

Gender Equity Education Act

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=H0080067>

Chapter 1 General Principles

Article 1

This Act is prescribed in order to promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish the education resources and environment for gender equality. The definitional scope of a campus sexual harassment incident shall be determined in accordance with the provisions of this Act. In cases where the relationship between the parties involved does not fall within the definitional scope stipulated in this Act, the relevant provisions of the Gender Equality in Employment Act or the Sexual Harassment Prevention Act shall be applied as appropriate to the circumstances.

Article 3

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

1. Gender equity education: to generate respect for gender diversity, eliminate gender discrimination and promote substantive gender equality through education.
2. School, teacher, staff, worker, and student:
 - i.) School: public and private schools of all levels, military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions.
 - ii.) Faculty: full-time instructors, part-time instructors, acting faculty, substitute teachers, military instructors, volunteer teaching assistants, education interns directly involved in teaching, education internship program supervisors, and other individuals engaged in teaching or research.
 - iii.) Staff (member) or worker: individuals other than those listed above who perform fixed or regular school-related duties, volunteers assisting in school operations, student affairs

innovation specialists, and individuals as designated by the central competent authority.

iv) Student: individuals currently enrolled at a school, individuals not currently enrolled but in the process of transitioning from enrollment in one school to another within the educational system, continuing education program enrollees, exchange students, educational internship students or trainees, and other individuals as designated by the central competent authority.

3. Campus gender incident: incidents in which one party is a school principal, teacher, staff member, worker, or student, and the other party is a student, and which meets one of the following conditions:

i.) Sexual assault: acts constituting criminal sexual assault as defined in the Sexual Assault Crime Prevention Act.

ii.) Sexual harassment: acts meeting one of the following criteria but not constituting sexual assault:

1. Engaging in unwelcome sex- or gender-related speech or behavior, whether explicit or implied, which adversely affect the other party's personal dignity, learning, or work opportunities or performance.

2. Sex- or gender-related behavior that serves as the condition for oneself or others to gain or lose rights or interests in learning or work.

iii.) Sexual bullying: ridicule, attacks, or threats directed at another person's gender characteristics, gender temperaments, sexual orientation, or gender identity by using verbal, physical or other forms of violence will be under the category of sexual bullying not sexual harassment.

iv.) Sex- or gender-related behavior by a principal or faculty and staff that violates professional ethical standards: cases where a principal or faculty member develops an intimate relationship with an underage student, or exploits an unequal power relationship in the course of teaching, providing guidance to, training, evaluating, managing, or

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

Regulations Governing Prevention of Gender-Related Incidents on Campuses

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=H0080069>

Article 2

Educational institutions shall actively promote education to prevent gender-related incidents occurring on campus or during off campus activities or internships, and undertake the following measures:

1. Hold regular in-service training activities each year for their gender equity education committee (hereunder abbreviated to "gender committee") members and personnel in its unit responsible for the handling of gender-related incidents on campus matters.
2. Encourage the committee members and personnel referred to in the preceding subparagraph to take part in research and study activities on campus and off campus on the handling of campus gender-related incidents and register participation as an official work task and provide subsidies for associated expenses.
3. Make the matters covered by these Regulations publicly known through a wide range of channels; and include them in the employment contracts of faculty, staff members and other employees, and in student handbooks.
4. Encourage the victim or the informant of a campus gender-related incident to apply for an investigation or report the incident at the earliest possible time in order to facilitate the collection of evidence, investigation and handling of the matter.

Article 3

The educational institution or the competent authority shall compile information on the prevention of gender-related incidents on campus and remedy procedures available and when handling such incidents take the initiative to provide the information to relevant personnel.

Sexual Harassment Prevention Act

<https://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=D0050074>

Article 2

Excluding sexual assault crimes, the sexual harassment referred to herein means the sexual or gender-related behavior against the will of a male or female and meeting any of the following circumstances:

1. Impair another person's dignity and personality, or create a situation that causes another person to feel scared, hostile or offensive, or improperly affect another person's work, education, training, services, plans, activities or routine life, expressly or implicitly, by discriminatory or insulting language and conduct, or in any other manners; and
2. Allow oneself or another person to provoke, lose or impair the interest and right related to learning, work, training, service, plan and activity on condition that another obeys or reject the behavior.

The power-abused sexual harassment referred to herein means that 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 or opportunity to make sexually harass to another person.

Stalking and Harassment Prevention Act

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080211>

Article 1

This Act is hereby enacted to protect personal physical and mental safety, freedom of movement, personal privacy and information privacy, avoid being stalked and harassed, and maintain personal dignity.

Article 3

The stalking and harassing behaviors specified in this Act refer to any of the following behaviors through the use of persons, vehicles, tools, equipment, electronic communications measures, the Internet, or any other methods to repeatedly or continue to exert anything sexual or gender-related towards a specific person against his/her will, which intimidates such specific person and sufficiently affects his/her daily life or social activities:

1. Monitoring, observing, tracking or learning the whereabouts of the specific person.
2. Approaching the specific person's residence, place of residence, school, workplace, frequently-visited places by stalking, keeping watch, tailing or any other similar methods.
3. Warning, threatening, mocking, insulting, discriminating, hateful, disparaging or using other similar words or actions against the specific person.
4. Interfering with the specific person by telephone, fax, electronic communication measures, the Internet, or other equipment.
5. Asking for date, to maintain contact, or to pursue the specific person.
6. Sending, retaining, displaying, or broadcasting texts, pictures, audios, images, or any other items of the specific person.
7. Notifying or presenting information to the specific person or items that may be harmful to the specific person's reputation.

8. Misuse of the specific personal data or ordering goods or services for the specific person without his/her consent. This Act is also applicable to the stalking and harassing behaviors through the use of any of the methods specified in the preceding paragraph to exert anything sexual or gender-related on any specific person's spouse, immediate relatives, cohabiting relatives, or anyone having a close social relationship with such specific person against their will, which intimidates them and sufficiently affects their daily life or social activities.

Regulations for the Prevention of Campus Gender Based Incidents at Tzu Chi University

(Originally titled: Tzu Chi University Guidelines for Handling and
Preventing Campus Sexual Assault, Sexual Harassment, or Sexual Bullying)
Reviewed by the University Gender Equity Education Committee on Sep.26, 2024
Amended and approved at the 126th University Affairs Meeting on October 25, 2024

Chapter I General Provisions

Article 1

These Regulations are formulated by the University in accordance with Article 21 of the Gender Equity Education Act and Article 38 of the Guidelines for the Prevention of Campus Gender-Based Incidents (hereinafter referred to as the “Prevention Guidelines”).

Article 2

The University shall actively promote education on the prevention of campus gender-based incidents and adopt the following measures:

1. Conduct regular annual in-service training activities related to the handling of campus gender-based incidents for members of the University’s Gender Equity Education Committee (hereinafter referred to as the “GEE Committee”) and staff of units responsible for handling such incidents.
2. Encourage the personnel mentioned in the preceding paragraph to participate in on-campus or off-campus workshops related to handling campus gender-based incidents, and provide official leave registration and financial support as appropriate.
3. Use multiple channels to publicize the matters governed by these Regulations and incorporate them into employment contracts for faculty and staff, as well as student handbooks.
4. Encourage victims or informants of campus gender-based incidents to promptly apply for an investigation or file a report to facilitate evidence collection and investigation.

Article 3

The University shall collect information related to the prevention and relief of campus gender-based incidents. When handling such incidents, the University shall proactively

provide such information to the relevant parties.

The information described in the preceding paragraph shall include the following:

1. Definitions, types, and relevant regulations related to campus gender-based incidents.
2. The protection of victims' rights and interests, as well as the necessary assistance provided by the University.
3. Mechanisms for applying for investigations, appeals, and remedies.
4. Relevant competent authorities and responsible units.
5. Groups and networks providing resource assistance.
6. Other matters deemed necessary by the GEE Committee.

Chapter II Campus Safety Planning

Article 4

To prevent campus gender-based incidents, the University shall adopt the following measures to improve areas on campus that may pose safety risks:

1. Conduct regular reviews of the planning and usage of campus spaces and facilities in terms of spatial layout, management and security, signage systems, emergency reporting systems and safe routes, lighting, spatial visibility, and other factors affecting spatial safety. This shall be done to examine overall campus safety.
2. Record the locations on campus where gender-based incidents have occurred and, as needed, create a campus safety map.

When reviewing the planning of campus spaces and facilities as per the first subparagraph of the preceding paragraph, the University shall consider the specific physical and mental needs or linguistic and cultural differences of its students. The University shall provide appropriate safety planning and explanatory methods. Such planning shall include dormitories, restroom facilities, and campus shuttle buses.

Article 5

The University shall hold regular meetings to review and explain the status of campus spatial safety, inviting professional spatial designers, faculty, staff, students, and other campus users to participate.

The review and explanation meetings mentioned in the preceding paragraph may be conducted electronically, and the results and related records shall be publicly announced.

The University shall include the progress in improving dangerous areas on campus as a reporting item in the GEE Committee's work report each semester.

Chapter III Matters of Note for On-and Off-Campus Teaching, Activities, and Interpersonal Interactions

Article 6

When conducting on- or off-campus teaching and activities, performing duties, and engaging in interpersonal interactions, the President, faculty, staff, and students shall respect diverse gender differences and strive to eliminate gender discrimination.

Article 7

Should a student serving as an intern off-campus experience sexual harassment during the internship, the matter shall be handled in accordance with Paragraph 5, Article 2 of the Act of Gender Equality in Employment. If one of the parties involved is the internship supervisor at the internship site, the provisions of the Gender Equity Education Act shall also apply.

The "internship supervisor at the internship site" referred to in the preceding paragraph means any person who imparts professional knowledge and skills to the student, or provides practical training and guidance on operational techniques.

If it is discovered that an intern has become a victim of sexual assault, sexual harassment, or sexual bullying, and the matter does not fall under the scope of the Gender Equity Education Act, it may be handled pursuant to Paragraph 3, Article 25 of the same Act.

If it is discovered that an intern is a victim of a campus gender-based incident, the University shall take immediate and effective corrective and remedial measures.

Chapter IV Recusal and Reporting

Article 8

If the President, faculty, or staff discover that their relationship with a student may violate the professional ethics listed in Article 8 of the Ministry of Education's Guidelines for the Prevention of Gender-Based Incidents on Campus, they shall voluntarily recuse themselves and report the matter to the University for handling.

Article 9

The President, faculty, staff, and students shall respect both their own and others' sexual and bodily autonomy. They shall avoid unwelcome pursuit of another person and shall not resort to force or violence in dealing with conflicts involving sex or gender.

Chapter V Mechanisms, Procedures, and Remedies for Handling Campus Gender-Based Incidents

Article 10

The campus gender-based incidents specified under this Act include those occurring between different schools.

Article 11

Victims of a campus gender-based incident, their statutory representatives, or their actual caregivers (hereinafter collectively referred to as the “applicant”), as well as informants, may submit a written request for investigation or a report (hereinafter “application or report”) to the school to which the perpetrator was affiliated at the time of the incident (hereinafter the “school of jurisdiction”). However, if the perpetrator is currently serving or has previously served as the president of a school, the application or report shall be filed with the competent authority having jurisdiction over the school at the time of the incident (hereinafter the “competent authority of jurisdiction”).

If the perpetrator served concurrently at multiple schools at the time of the incident, the school of jurisdiction shall be the school where the perpetrator held the concurrent position. In cases where the school of jurisdiction undergoes a merger pursuant to the Compulsory Education Act, Senior High School Education Act, Private School Act, or other educational laws and regulations, the merged or newly established school shall be the school of jurisdiction. If the school of jurisdiction has ceased operations, the perpetrator’s current affiliated school shall serve as the school of jurisdiction. If the perpetrator has no current affiliated school, the competent authority of jurisdiction at the time of the incident shall assume jurisdiction.

Article 12

If the perpetrator’s current affiliated school differs from the school of jurisdiction, the school of jurisdiction shall notify, in writing, the perpetrator’s current affiliated school to send a representative to participate in the investigation. The notified school shall not refuse this request.

Upon completion of the investigation, if the incident is found to be substantiated, the school of jurisdiction shall forward the investigation report and its recommendations for handling the matter to the perpetrator’s current affiliated school for action in accordance with Article 31.

Article 13

In cases described in Paragraph 2 of Article 11, the school of jurisdiction shall notify, in writing, the perpetrator's current full-time affiliated school to send a representative to participate in the investigation. The notified school shall not refuse this request.

Upon completion of the investigation, if the incident is found to be substantiated, the school of jurisdiction shall forward the investigation report and its recommendations for handling the matter to the perpetrator's current full-time affiliated school for action in accordance with Article 31.

Article 14

If, at the time of the incident, the perpetrator simultaneously held two or more identities (e.g., president, faculty member, staff member, janitor, or student), the perpetrator's identity at the time of interaction with the victim shall determine the capacity in which the perpetrator is investigated and also determine the school or authority of jurisdiction.

If it is not possible to determine the perpetrator's identity at the time of the incident, or if the perpetrator's school enrollment status was not yet confirmed due to an educational transition period, the school receiving the application or report shall be the school of jurisdiction. Relevant schools shall send representatives to participate in the investigation. However, if both the perpetrator and victim hold student status at the time of the application or report, the perpetrator's affiliated school shall be the school of jurisdiction.

Article 15

If there are multiple perpetrators affiliated with different schools, the school of the first perpetrator whose application or report for investigation was accepted shall serve as the school of jurisdiction. The other involved schools shall send representatives to participate in the investigation.

Article 16

If the receiving unit lacks jurisdiction over the case, it shall transfer the case to the competent authority or school with jurisdiction within seven working days and notify the parties concerned.

If a dispute arises over jurisdiction during an educational transition period, the matter shall be resolved by their common higher-level authority. If no common higher-level authority exists, the respective higher-level authorities shall reach a resolution through consultation.

Article 17

When a report is made pursuant to Paragraph 1, Article 22 of the Gender Equity Education Act, unless an investigation is necessary, considerations of public safety apply, or other special provisions of law are in place, the names of the parties and informants or any information sufficient to identify them shall be kept confidential.

After reporting a campus gender-based incident, in accordance with Paragraph 3, Article 22, and Article 25 of the Gender Equity Education Act, the incident shall be referred to the University's Gender Equity Education Committee (GEE Committee) for handling. If the party concerned or their statutory representative indicates that they only wish to receive counseling or assistance from the University, the GEE Committee's designated personnel shall still be informed and shall explain relevant legal provisions and the scope of available assistance.

If a president, faculty member, or staff member forges, alters, destroys, or conceals evidence concerning a campus gender-based incident (other than those involving lifetime or one- to four-year disqualification from appointment, employment, hiring, or utilization) and such evidence pertains to campus sexual assault, the individual may be dismissed, removed from their position, have their contract terminated, or otherwise cease to be employed or utilized in accordance with relevant regulations. If the individual involved is a student who has committed a campus sexual harassment or sexual bullying incident with comparable severity, the same rules shall apply *mutatis mutandis*.

For presidents, faculty, or staff to whom the Teachers' Act, the Educational Personnel Employment Act, civil service-related laws, or laws governing Army, Navy, or Air Force personnel apply, their dismissal, suspension, removal, discharge, suspension from duty, or retirement shall be handled in accordance with the provisions of those laws. If the individual is not dismissed, removed, discharged, or retired, they shall be transferred away from their current position at the school.

Article 18

An applicant or informant may apply for an investigation or submit a report in writing, orally, or by email. If done orally or by email, the GEE Committee shall record the statement, read it aloud or provide it for review by the applicant or informant, and have them sign or affix a seal after confirming its accuracy.

The written record or the recorded statement made orally or by email, as mentioned in the preceding paragraph, shall include the following information:

1. The applicant's or informant's name, identification number, place of employment or enrollment and job title, residential address, contact telephone number, and the date of the application for investigation.
2. If the applicant applies for an investigation, the victim's date of birth shall be included.
3. If the applicant authorizes an agent to file the application for investigation, a power of attorney shall be attached, stating the agent's name, identification number, residential address, and contact telephone number.
4. The factual details of the requested investigation or report. Any relevant evidence shall also be noted or attached.

If, upon becoming aware of a suspected campus gender-based incident, one of the following situations arises, the GEE Committee shall assess the impact of the incident on students' right to education and campus safety. Following a resolution of the Committee meeting, the investigation procedure shall be initiated as a reported case to clarify the facts and take necessary measures to protect the students' rights and campus safety:

5. Two or more victims.
6. Two or more perpetrators.
7. The perpetrator is the president or a faculty/staff member.
8. The incident involves campus safety issues.
9. Other situations deemed necessary by the GEE Committee to initiate an investigation as a reported case.

Article 19

Applications or reports for campus gender-based incident investigations shall be filed with the Office of Student Affairs as the receiving unit.

1. Telephone number of the receiving office: +886-3-8565301 ext. 11240.
2. Email address of the receiving office: jender@mail2.tcu.edu.tw.

After the Office of Student Affairs receives the case, and unless there is a circumstance as provided in Paragraph 2, Article 32 of the Gender Equity Education Act, it shall, within three days, forward the evidence and data provided by the applicant or informant to the GEE Committee for processing.

In the event of circumstances as stated in Paragraph 2, Article 32 of the Gender Equity Education Act, when necessary, the GEE Committee may form a review panel of three or more members to undertake the following procedures:

3. Review whether the investigation or report meets the requirements for acceptance or if supplementary materials are needed.

4. Review whether to recommend forming an investigation team.
5. Submit a list of recommended investigation team members to the GEE Committee for consideration.

Article 20

If a campus gender-based incident has been reported by the media, it shall be treated as a report and the University shall proactively refer it to the GEE Committee for investigation and handling. If the suspected victim is unwilling to cooperate with the investigation, the University shall still provide the necessary counseling or assistance.

If, in handling a bullying incident, the University discovers that it may constitute a suspected campus gender-based incident, such incident shall be treated as a report. The University's anti-bullying task force shall refer the case to the GEE Committee to be handled in accordance with the preceding article.

Article 21

Within twenty (20) days of receiving an application for investigation or a report, the University shall notify the applicant, the victim, or the informant in writing whether the matter will be accepted for investigation. If the application or report is not accepted, the written notice shall explain the reasons in accordance with Paragraph 3, Article 32 of the Gender Equity Education Act, and shall inform the applicant, the victim, or the informant of the deadline and the unit authorized to accept an appeal.

If the applicant, the victim, or the informant has not received any notification within the aforementioned period, or if they receive a notification of non-acceptance, they may submit a written appeal stating their reasons to the University within twenty (20) days from the day following the non-acceptance notice. If the appeal is made orally, the University shall produce a written record, read it aloud or provide it for review by the applicant, victim, or informant. Once the content is confirmed as accurate, it shall be signed or sealed by them.

Only one appeal regarding non-acceptance is allowed.

Upon receiving the appeal, the University shall forward the application or report to the Gender Equity Education Committee (GEE Committee) for reconsideration of its acceptance. A written decision on the appeal shall be issued within twenty (20) days to the appellant. If the appeal is deemed justified, the GEE Committee shall proceed with the investigation and handling in accordance with the law.

Article 22

When handling a campus gender-based incident, the GEE Committee may establish an

investigation team. In principle, the investigation team shall have either three (3) or five (5) members, and the composition shall comply with Paragraphs 3 and 4 of the Gender Equity Education Act.

Individuals who meet any of the following conditions shall not serve as members of the investigation team:

1. Those who have received a deferred prosecution or a final conviction for offenses against sexual autonomy or offenses related to sexual privacy or fraudulent sexual imagery under the Criminal Code.
2. Those who have been found, following lawful investigation or verification by the competent authority, to have violated the Gender Equity Education Act, the Act of Gender Equality in Employment, the Sexual Harassment Prevention Act, the Stalking and Harassment Prevention Act, the Child and Youth Sexual Exploitation Prevention Act, or other gender equity-related laws and regulations.

Personnel providing counseling to parties involved in a campus gender-based incident, as well as GEE Committee supervisors and staff members with authority or responsibilities related to such cases in the school or competent authority, shall recuse themselves from the investigation. Those who participate in the investigation and handling of a campus gender-based incident shall also recuse themselves from counseling the parties involved.

Members of the investigation team shall be granted official leave and reimbursed for travel and other related expenses in accordance with laws and school regulations.

Article 23

Experts and scholars deemed by the University as having professional competence in investigating campus gender-based incidents shall meet one of the following qualifications:

1. They hold a certificate of completion for advanced training in knowledge and skills for investigating campus gender-based incidents issued by the central or municipal/county (city) competent authority, and have been approved by and included in the professional investigator database of the GEE Committee established by the central or municipal/county (city) competent authority.
2. They have a proven track record of effectively investigating and handling campus gender-based incidents and have been approved by and included in the professional investigator database of the GEE Committee established by the central or municipal/county (city) competent authority.

Article 24

When investigating and handling campus gender-based incidents, the following procedures apply:

1. The perpetrator shall appear in person for the investigation. If a party is a minor, their statutory representative or actual caregiver may accompany them during the investigation.
2. If a party holds a disability identification issued by a competent authority or a valid special education student assessment certificate, the investigation team shall include a member with special education expertise.
3. If there is a power imbalance between the perpetrator and the victim, informant, or any invited witness, opportunities for direct confrontation shall be avoided.
4. The names and any identifying information of the perpetrator, victim, informant, or any invited participants in the investigation shall be kept confidential. However, if disclosure is necessary for investigation or public safety, this restriction does not apply.
5. When issuing written notices in accordance with Paragraph 5, Article 33 of the Gender Equity Education Act, requiring the parties or other related persons or units to cooperate with the investigation and provide information, the notice shall specify the purpose, time, place of the investigation, and the consequences of failing to appear.
6. The notice mentioned in the preceding subparagraph shall state that the parties may not privately contact each other or disseminate case-related information via the internet, messaging apps, or other channels.
7. Personnel of the University shall not attempt to understand or investigate the facts of the case under any pretext, nor require the parties to provide written statements or affidavits.
8. If necessary for the investigation, written materials may be prepared, within the scope of confidentiality obligations, and presented to the perpetrator, the victim, or any invited witness for reading or explanation.
9. If the applicant withdraws their application for investigation, the University may, through a resolution of the GEE Committee or at the perpetrator's request, continue the investigation to clarify legal responsibilities. If the competent authority finds the circumstances significant, it shall order the school of jurisdiction to continue the investigation.
10. Requests from parties to read, copy, reproduce, or photograph relevant materials or case files shall be handled in accordance with the Administrative Procedure Act.
11. The investigation interview process may be recorded, and video recording may be used if necessary. The interview records shall be read aloud or presented to the parties for review. Once confirmed as accurate, the parties shall sign or seal the records.

Article 25

All personnel participating in the handling of campus gender-based incidents at the University are obligated to maintain confidentiality as prescribed in Subparagraph 4, Article 24.

Any person who violates the confidentiality obligation shall be subject to punishment under the Criminal Code or other relevant laws and regulations.

Original documents containing the names of parties, informants, and witnesses shall be sealed and not made available for inspection or provided to any entity other than the investigation or judicial authorities. However, this restriction does not apply where otherwise provided by law.

Except for original documents, any written materials prepared by persons handling campus gender-based incidents for external use shall have the real names and other identifying information of the parties, informants, and witnesses deleted and replaced with code names.

Article 26

In order to safeguard the educational or employment rights of the parties involved in a campus gender-based incident, the University may, when necessary and pursuant to Article 24 of the Gender Equity Education Act, take the following measures, and shall report them to the competent authority for future reference:

1. Flexibly handle attendance records or performance evaluations, and actively assist with academic or work-related tasks. Such assistance shall not be limited by leave regulations or teacher and student performance evaluation rules.
2. With respect for the victim's wishes and in order to reduce interactions between the parties, and at the request of the victim or upon the GEE Committee's assessment of the incident's impact on the victim's right to education and campus safety, suspend any teaching, guidance, training, evaluation, management, student counseling, or employment relationship between the parties, or order the perpetrator to recuse themselves.
3. Prevent retaliation.
4. Prevent or reduce the likelihood of further harm by the perpetrator.
5. Other measures deemed necessary by the GEE Committee.

If the parties involved are not affiliated with the University, their respective schools shall be notified to handle the matter in accordance with the preceding paragraph.

The necessary measures described in the preceding two paragraphs shall be implemented after a resolution passed by the GEE Committee.

Article 27

In accordance with Paragraph 1, Article 25 of the Gender Equity Education Act, the University shall, considering the physical and mental condition of the parties, proactively refer them to various relevant agencies to provide necessary assistance.

If the parties are not affiliated with the University, their respective schools shall be notified to provide necessary assistance as stated in the preceding paragraph.

Article 28

The assistance referred to in the preceding article includes:

1. Psychological counseling and support.
2. Legal assistance.
3. Academic assistance.
4. Financial assistance.
5. Referral services for social welfare resources.
6. Other protective measures or assistance deemed necessary by the GEE Committee.

The University may commission physicians, clinical psychologists, counseling psychologists, social workers, lawyers, or other professionals to provide the aforementioned assistance. Any required expenses shall be covered by the University's budget.

Article 29

The GEE Committee's investigation and handling of campus gender-based incidents shall not be affected by whether judicial proceedings are initiated or the outcome of such proceedings.

The investigation procedure shall not be suspended due to the perpetrator losing their original status.

Article 30

To respect professional judgment and avoid repetitive inquiries, the University shall rely on the GEE Committee's investigation report for factual determinations related to a campus gender-based incident.

If, after reviewing the investigation report, the GEE Committee concludes that the campus gender-based incident is substantiated and recommends a change in the perpetrator's status, the University shall attach the investigation report approved by the GEE Committee and notify the perpetrator to submit a written statement of opinion within a specified period.

If the perpetrator does not submit a written statement of opinion within the specified period,

it shall be deemed a waiver of the opportunity to state their opinion. If a written statement of opinion is submitted, the GEE Committee shall convene another meeting to consider it. Except in cases where there are major procedural flaws in the investigation or new facts or evidence sufficient to affect the original findings, the GEE Committee shall not re-investigate the case.

In reviewing or deciding on disciplinary action, unless there is a circumstance under Paragraph 3, Article 37 of the Gender Equity Education Act, the competent authority may not require the GEE Committee to re-investigate, nor may it conduct its own investigation. If, in accordance with relevant laws and regulations, the competent authority responsible for making a decision must allow the perpetrator an opportunity to state opinions, it shall attach the investigation report approved by the GEE Committee.

Before rendering a decision, the competent authority shall notify the victim, their statutory representative, or their actual caregiver to submit a written or oral statement of opinion within a specified period. If an oral statement is provided, the competent authority shall produce a written record, read it aloud or provide it for review by the victim, their statutory representative, or their actual caregiver. Once confirmed as accurate, it shall be signed or sealed. Failure to submit a statement of opinion within the specified period is deemed a waiver of such an opportunity. If a written statement of opinion is submitted, the competent authority shall consider it.

Article 31

If, after investigation by the GEE Committee, a campus gender-based incident is found to be substantiated, the University shall, in accordance with Paragraph 1, Article 26 of the Gender Equity Education Act, give the perpetrator an admonition, demerit, dismissal, suspension, non-renewal of employment, discharge, termination of contract, termination of utilization, or other appropriate disciplinary measures. If another agency has the authority to make a decision based on relevant laws or regulations, the incident shall be referred to that agency for action. If it is proven that the applicant or informant made a false accusation, appropriate disciplinary measures shall be taken against them in accordance with the law.

Any measures taken under Paragraph 2, Article 26 of the Gender Equity Education Act shall be ordered by the University and implemented with necessary measures to ensure the perpetrator's compliance. The nature of the measure, its implementation method, duration, and legal consequences for non-compliance shall be stated in the written notification of the handling result.

In accordance with the preceding paragraph, the GEE Committee shall decide on the nature,

implementing unit or personnel, implementation method, duration, and cost allocation of the following:

1. Requiring the perpetrator to receive psychological counseling and support.
2. Requiring the perpetrator, with the victim's, statutory representative's, or actual caregiver's consent, to apologize to the victim.
3. Requiring the perpetrator to complete eight (8) hours of gender equity education-related courses.
4. Other measures consistent with educational objectives.

For the measures under Subparagraph 4 of the preceding paragraph, if the perpetrator is a student, the necessary actions may be integrated into school curricula or promotional activities, with records kept as appropriate.

In accordance with Subparagraph 2, Paragraph 2 of Article 26 of the Gender Equity Education Act, the requirement for the perpetrator to undergo eight (8) hours of gender equity education-related courses shall be planned by the competent authority having jurisdiction over the school.

Article 32

When providing written notice of the handling results to the applicant, the victim, and the perpetrator, the University shall attach the investigation report and inform them of the deadline and the unit for filing an appeal.

The handling result shall include factual determinations, measures taken, and the outcome of the decision.

If the applicant, the victim, or the perpetrator disagrees with the University's handling result, they may file a written appeal with the University within thirty (30) days from the day following receipt of the written notification, stating their reasons. If made orally, the University shall produce a written record, read it aloud or provide it for review. Once confirmed accurate, it shall be signed or sealed by the applicant, the victim, or the perpetrator. Upon receiving the appeal, the following procedures shall apply:

1. The designated unit of the University receiving the appeal shall immediately form a review panel, which shall make a reasoned decision within thirty (30) days and notify the appellant in writing of the appeal result.
2. The review panel shall include three (3) or five (5) members, comprising gender equity education experts/scholars and legal professionals. Female members shall constitute more

than one-half of the panel, and experts/scholars with professional competence in investigating campus gender-based incidents shall constitute at least one-third of the panel.

3. Members of the original GEE Committee or the original investigation team shall not serve on the review panel.
4. When convening, the review panel shall select a convener from among its members to preside over the meeting.
5. During the review meeting, the panel may, as needed, allow the appellant to state their opinions, and may invite relevant GEE Committee members or investigation team members to attend and provide explanations.
6. If the appeal is found to be justified, the decision on the appeal shall be forwarded to the relevant competent authority for a new decision. If there are major procedural flaws in the investigation as specified in Paragraph 3, Article 37 of the Gender Equity Education Act or Article 30, Paragraph 2 of these Guidelines, or if new facts or evidence are sufficient to affect the original findings, the review panel may request the GEE Committee to re-investigate.
7. Before the review panel's appeal decision is delivered to the appellant, the appellant may, *mutatis mutandis*, apply the preceding paragraph to withdraw the appeal.

A "major procedural flaw" in the investigation as specified in Paragraph 3, Article 37 of the Gender Equity Education Act and Paragraph 2, Article 30 of these Guidelines refers to any of the following circumstances:

1. The organization of the GEE Committee or the investigation team is illegal.
2. Failure to provide any party the opportunity to state their opinions.
3. Failure to recuse individuals who should have been recused.
4. Failure to investigate evidence that should have been investigated.
5. Evidence evaluation is flawed in a manner that affects the factual findings.
6. Other significant flaws sufficient to affect the factual findings.

Article 33

If the perpetrator is the President of the school, and the applicant or victim files an appeal with the competent educational authority in accordance with the proviso of Paragraph 1, Article 37 of the Gender Equity Education Act, such appeal shall be handled in accordance with Paragraph 3, Article 32 of these Regulations.

If the perpetrator is a member of the faculty or staff, and the applicant or victim files an appeal with the competent educational authority in accordance with the proviso of Paragraph 1, Article 37 of the Gender Equity Education Act, the procedures prescribed in Paragraph 4,

Article 32 of these Regulations shall apply mutatis mutandis. The educational authority may invite representatives from the Gender Equity Education Committee (GEE Committee) or the investigation team of the school of jurisdiction to attend and provide explanations.

If the applicant or victim files an appeal with the competent educational authority, and the perpetrator also files an appeal with the school, the school shall immediately report this to the competent authority to consolidate the cases for joint review.

If, upon review, the authority finds that the school's handling results were unlawful or inappropriate, the GEE Committee established by the competent authority shall deliberate and provide the following recommendations:

1. Whether there is a need to revise the school's handling results.
2. Reasons for returning the case to the school for handling in accordance with the law.
3. Measures to hold related personnel accountable.

Article 34

In accordance with Paragraph 1, Article 28 of the Gender Equity Education Act, archival records shall be established and retained for twenty-five (25) years by a designated unit. If stored in electronic media, the files may be managed using electronic signatures or encryption as necessary.

The archival records mentioned in the preceding paragraph shall be divided into original files and report files.

The original files shall include the following information:

1. The time and nature of the incident.
2. The parties involved in the incident (including the informant, victim, and perpetrator).
3. The personnel handling the incident, the procedures followed, and the records thereof.
4. Documents produced during the handling of the incident, audio recordings of interviews, obtained evidence, and other relevant information.
5. The perpetrator's name, title, or student enrollment data.
6. Draft investigation reports submitted by the investigation team and meeting records of the GEE Committee.

The report file shall be the investigation report approved by resolution of the GEE Committee and shall include the following:

7. The cause of the investigation, including descriptions by the parties or the informant.
8. Records of the investigation and interviews, including dates and parties interviewed.

9. Statements and responses from the person under investigation, the applicant, witnesses, and other related persons.
10. Examination of relevant physical evidence.
11. Factual determinations and the reasons therefor.
12. Recommendations for handling.

The destruction of archived data established pursuant to Paragraph 1 may be handled in accordance with Article 13 of the Regulations Governing Retention and Destruction of Government Records.

Article 35

Upon obtaining factual information related to an incident as stipulated in Paragraph 3, Article 29 of the Gender Equity Education Act, and after notifying the parties to provide their statements, the University shall submit the matter to the GEE Committee for verification and review.

Article 36

When reporting in accordance with Paragraphs 2 and 3, Article 28 of the Gender Equity Education Act, the content of the report shall be limited to the time and nature of the substantiated campus gender-based incident, as well as the perpetrator's name, title, or student enrollment data.

If necessary, the University shall provide the next institution of enrollment or employment with counseling, prevention education, or related measures, as well as other necessary information.

After follow-up counseling of the perpetrator, if it is assessed that the perpetrator is unlikely to re-offend, the University may note the perpetrator's improved status in the content of the report described in Paragraph 1.

Article 37

If a hired or appointed faculty member, staff, civil servant, or military personnel involved in a campus gender-based incident applies for retirement or severance, the following procedures shall apply:

1. The relevant committee(s), such as the Faculty Evaluation Committee, Coach Evaluation Committee, GEE Committee, Performance Evaluation Committee, Personnel Review Committee, or other legally formed committees, shall be convened to thoroughly review and assess the wrongful conduct involved in the campus gender-based incident and determine

whether dismissal, suspension, or non-renewal of employment should be executed according to the applicable laws and regulations. The case shall then be submitted to the competent authority for approval or processed in accordance with internal procedures. It may also be handled in accordance with the Civil Service Discipline Act by referral for disciplinary action or by submitting it to the Control Yuan for review, and to determine if suspension or dismissal should be imposed under relevant laws.

2. If, after convening the relevant committee(s) as described in the preceding subparagraph, it is concluded that there is a need, under applicable laws, to resolve the matter by dismissal, suspension, non-renewal, referral for disciplinary action in accordance with the Civil Service Discipline Act, submission to the Control Yuan for review, or applying relevant laws for suspension or dismissal, the application for retirement or severance shall not be processed. Written notice stating the reasons shall be provided to the party. Conversely, if it is concluded that there is no need for the above actions and the application for retirement or severance is accepted, a written statement of reasons and relevant review materials shall be submitted to the authority with approval jurisdiction when forwarding the case for final approval.
3. The procedures prescribed in the preceding two subparagraphs shall be concluded within two (2) months from the date the school receives the retirement or severance application from the faculty, staff, civil servant, or military personnel involved in a campus gender-based incident. If necessary, this period may be extended once, and the applicant shall be notified of the extension before the original processing period expires.

Chapter VI Supplementary Provisions

Article 39

After the investigation and handling of a campus gender-based incident are completed, and once the investigation report has been approved by the GEE Committee, the University shall report the handling of the incident, the examination of handling procedures, the investigation report, and the GEE Committee's meeting records to the Ministry of Education. If the applicant, victim, or perpetrator files an appeal, the University shall, after the appeal review is completed, report the appeal review result to the Ministry of Education.

Article 40

These Regulations shall be publicly announced and implemented upon approval by the GEE Committee and the University Affairs Meeting. The same procedure shall apply to any amendments.

Amendment History

- Amended and approved by the Gender Equity Education Committee Meeting on June 2, 2005
- Approved at the 35th University Affairs Meeting on November 9, 2005
- Approved for record by Ministry of Education Letter Tai-Xun(3) No. 0940159558, dated November 21, 2005
- Amended and approved by the Gender Equity Education Committee Meeting on January 7, 2008 (Academic Year 2007-2008, first semester)
- Amended and approved at the 43rd University Affairs Meeting on March 26, 2008
- Amendment approved by Ministry of Education Letter Tai-Xun(3) No. 0970055147, dated April 11, 2008
- Amended and approved at the 69th University Affairs Meeting on October 31, 2012
- Amended and approved by the Gender Equity Education Committee Meeting on December 30, 2019
- Amended and approved at the 104th University Affairs Meeting on March 11, 2020
- Amended and approved by the Gender Equity Education Committee Meeting on April 27, 2021
- Amended and approved by the Gender Equity Education Committee Meeting on June 4, 2021
- Amended and approved at the 110th University Affairs Meeting on June 9, 2021

Regulations Governing the Establishment of the Gender Equality Education Committee at Tzu Chi University

Passed at the 32nd University Affairs Meeting on November 10, 2004
Lastly amended and passed at the 125th University Affairs Meeting on August 1, 2024

Article 1

In order to promote the substantive equality of gender status, eliminate gender discrimination, safeguard personal dignity, and enhance and establish gender-equal educational resources and environments, the University, pursuant to the Gender Equity Education Act, establishes the Gender Equity Education Committee (hereinafter referred to as “the Committee”).

Article 2

The Committee shall comprise between five and twenty-one members, with the President serving as the Chairperson. The Dean of Academic Affairs, Dean of Student Affairs, Dean of General Affairs, Director of Human Resources, Chief Secretary, Director of the Center for General Education, and Director of the Student Counseling Center shall serve as ex officio members. Additional members shall include six faculty representatives, two staff representatives, two parent representatives, two student representatives, and one expert or scholar in a field related to gender equity education. Female members shall constitute more than one-half of the total membership. The faculty, staff, and parent representatives shall be appointed by the President from among individuals at the University who possess gender equity awareness. The student representatives shall be selected by the Student Association or other student self-governance organization. Each member shall serve a one-year term of office.

Article 3

The Committee shall have one Executive Secretary, to be concurrently served by the Chief Secretary, who shall handle relevant matters and implement the resolutions adopted by the Committee.

Article 4

The Committee’s responsibilities are as follows:

1. Integrate relevant resources from all University units, formulate and implement plans for gender equity education, and review their outcomes.

2. Plan or organize activities related to gender equity education for students, faculty, staff, and parents.
3. Develop and promote gender-equitable curricula, teaching methods, and assessment measures.
4. Draft and establish regulations for implementing gender equity education and for preventing and responding to sexual assault, sexual harassment, or sexual bullying on campus. The Committee shall also establish mechanisms for coordination and resource integration.
5. Investigate and address cases related to the Gender Equity Education Act.
6. Plan and create a gender-equitable and safe campus environment.
7. Promote family education and community education on gender equity matters.
8. Handle other gender equity education affairs related to the University or the community.

Article 5

The Committee shall establish the following divisions. The primary tasks of each division and their responsible administrative offices are as follows:

1. Organization and Regulations Division (coordinated by the Office of the Chief Secretary):

- a. Strengthen the Committee's organization and operation. In appointing members, maintain diversity and specific ratios, ensuring coverage of multiple educational systems.
- b. Incorporate the implementation of gender equity education into University evaluations and conduct such evaluations periodically.
- c. Integrate other related committees or working groups to enhance overall cooperation.
- d. Encourage University personnel to participate in handling campus gender-related incidents.

2. Campus Safety and Environment Division (coordinated by the Office of General Affairs):

- a. Regularly review campus spaces for safety and produce a campus safety map.
- b. Conduct annual reviews to improve campus spatial arrangements and, in accordance with relevant regulations, establish a safe, barrier-free, and gender-neutral campus environment.

- c. Plan and establish a cooperative mechanism between the University and the community to enhance security in areas surrounding the campus.

3. Curriculum and Instruction Division (coordinated by the Office of Academic Affairs):

- a. Offer courses related to gender equity education or incorporate relevant gender equity content into professional subjects, and evaluate these courses regularly.
- b. Encourage faculty to develop teaching materials, methods, and issues related to gender equity education.
- c. Plan admission brochures, entrance examinations, aptitude tests, and personality tests that comply with principles of gender equity.

4. Faculty and Staff Development Division (coordinated by the Office of Human Resources):

- a. Plan and implement gender equity education courses for newly hired faculty and staff.
- b. Hold regular gender equity education workshops for faculty and staff, and encourage in-service teachers to self-assess their gender equity education competencies.
- c. Establish a regular and comprehensive collection of gender-disaggregated statistical data.
- d. Train personnel to handle campus gender-related incidents.

5. Campus Gender Incident Prevention and Handling Division (coordinated by the Office of Student Affairs):

- a. Draft regulations for the prevention of campus sexual assault, sexual harassment, or sexual bullying, establish mechanisms, and coordinate and integrate related resources.
- b. Promote a three-tiered prevention strategy for campus gender-related incidents, including educational awareness, intervention, and follow-up.
- c. Provide necessary assistance to parties involved in campus gender-related incidents.
- d. Promote community-based family and social education on gender equity issues.

The expenses required for each division's tasks shall be budgeted and disbursed by the respective executing unit.

Article 6

All procedures related to handling campus gender-related cases shall be conducted in accordance with the University's regulations on the prevention of sexual assault, sexual harassment, or sexual bullying. Expenses related to investigation and handling (including attendance fees, fees for writing investigation reports, transcription fees, and transportation costs for external experts) shall be covered by the Committee's budget.

Article 7

The Committee shall convene at least once every semester and may hold extraordinary meetings as necessary.

Article 8

All persons handling affairs related to the Committee must adhere to principles of confidentiality and address cases with objectivity and fairness. Any verified legal violations shall be punished in accordance with relevant laws and regulations.

Article 9

These Regulations shall be publicly announced and implemented upon approval by the University Affairs Meeting. The same procedure shall apply to all amendments.

Tzu Chi University Standard Process Flowchart for Campus Gender-Related Incidents

