

National Taiwan University of Science and Technology

Sexual Harassment Policies and Prevention Measures for Student Off-campus Internships

- I. Legal References : 教育部 110 年 2 月 17 日臺教學(三)字第 1100012284A 號函、104 年 5 月 22 日臺教學(三)字第 1040065754 號函及教育部 101 年 10 月 16 日臺訓(三)字第 1010191724 號函；勞動部 104 年 5 月 14 日勞動條 4 字第 1040130811 號函。

II. Definition of Sexual Harassment :

“Sexual Harassment” refers to a range of behaviors described in Article 12 of the *Act of Gender Equality in Employment*” and Article 2 of the *Sexual Harassment Prevention Act*:

- (1.) Any person who, in the performance of their duties, creates a hostile, coercive or offensive working environment by means of sexually explicit, sexually suggestive or sexually discriminatory words or behaves in a way that violates or interferes with another person’s human dignity, personal freedom or performance.
- (2.) Any expressed or implied request for sex, sexually explicit or sexually discriminatory words or conduct by an employer towards an employee or job applicant in exchange for the establishment, continuation, or modification of a labor contract, or as a condition for placement, allocation, remuneration, performance evaluation, promotion, demotion, rewards or punishment.
- (3.) Any sex or gender related behavior that is directed against another person against their will: Any situation, where a person's obedience to or rejection of another's sexual advances become a condition of obtaining, losing or reducing their rights and interests in work, education, training, services, plans or activities.
- (4.) Any sex or gender related behavior that is directed against another person against their will: Any situation where texts, pictures, sounds, images, or other objects are displayed or disseminated; where discriminatory or insulting words or behavior, or any other means are used in a manner

that undermines the dignity of another person; where a situation is created that is intimidating, hostile or offensive to another person or that unduly interferes with their work, education, training, services, programs, activities or the normal conduct of their life.

III. Explanation and Applicability of Relevant Acts

- (1.) The *Gender Equity Education Act* is applicable in cases of sexual assault, sexual harassment, or sexual bullying on campus that involve the president, instructors, non-teaching staff members, other workers, or students at an educational institution as one party, and a student as the other party. The Gender Equity Education Committee of the National Taiwan University of Science and Technology (NTUST) is responsible for handling the grievance procedures.
- (2.) The “Gender Equality in Employment Act” is applicable in cases when employers or others sexually harass employees or job applicants while performing their duties. The authority responsible for handling the grievance procedure is the employer of the offender.
- (3.) The *Sexual Harassment Prevention Act*: In special situations, where the *Gender Equity Education Act* or the *Act of Gender Equality in Employment* are not applicable the employer of the offender shall be the authority to deal with the case. If the identity of the offender is unknown, the police shall deal with the case as to ensure safety and security of the general public.

IV. Sexual Harassment Policies and Procedures

- (1.) The *Act of Gender Equality in Employment* and the *Gender Equity Education Act* are applicable when both parties are students.
 1. When an intern lodges a complaint to the organization that provides the internship, the organization should take immediate corrective and remedial measures in accordance with the *Act of Gender Equality in Employment*.
 2. When an intern applies to NTUST for an investigation, NTUST will investigate and deal with the case in accordance with the provisions of the Gender Equality Act in order to safeguard the rights of the intern. The process is explained in Annex 1.

3. When an intern applies to NTUST for investigation, NTUST should not only investigate the case in accordance with the *Gender Equity Education Act*, but also inform the internship providing organization about the investigation in order to avoid discrepancies in the fact-finding process and to avoid the waste of investigating resources, following Article 4-1, Paragraph 1 of *Enforcement Rules for Act of Gender Equality in Employment* “When the school that the intern attends finds out the intern has encountered sexual harassment, the school shall urge the organization that provides the internship to take immediate corrective and remedial measures, and provide the intern with necessary assistance.” In other words, when NTUST conducts an investigation, it should ask the internship providing organization to collaborate in a joint investigation so that the organization can fulfill the employer’s obligation to avert sexual harassment in employment.
 4. When an intern lodges a complaint with the local labor administration authority, in accordance with Article 4-1, Paragraph 2 of the *Enforcement Rules for the Act of Gender Equality in Employment*, the local authority may request the education authority and the school which the intern attends to conduct joint investigations.
- (2.) If the offender is a person who is responsible for instructing students at the internship site (performing teaching duties or educational internships), the person is referred to as instructor in accordance with Article 9 of the *Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus* and the *Gender Equity Education Act* will thus be applicable. The victim should report the problem to NTUST, either to the Gender Equity Education Committee of the Secretariat, or to the Counseling and Consultation Section of the Students Affairs Office.
 - (3.) If a student is sexually harassed by another person (i.e. not by a student or instructor) at the internship site, the *Gender Equity Education Act* is not applicable. The victim should inform the internship counselor who will report the problem to the Office of Student Affairs. In accordance

with the *Act of Gender Equality in Employment* or the *Sexual Harassment Prevention Act*, the Office of Student Affairs will lodge a complaint with the employer of the offender, so that the mechanism to deal with the case will be activated.