

法規名稱：性別平等教育法

修正日期：民國 112 年 08 月 16 日

第一章 總則

第 1 條

- 1 為促進性別地位之實質平等，消除性別歧視，維護人格尊嚴，厚植並建立性別平等之教育資源與環境，特制定本法。
- 2 校園性騷擾事件之適用範圍依本法規定處理，因當事人身分關係不在本法規定之適用範圍者，視其情形分別適用性別平等工作法或性騷擾防治法。

第 2 條

- 1 本法所稱主管機關：在中央為教育部；在直轄市為直轄市政府；在縣（市）為縣（市）政府。
- 2 本法所定事項，於軍事學校、預備學校、警察各級學校及少年矯正學校辦理時，以其所屬主管機關為本法所稱主管機關。
- 3 本法所定事項涉及各目的事業主管機關業務時，各該機關應配合辦理。

第 3 條

本法用詞，定義如下：

一、性別平等教育：指以教育方式教導尊重多元性別差異，消除性別歧視，促進性別地位之實質平等。

二、學校、教師、職員、工友及學生：

（一）學校：指公私立各級學校、軍事學校、預備學校、警察各級學校及少年矯正學校。

（二）教師：指專任教師、兼任教師、代理教師、代課教師、教官、運用於協助教學之志願服務人員、實際執行教學之教育實習人員、實習場域之實習指導人員及其他執行教學或研究之人員。

（三）職員、工友：指前目教師以外，固定、定期執行學校事務人員、運用於協助學校事務之志願服務人員、學生事務創新人員及其他經中央主管機關指定者。

（四）學生：指具有學籍、學制轉銜期間未具學籍者、接受進修推廣教育者、交換學生、教育實習學生或研修生及其他經中央主管機關指定者。

三、校園性別事件：指事件之一方為學校校長、教師、職員、工友或學生，他方為學生，並有下列情形之一者：

（一）性侵害：指性侵害犯罪防治法所稱性侵害犯罪之行為。

（二）性騷擾：指符合下列情形之一，且未達性侵害之程度者：

1. 以明示或暗示之方式，從事不受歡迎且與性或性別有關之言詞或行為，致影響他人之人格尊嚴、學習、或工作之機會或表現者。

2. 以性或性別有關之行為，作為自己或他人獲得、喪失或減損其學習或工作有關權益之條件者。

(三) 性霸凌：指透過語言、肢體或其他暴力，對於他人之性別特徵、性別特質、性傾向或性別認同進行貶抑、攻擊或威脅之行為且非屬性騷擾者。

(四) 校長或教職員工違反與性或性別有關之專業倫理行為：指校長或教職員工與未成年學生發展親密關係，或利用不對等之權勢關係，於執行教學、指導、訓練、評鑑、管理、輔導學生或提供學生工作機會時，在與性或性別有關之人際互動上，發展有違專業倫理之關係。

四、性別認同：指個人對自我歸屬性別之認知及接受。

第 4 條

中央主管機關應設性別平等教育委員會，其任務如下：

- 一、研擬全國性之性別平等教育相關法規、政策及年度實施計畫。
- 二、協調及整合相關資源，協助並補助地方主管機關及所主管學校、社教機構落實性別平等教育之實施與發展。
- 三、督導考核地方主管機關及所主管學校、社教機構性別平等教育相關工作之實施。
- 四、推動性別平等教育之課程、教學、評量與相關問題之研究與發展。
- 五、規劃及辦理性別平等教育人員之培訓。
- 六、提供性別平等教育相關事項之諮詢服務及調查、處理與本法有關之案件。
- 七、推動全國性有關性別平等之家庭教育及社會教育。
- 八、其他關於全國性之性別平等教育事務。

第 5 條

1 直轄市、縣（市）主管機關應設性別平等教育委員會，其任務如下：

- 一、研擬地方之性別平等教育相關法規、政策及年度實施計畫。
- 二、協調及整合相關資源，並協助所主管學校、社教機構落實性別平等教育之實施與發展。
- 三、督導考核所主管學校、社教機構性別平等教育相關工作之實施。
- 四、推動性別平等教育之課程、教學、評量及相關問題之研究發展。
- 五、提供所主管學校、社教機構性別平等教育相關事項之諮詢服務及調查、處理與本法有關之案件。
- 六、辦理所主管學校教育人員及相關人員之在職進修。
- 七、推動地方有關性別平等之家庭教育及社會教育。
- 八、其他關於地方之性別平等教育事務。

2 軍事學校、預備學校、警察各級學校及少年矯正學校之主管機關應設性別平等教育委員會，其任務如下：

- 一、提供相關資源，協助所主管學校落實性別平等教育之實施及發展。
- 二、督導考核所主管學校性別平等教育相關工作之實施。

三、前條第五款、第六款及其他關於所主管學校之性別平等教育事務。

第 6 條

學校應設性別平等教育委員會，其任務如下：

- 一、統整學校各單位相關資源，擬訂性別平等教育實施計畫，落實並檢視其實施成果。
- 二、規劃或辦理學生、教職員工及家長性別平等教育相關活動。
- 三、研發並推廣性別平等教育之課程、教學及評量。
- 四、研擬性別平等教育實施與校園性別事件之防治規定，建立機制，並協調及整合相關資源。
- 五、調查及處理與本法有關之案件。
- 六、規劃及建立性別平等之安全校園空間。
- 七、推動社區有關性別平等之家庭教育與社會教育。
- 八、其他關於學校或社區之性別平等教育事務。

第 7 條

- 1 中央主管機關之性別平等教育委員會，置委員十七人至二十三人，採任期制，以教育部部長為主任委員，委員應具性別平等意識，且不得有違反性別平等之行為，其中女性委員應占委員總數二分之一以上；性別平等教育相關領域之專家學者、民間團體代表、學生代表及實務工作者之委員合計，應占委員總數三分之二以上。
- 2 前項性別平等教育委員會每三個月應至少開會一次，並應由專人處理有關業務；其組織、會議、委員資格、任期、解聘事由、解聘程序及其他相關事項之辦法，由中央主管機關定之。

第 8 條

- 1 直轄市、縣（市）主管機關之性別平等教育委員會，置委員九人至二十三人，採任期制，以直轄市、縣（市）首長為主任委員，委員應具性別平等意識，且不得有違反性別平等之行為，其中女性委員應占委員總數二分之一以上；性別平等教育相關領域專家學者、民間團體代表、學生代表及實務工作者之委員合計，應占委員總數三分之一以上。
- 2 前項性別平等教育委員會每三個月應至少開會一次，並應由專人處理有關業務；其組織、會議、委員資格、任期、解聘事由、解聘程序及其他相關事項之準則，由中央主管機關定之；直轄市、縣（市）主管機關應依準則，訂定所設性別平等教育委員會相關自治法規。
- 3 軍事學校、預備學校、警察各級學校及少年矯正學校主管機關之性別平等教育委員會，置委員九人至二十三人，採任期制，以學校主管機關首長為主任委員，委員應具性別平等意識，且不得有違反性別平等之行為，其中女性委員應占委員總數二分之一以上；性別平等教育相關領域專家學者之委員，應占委員總數二分之一以上。
- 4 前項性別平等教育委員會每三個月應至少開會一次，並應由專人處理有關業務；其組織、會議、委員資格、任期、解聘事由、解聘程序、得委任所屬機關辦理之事項及其他相關事項之辦法，由學校主管機關定之。

第 9 條

- 1 學校之性別平等教育委員會，置委員五人至二十一人，採任期制，以校長為主任委員，委員應具性別平等意識，且不得有違反性別平等之行為，其中女性委員應占委員總數二分之一以上，並得聘教師代表、職工代表、家長代表、學生代表及性別平等教育相關領域之專家學者為委員。
- 2 前項性別平等教育委員會每學期應至少開會一次，並應由專人處理有關業務；其組織、會議、委員資格、任期、解聘事由、解聘程序及其他相關事項之準則，由中央主管機關定之；學校應依準則，訂定所設性別平等教育委員會相關規定。

第 10 條

主管機關及學校每年應參考所設之性別平等教育委員會所擬各項實施方案編列經費預算。

第 11 條

主管機關應督導考核所主管學校、社教機構或下級機關辦理性別平等教育相關工作，並提供必要之協助；其績效優良者，應給予獎勵，績效不良者，應予糾正並輔導改進。

第二章 學習環境及資源

第 12 條

- 1 學校應提供性別平等之學習環境，尊重及考量學生與教職員工之不同性別、性別特質、性別認同或性傾向，並建立安全之校園空間。
- 2 學校應訂定性別平等教育實施規定，並公告周知。

第 13 條

學校之招生及就學許可不得有性別、性別特質、性別認同或性傾向之差別待遇。但基於歷史傳統、特定教育目標或其他非因性別因素之正當理由，經該管主管機關核准而設置之學校、班級、課程者，不在此限。

第 14 條

- 1 學校不得因學生之性別、性別特質、性別認同或性傾向而給予教學、活動、評量、獎懲、福利及服務上之差別待遇。但性質僅適合特定性別、性別特質、性別認同或性傾向者，不在此限。
- 2 學校應對因性別、性別特質、性別認同或性傾向而處於不利處境之學生積極提供協助，以改善其處境。

第 15 條

學校應積極維護懷孕學生之受教權，並提供必要之協助。

第 16 條

教職員工之職前教育、新進人員培訓、在職進修及教育行政主管人員之儲訓課程，應納入性別平等教育之內容；其中師資培育之大學之教育專業課程，應有性別平等教育相關課程。

第 17 條

學校之考績委員會、申訴評議委員會、教師評審委員會及主管機關之教師申訴評議委員會之組成，任一性別委員應占委員總數三分之一以上。但學校之考績委員會及教師評審委員會因該校任一性別教師人數少於委員總數三分之一者，不在此限。

第三章 課程、教材及教學

第 18 條

- 1 學校之課程設置及活動設計，應鼓勵學生發揮潛能，不得因性別而有差別待遇。
- 2 國民中小學除應將性別平等教育融入課程外，每學期應實施性別平等教育相關課程或活動至少四小時。
- 3 高級中等學校及專科學校五年制前三年應將性別平等教育融入課程。
- 4 大專校院應廣開性別研究相關課程。
- 5 學校應發展符合性別平等之課程規劃與評量方式。

第 19 條

學校教材之編寫、審查及選用，應符合性別平等教育原則；教材內容應平衡反映不同性別之歷史貢獻及生活經驗，並呈現多元之性別觀點。

第 20 條

- 1 教師使用教材及從事教育活動時，應具備性別平等意識，破除性別刻板印象，避免性別偏見及性別歧視。
- 2 教師應鼓勵學生修習非傳統性別之學科領域。

第四章 校園性別事件之防治

第 21 條

- 1 為預防與處理校園性別事件，中央主管機關應訂定校園性別事件之防治準則；其內容應包括學校安全規劃、校內外教學與活動及人際互動注意事項、校長及教職員工與性或性別有關專業倫理事項、主動迴避陳報事項、校園性別事件之處理機制、程序及救濟方法。
- 2 學校應依前項準則訂定防治規定，並公告周知；高級中等以上學校應依前項訂定相關規定或專業倫理規範，並公告周知。
- 3 學校應積極推動校園性別事件之防治教育，以提升學校校長、教師、職員、工友及學生尊重他人與自己性或身體自主之知能，每年定期舉辦校園性別事件防治之教育宣導活動，並評鑑其實施成效。

第 22 條

- 1 學校校長、教師、職員或工友知悉服務學校發生疑似校園性別事件，應立即通報學校防治規定所定學校權責人員，並由學校權責人員依下列規定辦理，至遲不得超過二十四小時：

一、向學校主管機關通報。

二、依性侵害犯罪防治法、兒童及少年福利與權益保障法、身心障礙者權益保障法及其他相關法律規定向當地直轄市、縣（市）社政主管機關通報。

- 2 學校校長、教師、職員或工友不得偽造、變造、湮滅或隱匿他人所犯校園性別事件之證據。
- 3 學校或主管機關處理校園性別事件，應將該事件交由所設之性別平等教育委員會調查處理，任何人不得另設調查機制，違反者其調查無效。

第 23 條

- 1 學校或主管機關調查處理校園性別事件時，應秉持客觀、公正、專業之原則，給予雙方當事人充分陳述意見及答辯之機會。但應避免重複詢問。
- 2 當事人及檢舉人之姓名或其他足以辨識身分之資料，除有調查之必要或基於公共安全之考量者外，應予保密。

第 24 條

學校或主管機關於調查處理校園性別事件期間，應採取必要之處置，以保障當事人之受教權或工作權，且不得運用不對等之權力與地位，對被害人有足以影響其受教權、工作權或申請調查之行為。

第 25 條

- 1 學校或主管機關處理校園性別事件，應告知當事人及其法定代理人或實際照顧者其得主張之權益及各種救濟途徑，或轉介至相關機構處理，並依其需求，提供心理諮商與輔導等各類專業服務，必要時，應提供保護措施、法律協助、社會福利資源轉介服務或其他協助；對檢舉人有受侵害之虞者，並應提供必要之保護措施或其他協助。
- 2 前項心理諮商與輔導、保護措施、法律協助或其他協助，學校或主管機關得委請醫師、臨床心理師、諮商心理師、社會工作師或律師等專業人員為之。
- 3 學生為性侵害、性騷擾或性霸凌事件被害人，而非屬本法適用範圍者，學生所屬學校得準用前二項規定辦理。

第 26 條

- 1 校園性別事件經學校或主管機關調查屬實後，應依相關法律或法規規定自行或將行為人移送其他權責機關，予以申誡、記過、解聘、停聘、不續聘、免職、終止契約關係、終止運用關係或其他適當之懲處。
- 2 學校、主管機關或其他權責機關為校園性別事件之懲處時，應命行為人接受心理諮商與輔導之處置，並得命其為下列一款或數款之處置。但終身不得聘任、任用、進用或運用之人員，不在此限：
 - 一、經被害人、其法定代理人或實際照顧者之同意，向被害人道歉。法定代理人或實際照顧者同意時，應以兒童及少年之最佳利益為優先考量，並依其心智成熟程度權衡其意見。

二、接受八小時之性別平等教育相關課程。

三、其他符合教育目的之措施。

- 3 前項心理諮商與輔導，學校或主管機關得委請醫師、臨床心理師、諮商心理師、社會工作師等專業人員為之。
- 4 校園性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理行為情節輕微者，學校、主管機關或其他權責機關得僅依第二項規定為必要之處置。
- 5 第一項懲處涉及行為人身分之改變時，應給予其書面陳述意見之機會。
- 6 第二項之處置，應由該懲處之學校或主管機關執行，執行時並應採取必要之措施，以確保行為人之配合遵守。
- 7 第二項第一款之處置，當事人均為學生時，學校得善用修復式正義或其他輔導策略，促進修復關係。

第 27 條

學校或主管機關調查校園性別事件過程中，得視情況就相關事項、處理方式及原則予以說明，並得於事件處理完成後，經被害人、其法定代理人或實際照顧者之同意，將事件之有無、樣態及處理方式予以公布。但不得揭露當事人之姓名或其他足以識別其身分之資料。

第 28 條

- 1 學校或主管機關應建立校園性別事件之檔案資料。
- 2 行為人如為學生者，轉至其他學校就讀時，主管機關及原就讀之學校認為有追蹤輔導之必要者，應於知悉後一個月內，通報行為人次一就讀之學校。
- 3 行為人為學生以外者，轉至其他學校服務時，主管機關及原服務之學校應追蹤輔導，並應通報行為人次一服務之學校。
- 4 接獲前二項通報之學校，應對行為人實施必要之追蹤輔導，非有正當理由，不得公布行為人之姓名或其他足以識別其身分之資料。
- 5 第一項檔案資料之建立、保存方式、保存年限、銷毀、運用與第二項及第三項之通報及其他相關事項，於依第二十一條第一項所定防治準則定之。

第 29 條

- 1 學校聘任、任用之教育人員或進用、運用之其他人員，經學校性別平等教育委員會或依法組成之相關委員會調查確認有下列各款情形之一者，學校應予解聘、免職、終止契約關係或終止運用關係：
 - 一、有性侵害行為，或有終身不得聘任、任用、進用或運用必要之性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理行為。
 - 二、有性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理行為，而有必要予以解聘、免職、終止契約關係或終止運用關係，並經審酌案件情節，議決一年至四年不得聘任、任用、進用或運用。

- 2 有前項第一款情事者，各級學校均不得聘任、任用、進用或運用，已聘任、任用、進用或運用者，學校應予解聘、免職、終止契約關係或終止運用關係；有前項第二款情事者，於該議決一年至四年不得聘任、任用、進用或運用期間，亦同。
- 3 非屬依第一項規定予以解聘、免職、終止契約關係或終止運用關係之人員，有性侵害行為或有終身不得聘任、任用、進用或運用必要之性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理、違反兒童及少年性交易防制條例、兒童及少年性剝削防制條例之行為，經學校性別平等教育委員會查證屬實者，不得聘任、任用、進用或運用；已聘任、任用、進用或運用者，學校應予解聘、免職、終止契約關係或終止運用關係；非屬終身不得聘任、任用、進用或運用必要之性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理、違反兒童及少年性交易防制條例、兒童及少年性剝削防制條例之行為，經學校性別平等教育委員會查證屬實並議決一年至四年不得聘任、任用、進用或運用者，於該議決期間，亦同。

第 30 條

- 1 有前條各項情事者，主管機關及學校應辦理通報、資訊之蒐集及查詢。
- 2 學校聘任、任用教育人員或進用、運用其他人員前，應依性侵害犯罪防治法之規定，查詢其有無性侵害之犯罪紀錄，及依第四項所定辦法查詢是否曾有性侵害、性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理、違反兒童及少年性交易防制條例、兒童及少年性剝削防制條例之行為；已聘任、任用、進用或運用者，應定期查詢。
- 3 主管機關協助學校辦理前項查詢，得使用中央社政主管機關建立之依兒童及少年性剝削防制條例，或性騷擾防治法第二十七條規定，受行政處罰者之資料，及中央勞工主管機關依性別平等工作法建立性騷擾防治事件之資料。
- 4 前三項之通報、資訊之蒐集、查詢、處理、利用及其他相關事項之辦法，由中央主管機關定之。
- 5 前條各項之人員適用教師法、教育人員任用條例、公務人員相關法律或陸海空軍相關法律者，其解聘、停聘、免職、撤職、停職或退伍，依各該法律規定辦理，並適用前四項規定；其未解聘、免職、撤職或退伍者，應調離學校現職。
- 6 前項以外人員，涉有前條第一項或第三項情形，於調查期間，學校或主管機關應經性別平等教育委員會決議令其暫時停職；停職原因消滅後復職者，其未發給之薪資應依相關規定予以補發。

第 五 章 申請調查及救濟

第 31 條

- 1 校園性別事件之被害人、其法定代理人或實際照顧者得以書面向行為人所屬學校申請調查。但行為人現為或曾為學校之校長時，應向學校主管機關申請調查。
- 2 任何人知悉前項之事件時，得依其規定程序向學校或主管機關檢舉之。
- 3 學校及主管機關不得因被害人或任何人申請調查、檢舉或協助他人申請調查、檢舉，而予以不利之處分或措施。

第 32 條

- 1 學校或主管機關於接獲調查申請或檢舉時，應於二十日內以書面通知申請人、被害人或檢舉人是否受理。
- 2 學校或主管機關於接獲調查申請或檢舉時，有下列情形之一者，應不予受理：
 - 一、非屬本法所規定之事項者。
 - 二、申請人或檢舉人未具真實姓名。
 - 三、同一事件已處理完畢者。
- 3 前項不受理之書面通知，應敘明理由。
- 4 申請人、被害人或檢舉人於第一項之期限內未收到通知或接獲不受理通知之次日起二十日內，得以書面具明理由，向學校或主管機關申復。

第 33 條

- 1 學校或主管機關接獲前條第一項之申請或檢舉後，除有前條第二項所定事由外，應於三日內交由所設之性別平等教育委員會調查處理。
- 2 學校或主管機關之性別平等教育委員會處理前項事件時，得成立調查小組調查之；必要時，調查小組成員得一部或全部外聘，但行為人為校長、教師、職員或工友者，應成立調查小組，且其成員應全部外聘。本法於中華民國一百零七年十二月三十日修正生效前，調查小組成員全部外聘者，其組成及完成之調查報告均為合法。
- 3 調查小組成員應具性別平等意識，女性成員不得少於成員總數二分之一，且其成員中具校園性別事件調查專業素養之專家學者人數，於學校應占成員總數三分之一以上，於主管機關應占成員總數二分之一以上，成員資格由中央主管機關另定之。
- 4 校園性別事件當事人分屬不同學校時，前項調查小組成員，應有被害人現所屬學校之代表。但被害人、其法定代理人或實際照顧者要求不得通知被害人現就讀學校，且經性別平等教育委員會認定無通知必要者，不在此限。
- 5 性別平等教育委員會或調查小組依本法規定進行調查時，行為人、申請人及受邀協助調查之人或單位，應予配合，並提供相關資料，不得規避、妨礙或拒絕。
- 6 行政程序法有關管轄、移送、迴避、送達、補正等相關規定，於本法適用或準用之。

第 34 條

- 1 性別平等教育委員會之調查處理，不受該事件司法程序進行之影響。
- 2 性別平等教育委員會為調查處理時，應衡酌雙方當事人之權力差距。
- 3 調查發現行為人於不同學校有發生疑似校園性別事件之虞，應就行為人發生疑似行為之時間、樣態等，通知其現職及曾服務之學校配合進行事件普查，被通知學校不得拒絕。
- 4 調查發現同一行為人對不同被害人有發生疑似校園性別事件時，得併案調查。

第 35 條

- 1 學校校長涉及校園性別事件，經學校主管機關所設之性別平等教育委員會認情節重大，有於調查

期間先行調整或停止其職務之必要者，得由學校主管機關調整或停止其職務。但校長為軍職人員者，依陸海空軍軍官士官任職條例及相關規定辦理。

- 2 依前項規定停職之人員，其校園性別事件之調查結果未認定所涉行為屬實，或經認定所涉行為屬實但未依公務人員、教育人員或其他相關法律予以停職、免職、解聘、停聘或不續聘者，得依本法或其他法律申請復職，及補發停職期間之本俸（薪）、年功俸（薪）或相當之給與。
- 3 學校及主管機關於知悉校長、學校聘任或任用之教職員、公務人員或軍職人員涉有校園性別事件，且依法辦理其停聘、解聘、不續聘、移送懲戒、送請監察院審查、依法核予停職或免職期間，不得受理其退休（伍）或資遣案之申請。

第 36 條

- 1 學校或主管機關性別平等教育委員會應於受理申請或檢舉後二個月內完成調查。必要時，得延長之，延長以二次為限，每次不得逾一個月，並應通知申請人、被害人、檢舉人及行為人。
- 2 性別平等教育委員會調查完成後，應將調查報告及處理建議，以書面向其所屬學校或主管機關提出報告。
- 3 學校或主管機關應於接獲前項調查報告後二個月內，自行或移送相關權責機關依本法或相關法律或法規規定議處，並將處理之結果，以書面載明事實及理由通知申請人、被害人、檢舉人及行為人。
- 4 學校或主管機關為前項議處前，得要求性別平等教育委員會之代表列席說明。

第 37 條

- 1 申請人、被害人及行為人對於前條第三項處理之結果有不服者，得於收到書面通知次日起三十日內，以書面具明理由向學校或主管機關申復。但行為人為校長、教師、職員或工友者，申請人或被害人得逕向主管機關申復。
- 2 前項申復以一次為限。
- 3 學校或主管機關經申復審議結果發現調查程序有重大瑕疵或有足以影響原調查認定之新事實、新證據時，得要求性別平等教育委員會重新調查；屬依第一項但書向主管機關申復者，應限期於四十日內完成調查。
- 4 主管機關經依第一項但書申復審議結果發現，學校之處理結果，有違法或不當，必要時，得依所設性別平等教育委員會之處理建議，對學校之處理結果，逕行改核或敘明理由交回學校依法處理，並追究相關人員責任。

第 38 條

性別平等教育委員會於接獲前條學校或主管機關重新調查之要求時，應另組調查小組；其調查處理程序，依本法之相關規定。

第 39 條

- 1 申請人、被害人或行為人對學校或主管機關之申復結果不服，得於接獲書面通知之次日起三十日

內，依下列規定提起救濟。但法律別有規定者，從其規定：

- 一、學校校長、教師：依教師法或相關法規之規定。
- 二、公立學校依公務人員任用法任用之職員及中華民國七十四年五月三日教育人員任用條例施行前未納入銓敘之職員：依公務人員保障法之規定。

三、學校學生：依規定向所屬學校提起申訴。

2 前項救濟，應俟申復決定作成後，始得提起。

第 40 條

- 1 學校主管機關於學校調查處理校園性別事件時，應對學校提供諮詢服務、輔導協助、適法監督或予以糾正。
- 2 學校主管機關認學校性別平等教育委員會未依法召開會議、召開會議後應審議而未審議、調查有程序或實體瑕疵，或調查處理結果有適法疑義時，於學校申復程序完成前發現，應敘明理由，通知學校於申復程序中合併處理；未及於申復程序中合併處理，或屆申復期限未提出申復，應敘明理由，限期交回學校性別平等教育委員會審議。
- 3 主管機關依前項規定交回學校性別平等教育委員會審議後，學校性別平等教育委員會屆期未依法審議、審議結果仍有違法或不當之虞者，主管機關得敘明理由逕行提交所設性別平等教育委員會審議，其決議視同學校性別平等教育委員會之決議。
- 4 有前項情事之學校，經主管機關審議認有違失者，主管機關應納入學校評鑑、扣減獎（補）助或行政考核之依據，並追究相關人員責任。

第 41 條

- 1 學校及主管機關對於與本法事件有關之事實認定，應依據其所設性別平等教育委員會之調查報告。
- 2 法院對於前項事實之認定，應審酌各級性別平等教育委員會之調查報告。

第 42 條

- 1 校園性別事件之行為人為學校校長、教師、職員或工友，學生因該事件受有損害者，行為人應負損害賠償責任。
- 2 前項情形，雖非財產上之損害，亦得請求賠償相當之金額，其名譽被侵害者，並得請求回復名譽之適當處分。
- 3 依前二項規定負損害賠償責任，法院並得因被害人之請求，依侵害情節，酌定損害額一倍至三倍之懲罰性賠償金；行為人為校長者，得酌定損害額三倍至五倍之懲罰性賠償金。

第六章 罰則

第 43 條

- 1 學校校長、教師、職員或工友有下列情形之一者，處新臺幣三萬元以上十五萬元以下罰鍰：
 - 一、無正當理由，違反第二十二條第一項規定，未於二十四小時內，向學校權責人員或學校主管

機關通報。

二、違反第二十二條第二項規定，偽造、變造、湮滅或隱匿他人所犯校園性騷擾、性霸凌、校長或教職員工違反與性或性別有關之專業倫理事件之證據。

- 2 學校違反第二十二條第三項、第二十三條第二項、第二十四條後段、第二十七條但書、第二十八條第四項或第三十一條第三項規定者，處新臺幣一萬元以上十五萬元以下罰鍰；其他人員違反者，亦同。
- 3 學校違反第十三條、第十四條、第十五條、第十七條或第二十一條第二項規定者，處新臺幣一萬元以上十萬元以下罰鍰。
- 4 行為人違反第二十六條第六項不配合執行第二項序文、第二款、第三款之處置，或第三十三條第五項不配合調查，而無正當理由者，由學校報請主管機關處新臺幣一萬元以上五萬元以下罰鍰，並得按次處罰至其配合或提供相關資料為止。但行為人為學校校長時，由主管機關逕予處罰。
- 5 學校校長或學校財團法人董事怠於行使職權，致學校未依第二十六條第一項、第二項序文、第二款、第三款或第六項規定，執行行為人第二十六條第二項第一款以外之懲處或處置，或採取必要之措施確保行為人配合遵守者，處校長或董事新臺幣一萬元以上五萬元以下罰鍰。

第 44 條

- 1 學校校長、教師、職員或工友違反第二十二條第一項所定疑似校園性侵害事件之通報規定，致再度發生校園性侵害事件；或偽造、變造、湮滅或隱匿他人所犯校園性侵害事件之證據，經學校或有關機關查證屬實者，應依法予以解聘、免職、終止契約關係或終止運用關係。
- 2 學校校長、教師、職員或工友，偽造、變造、湮滅或隱匿他人所犯校園性騷擾、性霸凌及校長或教職員工違反與性或性別有關之專業倫理之證據，經學校或有關機關查證屬實，有解聘、免職、終止契約關係或終止運用關係之必要者，應依相關法規辦理。
- 3 學校或主管機關對違反前二項規定之人員，應依法告發。

第七章 附則

第 45 條

性騷擾防治法第十條、第二十五條及第二十六條之規定，於本法所定校園性別事件，適用之。

第 46 條

本法中華民國一百十二年七月二十八日修正之本條文施行前，已受理之校園性別事件尚未終結者，及修正施行前已發生而於修正施行後受理者，均依修正施行後之規定終結之。但已進行之程序，其效力不受影響。

第 47 條

本法施行細則，由中央主管機關定之。

第 48 條



本法施行日期，除第二條第二項、第三條第二款、第三款第四目、第五條第二項、第七條至第九條、第二十一條、第二十九條、第三十條、第三十三條第二項前段但書、第三項、第三十七條、第四十條、第四十四條自中華民國一百十三年三月八日施行外，自公布日施行。



Article Content

Title : Gender Equity Education Act CH

Amended Date : 2023-08-16

Category : Ministry of Education (教育部)

Chapter 1 General Provisions

Article 1 This Act is prescribed in order to promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish 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 2 The competent authority as referred to in this Act shall be as follows: in the central government, the Ministry of Education; in special municipalities, the municipal government; in counties (cities), the county (city) government.

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

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

Article 3 The following terms that appear in this Act are hereby defined:

1. Gender equity education: to generate respect for gender diversity, eliminate gender discrimination and promote substantive gender equality through education.

2. School, teacher, staff, worker, and student:

1. School: public and private schools of all levels, military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions.

2. Teacher: 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.

3. 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.

4. 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. Gender-related incident on campus: 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 member that violates professional ethical standards: cases where a principal or faculty member develops an intimate relationship with an underage student, or exploits an unequal power relationship in the course of teaching, providing guidance to, training, evaluating, managing, or counseling a student, or providing a work opportunity to a student, to develop a relationship that violates professional ethical standards in the context of sex- or gender-related interpersonal interactions.

4. Gender identity: an individual's perception and acceptance of his or her own gender.

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

- Article 5 The competent authority of the municipal government at municipal level and the county or city government at county or city level shall establish a gender equity education committee whose tasks include:
1. Draft regional laws and regulations, policies and annual projects related to gender equity education.
 2. Coordinate and integrate related resources, assist and fund the regional competent authority and schools and social education institutions under its jurisdiction in order to implement and develop gender equity education.
 3. Supervise and evaluate gender equity-related activities carried out by schools and social education institutions under its jurisdiction.
 4. Promote research on curricula, teaching, and assessments on gender equity education and related issues.
 5. Provide schools and social education institutions under its jurisdiction consultation service related to gender equity education, and investigate and handle cases pertinent to this Act.
 6. Implement in-service education programs for faculty and personnel in schools under its jurisdiction.
 7. Promote gender equity in family education and social education.

8. Other regional matters related to gender equity education. The competent authorities for military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions shall establish gender equity education committees with the following responsibilities:
1. Provide appropriate resources to assist the schools under their jurisdiction in implementing and developing gender equity education.
 2. Supervise and assess the implementation of gender equity education-related work at the schools under their jurisdiction.
 3. Handle matters related to gender equity education at the schools under their jurisdiction as stipulated in Article 5, Article 6, and other relevant provisions.

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

- Article 7 The gender equity education committee of the central competent authority shall consist of seventeen to twenty-three members, who shall serve for specific terms. The Minister of Education shall be chair of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Experts, scholars, NGO/NPO representatives, student representatives, and practitioners from fields related to gender equity education shall make up at least two-thirds of the committee members.
- The aforesaid committee shall hold at least one meeting every three months, and appoint staff to handle related matters. The means of the committee's organization, meetings, committee

member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority.

Article 8 The gender equity education committee of the municipal government and county or city level shall consist of nine to twenty-three members, who shall serve specific terms. The mayor of the municipality, the magistrate of the county or the mayor of the city government shall be chair of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Experts, scholars, NGO/NPO representatives, student representatives, and practitioners from fields related to gender equity education shall make up at least one-third of the committee members. The aforesaid committee shall hold at least one meeting every three months, and appoint staff member(s) ad hoc to handle related matters. Guidelines regarding the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority. Competent authorities at the municipal and county (city) level shall, in accordance with these guidelines, prescribe autonomous regulations governing their gender equity education committees.

The gender equity education committees of the competent authorities for military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions shall consist of nine to twenty-three members, with fixed terms of appointment. The head official of the competent authority with jurisdiction over schools shall serve as the chairperson of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Committee members who are experts in fields related to gender equity education shall account for at least half of total committee membership.

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

Article 9 The gender equity education committee of the school shall consist of five to twenty-one members, who shall serve specific terms. The school principal or president shall be chair of the committee. The committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least one half of the committee members shall be women. Representatives of faculty, staff, parents, students, and experts and scholars from fields related to gender equity education may be invited to be committee members. The aforesaid committee shall hold at least one meeting every three months, and appoint a staff member or teacher ad hoc to handle related matters. Guidelines regarding the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority. Schools shall, in accordance with these guidelines, prescribe relevant regulations governing their gender equity education committees.

Article 10 The competent authority shall designate budgeting in accordance with all the projects planned by its gender equity education committee.

Article 11 The competent authority shall supervise schools, social education institutions, or institutions under its jurisdiction to carry out tasks pertinent to gender equity education, as well as provide assistance where necessary. Those who accomplish significant achievements shall be awarded, whereas those who have substandard achievements shall be corrected and supervised for improvement.

Chapter 2 Learning environment and resources

Article 12 The school shall provide a gender-fair learning environment, respect and give due consideration to students, faculty, and staff with different gender, gender temperaments, gender identity, and sexual orientation. Moreover, it shall establish a safe campus environment. The school shall prescribe and promulgate regulations for implementing gender equity education.

Article 13 The school shall not discriminate against a prospective student during recruitment or evaluation of applications for admission on the basis of his or her gender, gender temperaments, gender identity or sexual orientation. With the approval of the competent authority, this requirement will not apply to schools, classes and curricula with a specific historical tradition,

special education objectives, or other reasons unrelated to gender.

- Article 14 The school shall not discriminate against students on the basis of their gender, gender temperaments, gender identity, or sexual orientation in its instruction, activities, assessments, rewards and penalties, benefits, or services. This requirement does not apply to matters suitable only to persons of a specific gender, gender temperaments, gender identity, or sexual orientation. The school shall proactively provide assistance to students who are disadvantaged due to their gender, gender temperaments, gender identity, or sexual orientation with the aim of improving their circumstances.
- Article 15 The school shall proactively protect the right to education of pregnant students, and provide needed assistance.
- Article 16 Gender equity education shall be included in pre-service training of staff members, orientation training of new staff members, in-service education program and preparation program for educational administrators, the same in professional teacher training programs in colleges and universities.
- Article 17 At least one-third of members of Staff Appraisal Committee, Grievance Review Committee, and Faculty Evaluation Committee at the school level, as well as the Faculty Grievance Review Committee of the competent authority with jurisdiction, shall consist of either sex. This requirement need not apply to schools whose number of faculty members of either sex is lower than one-third of the total number of Faculty Evaluation Committee members.

Chapter 3 Curriculum, teaching materials and instruction

- Article 18 The school shall design curriculum and activities to encourage students to develop their potential and shall not discriminate students on the basis of their gender.
Elementary and junior high schools, in addition to integrating gender equity education into their curriculum, shall provide at least four hours of courses or activities on gender equity education each semester.
Senior high schools shall integrate gender equity education in their curriculum, the same as the five-year junior colleges in the first three years of their curriculum.
Universities and colleges shall offer a wide range of courses on gender studies.
Schools shall develop course planning and assessment methods in accordance to principles of gender equity education.

Article 19 The compilation, composition, review and selection of course materials shall comply with the principles of gender equity education. The content of teaching materials shall present fairly on the historical contributions, life experiences of both sexes, and diverse gender perspectives.

Article 20 When using teaching materials and engaging in educational activities, teachers shall maintain an awareness of gender equity, eliminate gender stereotypes, and avoid gender prejudice and discrimination.
Teachers shall encourage students to take courses in fields that are not traditionally affiliated with their gender.

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

Article 21 The central competent authority shall establish guidelines for preventing and handling gender-related incidents on campus. These guidelines shall include campus safety plans, matters needing attention regarding on- and off-campus instruction and activities as well as interpersonal interaction, ethical considerations for principals and faculty members regarding sex- or gender-related matters, matters related to self-initiated disclosure, and handling mechanisms, procedures, and relief for gender-related incidents on campus.
Schools shall prescribe and promulgate prevention and control regulations in accordance with the aforesaid guidelines. Schools at the senior high and higher levels shall prescribe and promulgate relevant regulations or professional ethical standards in accordance with the previous Paragraph.
Schools shall actively promote education on the prevention of gender-related incidents, with the aim of increasing respect among principals, teachers, staff members, workers, and students for the bodily autonomy of others and oneself. Schools shall conduct annual gender-related incident prevention education and advocacy events, and evaluate their effectiveness.

Article 22 Should a principal, teacher, staff member, or worker become aware of a suspected gender-related incident occurring at the school where they are employed, they shall report the incident to the school authorities designated in the school's prevention and control regulations. The school authorities shall handle the matter in accordance with the following provisions no later than twenty-four hours after receiving the report:

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

People with Disabilities Rights Protection Act, and other pertinent laws and regulations.

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

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

Article 23 When investigating a gender-related incident on campus, the school or competent authority shall be objective, fair and professional, allowing both involved parties sufficient opportunities to make their statements and respond to allegations. Repetitive interrogation shall be avoided. The involved parties' and informant's name and other information that may lead to personal identification shall be kept confidential, except when necessary for investigative purposes or to allay public safety concerns.

Article 24 When investigating a gender-related incident on campus, the school or competent authority shall take necessary measures for the protection of the involved parties' rights to education and employment, and must not use unequal power or status to act in a manner that could affect the victim's rights to education or employment, or to request an investigation.

Article 25 In handling a gender-related incident on campus, the school or competent authority shall inform the victim and his/her guardian or de facto custodian of his/her rights and avenues for relief, or refer him/her to relevant institutions for resolution. In addition, based on his/her needs, psychological counseling and guidance, or other types of professional services shall be provided. When necessary, protective measures, legal assistance, referrals to social welfare resources, or other assistance shall be provided. When an informant is at risk of harm, necessary protective measures or other assistance shall be provided. The school or competent authority shall appoint a physician, clinical psychologist, counseling psychologist, social worker, or lawyer to provide the aforementioned psychological counseling and guidance, protective measures, legal assistance, or other assistance.

If a student is the victim of sexual assault, sexual harassment, or sexual bullying, but is not within the definitional scope of this Act, the school with which the student is affiliated may

apply the provisions of the preceding two Paragraphs accordingly.

Article 26 Once a gender-related incident on campus has been investigated and established as having actually occurred by the school or competent authority in accordance with the pertinent laws or regulations, the school or competent authority shall itself impose a formal reprimand, demerit, dismissal, suspension, non-renewal of contract, discharge from employment, termination of a contractual relationship, termination of a service relationship, or some other appropriate penalty on the offender, or transfer him or her to another authorized agency with the jurisdiction to do so.

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

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

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

3. Other measures that serve an educational purpose.

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

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

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

Any disciplinary measure listed in Paragraph 2 shall be implemented by the school or competent authority that imposes

it, and when doing so, the school or competent authority shall take all necessary measures to ensure the offender's full cooperation and compliance.

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

Article 27 During the investigation of a gender-related incident on campus, the school or competent authority may make public a description of pertinent matters, handling methods, and principles where necessary. After the case has been closed and upon the approval of the victim, his/her guardian, or his/her de facto custodian, the school or competent authority may also make public whether the case is established, the type of the case, and handling method of the case. Party names and other information that may lead to their identification shall not be revealed.

Article 28 The school or competent authority shall establish a database of gender-related incidents on campus, as well as profiles of offenders.

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

If the offender is not a student and transfers to another school for employment, the former competent authority and the school where the offender was originally employed shall provide follow-up counseling, and notify the new school where the offender is employed within one month of the date of knowing such transfer. The notified school described in the previous two Paragraphs shall keep track of the offender and provide counseling where necessary. The school shall not reveal the offender's name or other information that may lead to his or her identification without legitimate reason.

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

Article 29 If an investigation conducted by the gender equity education committee of a school or by an appropriate committee set up in accordance with the law confirms that any of the circumstances listed below apply to an educator that the school has appointed

or employed, or to some other staff member with whom the school has entered a contract or whose services it has engaged, the educational institution shall dismiss the person, revoke their appointment, terminate the contractual relationship, or terminate the service relationship, as applicable:

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

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

If the gender equity education committee of a school has investigated and verified that a personnel member to whom the dismissal from employment, revocation of appointment, or termination of a contractual or service relationship referred to in the provisions of Paragraph 1 do not apply has committed sexual assault, or in cases of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards and warrants a lifetime ban on appointment, employment, contractual relationships, or service relationships, or behavior in violation of the Child and Youth Sexual Transaction Prevention Act or the Child and Youth Sexual Exploitation Prevention Act, then appointment of, employment of, contractual relationships with, and service relationships with that person are not

permitted. If the person has already been appointed or employed, or if a contractual or service relationship exists with the person, the school shall revoke the appointment, dismiss the person, terminate the contract, or terminate the service relationship, as applicable. The same shall apply if the school's gender equity education committee has investigated and verified sexual harassment, sexual bullying, sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards, violations of the Act for the Prevention and Control of Child and Youth Sexual Exploitation, or violations of the Act for the Prevention and Control of Child and Youth Prostitution that does not warrant a lifetime ban on appointment, employment, contractual relationships, or service relationships and has formally decided on a period of between one and four years, during which time a school is not permitted to appoint, employ, enter into a contract with, or engage the services of that person.

Article 30 The competent authorities and schools of all levels shall undertake reporting, and collection and checking of information regarding any persons to whom any of the circumstances referred to in the previous Article apply. Before appointing or employing any educator, or entering into a contract with or engaging the services of any other person, a school shall, in accordance with the provisions of the Sexual Assault Crime Prevention Act, check whether or not the candidate has any record of criminal sexual assault, and in accordance with the regulations referred to in Paragraph 4, shall check whether the candidate has ever been implicated in sexual assault, sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards, or acted in violation of the Child and Youth Sexual Transaction Prevention Act or the Child and Youth Sexual Exploitation Prevention Act. Such checks shall be undertaken on a regular basis of persons already employed, appointed, entered into a contract with, or whose services are being engaged. When assisting schools to undertake the checking referred to in the preceding Paragraph, the competent authorities at each level may use the database of persons who have been subject to an administrative penalty that was compiled by the central competent social welfare authority, in accordance with the provisions of the Child and Youth Sexual Exploitation Prevention Act, or Article 27 of the Sexual Harassment Prevention Act, as well as the database compiled by the central competent labor authority under the Act of Gender Equality in Employment of incidents related to sexual harassment prevention.

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

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

For any personnel member not referred to in the previous paragraph who has been involved in any of the circumstances referred to in Paragraph 1 or Paragraph 3 of the previous Article, during the investigation period the school or the competent authority shall order the person to be temporarily suspended from employment following a resolution by the gender equity education committee; if the reason(s) for the temporary suspension of employment ceases to exist and the person is reinstated, any salary that they were not paid during the suspension period shall be paid to the person in arrears in accordance with the provisions of relevant regulations.

Chapter 5 Application for Investigation and Remedy

Article 31 A victim of a gender-related incident on campus, his/her legal representative, or de facto custodian may apply for an investigation in writing to the school with which the offender is affiliated. However, when the offender is currently or was previously the principal of the school, the application shall be made to the school's competent authority.

Anyone with the knowledge of the events mentioned in the preceding Paragraph may report them to the school or competent authority according to prescribed procedures.

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

Article 32 After receiving an application for investigation or a report of an offense, the school or competent authority shall notify the applicant, victim, or informant in writing within twenty days

whether the application is accepted.

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

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

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

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

- Article 33 After receiving an application or a report of an offense referred to in Paragraph 1 of the previous article, a school or competent authority shall delegate the matter to its gender equity education committee within three days to handle an investigation, except when the circumstances referred to in Paragraph 2 of the previous article apply.
- When the gender equity education committee of a school or competent authority is handling an incident referred to in the previous Paragraph, it may set up an investigation team to investigate the matter; when necessary, some or all appointed members of the investigation team may be persons from outside the educational institution or competent authority. However, if the offender is a principal, teacher, staff member, or worker, an investigation team shall be established, and all of its members shall be external appointees. The investigation teams in which all appointed members are from outside the educational institution or competent authority and the completed investigation reports that occurred before the amendments to this Act takes effect on December 30, 2018, were legal. Members of the investigation team shall have an awareness of gender equity, and the number of female members is not permitted to be fewer than half of the total number of members. At least one-third of any investigation team at the school level and at least one half of any investigation team at the competent authority level shall be experts or scholars with professional expertise in the investigation of gender-related incidents on campus. The qualifications required for members shall be determined by the central competent authority.
- When the parties involved in a gender-related incident on campus belong to different schools, each investigation team specified in the previous Paragraph shall also include one or more

representatives of the school with which the victim is affiliated. However, if the victim, his/her legal representative, or his/her de facto custodian requests that the school where the victim is currently enrolled not be notified, and the gender equity education committee determines that there is no need to make such notification, this requirement does not apply.

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

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

Article 34 The handling of the investigation of a case by a gender equity education committee will not be affected by any judicial procedures regarding the same case.

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

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

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

Article 35 If a school principal is involved in a gender-related incident on campus, and the gender equity education committee established by the school's competent authority deems it to be of a serious nature, requiring adjustment to or the suspension of the principal's duties during the investigation, the school's competent authority may institute such an adjustment or suspension. However, if the principal holds a military position, the Act of Assignment for Officers and Noncommissioned Officers of the Armed Force and related regulations shall apply. An individual who has been suspended from duties as stipulated in the preceding Paragraph may apply for reinstatement and to receive the base salary, seniority-based salary, or the equivalent remuneration for the period he/she has been suspended

from duties in accordance with this Act or other relevant laws if the investigation does not conclude that the offense occurred, or if it concludes that the offense occurred but the suspension of duties, dismissal from employment, termination of appointment, suspension of appointment, or non-renewal of appointment has not been carried out in accordance with laws governing civil servants, educational personnel, or other relevant regulations.

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

Article 36 The Gender Equity Education Committee of the school or competent authority shall complete its investigation of a case within two months from the date the application or offense report is accepted.

The investigation may be extended at most twice if necessary, and each extension may not exceed one-month's time. The applicant, victim, informant, and offender shall be notified of the extension.

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

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

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

Article 37 If not agreeing with the conclusion referred to in Paragraph 3 of the preceding Article, the applicant, victim, and offender may, within thirty days from the day following receipt of the written notification, submit a written request for

reconsideration to the school or competent authority, specifying the grounds for reconsideration. However, if the offender is the principal, a teacher, staff member, or worker, the applicant or victim may make the request for reconsideration directly to the competent authority.

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

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

Article 38 After receiving request for reinvestigation from the school or competent authority, the Gender Equity Education Committee shall organize a new investigation team, whose investigation and handling procedures shall follow pertinent regulations prescribed by this Act.

Article 39 If not satisfied with the disposition of the reconsideration, the applicant, victim, or offender may petition for relief according to the following regulations within thirty days from the day following receipt of the written notification. However, if there are countervailing legal provisions, those provisions shall prevail:

1. School principals and teachers: regulations prescribed by the Teachers' Act or relevant laws and regulations shall apply.
2. Civil service employees in public schools who are hired according to the Civil Service Employment Act and employees hired before the effective date (May 3rd, 1985) of the Statute for Appointment of Educational Personnel: regulations prescribed by the Civil Servant Protection Act shall apply.
3. School students: petition the school with which they are affiliated in accordance with regulations.

The relief provided for in the preceding Paragraph may only be

initiated after the decision on reconsideration has been rendered.

- Article 40** When a school's competent authority investigates and handles gender-related incidents on campus, it shall provide the school with consultation services, counseling assistance, legal supervision, or corrective actions.
- If the school's competent authority finds that the school's gender equity education committee has failed to convene meetings in accordance with the law, has convened meetings but has failed to review matters for which review is required, or its investigation has procedural or substantive flaws, or if there are legal uncertainties regarding the investigation's determinations, and such findings are made before completion of the school's reconsideration process, the competent authority shall specify the reasons and notify the school to address these matters in tandem with the reconsideration process. If such matters are not addressed in tandem with the reconsideration process or if a request for reconsideration is not made within the specified time period, the competent authority shall return the matters, specifying the grounds for doing so, to the school's gender equity education committee for review within a prescribed period.
- After the competent authority returns the matters to the school's gender equity education committee for review pursuant to the preceding Paragraph, if the school's gender equity education committee fails to conduct a review in accordance with the law within the prescribed period or if the results of the review still raise concerns of illegality or impropriety, the competent authority may refer the matters directly to the gender equity education committee it has established, specifying the grounds for doing so, and this committee's determination shall be considered as equivalent to a determination by the school's gender equity education committee.
- When the competent authority's review of the circumstances described in the preceding paragraph reaches a determination that the school is at fault, the competent authority shall include that determination as a factor in school evaluation, reduction of grants (subsidies), or administrative assessment, and shall also hold responsible individuals accountable.
- Article 41** The school or competent authority shall establish facts relevant to cases prescribed by the Act according to the investigation report provided by its Gender Equity Education Committee. The court shall consult the investigation reports provided by the Gender Equity Education Committee at different levels in establishing facts referred to in the preceding paragraph.

Article 42 In cases where the offender involved in a gender-related incident on campus is a school principal, teacher, staff member, or worker, and the affected student suffers harm as a result of the incident, the offender shall be liable for compensatory damages.

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

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

Chapter 6 Penal Provisions

Article 43 The principal or president, or a teacher, non-teaching staff member, or other worker at a school to whom any of the following circumstances apply is subject to a fine of not less than 30,000 New Taiwan Dollars and not more than 150,000 New Taiwan Dollars:

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

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

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

If an offender violates Paragraph 6 of Article 26 by failing

without reasonable grounds to comply with the implementation of the measures specified in the preamble, Subparagraph 2 and Subparagraph 3 of Paragraph 2, or violates Paragraph 5 of Article 33 by failing without reasonable grounds to cooperate with the investigation specified there, the school shall report the matter to the competent authority and request that it impose a fine of not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars, and a separate fine may be imposed for each instance of a violation until the offender complies or provides relevant information. When, however, the offender is the principal or president of the school, the fine shall be directly imposed by the competent authority.

If the principal or president of a school or a member of the board of directors of a school endowment corporation has been negligent in exercising their duties with the result that the school has not, in accordance with the provisions of Paragraph 1, the preamble, Subparagraph 2 and Subparagraph 3 of Paragraph 2, or Paragraph 6 of Article 26, taken disciplinary action or measures against an offender other than those specified in Subparagraph 1 of Paragraph 2 of Article 26, or has not taken measures necessary to ensure the offender's full cooperation and compliance, the principal or president or the board member is subject to a fine of not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars.

Article 44 A principal, teacher, staff member, or worker of a school who violates the regulations on reporting suspected incidents of sexual assault on campus described in Paragraph 1 of Article 22 when such a violation results in a further incident of sexual assault on campus, or who falsifies, alters, destroys, or conceals evidence of sexual assault on campus committed by others shall, if the evidence has been verified by the school or relevant authorities to be accurate, be subject to dismissal, discharge from employment, termination of contractual relationship, or termination of service relationship in accordance with the law.

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

The school or competent authority shall report any individual

who violates the provisions described in the previous two Paragraphs in accordance with the law.

Chapter 7 Supplementary Provisions

- Article 45 The provisions of Article 10, Article 25, and Article 26 of the Sexual Harassment Prevention Act shall apply to gender-related incidents on campus as defined in this Act.
- Article 46 All gender-related incidents on campus that were already under review but whose review had not reached a determination prior to the effective date of the amendments to this Act on [date], as well as incidents that occurred before the amendments came into effect and were subsequently taken up after the amendments came into effect, shall be concluded in accordance with the provisions in effect after the amendments. However, the validity of procedures that have already been initiated shall not be affected.
- Article 47 Enforcement Rules for this Act shall be drawn by the central competent authority.
- Article 48 This Act will take effect as of the date of promulgation, except for the provisions of Paragraph 2 of Article 2, Subparagraph 2 and Item 4 of Subparagraph 3 of Article 3, Paragraph 2 of Article 5, Articles 7 through 9, Article 21, Article 29, Article 30, proviso to the former part of Paragraph 2 and Paragraph 3 of Article 33, Article 37, Article 40, and Article 44, which will take effect on March 8, 2024.

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