

國立彰化師範大學性騷擾防治、申訴及處理辦法

NCUE Regulations for the Prevention, Complaint, and Handling of Sexual Harassment

99年11月24日校務會議通過

100年6月15日校務會議通過

106年12月20日校務會議修正通過

Adopted by the University Assembly on November 24, 2010

Adopted by the University Assembly on June 15, 2011

Amended and Adopted by the University Assembly on December 20, 2017

第一條 國立彰化師範大學（以下簡稱本校）為維護教職員工工作權益，提供免於性騷擾之工作環境，並為防治性騷擾及保護當事人權益，特依性別工作平等法第十三條第一項、性騷擾防治法第七條第二項規定，訂定本辦法。

Article 1 For the purpose of enhancing protection of the faculty's and staff's right-to-work, provision of working environment that is free of sexual harassment, prevention against sexual harassment and protection for parties' interest, the National Changhua University of Education (hereinafter referred to as "the University") hereby formulates these Regulations in accordance with Paragraph 1, Article 13 of the Act of Gender Equality in Employment and Paragraph 2, Article 7 of the Sexual Harassment Prevention Act.

第二條 本校之性騷擾防治、性騷擾事件及申訴之處理，除法令另有規定外，依本辦法行之。

Article 2 Unless otherwise provided by the laws and regulations, any handling of the sexual harassment prevention, the sexual harassment incident and complaint in the University shall be handled in accordance with these Regulations.

第三條 本校教職員工(含約用助理、專案助理及短期單工等臨時人員)發生性騷擾防治法第二條及性別工作平等法第十二條之性騷擾事件者，適用本辦法。但適用性別平等教育法處理者，不適用本辦法之規定。

Article 3 In the event of occurrence of sexual harassment incident stipulated in Article 2 of the Sexual Harassment Prevention Act and Article 12 of the Act of Gender Equality in Employment on the faculty and staff (including short-term staff such as contract-based assistant, project-based assistant and temporary staff), these Regulations shall apply. However, these Regulations do not apply to cases of which the Gender Equity Education Act is applicable.

第四條 本辦法所稱之性騷擾，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：

- 一、本校教職員工執行職務時，任何人以性要求、具有性意味或性別歧視之言詞或行為，對其造成敵意性、脅迫性或冒犯性之工作環境，致侵犯或干擾其人格尊嚴、人身自由或影響其工作表現。
- 二、主管對教職員工或對求職者為明示或暗示之性要求、具有性意味或性別歧視之言詞或行為，作為勞務契約成立、存續、變更或分發、配置、報酬、考績、陞遷、降調、獎懲等之交換條件。

- 三、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。
- 四、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。

- Article 4 The sexual harassment specified in these Regulations refers to actions violating the will of other persons that are related to sex or gender, which exclude sexual assault crime, and subject to any one of the following circumstances:
1. When the faculty or staff is on duty, any person who causes hostile, intimidating and offensive working environment by demanding for sexual favors, behaving or talking sexually or discriminatingly pertaining to gender, and therefore infringes on or interferes with his or her personal dignity, physical liberty or affects his or her job performance.
 2. A supervisor explicitly or implicitly demands for sexual favors, behaves or talks sexually or discriminatingly pertaining to gender towards faculty or member or job-applicant as an exchange condition for the establishment, continuance, modification of a labor contract or as a condition to his or her placement, assignment, compensation, evaluation, promotion, demotion, award and penalties.
 3. Using such person's obedience to or rejection of such actions as conditions of obtaining, losing or reducing their rights and interests in work, education, training, services, plans or activities.
 4. Actions of which texts, pictures, voices, images or other objects are used; or languages and behaviors of discrimination and insults or other methods are adopted to impair the other person's personal dignity, or to cause fear, threaten or present offending environment, or to improperly affect his or her work, education, training, services, plans, activities or other normal habits.

第五條 本校為防治性騷擾行為之發生，應辦理性騷擾防治措施及推動工作如下：

- 一、辦理防治性騷擾之教育訓練。
- 二、頒布禁止工作場所性騷擾之書面聲明。
- 三、設置專線電話(04-7248044)、傳真(04-7211175)、專用信箱或電子信箱(person@cc.ncue.edu.tw)等接受申訴，並將本辦法公開揭示。
- 四、以保密方式處理申訴，並使申訴人免於遭受任何報復或其他不利之待遇。
- 五、當事人有輔導、醫療等需要者，視情況引介至本校相關單位或專責機構進行身心輔導或治療。

- Article 5 In order to prevent sexual harassment from occurrence, the School shall implement prevention and promotion measures to inhibit sexual harassment as follows:
1. Conducting educational training of sexual harassment prevention.
 2. Proclaiming a statement in writing that contains the ban on sexual harassment in working environment.
 3. Establishing complaint channels such as direct line: (04-7248044), fax: (04-7211175), special mailbox or e-mail: (person@cc.ncue.edu.tw) for the receipt of complaint; and publicly announcing these Regulations.
 4. Handling the complaint confidentially and ensure the complainant to be free from revenge or other adverse treatment.
 5. When psychological counseling and medical treatment are needed by the

parties, the School may refer the parties to affiliated institutions of the School or specialized institutions for physical and mental counselling or medical treatment in accordance with the conditions.

第六條 本校由性別平等教育委員會(以下簡稱性平會)支援處理性騷擾防治法及性別工作平等法的性騷擾申訴案的審議及調查。但處理教職員工性騷擾申訴案時，學生代表不參與。

性平會調查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之。

Article 6 The Committee of Gender Equality for Education (hereinafter referred to as “ Gender Equality Committee”) of the University shall support the deliberation and investigation on sexual harassment incidents under Sexual Harassment Prevention Act and Act of Gender Equity in Employment. However, student representative is not allowed to take part in the handling of sexual harassment complaint of the faculty and staff.

The number of female members in the investigation team under the Gender Equality Committee shall not be fewer than half of the total number of members, whenever deemed needed, experts and scholars may be invited to hold such office.

第七條 性騷擾事件申訴人(被害人)得依適用法律規定，於法定申訴時效內，以言詞或書面向本校人事室提出申訴。惟以言詞申訴者，受理之人員或單位應做成紀錄，經向申訴人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

申訴書或言詞作成之紀錄，應載明下列事項：

- 一、申訴人姓名、性別、出生年月日、國民身分證統一編號、服務單位及職稱、住居所、聯絡電話、申訴日期。
- 二、有法定代理人或委任代理人，應載明其姓名、性別、出生年月日、國民身分證統一編號、職業、住居所、聯絡電話及與申訴人關係。有委任代理人者，並應檢附委任書。
- 三、申訴之事實及內容。
- 四、可取得之相關事證或人證。

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，應通知申訴人於十四日內補正。

Article 7 **In accordance with the applicable laws and within the provided time period for filing complaint, the complainant (victim) of sexual harassment incident is entitled to submit complaint verbally or in writing to the personnel office of the University.** However, in the event that the complaint is verbally made, the handling personnel or office shall record such complaint into written document, declaim the content for the complainant or require he or she to read the content, after the complainant has confirmed the accuracy of the content, the personnel or office shall request the complainant to sign or affix seal on the document.

The following items shall be stated in the complaint, or in the document produced from the complaint verbally made:

1. Complainant’s name, gender, date of birth, ID number, service unit and title, residence, contact phone number, and date of complaint.
2. If there is legal representative or authorized agent, his or her name, gender, date of birth, ID number, occupation, residence, contact phone number and relationship with the complainant. If an agent is authorized, the power of attorney shall be submitted.

3. The facts and issues of the complaint.
4. Any evidence and witness which are available.

Should any complaint or document produced from the complaint verbally made fails to conform to the preceding paragraph, and the inconformity can be fixed, the University shall inform the complainant to fix within fourteen (14) days.

第八條 性騷擾之申訴有同一事件已處理完畢之情形者，不予受理。

本校不受理性騷擾申訴時，應於申訴書到達之日起二十日內，以書面通知當事人，其中與校外人士發生之性騷擾事件，應副知彰化縣政府。

前項通知應敘明理由，並載明再申訴之期間及機關。

接獲加害人非屬本校教職員工之性騷擾申訴案時，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彰化縣政府。

Article 8 In the event that the sexual harassment complaint contains incident that has been fully dealt with, the complaint will not be accepted or processed.

When the University decides to decline a sexual harassment complaint, it shall send a written notification to the complainant within twenty (20) days after receiving the written complaint. If the case concerns sexual harassment incident involving external individual, the University shall also inform Changhua County Government.

The notification provided in the preceding paragraph shall clearly state the time period for re-filing complaint and the relevant authority.

When the University receives sexual harassment complaint in which the offender is not the faculty or staff of the University, it shall still adopt proper emergency response and deliver the complaint and relevant materials to Changhua County Government within seven (7) days.

第九條 調查性騷擾事件時，應依照下列調查原則為之：

- 一、性騷擾事件之調查，應以不公開之方式為之，並保護當事人之隱私及人格法益。
- 二、性騷擾事件之調查應秉持客觀、公正、專業之精神，恪守性騷擾防治準則第十五條所規定之迴避原則，並給予當事人充分陳述意見及答辯之機會。
- 三、被害人之陳述明確，已無詢問必要者，應避免重複詢問。
- 四、性騷擾事件之調查，得通知關係人到場說明，並得邀請相關之學者專家協助。
- 五、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。
- 六、調查人員因調查之必要，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。
- 七、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份之資料，除有調查必要或基於公共安全之考量者外，應予保密。
- 八、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。

Article 9 Investigation of the sexual harassment incident shall be handled in compliance with the following principles:

1. The investigation of the sexual harassment incident shall be conducted confidentially, and the privacy and legal rights of personality of the parties shall be protected.

2. The investigation of the sexual harassment incident shall be based on the principle of objectivity, justice and professionalism, in full compliance with the Article 15 of the Regulations of Sexual Harassment Prevention concerning principle of avoidance of conflict of interest, and provide the parties with sufficient opportunity to make statements and defense.
3. If the description by the victim is clear and further inquiry is not required, the redundant inquiry shall be avoided.
4. During the investigation of the sexual harassment incident, the University may notify the related parties to attend and provide explanation, and may invite scholars and experts on related field to assist.
5. If there is power imbalance between the parties or witness, confrontation(s) shall be avoided.
6. Whenever deemed necessary for the progress of investigation, written information may be produced by the member of the investigation team, provided that the obligation of confidentiality is not infringed. The parties may be allowed to read the written information, or the investigation team member should inform the parties about the summary.
7. All personnel handling the sexual harassment incident shall keep the names and other information that may lead to the identification of the parties as confidential, except for the necessity of investigation or for public safety concerns.
8. In the process of investigation of sexual harassment incident, the University may transfer the parties to related institutions or provide psychological counseling and legal consultation to them according to their physical and mental condition.

第十條 除有不可抗力之因素，本校應自接獲申訴案件20日內開始調查，並於二個月內完成調查，必要時，得延長之，延長以二次為限，每次不得逾一個月。本校就性騷擾事件調查及處理結果應以書面通知當事人，並得作成懲戒或其他處理之建議，送交本校相關單位執行（與校外人士間之性騷擾事件：應以書面通知當事人及彰化縣政府）。

前項書面通知內容應包括處理結果之理由及再申訴等救濟途徑。

申訴人及其相對人對申訴案之審理結果有異議，或期限內未調查完成者，得於期限屆滿或調查結果通知到達之次日起三十日內，向彰化縣政府提出再申訴。

Article 10 Save for the circumstances in which force majeure factors exist, the University shall commence the investigation within twenty (20) days of the receipt of complaint and complete the investigation within two (2) months. Whenever deemed necessary, the length of the investigation period may be extended for another one (1) month and it may only be extended for twice.

The University shall notify the parties in writing about the investigation of the sexual harassment incident and the result of handling. The University may render recommendations on penalties or other handling measures and submit them to the relevant units of the University for execution. (For sexual harassment incident that involves external individual, the University shall notify the parties and Changhua County Government in writing).

The notification provided in preceding paragraph shall contain the reasons of the

result and the remedies such as re-filing the complaint.

Should there be any objections against the decision of complaint by the complainant or respondent, or in the event of failure to complete investigation within the time period, the complainant or respondent may re-file complaint to Changhua County Government after the end of period, or within thirty (30) days from the next day following the receipt of investigation result.

第十一條 性騷擾之申訴有下列情形之一者，性平會得決議暫緩調查及審議：

一、申訴人提出請求。

二、性騷擾案件已進入司法程序，或已移送監察院調查或公務員懲戒委員會審議。

三、其他有暫緩調查及評議之必要者。

Article 11 Should any of following circumstances occurs to the complaint of sexual harassment incident, the Gender Equality Committee may resolve to suspend the investigation and deliberation:

1. Request made by the complainant.

2. The sexual harassment incident has been brought into judicial procedure, or transferred to Control Yuan for investigation, or to Public Functionary Disciplinary Sanction Commission for deliberation.

3. Other circumstances that may require the suspension of investigation and deliberation.

第十二條 申訴人於案件評議期間撤回申訴者，應以書面為之，於送達性平會後即予結案備查，並不得就同一事由再提出申訴。

Article 12 Any withdrawal of complaint by the complainant during the course of deliberation shall be made in writing. The case shall be closed and kept in file for future reference upon the service of the withdrawal letter to the Gender Equality Committee. The complainant is not permitted to file another complaint against the same case.

第十三條 性騷擾行為經調查屬實者，本校得視情節輕重，對加害人依相關規定為適當之懲處。如涉及刑事犯罪時，並應協助申訴人提出告訴。

性騷擾申訴經證實為誣告者，本校得視情節輕重，對申訴人依相關法令為適當之懲處。

Article 13 Should the sexual harassment incident is found true, the University shall take appropriate actions to penalize the offender in accordance with the seriousness of the case pursuant to relevant regulations. In the event that criminal offence is involved, the University shall assist the complainant to file legal proceeding against the offender.

Should the sexual harassment complaint is found to be a false accusation, the University take appropriate actions to penalize the complainant in accordance with the seriousness of the case pursuant to relevant laws.

第十四條 本校對性騷擾案件審議結果，應採取後續追蹤考核監督，確保懲戒或處理措施有效執行，以預防相同事件或報復情事發生。

Article 14 In order to prevent the recurrence of sexual harassment incident or revenge, the University shall track, evaluate, and supervise the deliberation result of sexual harassment case, to ensure that the penalties or handling measures are executed

effectively.

第十五條 本校對擔任調查小組之成員，應予公差登記，並依法令或學校規定支給交通費或相關費用。

Article 15 Any person who acts as a member of the investigation team is entitled to be registered as on duty, and the University shall reimburse the transportation fees or other related fees in accordance with laws and regulations, or regulations established by the University.

第十六條 本辦法經本校性別平等教育委員會及校務會議通過，陳請校長核定後發布施行，修正時亦同。

Article 16 These Regulations and the amendments shall be adopted by the University Committee of Gender Equality for Education and the University Assembly, and shall be submitted to the President for approval, announcement and implementation.