing with Gender-Based Violence on Campus - Faculty and Staff Are Prohibited from Establishing Their Own Private Investigation

- **A case from the OO Department at O University** : After an incident concerning gender-based violence, the department established its own independent investigative team without the permission of the Gender Equity Education Committee. As the investigation faced more and more difficulties, the situation fell into chaos...
- **Article 21 Paragraph 3 of the Act** : An educational institution or competent authority handling any incident on campus concerning sexual assault, sexual harassment, or sexual bullying shall delegate the handling of the investigation of the matter to its Gender Equity Education Committee. No person is permitted to set up any separate investigation mechanism, and any investigation conducted in violation of this provision will have no standing.
- **Regarding prevention guidelines, Article 23 Subparagraph 8** : Persons affiliated with the school or agency involved shall not, under any pretext, undertake to understand or investigate the incident, and may not request an involved person to provide a first-hand account or affidavit.



示意圖片來源 : Unsplash

VI. Procedures for Dealing with Gender-Based Violence on Campus - Faculty and Staff Reporting Protocol Q&A

Q : **What should a teacher do upon becoming aware of a suspected incident ?**

- Be familiar with the definition of "incidents of campus sexual assault, sexual harassment, or sexual bullying. "
- Stay sensitive to campus sexual assault, sexual harassment, or sexual bullying.
- Know the reporting protocols of the school.
- Avoid questioning the victim about the truthfulness of the incident or handling the incident arbitrarily.
- Investigation of the matter is strictly delegated to the investigation team.
- **Confidentiality should be kept to avoid causing further harm.**



VI. Procedures for Dealing with Gender-Based Violence on Campus - Faculty and Staff Reporting Protocol Q&A

Q : **What should be done if the victim is unwilling to have the incident be reported ?**

- As stated in Paragraph 1, Article 21 of the Gender Equity Education Act, faculty and staff are still legally obligated to file a report.
- **Reporting is required regardless of the willingness of the persons involved.**
- The school may specify the opinions or concerns of the victim when filing the report.



示意圖片來源：Unsplash

VI. Procedures for Dealing with Gender-Based Violence on Campus - Faculty and Staff Reporting Protocol Q&A

Q : What happens after faculty and staff report incidents to the Gender Equality Education Committee or the Student Safety Center ?

- According to the Ministry of Education Letter Tai-Jiao-Xue(3)-1050127705 of September 10, 2016, after the principal or president, a teacher, non-teaching staff member, or other worker at an educational institution files a report as required by law after becoming aware that an incident of suspected sexual assault, sexual harassment, or sexual bullying has occurred, the Gender Equality Education Committee of the institution will handle and investigate the case in accordance with pertinent laws and regulations. During this process, responsible parties from the Gender Equality Education Committee shall contact the suspected victim or their legal representative to inform them of the victim' s rights and the various avenues for remedy.
- If the student suffers from psychological trauma because of incidents of sexual assault, harassment, or bullying, they may be encouraged to call the Student Counseling Center at (02)3366-2181 for help or schedule an appointment online (Link : <https://my.ntu.edu.tw/counsel/index.html>). Counseling may be given before or after filing for an investigation, and can be for any party that needs the service. Students can be assured that personnel at the center are all required to maintain confidentiality.



Online Quiz

- **Question** : Who should NTU faculty and staff contact upon becoming aware of suspected incidents of campus sexual assault, sexual harassment, or sexual bullying, to be considered as having completed the reporting process?
(A) Student Counseling Center, Office of Student Affairs (B) Department Chair (C) Gender Equality Education Committee or Student Safety Center (D) Office of Academic Affairs
- **Question** : Which of the following statements about the faculty and staff reporting protocol is inappropriate ?
(A) As faculty members, we ought to be aware of what is happening with our students, so when incidents of campus sexual assault, sexual harassment, or sexual bullying happen, we should gather the parties involved to understand what happened. (B) I actually don't find the incident to be too serious. Perhaps a mediation meeting should be held before deciding whether to report the incident or not. (C) The conflicts and harassment were caused by young lovers or love interests. There is no need to report it. (D) All of the above.



Online Quiz

- **Question** : The suspected victim is unwilling to have the incident reported. As a teacher, what should I do ?
(A) Respect the student's wishes. Just be there for them. (B) Give the student some time to think and wait to report it until they want to deal with the matter. (C) Inform the student that reporting within 24 hours is required by law, but their concerns will be noted and passed on to the Gender Equality Education Committee.

VI. Procedures for Dealing with Gender-Based Violence on Campus- Application Processing

- **Article 29 of the Gender Equity Education Act** : **Within twenty days** after receiving an application for investigation to be conducted or a report of an offense, an educational institution or competent authority shall send a written notification to the applicant or the person who reported an incident to inform them whether the matter will be proceeded further with.
- **Article 18 of the Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus** : After accepting the application/accusation, the gender equity education committee receiving the application or report shall not only be bound by the particulars given in the paragraph 2 of Article 29 of the Act, but it shall provide within three days the factual and evidential materials from the applicant or complainant to the Committee for handling. Should it be necessary, a team of at least three persons designated by the Committee shall determine if the incident will be accepted and processed.

VI. Procedures for Dealing with Gender-Based Violence on Campus- Application Processing

- **Article 19 of the Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus** : Incidents of campus sexual assault, sexual harassment, or sexual bullying that have received **media coverage** shall be **treated as having been reported**. The affected school or agency with jurisdiction shall take the initiative to proactively refer the matter to its Gender Equality Education Committee for investigation. In cases where the suspected victim is not willing to cooperate with an investigation, the school or competent authority shall nevertheless provide required counseling or assistance. **If in handling an incident of bullying, a school discovers that sexual assault, sexual harassment, or sexual bullying may have occurred, such a discovery shall be considered equivalent to a complainant's report.** The school's anti-bullying response team shall refer the matter to the Committee for handling in accordance with the terms stipulated in the previous Article.

VI. Procedures for Dealing with Gender-Based Violence on Campus- Application Processing



According to the Ministry of Education Letter 1060103361 of July 28, 2017, if after discussion the Committee determines that the reported incident concerns public interest, meaning the reported incident involves multiple suspected victims, multiple suspected offenders, **faculty and staff as offenders and students victims**, or matters of campus safety, the Committee shall evaluate the impact the incident might have on students' right to receive education and campus safety. Depending on the impact determined, the Committee may have the school designate informants or start a process of investigation in a case of reported violation to clarify facts or obtain information regarding the incident, taking the necessary measures to protect students' interests and campus safety.

VI. Procedures for Dealing with Gender-Based Violence on Campus - Application Processing Q&A

Q : Does the school accept applications for investigation filed by students who have already graduated ?

Yes. **There is no period of limitation of prosecution for incidents of campus sexual assault, sexual harassment, or sexual bullying.** Whether the applicant has graduated or not, the application for investigation can be processed as long as the Gender Equity Education Act applies to the parties involved at the time of the incident.

Q : Does the school accept applications for cases in which the offender is a contract personnel and the victim a student or member of the faculty or staff ?

In cases where the victim is a **student**, the school processes the case **in accordance with the Gender Equity Education Act.**

In cases where the victim is **a member of the faculty or staff**, the school processes the case in accordance with **The Gender Equality in Employment Act.**



示意圖片來源 : Unsplash

VI. Procedures for Dealing with Gender-Based Violence on Campus - Crisis Management (Temporary Measures)

According to Article 25 of the Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus, "In order to protect the right to education and **the right to work of the victim** of a campus sexual assault, sexual harassment, or sexual bullying incident, the school or competent authority with jurisdiction may in accordance with the terms of Article 23 of the Act, prescribe the following measures when necessary, reporting to the competent authority for reference:

1. **Handle the attendance record or achievement assessment of the victim with flexibility; Assist the victim's studies or work affirmatively, and without limitations stemming from regulations pertaining to requests for leaves of absence, and those pertaining to performance appraisals for teachers and students.**
2. Respect the wishes of the victim, and reduce the chance of interaction between the two parties.
3. Avoid situations where vengeful behavior may be undertaken.
4. Prevent or reduce the possibility of further assault or harassment by the offender.
5. Other measures deemed necessary by the Committee.

VI. Procedures for Dealing with Gender-Based Violence on Campus - Crisis Management (Temporary Measures)

- If an involved person is not employed by or enrolled at the school with jurisdiction, the school at which they are employed or enrolled shall be notified for handling in accordance with the terms described in the preceding paragraphs.
- Any required measures covered in the first two paragraphs of this Article shall be instituted after a resolution is passed by the Committee."



VI. Procedures for Dealing with Gender-Based Violence on Campus - Crisis Management (Temporary Measures)

- Article 22 of the Teachers' Act: Within one month from the day that an educational institution where a teacher works becomes aware of a teacher's being involved in any of the situations referred to in the following subparagraphs, after its teacher evaluation committee has reviewed the matter and given approval, that educational institution shall, without having to report the matter to the competent authority and receive its approval, temporarily suspend the teacher for a period of up to six months and wait for the results of an investigation. When necessary, the period of suspension may be extended after the teacher evaluation committee has reviewed the need for an extension and given approval. A maximum of two extensions is permitted and each extension is not permitted to exceed three months.
- It is recommended that the school establish a crisis management task force and take necessary measures (e.g., regarding the learning situation of the student; student counseling), with the main concern being students' right to education. Records of any crisis management measures should be kept.

VI. Procedures for Dealing with Gender-Based Violence on Campus - Investigation

Article 30 of the Gender Equity Education Act:

- When the gender equity education committee of an educational institution 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.
- 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.



示意圖片來源：
istock

VI. Procedures for Dealing with Gender-Based Violence on Campus - Investigation

Article 30 of the Gender Equity Education Act:

- 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.
- The gender equity education committee of the educational institution or competent authority shall complete its investigation of a case within two months from the date the application or a report of an offense is accepted. If necessary, the investigation may be extended. A maximum of two extensions is permitted and each extension is not permitted to exceed one month.



示意圖片來源：
istock

VI. Procedures for Dealing with Gender-Based Violence on Campus - Investigation Q&A

Q: What happens if an offender refuses to accept or cooperate with the investigation of the school?

- According to Paragraph 4, Article 30 of the Gender Equity Education Act, when a gender equity education committee or an investigation team carries out an investigation in accordance with the provisions of this Act, if a perpetrator fails to fully cooperate with an investigation without reasonable grounds for not doing so, the educational institution shall, in accordance with Paragraph 2, Article 36 of the Act, report the matter to the competent authority and request it to 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 perpetrator complies or provides related information.
- However, if any person(s) who have been asked to assist in the investigation are unwilling to cooperate with the investigation and unwilling to provide pertinent information, the penal provisions listed in Paragraph 2, Article 36 of the Act do not apply. One can only reason on moral grounds.

Online Quiz



示意圖片來源：
Unsplash

- Q: There is a suspected incident of sexual misconduct (sexual assault, sexual harassment, or sexual bullying) in your course, where one student is the offender while the other is the alleged victim. The alleged victim is terrified of sharing the same classroom with the offender. What course of action should you take?

(A) Ignore the misconduct. It is more important for both parties to have their right to education. (B) Put both parties in seats at a distance away from each other. (C) Since the students are adults, everything is fine as long as they do not talk to each other in class. (D) Flexibly deal with attendance records or performance evaluations of both parties and provide support with their schoolwork or duties.



示意圖片來源：
Unsplash

Online Quiz

- Q: If I am asked to assist with an investigation or to become an informant, will my personal information be protected?

(A) All personnel dealing with sexual assault, sexual harassment, or sexual bullying cases on campus should abide by the non-disclosure agreement. (B) All names or personal identifiers of involved parties, informants, and related personnel should be deleted and replaced with code names. (C) All of the above apply.

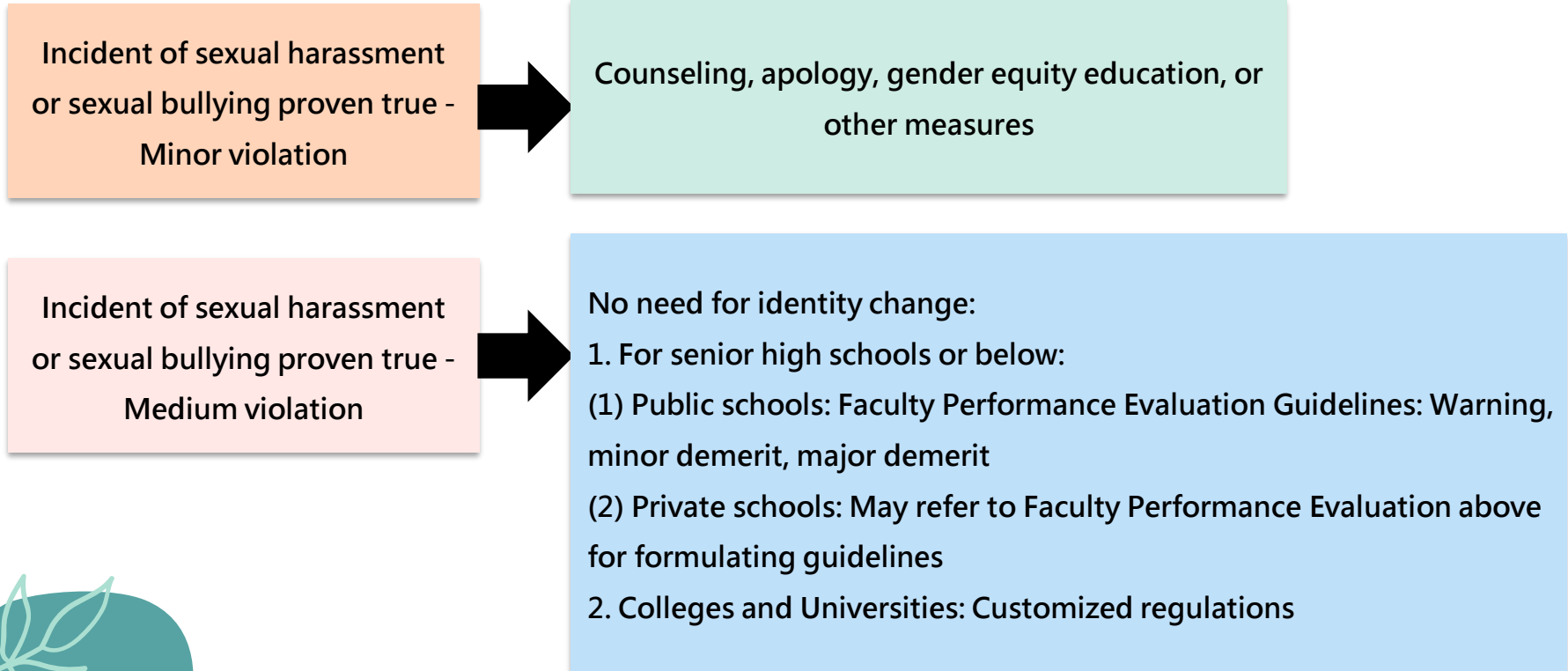
VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

- Student A accused X University's Professor B of sexual assault in June 2019: Professor B chatted with Student A on Facebook, invited A over to his/her residence to watch movies, and sexually assaulted A multiple times. Student A contracted an STD and suffered from depression. After investigation, the Gender Equity Education Committee ruled that Professor B was in serious violation of faculty ethics, and reached the verdict that the Faculty Evaluation Committee shall dismiss the professor, and he/she shall not be permitted to assume a faculty position for 4 years. However, both the Department's and College's Faculty Evaluation Committee rejected the ruling, which caused Undergraduate Student X to launch a petition.

VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

- The University Faculty Evaluation Committee decided to act in accordance with the Gender Equity Education Committee's ruling that Professor B be dismissed and shall not be permitted to assume a faculty position for 4 years. The Ministry of Education approved the penalty.
- After learning the result, the student who launched the petition posted on Facebook: "I believe for some people, this day is more significant than any holiday. We know the hurt and damage caused to the victims cannot be fully undone even with the dismissal of Professor B. However, at least we may be able to say that the university has formally done something for maintaining gender equity on campus."

VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence



VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

Article 25 of the Gender Equity Education Act: When imposing disciplinary action for sexual harassment, or sexual bullying incidents, the educational institution, competent authority, or another responsible authority or other responsible authority shall order that the perpetrator receive **psychological counseling**, and it may also order that person to comply with one or more of the following disciplinary measures:

1. Apologize to the victim, if the victim or their legal representative has given consent.
2. **Attend eight hours of gender equity education related courses.**
3. Other measures that serve an educational purpose.
4. In a case of an on-campus sexual harassment or sexual bullying incident that was not serious in nature, the educational institution, competent authority, or another responsible authority may confine itself to acting in accordance with the provisions of Paragraph 2, for the required handling of the matter



示意圖片來源：Unsplash

VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

Article 14 of the Teachers' Act: A teacher to whom any one of the following situations pertains shall be dismissed and the person never again be permitted to be appointed as a teacher, without need of review by the Faculty Evaluation Committee



- The person has been found guilty of a crime as defined in Article 2, Paragraph 1 of Sexual Assault Crime Prevention Act and convicted with no further right of appeal.
- An educational institution's gender equity education committee or another appropriate committee set up in accordance with the law has investigated and confirmed that the person has committed a sexual assault.
- An educational institution's gender equity education committee or another appropriate committee set up in accordance with the law has investigated and confirmed that the person has committed sexual harassment or sexual bullying, **and the circumstances are serious.**

VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

Article 15 of the Teachers' Act: A teacher shall be dismissed and the educational institution shall formally decide on a period of between one to four years, during which that person is not permitted to work as a teacher, if any one of the following situations pertains



- An educational institution's gender equity education committee or another appropriate committee set up in accordance with the law has investigated and confirmed that the person committed sexual harassment, or sexual bullying, and that it is necessary to dismiss the person.
- The person has been penalized in accordance with the provisions of the Child and Youth Sexual Exploitation Prevention Act, or the provisions of Article 20 or Article 25 of Sexual Harassment Prevention Act, and the gender equity education committee of the educational institution has confirmed this, and it is necessary to dismiss the person.
- The person has acted in violation of any pertinent laws or regulations, and the matter has been investigated and verified by the educational institution or by the authorities concerned. *For example, by violating professional ethics.*

VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

Article 18 of the Teachers' Act: If a teacher's conduct constitutes a violation of any pertinent laws or regulations, and the educational institution or the authority concerned has investigated and confirmed that the violation occurred, and the nature of the violation does not warrant dismissal of the teacher but it is necessary to suspend them, the educational institution's teacher evaluation committee may examine and consider the circumstances of the case, and it may pass a resolution to suspend the teacher for a period of between six months and three years, and the educational institution shall impose the suspension decided on, after a teacher evaluation committee meeting attended by at least two-thirds of its members has deliberated the matter and at least two-thirds of the members in attendance support a resolution to do so, and after the disciplinary measure has then been reported to and approved by the competent authority. **During the period of the suspension referred to in the preceding paragraph, a teacher is not permitted to apply for retirement or severance with pay, nor to undertake any teaching in any educational institution.**



示意圖片來源google

VII. Penalties for Faculty Members Guilty of On-Campus Gender-Based Violence

- **Paragraph 6, Article 25 of the Gender Equity Education Act:** Any disciplinary measure referred to in Paragraph 2 shall be implemented by the educational institution or competent authority that imposes it, and when doing so, the educational institution or competent authority shall take all necessary measures to ensure the perpetrator's full cooperation and compliance.
- **Article 36 of the Gender Equity Education Act:** If a perpetrator in violation of Paragraph 6 of Article 25 fails to fully comply with the implementation of the measures referred to there without reasonable grounds for not doing so, the educational institution shall report the matter to the competent authority and request it to impose a fine of not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars.



示意圖片來源：Unsplash

VIII. Application for Legal Remedy



- The University receives appeals through the Office of the Executive Vice President, available by phone at (02) 3366-3891
- Article 32 of the Gender Equity Education Act: If the applicant or the perpetrator is dissatisfied with the outcome of the handling of the case, they may lodge a preliminary appeal with the educational institution, setting out the grounds in writing, with within twenty days from the day after the day on which they received the written notification.

VIII. Application for Legal Remedy



- Article 34 of the Gender Equity Education Act: If an applicant or perpetrator is not satisfied with the results of their preliminary appeal, they may initiate the remedy procedures available within thirty days from the day following the date they receive the written notification.
- If the educational institution or competent authority discovers that there were major flaws in the investigation procedure, or some new fact or evidence that is sufficient to affect the determination made on the basis of the original investigation, it may request its gender equity education committee to reinvestigate the case.

Online Quiz

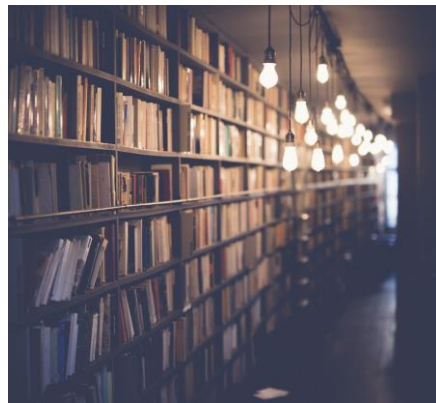
- **Q: A professor told lewd jokes in class, which made students feel uncomfortable. Which of the following statements is true?**
(A) The professor has freedom of speech, so it does not constitute sexual harassment. (B) The act is considered as verbal sexual harassment. (C) The act is considered inappropriate, but not sexual harassment.
- **Q: Which of the following behaviors may constitute sexual misconduct on campus?**
(A) A likes to insinuate that B has large breasts, which makes B uncomfortable. (B) After A confessed his/her love to B and was rejected, A still asks B out on the phone repeatedly, which exasperates B. (C) A implies on the web that B leads a libertine life, calling B a slut. (D) All of the above (E) None of the above

Online Quiz

- **Q: The victim is a student at X University, while the offender is a teacher at X Junior High School. Which act should this case apply to?**
(A) Gender Equity Education Act (B) Act of Gender Equality in Employment (C) Sexual Harassment Prevention Act
- **Q: My advisee was sexually harassed by a senior in the lab. What should I do?**
(A) Report the incident within 24 hours (B) Reprimand the senior and warn him against doing so again (C) Ask the two parties to reconcile in private (D) Probably just a misunderstanding. The two will clear it up in no time.

IX. Recommended Readings for Gender Equity Courses

- Hsiao, Jau-jiun. "Sexual Power and Sexual Harassment on Campus." Gender Dimensions in Taiwanese Society. Edited by Shu-Ling Hwang and Mei-Hui You, Taipei: Chuliu Publishing, 2007. p. 137-156.
- Tsun-Yin Luo. "Sexual Violence and Sexism." Gender Dimensions in Taiwanese Society. Edited by Shu-Ling Hwang and Mei-Hui You, Taipei: Chuliu Publishing, 2007. p. 57-100.
- Gender Equity Education Quarterly, Gender Equity Education, MOE https://www.gender.edu.tw/web/index.php/m5/m5_04_01_index
- Ministry of Health and Welfare E-learning course "Demystifying Sexual Harassment" <https://elearn.hrd.gov.tw/info/10021826>



示意圖片來源：Unsplash

X. Conclusion

- When singer Jolin Tsai performed the song "Womxnly" in homage to Yeh Yung-chih in her concert, she said, "Yeh's incident reminds me that I can become a minority in any situation. It makes me want to love the people around me with even more empathy. This song is for him, and for those who once could not be themselves. Be very honest about who and what you are." ◦ 』
- As educators, we should keep increasing our awareness and sensitivity of gender equality to create a gender-friendly teaching and learning environment, respect each other's bodily autonomy, and maintain appropriate teacher-student relationships. As faculty members, we have the responsibility to pay attention to and promote gender equity education. Let us keep on working towards achieving gender equality.



示意圖片來源：
istock



Thanks

- Contact the Gender Equality Education Committee
- TEL: (02)3366-9607 or (02)3366-9608
- Email: gender@ntu.edu.tw