

# 臺北醫學大學性侵害性騷擾或性霸凌防治規定

## TMU Regulations for the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying

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### 第一條 (目的)

本校為促進性別地位之實質平等，建立性別平等之教育資源與環境，並預防與處理校園性侵害、性騷擾及性霸凌事件，特依「性別平等教育法」（以下簡稱性平法）第二十條及「校園性侵害性騷擾或性霸凌防治準則」（以下簡稱防治準則）第三十五條規定訂定「臺北醫學大學性侵害性騷擾或性霸凌防治規定」（以下簡稱本規定）。

### Article One (Purposes)

Taipei Medical University (hereinafter “TMU”) set the Regulations for the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying (hereinafter “the Regulations”) according to Article 20 of the *Ministry of Education’s Gender Equity Education Act* (hereafter “the Act”), and Article 35 of the *Regulations to Prevent Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus* (hereafter “the Prevention Regulations”) to affirmatively promote substantive gender equity through education prevention education of campus sexual assault, sexual harassment, and sexual bullying in the learning and working environment

## 第二條 (用詞定義)

依據性平法第二條及防治準則第九條規定，本規定用詞定義如下：

- 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：
  - (一) 以明示或暗示之方式，從事不受歡迎且具有性意味或性別歧視之言詞或行為，致影響他人之人格尊嚴、學習、或工作之機會或表現者。
  - (二) 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、校園性侵害、性騷擾或性霸凌事件：指性侵害、性騷擾或性霸凌事件之一方為學校校長、教師、職員、工友或學生，他方為學生者，且包括在不同學校間所發生之事件。
- 五、教師：指專任教師、兼任教師、代理教師、代課教師、護理教師、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及其他執行教學或研究之人員。
- 六、職員、工友：指前款教師以外，固定、定期執行學校事務，或運用於協助學校事務之志願服務人員。
- 七、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。

### Article Two (Definitions)

In accordance with Article 2 of the Act and Article 9 of the Prevention Regulations, the definitions of sexual assault, sexual harassment, and sexual bullying specified in these Regulations are as follows:

1. Sexual assault: any sexual offense defined by the Sexual Assault Crime Prevention Act.
2. Sexual harassment: cases described by the following and do not constitute as sexual assault.

- (1) Unwelcome remarks or conduct that carry explicitly or implicitly a sexual or gender discriminating connotation and thereby adversely affect the others' dignity, or the opportunity or performance of the others' learning or work.
- (2) Using sex or gender-related behavior as a condition for themselves or others to obtain, lose, or undermine their right to learn or work.
3. Sexual bullying: refers to when someone ridicules, attacks, or threatens others based on their gender traits, gender characteristics, sexual orientation, or gender identity, using verbal, physical, or other forms of violence, and that conduct is not categorized as sexual harassment.
4. Sexual assault, sexual harassment, and sexual bullying specified in these Regulations include incidents where the parties concerned are from different schools.
5. Teacher: full-time teacher, part-time teacher, long-term or short-term substitute teacher, military instructor, volunteer worker assisting in instruction, teaching intern actually engaged in instruction, or other person engaged in instruction or research.
6. Staff member or janitor: person not defined as a teacher according to the preceding subparagraph but performing work at the school on a fixed or periodic schedule, volunteers assisting in school affairs.
7. Student: person enrolled in a school, person not enrolled in a school but in a period of transition between education programs or levels, person undertaking a continuing/extension education program, an exchange student, an education intern, or research trainee.

### 第三條 (防治教育)

為積極推動校園性侵害、性騷擾或性霸凌防治教育，以提升教職員工生尊重他人與自己身體或性自主之知能，主要措施：

- 一、針對教職員工生，每年定期舉辦校園性侵害、性騷擾或性霸凌防治之教育宣導活動，並評鑑其實施成效。
- 二、本校性別平等教育委員會（以下簡稱性平會）及負責校園性侵害、性騷擾及性霸凌事件處置相關單位人員，參加與性侵害、性騷擾及性霸凌事件處置相關之在職進修或校內外研習

活動，予以公差登記及經費補助。

三、利用多元管道，公告周知本規定所規範之事項，並納入教職員工聘約及學生手冊。

四、鼓勵校園性侵害、性騷擾或性霸凌事件被害人或檢舉人得於事件發生後儘早申請調查或檢舉，以利蒐證及調查處理。

### **Article Three (Prevention Education)**

To promote the prevention education on sexual assault, sexual harassment, and sexual bullying on campus, raise faculty, staff, and students' awareness of respecting the sexual and physical autonomy of themselves and others, TMU shall proactively implement the following measures:

1. Hold educational programs on the prevention of sexual assault, sexual harassment, and sexual bullying on campus for faculty, staff, and students, and evaluate the effectiveness of these programs regularly.
2. Encourage members of the Gender Equity Education Committee (hereafter "the Committee") or persons involved in the handling of sexual assault, sexual harassment, or sexual bullying on campus to attend on- and off-campus seminars on the handling related cases; allow them to register attendance as official leave and reimburse any associated expenses.
3. Announce these Regulations through a wide range of channels; include them in faculty and staff employment contracts and student handbooks.
4. Encourage the victim or the complainant of an incident of sexual assault, sexual harassment, or sexual bullying on campus to apply for an investigation or report an incident at the earliest possible time in order to facilitate the collection of evidence, investigation, and the handling of the incident.

#### **第四條 (資訊蒐集及提供)**

性平會應蒐集校園性侵害、性騷擾及性霸凌防治相關資訊，以編製手冊或設置網站之方式公告周知，並於處理事件時主動提供予相關人員。

前項資訊應包括下列事項：

一、校園性侵害、性騷擾或性霸凌事件之界定、類型及相關法規。

- 二、被害人之權益保障及學校所提供之必要協助。
- 三、受理申請、通報、調查及申訴之機制。
- 四、相關之主管機關及權責單位。
- 五、提供資源協助之團體及網絡。
- 六、其他本校性別平等教育委員會認為必要之事項。

#### **Article Four (The Collection and Use of Information)**

The Committee shall compile information on the prevention of campus sexual assault, sexual harassment, and sexual bullying, and announce through handbooks or websites, and provide the information to persons handling related cases:

The aforesaid information shall contain the following items:

1. Definition of, classification of, and laws relevant to sexual assault, sexual harassment, and sexual bullying on campus.
2. The rights of the victim and the necessary assistance provided by TMU.
3. Mechanisms of investigation application, reapplication, and relief.
4. Related competent authorities and responsible agencies.
5. Organizations and networks that provide resources and support.
6. Other matters deemed necessary by the Committee.

#### **第五條 (改善校園危險空間)**

本校為防治校園性侵害、性騷擾及性霸凌，以下單位應採取下列措施改善校園危險空間：

- 一、總務處：依空間配置、管理與保全、標示系統、求救系統與安全路線、照明與空間穿透性及其他空間安全要素等，定期檢討校園空間與設施之使用情形及檢視校園整體安全。檢討校園空間與設施之規劃時，應考量學生之身心功能或語言文化差異之特殊性，提供符合其需要之安全規劃及說明方式；其範圍，應包括校園內所設之宿舍、衛浴設備、校車等。
- 二、校安中心：記錄校園內曾經發生性侵害、性騷擾或性霸凌事件之空間，並依實際需要繪製校園危險地圖。

#### **Article Five (Campus Security Planning)**

To prevent sexual assault, sexual harassment, and sexual bullying on campus, TMU

shall adopt the following measures to improve campus security:

1. The office of General Affairs shall regularly inspect the planning for and usage of campus grounds and facilities, evaluating overall campus safety by assessing the arrangement, management, and security of indoor and outdoor areas; the signage system; the emergency help system and secure routes; lighting and visibility; and other important safety factors. Regarding the inspection of the planning for and usage of campus grounds and facilities, the different needs of students of the physical and mental capabilities, or linguistic culture, shall be considered, such that the safety planning and methods of explanation provided meet their needs. The scope of these considerations should extend to on-campus dormitories, bathing and restroom facilities, campus transport, etc.
2. The Campus Security Center shall record the locations where incidents of sexual assault, sexual harassment, or sexual bullying have occurred on campus, and produce a map illustrating danger areas as necessary.

第六條 (校園空間安全檢視說明會)

本校定期舉行校園空間安全檢視說明會，邀集專業空間設計者、教職員工生及其他校園使用者參與，說明會得採電子化會議方式召開，本校應公告前條檢視成果、相關紀錄及校園危險空間改善進度，並列為性平會每學期工作報告事項。

**Article Six (Meetings for Campus Security Review and Examination Results)**

TMU shall regularly hold campus safety review briefings and invite professional space designers, faculty, staff, students, and other users of the campus to participate. TMU may convene the review briefings referenced in the previous paragraph through electronic means, and shall make the review conclusions and pertinent records public. TMU's review of progress in improving the safety of hazardous campus areas shall be an item in the Committee's working report each school term.

第七條 (遵守專業倫理)

本校教職員工於執行教學、指導、訓練、評鑑、管理、輔導或提供學生工作機會時，在與性或性別有關之人際互動上，不得發展

有違專業倫理之關係。

教師發現師生關係有違反前項專業倫理之虞時，應主動迴避或陳報本校處理。

#### **Article Seven (Professional Ethics)**

Teachers shall not develop intimate relationships that violate professional ethic codes with the student under their instruction, guidance, training, evaluation, management, consultation, or when providing students employment opportunities.

Should TMU faculty finds that his/her relationship with a student violates the code of professional ethics referenced in the previous paragraph, the teacher shall take the initiative to avoid further interaction with the student or report the matter to related TMU units for handling.

#### 第八條 (禁止行為)

本校教職員工生應尊重他人與自己之性或身體之自主，不得有下列行為：

- 一、不受歡迎之追求行為。
- 二、以強制或暴力手段處理與性或性別有關之衝突。

#### **Article Eight (Prohibited Behaviors)**

TMU faculty, staff, and students shall respect the sexual and physical autonomy of themselves and others, avoid unwanted courting, and shall not handle conflicts related to sex or gender with forceful or violent means.

#### 第九條 (應向教育部或兼任學校申請之情形)

校園性騷擾、性侵害或性霸凌事件之被害人或其法定代理人(以下簡稱申請人)、檢舉人得依第十三條規定向本校申請調查或檢舉。但下列情形，不在此限：

- 一、行為人於行為時或現職為校長者，應向教育部申請調查或檢舉。
- 二、行為人於兼任學校所為者，應向該兼任學校申請調查或檢舉。

#### **Article Nine (Applying to the Ministry of Education or the School where the Alleged Offender is Employed Part-time)**

The victim of a campus sexual assault, sexual harassment, or sexual bullying incident or his/her legal representative (hereinafter "the applicant"), or a complainant to such an incident, may apply for an investigation or report an incident, in accordance with Article 13 of the Regulations. However, if the alleged offender was at the time of the offense or is presently the principal or president of a school, an application for an investigation or submission of a complainant's written report should be made to the Ministry of Education.

In cases where the incident occurred at a school where then alleged offender was employed part-time, this school shall be considered the school with jurisdiction.

#### 第十條 (派代表參與調查)

行為人現所屬學校非本校者，性平會應以書面通知行為人現所屬學校派代表參與調查，被通知之學校不得拒絕。完成調查後成立性侵害、性騷擾或性霸凌事件者，性平會應將調查報告及處理建議移送行為人現所屬學校處理。

本校為前條第二款規定之兼任學校時，性平會應以書面通知行為人現所屬專任學校派代表參與調查，被通知之學校不得拒絕。完成調查後成立性侵害、性騷擾或性霸凌事件者，性平會應將調查報告及處理建議移送行為人現所屬專任學校處理。

#### **Article Ten (Sending a Representative to Participate in an Investigation)**

In cases where TMU is different from the school at which the alleged offender is employed or enrolled, the Committee where the alleged offender is currently employed or enrolled shall be notified in writing to send a representative to participate in the investigation; the school so notified may not refuse the request.

TMU shall determine after concluding the investigation that an incident of campus sexual assault, sexual harassment, or sexual bullying did in fact occur, the Committee shall provide an investigation report and recommended handling to the school where the offender is employed or enrolled for handling

In the situation described in the preceding paragraph, the Committee shall notify in writing the school where the alleged offender is currently employed on a full-time basis to send a representative to participate in the investigation; the school so notified



may not refuse the request.

Should the Committee determine after concluding the investigation that a campus sexual assault, sexual harassment, or sexual bullying offense did in fact occur, it shall provide an investigation report and recommended handling to the school where the offender is currently employed on a full-time basis for handling.

#### 第十一條 (管轄)

本校接獲申請時，應依第九條及下列規定判斷是否具有管轄權：

一、行為人於行為發生時，同時具有校長、教師、職員、工友或學生二種以上不同身分者，以其與被害人互動時之身分定其受調查之身分，並由該身分之所屬學校或主管機關調查處理。

二、無法判斷行為人於行為發生時之身分，或於學制轉銜期間，尚未確定行為人就讀學校者，以受理申請調查或檢舉之學校負責調查，相關學校應派代表參與調查。但於申請調查或檢舉時，行為人及被害人已具學生身分，由行為人所屬學校為事件管轄學校。

三、行為人在二人以上，分屬不同學校者，以先受理申請調查或檢舉之行為人所屬學校負責調查，相關學校應派代表參與調查。

本校認定無管轄權者，應於七個工作日內移送其他有管轄權者，並通知當事人。

學制轉銜期間申請調查或檢舉之事件，管轄權有爭議時，由共同上級機關決定之，無共同上級機關時，由各該上級機關協議定之。

#### **Article Eleven (Jurisdiction)**

After receiving an application, the Committee shall adopt Article 9 and the following procedures:

1. If at the time of the offense, the alleged offender served in two or more of the following capacities president/principal, teacher, employee, janitor, or student—the capacity in which he/she interacted with the victim shall determine the capacity under whose applicable conditions the investigation will be conducted, as well as

the school or agency with jurisdiction.

2. In cases in which it is not possible to determine the capacity in which the alleged offender was serving at the time of the incident, or during a transition period when the alleged offender's status was indeterminate, as when admission to an academic program was still under consideration, the school with jurisdiction shall be the school handling the application for investigation or complainant's report. Any and all schools involved in the incident shall send a representative to participate in the investigation. However, if at the time the application for investigation is made or a complainant's report is filed, the alleged offender and the victim already possess student status, the school at which the alleged offender is enrolled shall be the school with jurisdiction.
3. If two or more persons who belong to different schools are alleged to have been offenders in the same incident, the school that first receives an application for investigation or a complainant's report shall be the school with jurisdiction. Any and all schools involved in the incident shall send a representative to participate in the investigation.

When TMU receives a case that it does not have jurisdiction over, it shall refer the case to other authorities with jurisdiction within seven days and inform the parties concerned. In cases where an application for investigation or a complainant's report is filed during a period of academic transition, such that there is dispute over which school or competent authority has jurisdiction, the determination shall be made by the governing body serving in a supervisory position to both parties. When no such joint authority exists, the governing bodies for the two parties shall make a collaborative determination.

## 第十二條 （通報機制）

本校校長、教師、職員或工友知悉本校疑似發生校園性侵害、性騷擾或性霸凌事件時，應立即以書面或其他通訊方式通報本校校安中心，並由相關單位依下列規定進行通報，至遲不得超過二十四小時：

- 一、 行政通報：由校安中心向教育部通報。
- 二、 社政通報：由性平會向社政機關通報。

依本條規定為通報時，除有調查必要、基於公共安全考量或法規另有特別規定者外，對於當事人及檢舉人之姓名或其他足以辨識其身分之資料，應予以保密。

#### **Article Twelve (Notification Mechanism)**

When TMU's president, faculty, staff, or janitors become aware of a possible incident of sexual assault, sexual harassment, or sexual bullying on campus, he/she shall immediately notify TMU's Campus Security Center within 24 hours, and the Military Training Division shall notify the Ministry of Education while the Committee shall notify social affairs authorities in accordance with regulations.

When reporting a case, the names and other information that may lead to the identification of the parties involved, or the complainant shall be kept confidential, except for investigation necessity or public safety concerns, or other occasions prescribed by the law.

#### **第十三條 （申請調查或檢舉）**

校園性侵害、性騷擾或性霸凌事件之申請人或檢舉人得以言詞、書面或電子郵件申請調查或檢舉；其以言詞或電子郵件為之者，本校秘書處應作成紀錄，經向申請人或檢舉人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

前項書面或言詞、電子郵件作成之紀錄，應載明下列事項：

- 一、申請人或檢舉人姓名、身分證明文件字號、服務或就學之單位及職稱、住居所、聯絡電話及申請調查日期。
- 二、申請人申請調查者，應載明被害人之出生年月日。
- 三、申請人委任代理人代為申請調查者，應檢附委任書，並載明其姓名、身分證明文件字號、住居所、聯絡電話。
- 四、申請調查或檢舉之事實內容，如有相關證據，亦應記載或附卷。

#### **Article Thirteen (Application or Reporting)**

The applicant and the complainant of incidents of sexual assault, sexual harassment, and sexual bullying on campus may apply for an investigation or report an incident verbally, in writing, or by email. If the application or report is made verbally or by email,

the Secretariat shall make a text record of the application and read it to the applicant or the complainant or ask him/her to read it to confirm its accuracy. The text record shall then be signed or sealed by the applicant or the complainant after the accuracy is confirmed.

The text record of a written, verbal, or email application or report specified in the preceding paragraph shall contain the following information:

1. The applicant or the complainant's name, national ID card number, the institution where he/ she is employed or studies, residence and domicile, telephone number, and date of the investigation's application.
2. At the time an application for an investigation is made, the applicant shall state the victim's date of birth, giving year, month and day.
3. If the applicant authorizes a representative as his/her investigation applicant, an authorization letter shall be submitted containing the representative's name, national ID card number, residence and domicile, and telephone number.
4. Factual materials presented in an application for an investigation or a complainant's report, e.g., relevant evidence, shall be documented in writing or included as attachments.

#### 第十四條 （案件之受理）

本校接獲校園性侵害、性騷擾或性霸凌事件時，以本校秘書處為收件單位，除有性平法第二十九條第二項所定事由外，應於三日內將該事件移交性平會，有性平法第二十九條第二項所定事由時，本校秘書處得逕行回復不受理，並於事後將相關情形向性平會報告。

#### **Article Fourteen (Application Accepted)**

The Secretariat will be the recipient of applications for investigation of an incident of campus sexual assault, sexual harassment, or sexual bullying, or a complainant's report. After accepting the application/ accusation, the recipient shall not only be bound by the particulars given in the paragraph 2 of Article 29 of the Act, but it shall provide within three days the factual and evidential materials from the applicant or complainant to the Committee for handling. The Secretariat may reject the application and notify the

applicant or complainant in accordance with the paragraph 2 of Article 29 of the Act. Based on the process of application rejection, the Secretariat shall submit a rejection report to the Committee.

#### 第十五條 （不受理之申復）

本校於接獲申請調查或檢舉後二十日內，以書面通知申請人或檢舉人是否受理。不受理之書面通知應敘明理由，並告知申請人或檢舉人申復之期限及受理單位。

申請人或檢舉人於前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，向性平會提出申復；其以言詞為之者，性平會應指派專人作成紀錄，經向申請人或檢舉人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

前項不受理之申復以一次為限。

性平會接獲申復後，應重新討論受理事宜，並於二十日內以書面通知申復人申復結果。申復有理由者，性平會應依法調查處理。

#### **Article Fifteen (Reapplication for Unaccepted Cases)**

The Committee shall send a written notification of whether an application for investigation or complainant's report has been accepted for further handling to the applicant or the complainant within 20 days after receiving the application or report. Written notification of rejection shall contain reasons, and the applicant or the complainant shall be notified of the deadline for a reapplication and the office that accepts a reapplication.

If the applicant or the complainant does not receive a notification by the deadline described in the preceding paragraph or has received notification that an investigation will not be pursued, he/she may reapply in writing with grounds stated to the Committee within 20 days from the second date following the date of receipt of the notification. For an applicant who reapplies verbally, the Committee shall make a documentation of the reapplication and read it to the applicant or the complainant or ask him/her to read it to confirm its accuracy. The record shall then be signed or sealed by the applicant or the complainant. Reapplication in the preceding paragraph shall be made no more than once.

After receiving a reapplication, the Committee shall forward the application for investigation or the complaint to the Committee to handle reopening of discussion, and provide written notification of the reapplication decision to the applicant within 20 days. In the case of reapplications with legitimate grounds, the Committee shall handle the investigation in accordance with the law.

**第十六條** （視同檢舉）

經媒體報導之校園性侵害、性騷擾或性霸凌事件，應視同檢舉，本校應主動將事件交由性平會調查處理。疑似被害人不願配合調查時，本校仍應提供必要之輔導或協助。

本校處理校園性侵害、性騷擾或性霸凌事件時，倘疑似被害人表明僅願接受教學或輔導人員之輔導或協助，知悉相關情事者仍應知會性平會，由性平會告知相關法律規定與可協助處理之範疇。本校處理霸凌事件，發現有疑似性侵害、性騷擾或性霸凌情事者，視同檢舉，由本校防制霸凌因應小組移請性平會辦理。

**Article Sixteen (Treated as being Reported)**

Incidents of sexual assault, sexual harassment, and sexual bullying on campus that have been covered by the media shall be treated as being reported by a complainant, and TMU shall take the initiative to commission the Committee to investigate the incident. TMU shall provide necessary counselling or assistance even when the suspected victim is not willing to cooperate with the investigation.

In cases where the suspected victim is only willing to receive the counseling or assistance from a counselor or faculty who become aware of a possible incident shall still notify the Committee, which shall keep the suspected victim informed of the related regulations and the necessary assistance provided by TMU.

If, in handling an incident of bullying on campus, TMU finds that sexual assault, sexual harassment, or sexual bullying might have occurred, such discovery shall be considered equivalent to a complainant's report, and the incident response team under the prevention group shall handle the case in accordance with the preceding Article.

## 第十七條 (調查小組)

性平會處理案件時，得成立調查小組進行調查。

前項調查小組以三人或五人為原則，其成員應具性別平等意識，女性人數比例應占成員總數二分之一以上，且具性侵害、性騷擾或性霸凌事件調查專業素養之專家學者之人數比例應占成員總數三分之一以上。必要時部分小組成員得外聘。雙方當事人分屬不同學校時，調查小組成員應有被害人學校代表。

前項所定具性侵害、性騷擾或性霸凌事件調查專業素養之專家學者，應符合防治準則第二十二條所規定之資格。

校園性侵害、性騷擾或性霸凌事件當事人之輔導人員及性平會會務權責主管及承辦人員，應迴避該事件之調查工作；參與校園性侵害、性騷擾或性霸凌事件之調查及處理人員，亦應迴避對該當事人之輔導工作。

本校針對擔任調查小組之成員，應予公差（假）登記，並依法令或本校規定支給交通費或相關費用。

### **Article Seventeen (Investigation Team)**

When the Committee handles a campus sexual assault, sexual harassment, or sexual bullying incident, it may organize an investigation team to handle the case.

The team shall be composed of three to five persons. Members of the team shall have gender equity consciousness, and more than half of its members shall be female. Some members may be invited from outside the University when necessary. At least one third of the team formed for handling campus sexual events shall be composed of experts or scholars specializing in the investigation of campus sexual events. The team shall include representative(s) of the schools of the involved parties when the two parties belong to different schools.

The experts or scholars in the preceding paragraph shall be in accordance with regulations specified in Article 22 of the Prevention Regulations.

Any person serving in the capacity of counselor to the victim or the alleged offender in a campus sexual assault, sexual harassment, or sexual bullying incident, or as a supervisor with authority over the Committee's affairs or as a Committee officer shall avoid participation in the case investigation. Any person involved in the investigation

and handling of a campus sexual assault, sexual harassment, or sexual bullying case shall also avoid participation in the counseling of the victim or the alleged offender. TMU shall grant team members on the investigation team official leave for their time spent serving on the team, and shall pay any transportation or pertinent expenses incurred.

#### 第十八條 （調查處理）

本校調查處理校園性侵害、性騷擾或性霸凌事件時，應依下列方式辦理：

- 一、行為人應親自出席接受調查；當事人為未成年者，接受調查時得由法定代理人陪同。
- 二、被害人或其法定代理人要求不得通知現所屬學校時，得予尊重，且得不通知現就讀學校派員參與調查。
- 三、當事人持有各級主管機關核發之有效特殊教育學生鑑定證明者，調查小組成員應有具備特殊教育專業者。
- 四、行為人與被害人、檢舉人或受邀協助調查之人有權力不對等之情形者，應避免其對質。
- 五、本校參與處理校園性侵害、性騷擾或性霸凌事件之所有人員，針對行為人、被害人、檢舉人或協助調查之人之姓名及其他足以辨識身分之資料，應予保密。但有調查之必要或基於公共安全考量者，不在此限。負保密義務者洩密時，應依刑法或其他相關法規處罰。
- 六、以書面通知當事人、相關人員或單位配合調查及提供資料時，應記載調查目的、時間、地點及不到場所生之效果。
- 七、前款通知應載明當事人不得私下聯繫或運用網際網路、通訊軟體或其他管道散布事件之資訊。
- 八、本校教職員工生不得以任何名義對案情進行瞭解或調查，且不得要求當事人提交自述或切結文件。
- 九、基於調查之必要，得於不違反保密義務之範圍內另作成書面資料，交由行為人、被害人或受邀協助調查之人閱覽或告以要旨。



- 十、申請人撤回申請調查時，為釐清相關法律責任，性平會得決議或經行為人請求繼續調查處理。教育部認情節重大者命本校繼續調查處理者，本校應繼續調查處理。
- 十一、本校就記載有當事人、檢舉人、證人姓名之原始文書應予封存，不得供閱覽或提供予偵查、審判單位以外之人。但法律另有規定者不在此限。
- 十二、除原始文書外，調查處理校園性侵害、性騷擾或性霸凌事件人員對外所另行製作之文書，應將當事人、檢舉人、證人之真實姓名及其他足以辨識身分之資料刪除，並以代號為之。

### **Article Eighteen (Investigation and Handling)**

The Committee shall investigate and handle an incident of sexual assault, sexual harassment, or sexual bullying on campus according to the following principles:

1. An alleged offender shall appear in person for investigation; an involved person of minor age may be accompanied by a legal guardian during investigations.
2. When a victim or a victim's legal guardian requests that the school at which the victim is presently enrolled not be notified of the case, such a request shall be respected, and notification shall not be given to the school to dispatch a representative to participate in the investigation.
3. When an involved person possesses valid special-needs student certification issued by competent authorities at various levels, the members of the investigation team shall include a special education professional.
4. When an imbalance of power exists between the offender and the victim, a complainant, or a person requested to assist in the investigation, confrontation should be avoided.
5. The names and other information that may lead to the identification of the parties involved, the complainant, or witness of an incident of sexual assault, sexual harassment, or sexual bullying on campus, shall be kept confidential, except for investigation necessity or public safety concerns, or other occasions prescribed by the law.
6. When written notification is given to involved persons, or to pertinent personnel or agencies to cooperate with an investigation and provide information, the

- investigative purpose, time, location, and consequences for failure to appear shall be recorded.
7. The notification referenced in the previous subparagraph shall clearly record that the involved parties may not engage in private communications or use the Internet, messaging software, or other means to disseminate information about the case.
  8. TMU faculty, staff, and students shall not, under any pretext, undertake to understand or investigate the incident, and may not request an involved person provide a first-hand account or affidavit.
  9. When necessary for the investigation, written information may be produced so long as it does not violate the obligation of confidentiality, and be provided to the alleged offender, the victim, or any person invited to assist in the investigation to be read or summarized.
  10. In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, after the decision of its Committee or the request of the alleged offender, may continue the investigation. The Ministry of Education shall, where it considers the facts of the case to be of sufficient gravity to warrant it, direct the Committee to continue the investigation.
  11. TMU shall seal and store all original documents containing the names of the parties involved, complainant, or witness; these documents shall not be examined or made available to any persons other than the agency in charge of legal investigation or trial, except for otherwise provided by the law.
  12. Except for original documents, the names and information that may lead to the identification of the parties involved, complainant, or witness shall be deleted and replaced with codes in all documents produced by the investigators.

第十九條 （當事人受教權或工作權之保障處置）

為保障校園性侵害、性騷擾或性霸凌事件當事人之受教權或工作權，必要時本校經性平會決議通過後得為下列處置，並報教育部備查：

- 一、彈性處理當事人之出缺勤紀錄或成績考核，並積極協助其課業或職務，得不受請假、教師及學生成績考核相關規定之限

制。

二、尊重被害人之意願，減低當事人雙方互動之機會。

三、避免報復情事。

四、預防、減低行為人再度加害之可能。

五、其他性平會認為必要之處置。

當事人非本校教職員工生時，本校應通知當事人所屬學校依法為適當之處置。

### **Article Nineteen (Protection of the Right to Education and Work)**

In order to protect the right to education and the right to work of the victim of a campus sexual assault, sexual harassment, or sexual bullying incident, TMU shall prescribe the following measures when necessary, being instituted after a resolution is passed by the Committee and reporting to the competent authority for reference:

1. Handle the attendance record or achievement assessment of the parties involved with flexibility; assist their studies or work without limitations stemming from regulations related to requests for leaves of absence and performance appraisals for faculty and students.
2. Respect the wishes of the parties involved, and reduce the chance of interaction between parties concerned.
3. Avoid situations where vengeful behavior may be undertaken.
4. Prevent or reduce the possibility of further assault or harassment by the offender.
5. Other measures deemed necessary by the Committee.

If an involved person is not employed by or enrolled at TMU, the school at which he/she is employed or enrolled shall be notified for handling in accordance with the terms described in the preceding paragraphs.

### **第二十條 (轉介)**

本校應視當事人之身心狀況，主動轉介至各相關機構，以提供必要之協助。但就該事件仍應依性平法為調查處理。

### **Article Twenty (Referral)**

The Committee shall take the initiative to refer the parties involved to various agencies and provide them with the appropriate assistance when necessary, based on his/her

physical and mental condition. However, TMU shall continue to investigate and handle the case according to the Act.

#### 第二十一條（協助）

本校必要時應對於當事人提供下列適當協助，並編列預算支應之：

- 一、心理諮商輔導。
- 二、法律諮詢管道。
- 三、課業協助。
- 四、經濟協助。
- 五、其他性平會認為必要之協助。

當事人非本校教職員工生時，本校應通知當事人所屬學校，依法提供適當之協助。

#### **Article Twenty-one (Assistance)**

TMU shall make budgetary provisions for payment of any fees incurred in providing the victim with the following appropriate assistance when necessary:

1. Psychological counseling.
2. Legal consultation.
3. Schoolwork assistance.
4. Financial assistance.
5. Other assistance or protective measures deemed necessary by the Committee.

If the parties involved are not employed by or enrolled at TMU, the school at which he/she is employed or enrolled shall be notified and provide appropriate assistance.

#### 第二十二條（調查處理不受司法程序影響）

性平會之調查處理，不受該事件司法程序是否進行及處理結果之影響。

前項之調查程序，不因行為人喪失原身分而中止。

#### **Article Twenty-two (Investigation and Handling not affected by the Judicial Proceedings)**

The investigation and handling by the Committee shall not be affected by the judicial

proceedings and conclusions of the case.

The investigation procedure in the preceding paragraph shall not be suspended due to the offender's loss of his/her status at any point of the procedure.

### 第二十三條（調查報告與意見陳述）

基於尊重專業判斷及避免重複詢問原則，本校對於與校園性侵害、性騷擾或性霸凌事件有關之事實認定，應依據性平會之調查報告。

性平會召開會議審議調查報告認定性侵害、性騷擾或性霸凌行為屬實，依其事實認定對本校提出改變身分之處理建議者，由性平會檢附審議通過之調查報告，通知行為人限期提出書面陳述意見。

前項行為人不於期限內提出書面陳述意見者，視為放棄陳述之機會；有書面陳述意見者，性平會應再次召開會議審酌其書面陳述意見，除有性平法第三十二條第三項所定之情形外，不得重新調查。

本校決定議處之權責單位，於審議議處時，除有性平法第三十二條第三項所定之情形外，不得要求性平會重新調查，亦不得自行調查。

### **Article Twenty-three (Investigation Report and Written Statement)**

In accordance with the principles of deferring to expert judgment and avoiding repeated questioning, TMU shall accept the findings contained in its Committee's investigation report in determining the facts relating to an alleged incident of campus sexual assault, sexual harassment, or sexual bullying.

If the Committee convenes a meeting to evaluate an investigation report and finds that sexual assault, sexual harassment, or sexual bullying has in fact occurred and based on the finding the Committee recommends to the school a change in status for the offender, the Committee shall provide to the offender an investigation report approved at the Committee meeting, notifying the offender to submit a written statement by a specified time.

If the offender does not submit the written statement referenced in the previous

paragraph by the specified time, it will be viewed as forfeiting the opportunity to make a statement. If the offender does make a written statement, the Committee shall reconvene a meeting to consider the offender's written statement, but may not reopen an investigation except in the cases stipulated by paragraph 3 of Article 32 of the Act. TMU determine applicable penalties shall not demand a reinvestigation by the Committee, nor undertake an investigation of its own, except in the cases prescribed by paragraph 3 of Article 32 of the Act.

#### 第二十四條（議處）

校園性侵害、性騷擾或性霸凌事件經性平會調查屬實後，本校依性平法及本校相關規定，對行為人予以申誡、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，並應命行為人接受心理輔導之處置，且得命行為人為性平法第二十五條第二項所定之處置（以下簡稱必要處置）。

其他機關依法有議處權限時，應將該事件移送其他權責機關議處；其經證實有誣告之事實者，並應依法對申請人與檢舉人為適當之懲處。

校園性騷擾或性霸凌事件情節輕微者，本校得僅命行為人為必要處置。

本校命行為人為必要處置時應採取必要之措施，以確保行為人之配合遵守。

必要處置由性平會討論決定實施教育部規劃之性別平等教育相關課程之性質、執行方式、執行期間及費用之支應事宜；該課程之性質、執行方式、執行期間及不配合執行之法律效果，應載明於處理結果之書面通知中。

#### **Article Twenty-four (Punishments)**

After the Committee has investigated and determined that a campus sexual assault, sexual harassment, or sexual bullying offense has in fact occurred, TMU shall, in accordance with pertinent laws or regulations, impose on the offender a reprimand, official demerit, dismissal, suspension, non-renewal of appointment, discharge from employment, termination of contractual relationship, or other appropriate punishment.

TMU shall request the offender to receive psychological counselling and other punitive measures according to paragraph 2 of Article 25 of the Act. TMU shall direct the offender to receive psychological counseling and may impose necessary measures (hereinafter “the measures”).

In cases in which it has been confirmed that a false accusation was made by an applicant for investigation or complainant, an appropriate punishment shall be imposed on the applicant or complainant according to the law.

TMU shall take the measures to ensure that the offender cooperates and complies.

The Committee imposing the measures referenced in the previous paragraph shall discuss and determine the character, manner of administration, time of administration, and handling of expenses incurred by the provision of a gender equity education-related course. The character of, means of enforcing attendance at, time of administration of, and legal consequences of failing to attend the course shall be clearly recorded in the written notification of the case conclusions.

#### 第二十五條（不當行為之禁止）

校園性侵害、性騷擾或性霸凌之行為人，不得對被害人、檢舉人及其親屬、關係人或處理本事件有關人員為任何報復、恐嚇、威脅、傷害或任何不法、不當之行為，違反者本校應依刑法或相關法律處理之。

#### **Article Twenty-five (Prohibition Against Improper Conduct)**

The alleged offender of campus sexual assault, sexual harassment or sexual bullying shall not display illegal or inappropriate behaviors of vengeance, threat, intimidation, or harm toward the victim, applicant of investigation or complainant and his/her family relatives or associated persons involved in the handling of this case. Violators will be prosecuted by TMU according to criminal law or related laws.

#### 第二十六條（處理結果之申復）

性平會將處理結果，以書面通知申請人及行為人時，應一併提供調查報告，並告知申復之期限及受理單位。

申請人或行為人對性平會處理之結果不服者，得於收到書面通知

次日起二十日內，以書面具明理由向性平會申復；其以言詞為之者，性平會應作成紀錄，經向申請人或行為人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

性平會接獲申復後，應立即組成審議小組，並於三十日內作成附理由之決定，以書面通知申復人申復結果。申復有理由時，應將申復決定通知相關權責單位，由其重為決定。

前項審議小組之組成，規定如下：

- 一、審議小組成員應包括性別平等教育相關專家學者、法律專業人員三人或五人，女性人數應占成員總數二分之一以上，具校園性侵害、性騷擾或性霸凌調查專業素養人員之專家學者人數應占成員總數三分之一以上。前述具性侵害、性騷擾或性霸凌事件調查專業素養之專家學者，應符合防治準則第二十二條所規定之資格。
- 二、原性平會委員及原調查小組成員不得擔任審議小組成員。
- 三、審議小組召開會議時由小組成員推舉召集人，並主持會議。
- 四、審議會議進行時，得視需要給予申復人陳述意見之機會，並得邀性平會相關委員或調查小組成員列席說明。

#### **Article Twenty-six (Reapplication Procedures)**

In the written notification of the handling conclusions sent to the applicant and the offender, the Committee shall also provide the investigation report, as well as indicate the deadline for reapplication and the school or institution handling the reapplication.

An applicant or offender who objects to the handling conclusion of the Committee may reapply in writing with grounds to the Committee within 20 days from the date following the date of receipt of the written notification. For those who reapply verbally, the Committee shall create a text record and read it to the applicant or the offender, or ask him/her to read it to confirm its accuracy. After the accuracy is confirmed, the documentation shall be signed or sealed by the applicant or the offender.

After receiving a reapplication, the Committee shall form an evaluation team, which shall come to a reasoned judgement, providing a written notification of the decision on the reapplication to the applicant within 30 days. In cases where there is cause for a reapplication, the relevant authorized agencies will be informed of the decision on the



reapplication, and the authorized agencies shall be responsible to remake a decision.

The evaluation team shall handle it in accordance with the procedure below:

1. The evaluation team shall include three or five experts in gender equity education or legal professionals. Moreover, female members must account for at least one-half of the team. Experts or scholars with expertise in investigating sexual assault, sexual harassment, or sexual bullying on campus shall account for at least one-third of the team, and shall be in accordance with regulations specified in Article 22 of the Prevention Regulations.
2. Members of the Committee or the original investigation team may not serve as members of the evaluation team.
3. When the evaluation team conducts a meeting, the members of the team will select a convener who will also chair the meeting.
4. While the meeting is in progress, should the need arise, the person making the reapplication will be given the opportunity to make a statement, and the members of the Committee or investigation team shall be invited to be present to make an explanation.

#### 第二十七條（申復結果之救濟）

申請人或行為人對本校之申復結果不服，得於接獲書面通知書之次日起三十日內，依下列規定提起救濟：

- 一、校長、教師：依「教師法」之規定。
- 二、職員、工友：依「性別工作平等法」之規定。
- 三、學生：依規定向所屬學校提起申訴。

#### **Article Twenty-seven (Relief Procedures)**

Applicants or offenders who are not satisfied with the disposition of the reapplication may petition for relief according to the following regulations within 30 days from the date following the date of receipt of the written notification:

1. Principals and teachers: regulations prescribed by the Teacher's Act shall apply.
2. Staff: regulations prescribed by the Gender Equality in Employment Act shall apply.
3. Students: regulations prescribed by the school shall apply.

## 第二十八條（檔案保存）

本校依性平法第二十七條規定建立之檔案資料，應以密件由性平會保存二十五年；其以電子儲存媒體儲存者，必要時得採電子簽章或加密方式處理之。

依前項規定所建立之檔案資料，分為原始檔案與報告檔案。

前項原始檔案內容包括下列資料：

- 一、事件發生之時間、樣態。
- 二、事件相關當事人（包括檢舉人、被害人、行為人）。
- 三、事件處理人員、流程及紀錄。
- 四、事件處理所製作之文書、訪談過程之錄音檔案、取得之證據及其他相關資料。
- 五、行為人之姓名、職稱或學籍資料、家庭背景等。
- 六、調查小組提交之調查報告初稿及性平會之會議紀錄。

第二項報告檔案為經性平會議決通過之調查報告，其內容應包括下列資料：

- 一、申請調查事件之案由，包括當事人或檢舉之敘述。
- 二、調查訪談過程紀錄，包括日期及對象。
- 三、被申請調查人、申請調查人、證人與相關人士之陳述及答辯。
- 四、相關物證之查驗。
- 五、事實認定及理由。
- 六、處理建議。

### **Article Twenty-eight (Preserving Archives and Records)**

TMU shall designate the Committee to preserve for a period of 25 years the case data that it has compiled in accordance with paragraph 1 of Article 27 of the Act. If the data is preserved using electronic storage media, an electronic signature or encryption shall be utilized in handling the data when required.

The compiled data referenced in the preceding paragraph shall be categorized as either original documents or report documents.

The original documents referenced in the preceding paragraph shall contain the

following information:

1. The occurrence time and type of the case.
2. Pertinent parties of the case (including the complainant, the victim, and the offender).
3. Person(s) in charge of handling the case, handling process and case records.
4. Text documents, audio files of recorded interviews, collected evidence and other pertinent information obtained during the handling of the case.
5. The name, job title or student school records, and family background of the offender.
6. The initial draft of the investigation report submitted by the investigation team and minutes of the Committee meeting.

The report documents referenced in paragraph 2 comprise the investigation report as approved by the Committee; its contents shall include the following items:

1. The main points of the application for investigation of the incident, including accounts provided by the involved persons or in complaints.
2. Record of interviews conducted during the investigation, including dates and subjects.
3. The statements and replies of the person for whose investigation an application was made, of the person applying for the investigation, of witnesses, and of other pertinent persons.
4. Assessment of pertinent material evidence.
5. Determinations of fact and reasoning thereof.
6. Recommendations for handling.

第二十九條（不得聘任、任用、進用或運用之行為人）

本校於取得性平法第二十七條之一第三項所定事件相關事證資訊，經通知當事人陳述意見後，應提交性平會查證審議。

**Article Twenty-nine (Offenders that May NOT be Appointed, Employed, Hired, or Contracted)**

Material evidence related to an incident as defined in paragraph 3 of Article 27-1 of the Act that TMU obtains shall be submitted to the Committee for verification and evaluation

after the involved parties are notified to provide a statement of opinion.

**第三十條** (不得聘任、任用、進用或運用之通報)

本校依性平法第二十七條規定通報時，其通報內容應限於行為人經查證屬實之校園性侵害、性騷擾或性霸凌事件時間、樣態、行為人姓名及職稱或學籍資料。

本校視實際需要，得將輔導、防治教育或相關處置措施及其他必要之資訊，提供予次一就讀或服務之學校。

本校就行為人追蹤輔導後，評估無再犯情事者，得於第一項通報內容註記行為人之改過現況。

**Article Thirty (Notifications of Offenders that May NOT be Appointed, Employed, Hired, or Contracted)**

TMU reports a confirmed incident of campus sexual assault, sexual harassment, or sexual bullying in accordance with Article 27 of the Act, the report shall be limited to the time of occurrence, the incident type, the offender's name, and the offender's job title or school where he/she is enrolled.

Depending on actual needs, TMU shall provide information on counseling, preventive education or pertinent responsive measures, and other required information to the next school where the offender is enrolled or employed.

After providing follow-up counseling, if TMU makes the assessment that there is little likelihood of a repeat offense, the offender's penitence may be indicated in the report referenced in paragraph 1.

**第三十一條** (處理結果之報部)

本校於校園性侵害、性騷擾或性霸凌事件調查處理完成，調查報告經性平會議決後，應將處理情形、處理程序之檢核情形、調查報告及性平會之會議紀錄報教育部。申請人及行為人提出申復之事件，並應於申復審議完成後，將申復審議結果報教育部。

**Article Thirty-one (Reporting Handling Results to the Ministry)**

After TMU has completed the investigation and other handling of an incident of campus sexual assault, sexual harassment, or sexual bullying, and its investigation report has

been approved by its Committee, the manner of the handling, validation of the procedures followed, the investigation report, and minutes of the Committee's meeting shall be provided to the Ministry of Education. In cases where a reapplication is made by an applicant for investigation or by an offender, once a decision on the reapplication has been made, the result should be reported to the Ministry of Education.

**第三十二條 (未盡事宜)**

本規定未盡事宜，應依本校相關規定及政府相關法令辦理。

**Article Thirty-two (Matters not Covered Above)**

Any matters not specified in these Regulations shall be handled in accordance with related regulations.

**第三十三條 (核決權限)**

本規定經校務會議通過後公告施行；修正時亦同。

**Article Thirty-three (Approved Authority Level)**

These Regulations take effect after being approved by a university council meeting; the same applies when amended.

(These regulations were translated from the original Chinese. In the event of any discrepancies between the two versions, the Chinese always takes precedence.)