

臺北醫學大學性別工作平等暨性騷擾防治辦法

Taipei Medical University Gender Equity in Employment and Sexual Harassment Prevention Regulations

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第一條（目的）

本校為保障性別工作權之平等，提供免於性騷擾之友善職場及服務環境，並採取適當之預防、糾正、懲戒及處理措施，以維護當事人權益及隱私，特依「性別工作平等法」第十三條第一項、「性騷擾防治法」第七條第二項及「工作場所性騷擾防治措施申訴及懲戒辦法訂定準則」，訂定「臺北醫學大學性別工作平等暨性騷擾防治辦法」（以下簡稱本辦法）。

Article One (Purposes)

Taipei Medical University (hereinafter referred to as “the University”) set the Regulations for the Gender Equity in Employment and Sexual Harassment Prevention (hereinafter referred to as “the Regulations”) according to Article 13-1 of the *Gender Equity in Employment Act*, Article 7-2 of the *Sexual Harassment Prevention Act* and *Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Workplace Sexual Harassment* to maintain the rights of faculty and staff members at work and provide a workplace free of sexual harassment. The University will also take proper measures to prevent, correct, punish sexual harassment incident and protect the right and privacy of involved person.

第二條（適用範圍）

本校之性騷擾防治、申訴及懲戒之處理，除其他法令另有規定外，依本辦法辦理。

Article Two (Applicability)

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

第三條 (適用對象)

本校教職員工生、求職者或校外人士遭遇適用「性別工作平等法」或「性騷擾防治法」之性騷擾事件者，適用本辦法。但應適用「性別平等教育法」處理者，不適用本辦法。

Article Three (Applicable Object)

The Regulations are applicable to faculty and staff members (including contractors), job applicant and off-campus people, who encounter sexual harassment incidents under *Gender Equity in Employment Act* or *Sexual Harassment Prevention Act*, but do not include cases where the *Gender Equity Education Act* should be applied.

第四條 (用詞定義)

本辦法所稱之性騷擾，指當事人有下列情形之一者：

一、適用「性別工作平等法」：

(一)指本校教職員工(含受僱者、派遣勞工、技術生及實習生，以下同)於執行職務時，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)雇主、代表雇主行使管理權之人或代表雇主處理有關受僱者事務之人對本校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，作為聘僱契約成立、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。

二、適用「性騷擾防治法」：除性侵害犯罪以外（性侵害犯罪部分，除申訴程序外，準用本辦法相關規定），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)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。

(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、計劃、活動或正常生活之進行。

Article Four (Definitions)

Sexual harassments referred in the Regulations include following circumstances:

- I. A person commits one of the violations as defined by *Gender Equality in Employment Act*.
 - i. 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 faculty or staff member.
 - ii. 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.
- II. Besides sexual assault crimes forcing other party having sex or sexual acts, a person commits one of the following violations as defined by *Sexual Harassment Prevention Act*.
 - i. Using another person's obedience or refusal to one's demand as a condition for such person to gain or lose the rights to job, training, service, planning, and activity respectively.
 - ii. Exhibiting or publishing write-ups, pictures, sounds, voices, photos, videos, other articles, insulting words or acts, or other means in order to damage other's dignity, cause fear, threaten, present offending environment, negatively affect other's job performance or hinder others to conduct normal life.

第五條 (防治措施)

本校為防治性騷擾行為之發生，由本校性別平等教育委員會(以下簡稱性平會)辦理下列性騷擾防治措施及推動工作：

- 一、消除校內源自於性或性別的敵意因素，以保護本校教職員工生、求職者或校外人士不受性騷擾之威脅。如有性騷擾或疑似情事發生

- 時，應即檢討、改善防治措施。
- 二、定期辦理性騷擾防治之教育訓練，規劃性別平權及性騷擾防治課程，相關資訊及訓練計畫於本校網站公告。
 - 三、頒布禁止工作場所性騷擾之書面聲明。
 - 四、設置專線電話、傳真、電子信箱等接受申訴，並將申訴管道及本辦法公開揭示於本校性平會網站。
 - 五、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。
 - 六、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。
 - 七、本校教職員工於非本校所能支配、管理之工作場所工作者，性平會應為工作環境性騷擾風險類型辨識、提供必要防護措施，並事前詳為告知本校教職員工。

性平會於知悉有性騷擾之情形時，不論是否提出申訴，均將採取立即且有效之糾正及補救措施，並注意下列事項：

- 一、保護被害人之權益及隱私。
- 二、對所屬場域空間安全之維護或改善。
- 三、其他防治及改善措施。

Article Five (Prevention Measures)

To avoid incidents of workplace sexual harassment, Gender Equality Education Committee (hereafter "the Committee") shall do so through implementing or promoting the following measures:

- I. Preventing sexual harassment happening at workplace, protecting its faculty and staff members and students, job applicants and off-campus people from threaten of sexual harassment, establishing a friendly work environment, and elevating directors and employees' sense of gender equality. If sexual harassment or suspected incident happens, the Committee shall examine and improve its prevention measures.
- II. Implementing trainings about sexual harassment prevention, organizing gender equality and sexual harassment prevention course during trainings or workshops, and reinforcing the announcement on the website.
- III. Announcing and publicly presenting a written policy for the prohibition of sexual harassment in the workplace.

- IV. Setting up direct phone line, direct fax line, special mailbox or e-mail address to receive the complaints and posting such communication information/channel(s) on the Committee's website.
- V. The investigation of sexual harassment complaint case is kept behind closed doors, under confidentiality, in order to avoid situations where vengeful behavior may be undertaken.
- VI. Should the party or victim need psychological counseling or medical treatment, the person shall be brought to the responsible department at the University or special task team for appropriate counseling or treatment according to the case.
- VII. Identifying the risks of sexual harassment of the work environment and providing necessary prevention measures for faculty and staff members working at workplaces could not be directed and managed by the supervisors; supervisors shall thoroughly inform faculty and staff members of such information beforehand.

Upon becoming aware of incidents of workplace sexual harassment, the Committee shall take immediate and effective corrective and remedial measures with close attention paid to the following notes:

- I. Protection of the rights and privacy of victims.
- II. Maintenance of or improvements to workplace safety.
- III. Other prevention and improvement measures.

第六條（性平會及調查小組）

本校由性平會負責審議及調查適用「性別工作平等法」之申訴案件；適用「性騷擾防治法」之申訴案件，本校亦得委託性平會審議及調查。但處理教職員工申訴案件時，學生代表、家長代表不參與。

性平會應有全體委員二分之一（含）以上出席，始得開會；決議事項應經出席委員二分之一（含）以上之同意，始得決議。

性平會為處理案件得成立調查小組，調查小組成員為三人或五人，其成員應具備性別平等意識，女性人數比例應佔成員總數二分之一（含）以上，必要時部分小組成員得外聘，其成員中具性侵害或性騷擾事件調查專業素養之專家學者之人數比例應佔成員總數三分之一（含）以上。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。

針對適用「性別平等工作法」之派遣勞工如於執行勤務時遭受性騷擾事件，本校將受理申訴並與派遣事業單位共同調查，且將結果通知派遣事業單位及當事人。

Article Six (Gender Equality Committee and Investigation Team)

The Committee established is responsible for the management of the investigation and deliberation of sexual harassment complaint hearing cases. When the sexual harassment complaint hearing is against a faculty or staff member, representatives of students and parents do not participate in the investigation and deliberation of such hearing case.

The meetings can only commence upon the attendance by at least one-half of the Committee members in person. Resolutions on matters may be passed with the consent of over one-half of the attending members.

When the Committee handles a sexual harassment 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 equality 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.

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.

If any assigned worker in the course of executing duties is subject to any sexual harassment, the Committee will process the complaint and conduct an investigation together with the business entity that assigned the worker. The results of the investigation shall be provided to the assigning entity and the worker.

第七條（提出申訴）

性騷擾申訴得以言詞、書面或電子郵件提出；其以言詞或電子郵件為之者，本校秘書處應作成紀錄，經向申訴人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

前項書面及言詞或電子郵件作成之紀錄，應載明下列事項：

- 一、申訴人姓名、性別、年齡、出生年月日、身分證明文件字號、服務、工作或就學之單位及職稱、住所或居所、聯絡電話。

二、有法定代理人或委任代理人者，應載明其姓名、性別、年齡、出生年月日、身分證明文件字號、職業、住所或居所、聯絡電話。委任代理人者，並應檢附委任書。

三、申訴之事實內容及可取得之相關事證或人證。

四、申訴日期。

性平會應於申訴提出或移送申訴案件到達之日起七日內展開調查。

申訴書或言詞作成之紀錄不合第二項規定，而其情形可補正者，應通知申訴人於十四日內補正。逾期不補正者，申訴不予受理。

本校依「性別工作平等法」應履行之工作場所性騷擾預防、糾正及補救義務，不因申訴不受理而受影響。

本校非行為人所屬單位時，接獲本辦法第四條第二款之性騷擾申訴書，性平會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臺北市政府社會局。

適用「性別工作平等法」之案件，雇主、代表雇主行使管理權之人或代表雇主處理有關受僱者事務之人為性騷擾行為人時，本校教職員工或求職者除依本辦法提出申訴外，亦得向臺北市政府勞動局提出申訴。

Article Seven (Complaint)

The complaint of sexual harassment may be filed for an investigation verbally, in writing, or by email. If the complaint is made verbally or by email, the Secretariat shall make a text record of the application and read it to the plaintiff or ask him/her to read it to confirm its accuracy. The text record shall then be signed or sealed by the claimant 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:

- I. The claimant's name, gender, age, date of birth, 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.
- II. If the claimant authorizes a representative as his/her investigation applicant, an authorization letter shall be submitted containing the representative's name, gender, age, date of birth, national ID card number, residence and domicile, and telephone number.

III. Factual materials presented in an application for an investigation or a claimant's report, e.g., relevant evidence, shall be documented in writing or included as attachments.

IV. Date of Complaint

After accepting a sexual harassment complaint filing, the Committee shall start the investigation within 7 days from the receipt of the complaint. Should the written complaint or the written record of the verbal complaint not be in compliance with the above requirement and the information be rectifiable, the claimant must be notified in order to make rectification within 14 days. Any modified and supplemented documents submitted later than this will not be accepted.

The legal obligations stipulated by the *Act of Gender Equality in Employment* shall not be affected by non-acceptance of applications.

Even if the perpetrator is not a faculty member, the Committee should still provide protection in accordance with these Measures; When receiving a complaint about a case of *Sexual Harassment Prevention Act*, it should be dealt with immediately, and the complaint and information should be transferred to Department of Social Welfare, Taipei City Government within 7 days.

If the perpetrator is an employer or supervisory employees who represent the employer in exercising the managerial authority, faculty member may file a complaint to the Committee and Department of Labor, Taipei City Government.

第八條（申訴不受理）

性騷擾之申訴有下列情形之一者，應不予受理：

- 一、申訴書或言詞作成之紀錄，未於前條第四項所定期限內補正。
- 二、同一性騷擾事件已依「性別工作平等法」或「性騷擾防治法」處理完畢，並將調查結果函復當事人。

前項第一款不予受理之性騷擾事件，應於申訴或移送到達二十日內以書面通知當事人，適用「性騷擾防治法」之案件並應副知臺北市政府社會局。

Article Eight (Unaccepted Cases)

In the event that one of following items occurs, the sexual harassment complaint filing is not accepted:

- I. The written complaint statement is not modified and supplemented within the time

period specified in Paragraph 4, Article 7.

II. Investigation of the incident has been completed, and the investigation outcome has been reported back to the claimant in an official document.

A claimant shall be informed of his or her sexual harassment complaint being rejected by the Committee within 20 days of receipt of the complaint.

If it is a case of the *Sexual Harassment Prevention Act*, Department of Social Welfare, Taipei City Government shall be notified.

第九條（撤回申訴）

性平會作成決議前，得由申訴人或其代理人以書面撤回其申訴；申訴經撤回者，不得就同一事由再為申訴。

前項情形於「性騷擾防治法」事件之申訴，除經主管機關調解成立且撤回申訴者外，不在此限。

Article Nine (Withdrawal of Complaint)

A claimant who wishes to withdraw his or her sexual harassment complaint during the investigation process shall submit a written application of withdrawal to the Committee.

The complaint will be closed upon receipt of the application, and the complaint shall not be filed again.

If the provisions of the preceding paragraph fall within the scope of the *Sexual Harassment Prevention Act*, it only applies to cases where the complaint is withdrawn after mediation by the competent authority.

第十條（保密義務）

參與性騷擾事件之處理、調查及決議人員，對於知悉之申訴事件內容應予保密。違反者，主任委員應終止其參與，本校並得視其情節依相關規定予以懲處及追究相關責任。

Article Ten (Confidentiality)

The names and other information that may lead to the identification of the parties involved, the claimant, or witness of an incident of sexual harassment shall be kept confidential. In response to violations of this direction, chairperson of the Committee shall inflict penalties on and establish liabilities for in accordance with relevant regulations.

第十一條 (迴避)

性騷擾事件之處理，有下列情形之一者，處理、調查與決議人員應自行迴避：

- 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。
- 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。
- 三、現為或曾為該事件當事人之代理人、輔佐人。
- 四、於該事件，曾為證人、鑑定人。

性騷擾事件申訴之處理、調查與決議人員有下列情形之一者，當事人得申請迴避：

- 一、有前項所定之情形而不自行迴避。
- 二、有具體事實，足認其執行調查有偏頗之虞。

前項申請，應舉其原因及事實，向性平會為之，並應為適當之釋明；被申請迴避之調查人員，對於該申請得提出意見書。

被申請迴避之調查人員在性平會就該申請事件為準駁前，應停止調查工作。但有急迫情形，仍應為必要處置。

處理、調查與決議人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，應由性平會命其迴避。

Article Eleven (Disqualification)

A reviewer or committee member involved in the investigation of sexual harassment complaint shall disqualify himself or herself if one of following circumstances occurs.

- I. The reviewer or committee member himself or herself, his/her spouse, ex-spouse, a relative, a cousin, a second cousin, a relative through marriages is a party of the complaint case.
- II. The reviewer or committee member himself or herself, his/her spouse, or ex-spouse has mutual rights or mutual obligations with a party of the complaint case.
- III. The reviewer or committee member himself or herself has been a legal representative, an appointed agent or an assistant of a party of the complaint case.
- IV. The reviewer or committee member himself or herself has been a witness or examiner of the same complaint case.

Should a reviewer or committee member involved in the investigation of a sexual

harassment complaint case meet one of following conditions, the party/ parties may write to the Committee the reason(s) why such member should be disqualified from the case.

- I. The reviewer or committee member himself or herself belongs to one of above categories and does not disqualify himself or herself.
- II. Having concrete evidence to indicate that such reviewer or committee member may be bias during investigation or deliberation.

A reviewer or committee member, who has been requested to be disqualified, may object such request in writing. The Committee must stop the participation in investigation and review prior to approving the reviewer's objection. Necessary measures shall still be taken under emergent circumstances.

An investigator or reviewer committee member who belongs to the first category above and does not disqualify himself or herself shall be ordered to withdraw from the complaint case.

第十二條（調查處理）

本校調查處理性騷擾事件時，應依照下列原則為之：

- 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，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，得通知當事人及關係人到場說明，並得邀請相關學者專家協助。
- 五、性騷擾事件之處理，應避免當事人或證人對質。
- 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分之資料，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。

九、對於在性騷擾事件申訴、調查、偵察或審理程序中，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。

本校不得因教職員工生提出申訴或協助他人申訴，而予以解僱、調職或其他不利處分。

Article Twelve (Investigation and Handling)

When the University investigate a sexual harassment incidence, it must follow the rules described below:

- I. The investigation of sexual harassment complaint case is kept behind closed doors, under confidentiality, in order to protect both parties' private information and their personal legal interests/rights.
- II. The investigations of sexual harassment complaints shall be objective, impartial and professional in principle; and provide both parties sufficient opportunities to describe their own arguments and answer questions.
- III. Should the victim's description be clear and in details and there be no reason for more details, the Gender Equality Committee must avoid repeating questions.
- IV. For the investigation of sexual harassment complaint, the Committee shall request the parties and relevant individuals to explain on the location. In addition, the Committee shall provide experts with extensive experience to assist in the investigation.
- V. When the parties or the witness involved in the sexual harassment incidence are of the relationship of supervisor and subordinate, the Committee must prevent them from facing each other during investigation.
- VI. Due to necessity for the investigation, the investigator(s) may, under strict confidentiality agreement, write down information and present it to the party/parties either verbally or visually.
- VII. All personnel involved in the investigation and management of the sexual harassment complaints shall keep the names and other identification information of both parties confidential with the exceptions of the legal disclosures for public safety and investigation purposes.
- VIII. 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.

IX. When proceeding with appeal, investigation or examination of sexual harassment incidents, the University should propose lawsuit, act as witness and provide help for appeals and legal complaints and accusations and also need to have a fair mind without discrimination.

The University may not terminate, transfer or take any adverse action against a faculty member who personally files a complaint pursuant to this law or assists other file a complaint.

第十三條（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進行之影響。

Article Thirteen (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.

第十四條（處理時程及後續救濟途徑）

申訴案件應自性平會收受之日起二個月內結案；必要時，得延長一個月，並通知當事人。

調查結果應作成附理由之決議，並得作成懲戒或其他處理之建議。該調查決議應以書面通知當事人（若為本辦法第四條第二款之性騷擾事件，調查決議應併送臺北市政府社會局），並註明對申訴案件之決議有異議者，依下列法令得提出之救濟途徑：

一、「性別工作平等法」之申復機制：當事人對申訴案件之決議有異議者，得於收到書面通知次日起二十日內，附具書面理由向性平會提出申復。但申復之事由發生或知悉在後者，自知悉時起算。申復案件由性平會另召開會議決議處理之。

二、「性騷擾防治法」之再申訴機制：於收受調查決議之次日起三十日內向臺北市政府社會局提出再申訴。

前項第一款申訴案件經結案後，不得就同一事由再提出申訴。

性騷擾行為經調查屬實者，本校得視情節輕重，對行為人依相關規定為調職、降職、減薪、懲戒或其他處理。如涉及刑事犯罪時，性平會

應協助申訴人提出告訴或告發。性騷擾行為經證實為誣告者，本校得視情節輕重，對申訴人依相關規定為懲戒或處理。

Article Fourteen (Relief Procedures)

The committee shall end the investigation and reach a conclusion within 2 months of receiving the complaint; if necessary, it may extend for 1 month.

The conclusion shall be made with reasons and advice of punishment or other measures and be notified in writing to the claimant and the correspondent. (If it is a case of the *Sexual Harassment Prevention Act*, Department of Social Welfare, Taipei City Government shall be also notified.) If either party is not satisfied with the conclusion, he/she may petition for relief according to the following regulations:

- I. Following complaint cases that are appropriately governed by *Gender Equality Employment Act*. When the claimant or the accused disagrees with the decision, he or she shall submit an application for reconsideration within 20 days from the next day following the receipt of the written decision. The application for reconsideration, which must be in writing and explaining the reasons, and a copy of the written decision letter of the complaint case must be submitted to the Committee, and the Committee shall convene a meeting to deal with it. The cause of the application for reconsideration de novo happened or was known until after the written decision has become irrevocable and conclusive, the period calculates from the time when the cause of review de novo was known.
- II. For complaint cases that are applicable under *Gender Equality in Employment Act*: the claimant may again file a complaint to Department of Social Welfare, Taipei City Government within 30 days from the date following the date of receipt of the written notification.

Once the case aforesaid is closed, neither party may file a complaint for the same incident. After a conduct of sexual harassment is investigated and proved to be taken place, the University shall make an appropriate punishment or render other corrective measures to the respondent of the complaint in accordance with the seriousness of the incident. If the fact of false reporting is proved, the University shall make an appropriate punishment or render other corrective measures to the claimant.

第十五條（追蹤、考核及監督）

性平會對性騷擾案件之決議及處理，應採取後續追蹤、考核及監督，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 Fifteen (Monitoring, Evaluation and Supervision)

The Committee shall adopt follow-up monitoring, evaluation and supervision measures to ensure the effectiveness of the implementation of punishment and other related corrective measures in order to avoid the recurrence of the same incident or the occurrence of retaliatory activities.

第十六條（未盡事宜）

本辦法未盡事宜，應依本校相關規定及政府相關法令辦理。

Article Sixteen (Matters not Covered Above)

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

第十七條（核決權限）

本辦法經校務會議通過後公告施行；修正時亦同。

Article Seventeen (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.)