

文藻外語大學工作場所性騷擾及性侵害防治與申訴處理要點

Guidelines for Preventing and Appealing Workplace Sexual Harassment and Assault of Wenzao Ursuline University of Languages

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一、文藻外語大學（以下簡稱本校）為防治教職員工工作場所性騷擾及性侵害事件，並採取適當之預防、糾正、懲戒及處理措施，特依「性別工作平等法」、「性別平等教育法」、「性騷擾防治法」及「工作場所性騷擾防治措施申訴及懲戒辦法訂定準則」相關規定，訂定本要點。

I. The Wenzao Ursuline University of Languages (hereinafter “University”) has established these guidelines to prevent incidents of faculty and staff workplace sexual harassment and assault and to take appropriate measures to prevent, correct, discipline and resolve such incidents based on the Gender Equity in Employment Act, the Gender Equity Education Act, the Sexual Harassment Prevention Act, and Regulations for the Prevention of Sexual Assault and Sexual Harassment in the Workplace.

二、本校之性騷擾、性侵害防治及申訴處理，除法令另有規定外，依本要點規定行之。

II. Unless otherwise specified by other laws, the prevention of sexual harassment and assault and the resolution of appeals are conducted according to these Guidelines.

三、本要點適用於本校教職員工相互間之性騷擾、性侵害事件。

本要點規定於本校教職員工涉及性侵害校外人士之案件準用之。

前二項所稱教職員工，依校園性侵害性騷擾或性霸凌防治準則第九條第二項之定義。

性騷擾及性侵害之行為人如非本校教職員工，本校應依本要點提供被害人應有之保護。

III. These Guidelines apply to incidents of sexual harassment and sexual assault among faculty and staff of the University.

These Guidelines apply to incidents of sexual harassment and sexual assault by faculty and staff of the University towards individuals not part of the University.

The terms “faculty” and “staff” are defined in item 2 of Article IX of the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus.

If the offender of sexual harassment or sexual assault is not a member of the faculty or staff of the University, the University should provide the protection that a victim should have as specified in these Guidelines.

四、本要點所稱性侵害，指性侵害犯罪防治法所稱性侵害犯罪之行為。

本要點所稱性騷擾，謂下列兩款情形之一：

IV. In these Guidelines, “sexual assault” refers to the sexual assault behavior defined in the Sexual Assault Prevention Act. In these Guidelines, “sexual harassment” refers to one of the following situations:

(一)教職員工於執行職務或在工作場所時，任何人（含各級主管、教職員工、校外訪客等）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。

A. Sexual requests, words or actions with sexual connotations or discriminatory of gender causing a hostile, intimidating or offensive work environment to the point of interfering with or violating personal dignity or freedom, or affecting job performance towards faculty and staff in the course of executing their duties or at the workplace by any person (including superintendents, faculty, staff, and visitors).

(二)主管對員工或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、獎懲等之交換條件務。

B. Overt or covert sexual requests from superintendents towards workers or job-seekers, words or behaviors with sexual connotations or discriminatory of gender used in exchange for employment, continuation of employment, change of position or assignment, deployment, compensation, evaluation, promotion, demotion, commendation or disciplinary action.

前項所稱性騷擾，包含下列情形：

”Sexual harassment” as defined above includes one of the following situations:

(一)因性別差異所產生侮辱、蔑視或歧視之態度及行為。

A. Manners or behaviors that insult, condescend or discriminate due to gender differences.

(二)與性有關之不適當、不悅、冒犯性質之語言、身體碰觸或性要求。

B. Inappropriate, unwelcome, offensive, sexual language or physical contact or sexual request.

(三)以威脅或懲罰之手段要求性行為或與性有關之行為。

C. Use of coercive or abusive measures to request sexual behavior or sex-related behavior.

(四)展示具有性意涵或性誘惑之圖片和文字。

D. Display of images or words of sexual connotation or enticement.

五、本校為處理工作場所性騷擾、性侵害申訴事件，設性騷擾及性侵害申訴評議委員會（以下簡稱性侵害申評會）。

V. To resolve matters related to workplace sexual harassment and assault, the University has instituted the Sexual Harassment and Sexual Assault Review Committee (hereinafter“Sexual Harassment and Assault Committee”).

性侵害申評會置委員 5 至 7 人，其中一人為主任委員，由副校長擔任，並為會議主席，主席因故無法主持會議時，得指定委員代理之；其餘委員由校長就本校教職員工聘（派）兼任之，為無給職；其中女性委員不得少於二分之一，男性委員不得少於三分之一。

The Sexual Harassment and Assault Committee has 5-7 members. The University VicePresident is an ex officio member and acts as Chair of the Committee. When the Chair is unable to preside over a meeting, an appointed member can act as proxy. The remaining members of the Committee are faculty and staff members of the University appointed by the University President holding unpaid positions. The number of female members may not be less than 1/2 of the total members of the Committee. The number of male members may not be less than 1/3 of the total members of the Committee.

委員任期二年，期滿得續聘（派），任期內出缺時，繼任委員任期至原任期屆滿之日止。

The Committee members serve for a term of two years and may be reappointed. If Committee positions become vacant, substitutes serve for the remaining of the original term.

六、本要點所定性侵害及性騷擾事件之被害人，除得依相關法令訴追或請求協助外，並得以言詞或書面向本校人事室提出申訴。但行為人為學校首長時，應向教育部申請調查。其以言詞申訴者，受理單位應做成紀錄，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。

VI. In addition to filing a lawsuit according to relevant laws and requesting help, the victim of sexual assault or harassment may file a complaint with the University’s Personnel Office. If the offender is the University President, the Ministry of Education should be asked to conduct an investigation. If the plaintiff makes an oral report, the unit handling the case should create a written record that is either read to the plaintiff or given to the plaintiff to read. Once the content of the report is confirmed accurate, the plaintiff is asked to sign or affix a seal.

以書面提出申訴者，申訴人應簽名或蓋章，並載明下列事項：

Written reports submitted by plaintiffs should be signed or sealed and contain the following information:

(一)申訴人姓名、服務單位及職稱、性別、出生年月日、住居所、國民身分證統一編號聯絡電話、申訴日期。

A. Plaintiff’s name, employer and position, gender, date of birth, resident add., national ID card number, phone number, and date of submission.

(二)有代理人者，應檢附委任書，並載明其姓名、性別、出生年月日、住居所、國民身分證統一編號、聯絡電話。

B. If there is a representative, this person's name, gender, date of birth, resident add., national ID card number, and phone number.

(三)申訴之事實及內容，應包含發生日期、時間、地點、證據等事項。

C. The facts surrounding the incident including date, time, location, and evidence.

以電話、傳真、電子郵件等方式提出者，應於三個工作日內以書面補正，逾期未補正者，人事室得不予受理其申訴。

Plaintiffs reporting incidents through phone calls, faxes, and electronic mail messages must submit written reports within three working days. The Personnel Office may refuse to accept appeals if it is not received before the deadline.

七、人事室依前點規定收件後，應於三個工作日內通知申訴人是否受理。

VII. The Personnel Office shall inform the plaintiff whether it will accept the appeal within three working days.

人事室確認受理申訴後，應交由性侵害申評會評議。

Once the Personnel Office confirms acceptance of the appeal, it will be forwarded to the Sexual Harassment and Assault Committee.

性侵害申評會評議程序如下：

The Sexual Harassment and Assault Committee should proceed in the following way:

(一)主任委員應於七日內指派三人以上之委員組成專案小組，專案小組成員得參照性別平等教育法第 30 條規定成立，並依以下各目原則進行調查：

A. The Chair of the Committee should appoint a task force of more than three members within seven days. Composition of the task force should follow stipulations in Article XXX of the Gender Equity Education Act. When investigating a case, the task force must follow the guidelines below:

1. 保護申訴者及被申訴者之隱私權及人格法益。

1. The plaintiff and defender's privacy and personal legal rights should be respected.

2. 秉持客觀、公正、專業原則，給予當事人充分陳述意見及答辯之機會。

2. Procedures should be conducted in an objective, fair and professional manner. Interested parties should be given ample opportunities to express their views and answer questions.

3. 被害人之陳述明確，已無詢問必要者，應避免重複詢問。

3. Repeated questioning should be avoided when the victim's account is clear and further questioning is not necessary.

4.因調查之必要，得通知當事人及關係人到場說明，並得邀請相關學識經驗者協助。

4.If necessary for the investigation, interested parties may be asked to provide explanations in person. Experts in relevant fields may be called to help.

5.當事人或證人有地位不對等之情形時，應避免使其對質。

5.When there is power imbalance among interested parties or witnesses, confrontations should be avoided.

6.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。

6. If necessary for the investigation and without violating confidentiality, a written document is produced for the interested party to read or be informed.

7.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。

7.During the course of the investigation, the physical and mental health of the interested parties should be monitored. Psychological counseling and legal help may be referred to or provided.

8.對於為申訴、告訴、告發、提起訴訟、作證、提供協助或其他參與調查行為之人不得為歧視或差別待遇之行為。

8.Committee members may not discriminate against or give unequal treatment to plaintiffs, defendants, initiators of complaints, witnesses, providers of help or any others involved in the investigation.

(二)專案小組調查結束後，由小組委員將調查結果作成調查報告書，提交性侵害申評會評議。

B. Once the task force concludes its investigation, a report with findings should be submitted to the Sexual Harassment and Assault Committee.

(三)性侵害申評會得決議或經專案小組建議，邀請申訴人、被申訴人、關係人、學者專家或相關人員列席說明。

C. The Sexual Harassment and Assault Committee may decide on or the task force may recommend inviting the plaintiff, defendant, related parties, experts or relevant individuals to attend meetings and provide information.

(四)性侵害申評會之決議，應有全體委員三分之二之出席，以出席委員過半數之同意行之。

D. Resolutions by the Sexual Harassment and Assault Committee shall be made when 2/3 of the members are in attendance and the majority is in agreement.

前項調查及評議過程均不公開，並應特別注意維護當事人之隱私。

Investigations and review procedures are not made public. The privacy of interested parties must be protected.

八、申訴人於性侵害申評會作成決議前，得以書面撤回其申訴；申訴經撤回者，不得就同一事由再為申訴。

VIII. Before the Sexual Harassment and Assault Committee makes a decision, the plaintiff may withdraw the appeal in writing. A plaintiff who withdraws an appeal may not submit another appeal regarding the same matter.

九、參與性騷擾及性侵害事件之處理、調查及決議人員，對於知悉之申訴事件內容負有保密義務；違反者，應停止其參與或解任，並得視其情節依相關規定予以懲處及追究相關責任。

IX. All individuals involved in the processing, investigation and resolution of a sexual harassment or assault case have the responsibility of maintaining confidentiality. Violators should be stopped in their involvement or be removed. Depending on the circumstances, disciplinary action may be imparted according to relevant regulations and violators held responsible.

十、申訴事項如涉及委員本身，或有其他事由足認可能妨害調查之公正者，該委員應自行迴避。

X. If a case involves a Committee member or there are other reasons that may prevent an impartial investigation, said member should recuse himself or herself.

前項情形當事人亦得檢具理由向性侵害申評會申請該委員迴避。應否迴避，由性侵害申評會決定之。

Interested parties may request the recusal of certain Sexual Harassment and Assault Committee members. The Sexual Assault Review Committee reserves the right to make a decision regarding the request.

十一、申訴案應自提出起三個月內結案，做成附理由之決議，並應以書面通知當事人。

XI. An appeal case should be resolved within three months of its submission. The resolution and its reasons should be sent in writing to the interested parties.

申訴人及申訴相對人對申訴決定有異議者，應於申訴決議送達當事人之日起十日內，檢附書面理由，向性侵害申評會提出申復，由性侵害申評會另以決議處理之。

Plaintiffs or defendants who disagree with the resolution of an application may submit a written appeal to the Sexual Harassment and Assault Committee stating the reasons within ten days after receiving the resolution. The Sexual Harassment and Assault Committee shall decide on how to proceed.

申復以一次為限。經結案後，不得就同一事由，再提出申訴。

Appeals can be made one time only. Once a case is closed, another appeal on the same matter is not allowed.

十二、有下列情形之一者，性侵害申評會得決議暫緩調查及評議：

XII. The Sexual Assault Review Committee may suspend investigations and deliberations in one of the following situations:

(一)申訴人提出請求。

A. The plaintiff makes the request.

(二)申訴案件已進入司法程序。

B. The case is going through the judicial process.

(三)其他有暫緩調查及評議之必要者。

C. Other reasons that require suspension of investigations and deliberations.

十三、性騷擾及性侵害行為經調查屬實，本校相關權責單位，應視情節輕重，對申訴相對人予以申誡、記過、解聘、停聘、不續聘或其他適當之懲處。

XIII. After an incident of sexual harassment or sexual assault has been investigated, the relevant University department may discipline the offenders with warnings, demerits, terminations, non-appointments, non-reappointments or other appropriate actions depending on the severity of the situation.

申訴人如經證實有誣告之事實者，本校亦應對其為適當之懲戒或處理。

If the plaintiff has been found to have made a false accusation, the University should impart appropriate disciplinary actions.

十四、性侵害申評會應採取事後之追蹤、考核及監督，確保所作懲戒或處理有效執行，並避免相同事件或報復情事發生。

XIV. The Sexual Harassment and Assault Committee should conduct follow-up, evaluation and monitoring activities to ensure that disciplinary actions or other resolutions have been implemented effectively and to prevent similar incidents or retaliation from occurring.

十五、本校應設申訴專線電話、傳真、專用信箱及電子信箱等，並公開之，以利申訴。

XV. The University shall establish and publicize direct phone and fax lines as well as dedicated mailbox and electronic email address to facilitate the submission of appeals.

十六、本要點經行政會議、校務會議通過，陳請校長公告後實施，修正時亦同。

XVI. These Guidelines become effective after approval by the Executive Committee and the University Affairs Committee, and subsequent announcement by the University President. Amendments should follow the same process.

(英文版僅供參考，若有歧義，以中文版為準。)

(The English translation is for reference only. In case of any discrepancy between Chinese version and English version, the Chinese language version shall prevail.)