

文藻外語大學 性騷擾防治實施要點

Regulations on the Prevention of Sexual Harassment

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第一章 總則

Chapter 1 General principles

- 一、本要點係依性騷擾防治法第七條第二項規定暨性騷擾防治準則第四條第三項制訂之。
These Regulations are drawn up according to the second Paragraph of Article 7 of the Sexual Harassment Prevention Act and the third Paragraph of Article 4 of Regulations of Sexual Harassment Prevention.
- 二、本要點所稱性騷擾，係指性侵害犯罪以外，對他人實施違反其意願而與性或性別有關之行為，且有下列情形之一者：Excluding sexual assault crimes, the so-called sexual harassment referred to in the Regulations refers to the sexual statements or sexual behavior violating another person's wishes, and also to the following situations:
 - (一)以該他人順服或拒絕該行為，作為其獲得、喪失或減損與工作、教育、訓練、服務、計畫、活動有關權益之條件。If a person's obedience to or rejection of another's sexual advances becomes a condition of obtaining, losing or reducing their rights and interests in work, education, training, services, plans or activities.
 - (二)以展示或播送文字、圖畫、聲音、影像或其他物品之方式，或以歧視、侮辱之言行，或以他法，而有損害他人人格尊嚴，或造成使人心生畏怖、感受敵意或冒犯之情境，或不當影響其工作、教育、訓練、服務、計畫、活動或正常生活之進行。If texts, pictures, voices, images or other objects are used to inundate or intimidate; or if language and behaviors of discrimination, and insults or other methods are adopted. For such reasons, the other's person's dignity of character is impaired; or if another person feels scared, feels disliked with hostility or feels offended; or if another person's work, education, training, services, plans, activities or other normal habits are improperly influenced.
- 三、性騷擾事件應適用於「性別平等教育法」、「校園性侵害或性騷擾防治準則」及「性別工作平等法」者，不適用本要點。These Regulations are not applicable if the sexual harassment incidents have been included in “Gender Equity Education Act”, “Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus” and “Act of Gender Equality in Employment”.

第二章 性騷擾之防治責任

Chapter 2 Responsibility to Prevent Sexual Harassment

四、本校為防治性騷擾行為之發生，應訂定性騷擾防治措施，並公開揭示之。於知悉有性騷擾之情形時，應採取立即適當之預防、糾正、補救、懲處及其他措施，並確實維護當事人之隱私。To prevent the occurrence of sexual harassment, the University shall adopt adequate measures which shall be openly disclosed. Upon learning of sexual harassment incidents, the University shall adopt appropriate immediate preventive measures, corrective measures and remedial measures.

前項性騷擾防治措施內容應包括下列事項：The preventive measures referred to in the preceding paragraph shall include the following:

- (一) 防治性騷擾之政策宣示。Disclosure of sexual harassment prevention policy.
- (二) 性騷擾之申訴、調查及處理機制。Mechanism for complaint, investigation and handling of sexual harassment.
- (三) 行為人懲處規定。Penalties and punishment of the offender.
- (四) 當事人隱私之保密。Protection of the privacy of the involved parties.
- (五) 其他性騷擾防治措施。Other measures to prevent sexual harassment.

五、本校於必要時應對於當事人提供下列協助：When necessary, the University shall provide the following assistance to the involved parties.

- (一) 心理諮商輔導。Psychological counseling.
- (二) 法律諮詢管道。Channels of legal consultation.
- (三) 課業協助。School work assistance.
- (四) 經濟協助。Financial assistance.
- (五) 其他性別平等教育委員會認為必要之協助。Other assistance deemed necessary by the Committee of Gender Equity Education.

前項協助所需費用，學校應編列預算支應之 The University shall make budgetary provisions for payment of any fees incurred to provide the assistance described in the preceding paragraph.

六、本校每年應定期舉辦或鼓勵所屬人員參與性騷擾防治相關教育訓練，並予以公差登記及經費補助。The University shall hold regular educational programs for faculty, staff and students aiming at the prevention of sexual harassment, or encourage faculty and staff to attend relevant seminars on the prevention of sexual harassment, and allow them to register attendance as official leaves and reimburse any associated expenses.

七、本校應設立受理性騷擾申訴之專線電話、傳真、專用信箱或電子信箱。The University shall set up a telephone number, fax number, mailbox or e-mail account to receive applications for investigation of sexual harassment.

八、本校對於在性騷擾事件申訴、調查、偵查或審理程序中，為申訴、告訴、告發、提起訴訟、作證、提供協助或其他參與行為之人，不得為不當之差別待遇。When proceeding with complaints, investigation, examination or hearing of sexual harassment incidents, the University should propose a lawsuit, act as witness and provide help for appeals and legal complaints and accusations, while keeping a fair mind without discrimination.

違反前項規定者，負損害賠償責任。Those who violate the regulations in the preceding paragraph should take the responsibility of offering compensation for damage.

九、本校受僱人、各科處負責人利用執行職務之便，對他人為性騷擾，經被害人依性騷擾防治法第九條第二項規定為回復名譽之請求時，本校應提供適當之協助。If an employee or a head of institution of the University sexually harasses another person by taking advantage of his or her official position, according to the second Paragraph of Article 9 of Sexual Harassment Prevention Act, the University should provide proper help when restoring the victim's reputation is required.

學生、接受教育或訓練之人員，於本校或所屬教育、訓練機構接受教育或訓練時，對他人為性騷擾，經被害人依性騷擾防治法第九條第二項規定為回復名譽之請求時，本校或所屬教育、訓練機構應提供適當之協助。If a student, an individual receiving education or training at the University sexually harasses another person during the course of education or training at the educational or training facilities of the University, according to the second Paragraph of Article 9 of Sexual Harassment Prevention Act, the University or its educational or training facilities should provide proper help restoring the victim's reputation is required.

十、本校之廣告物、出版品、廣播、電視、電子訊號、電腦網路或其他媒體，不得報導、記載或洩漏被害人之姓名或其他足資識別被害人身分之資訊。但經有行為能力之被害人同意或犯罪偵查機關依法認為有必要者，不在此限。The University's advertisements, publications, broadcasts, television, electronic messages, computer, Internet or other kinds of media report or record shall not reveal the victim's name or other information which can lead to discovery of his or her identity. However, there will be no such limitation if an agreement is given by a competent authority or if the investigation on sexual harassment incident in accordance with the law considers that revealing the victim's identity is necessary.

第三章 申訴及調查程序

Chapter 3 Complaint and Investigation Procedure

十一、行為人若為本校教職員工生，性騷擾事件被害人除可依相關法律請求協助外，並得依法於時限內，向本校提出申訴。If the alleged offender is a faculty member, staff member or student of the University, the victim of the sexual harassment incident can not only ask for help by the relevant laws, but can also propose a complaint against the alleged offender to the University.

行為人為本校校長者，被害人應向高雄市政府提出申訴。If the alleged offender is the President of the University, the victim shall propose a complaint to Kaohsiung City Government.

本校接獲行為人非屬本校教職員工生或校長之申訴時，仍應採取適當之緊急處理，並應於七日內將申訴書及相關資料移送行為人所在地直轄市、縣（市）主管機關。When receiving the complaint against an alleged offender who is not a faculty member, staff member, student or President of the University, the University should immediately transfer this complaint and relevant information to the municipal (city) and county competent authorities where the alleged offender sets his or her domicile.

十二、秘書室為本校受理性騷擾事件申訴之單位。The Secretariat will be the recipient of complaints of the University's sexual harassment incidents.

秘書室於接獲前條第一項性騷擾事件之申訴時，應將該事件交由性別平等教育委員會調查處理。性別平等教育委員會應於申訴或依性騷擾防治法第十三條第二項規定移送之案件到達之日起七日內開始調查，並應於二個月內調查完成，並做成調查報告書；必要時，得延長一個月，並應通知當事人。Upon receiving a complaint, the Secretariat shall pass all relevant evidence and documents to the Gender Equity Committee to initiate an investigation. According to the second Paragraph of Article 13 of the Sexual Harassment Prevention Act, the Gender Equity Committee shall start making an investigation within seven days of receiving the complaint or arrival of the transferred case, and also complete the investigation within two months. If necessary, the length of the investigation may be extended by another one month, and those directly involved should be informed.

前項調查結果應以書面通知當事人及直轄市、縣（市）主管機關。The result of the investigation should be given to those directly involved and the municipal (city) and county competent authorities where the abovementioned parties set their domiciles.

本校逾期未完成調查或當事人不服其調查結果者，當事人得於期限屆滿或調查結果通知到達之次日起三十日內向直轄市、縣(市)主管機關提出再申訴。If the University does not complete the investigation within the required period or those directly involved do not feel satisfied with the result of the investigation, those directly involved may once more propose an appeal to the municipal (city) and county competent authorities where the abovementioned parties set their domiciles, after the required period or within thirty days of the arrival of the result of the investigation.

十三、性騷擾之申訴得以書面或言詞提出。其以言詞為之者，受理之人員或單位應作成紀錄，經向被害人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。Complaints of sexual harassment incidents can be made in either a written statement or verbally. If an applicant prefers to use the verbal method, the receiving personnel or agency shall produce documentation of the application and read it out to the victim or ask him or her to read it in order to confirm its accuracy. Subsequently, the documentation shall be signed or sealed by the applicant.

申訴書或言詞作成之紀錄，應載明下列事項：The written or documented verbal complaint shall contain the following items:

- (一) 被害人之姓名、性別、出生年月日、國民身分證統一編號或護照號碼、服務或就學之單位與職稱、住所或居所及聯絡電話。The victim's name, gender, date of birth, national identification number or passport number, the institution where he or she is employed or studies, residence and domicile and telephone number.
- (二) 有法定代理人者，其姓名、性別、出生年月日、國民身分證統一編號或護照號碼、職業、住所或居所及聯絡電話。If the victim authorizes a legal representative, the legal representative's name, gender, date of birth, national identification number or passport number, occupation, residence and domicile and telephone number.
- (三) 有委任代理人者，其姓名、性別、出生年月日、國民身分證統一編號或護照號碼、職業、住所或居所及聯絡電話，並應檢附委任書。If the victim authorizes a designated representative, the designated representative's name, gender, date of birth, national identification number or passport number, occupation, residence and domicile and telephone number; the Power of Attorney Form shall be attached.
- (四) 申訴之事實內容及相關證據。Details of the complaint and relevant evidence.

(五) 年月日。Date.

申訴書或言詞作成之紀錄不合前項規定，而其情形可補正者，應通知被害人於十四日內補正。In the event that the written complaint or the documented verbal complaint fails to meet the preceding criteria and it is still possible to make corrections, the victim shall be informed to make corrections within 14 days.

十四、性騷擾之申訴有下列情形之一，應不予受理：The complaint for sexual harassment shall be rejected if one of the following applies:

(一) 申訴書或言詞作成之紀錄，未於前條第三項所定期限內補正者。The written complaint or the documented verbal complaint failed to make corrections in accordance with the third Paragraph of the preceding Article.

(二) 同一事件已調查完畢，並將調查結果函復當事人者。The same incident has already been investigated and the results of investigation have been sent to the parties involved.

十五、不受理性騷擾申訴時，應於申訴或移送到達之日起二十日內，以書面通知當事人，並副知所在地直轄市、縣（市）主管機關。In the event that the complaint has been rejected, the applicant shall be informed in writing within 20 days after receiving the complaint or receiving the transfer of case and a duplicated copy shall be sent to the municipal (city) and county competent authorities.

前項通知應敘明理由，並載明再申訴之期間及機關。The notification in the preceding paragraph shall explain the reason for its rejection in writing and state the deadline for re-application and the competent authority for re-application.

十六、本校處理性騷擾事件之申訴時，應組成三人或五人之調查小組，並進行調查。When the University handles a sexual harassment incident, it shall organize an investigation team of three or five members to handle the case and conduct the investigation.

前項調查小組成員之女性代表比例不得低於二分之一，並得視需要聘請專家學者擔任調查小組成員。More than half of the members of the investigation team in the preceding paragraph shall be women. Experts or scholars may be invited to be members of the investigation team when necessary.

十七、性騷擾事件之調查小組成員在調查過程中，有下列各款情形之一，應自行迴避：Members of the investigation team of a sexual harassment incident shall take the initiative to avoid participation in the investigation if the following applies:

(一) 本人或其配偶、前配偶、四親等內之血親或三親等內之姻親或曾有此關係者為事件之當事人時。Where the member or his spouse, former spouse, any of his relatives by blood within the fourth degree or related by marriage within the third degree, or a person having previously such relationship with the parties involved.

(二) 本人或其配偶、前配偶，就該事件與當事人有共同權利人或共同義務人之關係者。Where the member himself or his spouse or former spouse is connected with the party in a relationship of joint holders of rights or co-obligors in the matter.

(三) 現為或曾為該事件當事人之代理人、輔佐人者。Where the member is currently or was once an agent for or assistant to the party in the matter.

(四)於該事件，曾為證人、鑑定人者。Where the member was once a witness or expert witness in the matter.

性騷擾事件之調查小組成員有下列各款情形之一者，當事人得申請迴避：Under any of the following circumstances, the party may apply for member(s) of the sexual harassment investigation team to recuse himself/herself:

(一)有前項所定之情形而不自行迴避者。Where the member fails to recuse himself in spite of the existence of any of the circumstances specified in the preceding Article.

(二)有具體事實，足認其執行調查有偏頗之虞者。Where there are concrete facts to sufficiently support the belief that the member is likely to be biased in the exercise of his functions.

前項申請，應舉其原因及事實，向該性騷擾之調查小組為之，並應為適當之釋明；被申請迴避之調查小組成員，對於該申請得提出意見書。An application under the preceding paragraph shall be made, with a statement of grounds and facts, to the investigation team of the sexual harassment incident and shall be duly explained. The member whose recusal has been applied for may give his or her view in writing with respect to such application.

被申請迴避之調查小組成員在調查小組就該申請事件為准駁前，應停止調查工作。但有急迫情形，仍應為必要處置。The member whose recusal has been applied for shall cause the investigation to be stayed before the investigation unit with which such member serves makes a decision to either approve or reject the application; provided, however, that necessary action shall be taken in an emergency situation.

調查小組成員有第一項所定情形不自行迴避，而未經當事人申請迴避者，應由該調查小組命其迴避。Where a member falls into any of the circumstances specified in the preceding Article but fails to recuse himself/herself, and no application for his or her recusal has been fielded by any party, the Gender Equity Education Committee shall order ex officio that he/she recuses himself/herself.

十八、性騷擾事件之調查，應以不公開方式為之，並保護當事人之隱私及其他人格法益。The investigation of a sexual harassment incident shall be conducted in confidentiality and the privacy and personality of the parties involved should be protected.

十九、性騷擾事件之調查，得通知當事人及關係人到場說明，並得邀請具相關學識經驗者協助。The Investigation of sexual harassment incident could invite the parties involved and interested persons to come and inform; experts with relevant knowledge and experience may be invited to provide assistance.

二十、性騷擾事件之當事人或證人有權力不對等之情形時，應避免其對質。When an imbalance of power exists between the parties involved or witness(es), confrontation should be avoided.

調查小組成員因調查之必要，得於不違反保密義務範圍內另作成書面資料，交由當事人閱覽或告以要旨。If it is necessary for the investigation and without violating confidentiality, a written document may be produced to be read by or summarized to the parties involved.

二十一、處理性騷擾事件之所有人員，對於當事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。All participants involved in the

handling of the sexual harassment incident shall keep the names of the involved parties and other information that may lead to personal identification of the parties confidential, except for investigation necessity, public safety concerns or otherwise specified by relevant laws and regulations.

依前項規定負有保密義務者洩密時，將依刑法及其他相關法規處罰。Person(s) who violate the obligation of confidentiality in the preceding paragraph shall be subjected to penalties in accordance with criminal laws and other relevant regulations.

二十二、本校應以書面將性騷擾事件調查及處理結果通知當事人及主管機關。The University shall send the result of the investigation in writing to those directly involved and the municipal (city) and county competent authorities.

前項書面通知內容應包括處理結果之理由、再申訴之期限及受理機關。The written notification in the preceding paragraph shall contain reasons for the results, and the applicant or the complainant shall be notified of the deadline for a reapplication and the office that accepts a reapplication.

二十三、本校於性騷擾事件調查過程中，得視當事人之身心狀況，主動轉介或提供心理輔導及法律協助。During the course of the investigation process of a sexual harassment incident, the University shall actively refer the victim to various related agencies to provide necessary assistance, according to his or her physical and mental condition, including psychological counseling and legal assistance.

二十四、性騷擾行為經調查屬實，本校應視情節輕重，對本校行為人為適當之懲處，並予以追蹤、考核及監督，避免再度性騷擾或報復情事發生。If a sexual harassment incident has been verified after investigation, the University shall impose appropriate penalties on the offender depending on the severity of the situation and conduct follow-up, evaluation and monitoring activities to prevent similar incidents or retaliation from occurring.

二十五、性騷擾事件之調查應秉持客觀、公正、專業原則，給予當事人充分陳述意見及答辯機會。The investigation of a sexual harassment incident shall be objective, fair and professional, allowing parties involved sufficient opportunities to make their statements and respond to allegations.

被害人之陳述明確，已無詢問必要者，應避免重複詢問。Repeated interrogation shall be avoided when the victim's account is clear and further questioning is unnecessary.

二十六、性騷擾事件雙方當事人得依法以書面或言詞向主管機關申請調解。Both parties directly involved in a sexual harassment incident may apply to competent authority for conciliation in either a written statement or verbally.

二十七、本校應建立性騷擾事件及行為人之檔案資料，並由學生事務處保管之。The University shall establish a database with files and documents of the sexual harassment incident and the offender, to be kept by the Student Affairs Office.

依前項規定所建立之檔案資料，分為原始檔案與報告檔案。The files and documents in the preceding paragraph shall be categorized into original documents and report documents.

前項原始檔案應予保密，其內容包括下列資料：The aforementioned original documents shall be kept confidential and shall contain the following information:

- (一) 事件發生之時間、樣態。The time of occurrence and the type of case.
- (二) 事件相關當事人（包括檢舉人、被害人、行為人）。Relevant parties to the case (including the complainant, the victim and the offender)
- (三) 事件處理人員、流程及紀錄。Person(s) in charge of handling the case, handling process and case records.
- (四) 事件處理所製作之文書、取得之證據及其他相關資料。Documents, collected evidence and other relevant information produced during the handling of the case.
- (五) 行為人之姓名、職稱或學籍資料、家庭背景等。The name, job title or student school records, and family background of the offender.

第二項報告檔案，應包括下列資料：The report(s) in the preceding paragraph shall contain the following information:

- (一) 事件發生之時間、樣態以及以代號呈現之各該當事人。The time of occurrence and the type of case, and codes representing the parties involved in the case.
- (二) 事件處理過程及結論。The handling process and conclusion of the case.

第四章 罰則

Chapter 4 Penalties

二十八、本校教職員工生對他人為性騷擾者，除依法由主管機關進行處罰外，本校得依校內相關規定為適當之處理。In the event that a faculty member, staff member or student of the University is found to have sexually harassed another party, in addition the penalty imposed by the competent authority, the University may take disciplinary action according to relevant regulations.

第五章 附則

Chapter 5 Bylaws

二十九、本要點經校務會議通過，陳請校長公告後實施，修正時亦同。These Regulations shall become effective after they are approved by the University Affairs Committee and ratified by the President. Amendments shall follow the same procedures.