

國立中興大學校園性侵害、性騷擾或性霸凌防治實施辦法

NATIONAL CHUNG HSING UNIVERSITY

Regulations for the Prevention of Sexual Assault, Harassment, and Bullying on Campus

94. 9. 21 第 314 次行政會議訂定

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100. 6. 22 第 363 次行政會議修正通過

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101. 9. 12 第 372 次行政會議修正通過

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March 18, 2020— Amended and approved by the 431st Administrative Meeting

第一條 國立中興大學(以下簡稱本校)為落實性別實質平等之教育理念，建立校園性侵害、性騷擾或性霸凌之預防措施與處理機制，特依據性別平等教育法(以下簡稱性平法)第二十條第一項暨校園性侵害、性騷擾或性霸凌防治準則(以下簡稱防治準則)第三十五條訂定本辦法。

Article 1 National Chung Hsing University (NCHU or “the University”) has formulated the following regulations in accordance with Article 20, Paragraph 1 of the Gender Equity Education Act (“the Act”) and Article 35 of the *Regulations on the Prevention and Handling of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus* (“the Regulations”) to promote gender-equal education and to establish a system for the prevention and handling of sexual assault, sexual harassment, and sexual bullying on campus.

第二條 本辦法所稱之性侵害，指性侵害犯罪防治法所稱性侵害犯罪之行為。
本辦法所稱之性騷擾，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。
本辦法所稱性霸凌，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。

Article 2 The term “sexual assault” shall mean the criminal act of sexual assault as defined in the *Sexual Assault Crime Prevention Act*. The term “sexual harassment” shall mean any of the following acts which does not constitute sexual assault:
1. Engaging in unwelcome behavior or speech that is sexually suggestive or discriminatory, whether explicitly or implicitly, and that affects others’ dignity, educational experience, job opportunities, or performance
2. Using sex or sex-related behavior as a condition for one’s own advantage or for others’ gain or loss of educational or work rights.
The term “sexual bullying” shall mean speech or physical violence that is targeted at others’ gender traits, sexual orientation, or gender identification in a belittling, critical, or threatening manner that does not constitute sexual harassment.

第三條

本校為積極推動校園性侵害、性騷擾及性霸凌防治教育，以提升教職員工生尊重他人與自己性或身體自主之知能，並採取下列措施：

- 一、針對教職員工生，每年定期舉辦校園性侵害、性騷擾及性霸凌防治之教育宣導活動，並評鑑其實施成效。
- 二、針對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之人員，每年定期辦理相關之在職進修活動。
- 三、鼓勵前款人員參加校內外校園性侵害、性騷擾及性霸凌事件處置研習活動，並予以公差登記及經費補助。
- 四、利用多元管道，公告周知本辦法所規範之事項，並納入教職員工聘約及學生手冊。
- 五、鼓勵校園性侵害、性騷擾及性霸凌事件被害人或檢舉人儘早申請調查或檢舉，以利蒐證及調查處理。

Article 3

The University shall take the following measures to combat sexual assault, harassment, and bullying on campus and to promote awareness of sexual and physical autonomy among faculty, staff, and students:

1. Organization of annual campus sexual assault, harassment, bullying prevention campaigns for faculty, staff, and students; evaluation of the effectiveness of the campaigns
2. Organization of annual on-the-job training for personnel of the Gender Equality Education Committee (“the Committee”) and other units that handle on-campus sexual assault, harassment, and bullying incidents
3. Encouraging personnel described in the preceding subparagraph to participate in on-and off-campus workshops on sexual assault, harassment, and bullying; processing official leave and subsidies for participation in such workshops
4. Publication of the provisions herein through multiple channels, including in faculty contracts and the Student Handbook
5. Encouraging victims and witnesses to report acts of sexual assault, harassment, bullying as early as possible for timely investigation and collection of evidence.

第四條

本校教職員工生應尊重他人與自己之性或身體之自主，避免不受歡迎之追求行為，並不得以強制或暴力手段處理與性或性別有關之衝突。

Article 4

Faculty, staff, and students of the University shall respect others' sexual and physical autonomy, refrain from unwelcome sexual advances, and address any conflicts related to sex or gender through non-coercive, non-violent means.

第五條

為防治校園性侵害、性騷擾及性霸凌，本校應採取下列措施改善校園危險空間：

- 一、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規劃與使用情形及檢視校園整體安全。
- 二、記錄校園內曾經發生性侵害、性騷擾及性霸凌事件之空間，並依實際需要繪製校園危險地圖。

前項第一款檢討校園空間與設施之規劃，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。

Article 5 The University shall take the following measures to improve campus safety in order to combat sexual assault, harassment, and bullying on campus:

1. Review of overall campus safety and periodic review of venue/facility planning and usage with consideration of safety factors such as spatial configuration, management, security, signage, emergency facilities, evacuation routes, lighting, and transparency
2. Maintenance of a record of locations where previous incidents of sexual assault, harassment, or bullying took place; publication of a map indicating high risk areas on campus

The review of venue/facility planning and usage, as described in Subparagraph 1 of the preceding paragraph, shall be informed by students' varying physical and mental capacities and the differences in their linguistic and cultural backgrounds to produce the appropriate safety plans and instructions. The scope of the review shall extend to all dormitories, sanitation facilities, and school buses on campus.

第六條 本校應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。
前項檢視說明會，學校得採電子化會議方式召開，並應將檢視成果及相關紀錄公告之。
學校檢視校園危險空間改善進度，應列為性平會每學期工作報告事項。

Article 6 The University shall hold regular campus safety review meetings to seek the opinions of professionals in spatial design, faculty members, students, and other campus users.

The review meetings described in the preceding paragraph may be convened online.

Results and minutes of the meetings shall be made available to the public.

The progress of improvements made to high-risk areas on campus shall be reported to the Committee on a semesterly basis.

第七條 本校教職員工生於進行校內外教學活動、執行職務及人際互動時，應尊重性別多元及個別差異。

Article 7 Faculty, staff, and students of the University shall respect gender diversity and individual differences when taking part in activities, performing duties, or interacting with others both on and off campus.

第八條 本辦法所稱校園性侵害、性騷擾或性霸凌事件，係指性侵害、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，他方為學生之情形。

前項名詞定義如下：

一、教師：指專任教師、兼任教師、代理教師、代課教師、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。

二、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。

三、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 8 “On-campus sexual assault, harassment, and bullying incidents” shall mean incidents of sexual assault, harassment, and bullying where the victim is a student of the University while the alleged perpetrator is the President or a faculty member, staff member, worker, or student of the University.

Definitions of the terms listed in the preceding paragraph are as follows:

1. Faculty members: Full-time faculty members, adjunct faculty members, acting lecturers, substitute lecturers, military instructors, volunteer teaching assistants, teachers-in-training who actually teach at the University, and other teaching and research personnel at the University
2. Staff members and workers: Employees of the university not described in the preceding paragraph who regularly/periodically perform school duties, and volunteer administrative assistants.
3. Students: Students with formal student status; students without formal student status while transitioning between institutions; continuing education students; exchange students; students who are teachers-in-training; and visiting students.

第九條

本校應蒐集校園性侵害、性騷擾或性霸凌防治及救濟等資訊，以編製手冊或設置網站之方式公告周知，並於處理校園性侵害或性騷擾事件時，主動提供予相關人員。

前項資訊應包括防治準則第三條第二項所列事項。

本校應視當事人之身心狀況，於必要時主動轉介至各相關機構，並應對於當事人提供防治準則第二十七條第一項所列協助，其所需費用，由本校性平會編列預算支應之。

本校應提供足夠措施保護行為人、申請人、檢舉人、受邀協助調查之人及調查相關人員，並表明嚴懲報復、恐嚇、誣告及其他不當行為。

Article 9

The University shall compile information on sexual assault, harassment, and bullying on campus into booklets and/or a website that can be made available to those involved in an on-campus sexual assault or harassment incident.

The booklets or website described in the preceding paragraph shall include the provisions listed under Article 3, Paragraph 2 of the *Regulations*.

The University shall refer victims to the competent agencies based on their physical and mental condition and shall provide all necessary assistance stipulated under Article 27, Paragraph 1 of the *Regulations*. The associated costs shall be provided for in the Committee's budget.

The University shall provide adequate safeguards for victims, informants, whistleblowers, investigators, and individuals offering assistance during investigations, and shall expressly delineate severe consequences for any retaliation, intimidation, false accusations, or other misconduct.

第十條

本校校長、教師、職員或工友知悉本校發生疑似校園性侵害、性騷擾或性霸凌事件者，依性別平等教育法第二十一條第一項規定，應立即以書面或其他通訊方式向本校學務處通報，並由學務處依相關法律規定向直轄市、縣（市）社政及教育主管機關通報，至遲不得超過二十四小時。

Article 10

Pursuant to Article 21, Paragraph 1 of the Act, the President or a faculty member, staff member, or worker of the University who becomes aware of an alleged on-campus sexual assault, harassment, or bullying incident shall immediately notify

the Office of Student Affairs either in writing or via other communication channels. The Office of Student Affairs shall then notify the competent social services and educational authorities of the local administrative region within 24 hours, as required by the applicable regulations.

第十一條 本校教師或職員於執行教學、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。教師或職員發現其與學生之關係有違反前項專業倫理之虞，應主動迴避或陳報學校處理。
本校教師或職員如違反前二項規定者，本校應採取適當之處置。

Article 11 Faculty/staff members may not develop sexual or sex-related interpersonal relationships with students in violation of professional ethics during teaching, instruction, training, evaluation, management, or consultation, or when providing students with job opportunities.
Faculty/staff members who become aware that their relationship with a student may violate professional ethics, as described in the preceding paragraph, shall either remove themselves from the situation or ask the University to step in.
The University shall take the appropriate measures to address violations of the preceding two paragraphs by faculty/staff members.

第十二條 校園性侵害、性騷擾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，得以書面向行為人於行為發生時所屬之學校（以下簡稱事件管轄學校）申請調查或檢舉。但行為人於行為時或現職為學校首長者，應向現職學校所屬主管機關（以下簡稱事件管轄機關）申請調查或檢舉。前項事件管轄學校，於行為人在兼任學校所為者，為該兼任學校。
本校相關人員應主動告知前項申請人或檢舉人，得依性平法申請調查或檢舉。

Article 12 Any victim of on-campus sexual assault, harassment, or bullying or their legal representative (“applicant”), or a third-party whistleblower, may file a report or claim requesting an investigation in writing with the institution (“competent institution”) with which the alleged perpetrator is affiliated at the time of the incident. In the event that the alleged perpetrator is currently, or was at the time of the incident, head of the competent institution, the report or claim shall be filed with the supervisory agency (“competent authority”) of the alleged perpetrator’s current institution.

In the event that the incident takes place at an institution where the alleged perpetrator only works in an adjunct capacity, said institution shall remain as the competent institution.

Personnel involved in the investigation shall actively disclose information to the applicant or whistleblower and shall investigate or process the report/claim in accordance with the *Act*.

第十三條 本校以學生事務處為校園性侵害、性騷擾或性霸凌事件收件單位，除指派專人處理相關行政事宜外，本校相關單位並應積極配合協助。
為便利校園性侵害、性騷擾或性霸凌事件之申請調查與檢舉，學生事務處應設置專門受理申請調查或檢舉案之信箱，並為申請人或檢舉人做適當之保密措施。
學生事務處收件後，得依性平法第二十九條第二項規定進行初審，並將初

審意見送交性平會決定是否受理。性平會得指定或輪派委員組成三人以上之小組決定之。

Article 13 Reports and claims of on-campus sexual assault, harassment, and bullying shall be directed to the Office of Student Affairs, which shall assign dedicated personnel to handle the relevant administrative matters. Other units of the University shall provide active support as necessary.

To facilitate the reporting and investigation of on-campus sexual assault, harassment, and bullying, the Office of Student Affairs shall set up a dedicated mailbox to accept reports and claims, and shall implement the necessary confidentiality measures to protect the identity of applicants and whistleblowers. Upon receiving a report or claim, the Office of Student Affairs shall conduct a preliminary review in accordance with Article 29, Paragraph 2 of the *Act* to determine whether to accept the report or claim. The decision shall be made by three or more members from or appointed by the Committee.

第十四條 事件管轄學校或機關與行為人現所屬學校不同者，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。
前項事件管轄學校或機關完成調查後，其成立性侵害、性騷擾或性霸凌事件者，應將調查報告及處理建議移送行為人現所屬學校依防治準則第三十條規定辦理。

Article 14 In the event that the competent institution or authority is not the same as the alleged perpetrator's current institution, a written notice shall be delivered to the latter, which shall appoint a representative to cooperate in the investigation without objection.

Upon completion of the preliminary review and the opening of a sexual assault, harassment, or bullying case, the competent institution or authority shall forward the investigative report and recommended actions to the alleged perpetrator's current institution for processing in accordance with Article 30 of the *Regulations*.

第十五條 第十二條第二項之情形，事件管轄學校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。
前項事件管轄學校完成調查後，其成立校園性侵害、性騷擾或性霸凌事件者，應將調查報告及處理建議移送行為人現所屬專任學校依防治準則第三十條規定處理。

Article 15 Under the circumstances described in Article 12, Paragraph 2 herein, the competent institution shall deliver a written notice to the institution with which the alleged perpetrator has a full-time engagement ("current institution"), which institution shall appoint a representative to cooperate in the investigation without objection.

Upon completion of the preliminary review and the opening of a sexual assault, harassment, or bullying case, the competent institution shall forward the investigative report and recommended actions to the alleged perpetrator's current institution for processing in accordance with Article 30 of the *Regulations*.

第十六條 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，定其受調查之身分及事件管轄學校或機關。
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為事件管轄學校，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。

Article 16 If the alleged perpetrator served in multiple roles such as President and/or faculty/staff member, and/or worker, and/or student at the time of the incident, the role in which they interacted with the victim shall be the role for which they shall be investigated by the competent institution or authority.

In the event that the role of the alleged perpetrator cannot be determined, or that they were transitioning between institutions and thus not affiliated with any institution at the time of the incident, the institution that accepted the claim or report shall serve as the competent institution. The foregoing notwithstanding, if the alleged perpetrator subsequently is granted formal student status at the time of the investigation or report, their current institution shall serve as the competent institution.

第十七條 行為人二人以上，分屬不同學校者，以受理申請調查或檢舉之行為人所屬學校為事件管轄學校，相關學校應派代表參與調查。

Article 17 In the event that there are multiple alleged perpetrators involved in a single incident, the institution that accepted the claim or report shall serve as the competent institution, while the other institution(s) shall each appoint a representative to cooperate in the investigation.

第十八條 本校接獲申請調查或檢舉之案件但無管轄權者，應將該案件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，由其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 18 Upon receiving a claim or report over which it holds no authority, the University shall notify the applicant and forward the case to the competent institution/authority within seven business days.

For a claim or report filed while the alleged perpetrator is transitioning between institutions, the competent institution shall be determined by the common supervisory authority for the involved institutions. In the event that the two institutions share no common supervisory authority, their respective superordinate units shall negotiate the selection of a competent institution.

第十九條 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，受理申請調查或檢舉之事件管轄學校或機關應作成紀錄，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 19 On-campus sexual assault, harassment, and bullying victims or whistleblowers may file a claim or report verbally, in writing, or via email. The competent institution shall produce a formal record for claims/reports filed verbally or via email and shall read the record back to, or have it read by, the victim or whistleblower, who shall affix a signature or seal as confirmation of its accuracy. The record of a claim/report filed verbally or via email as described in the preceding paragraph shall include the following information:
1. The applicant's or whistleblower's name, national identification number, affiliated institution, job title, residential address, contact number, and application date
 2. For an investigation claim, the victim's date of birth
 3. For an investigation claim filed by a legal representative, a power of attorney that indicates the representative's name, national identification number, residential address, and contact number
 4. Any evidence that supports the facts being investigated or reported, which shall be included in or attached to the case record

第二十條 本校應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依性平法第二十九條第三項規定敘明理由，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，向本校提出申復；其以言詞為之者，本校應做成紀錄，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。
本校接獲申復後，應將申請調查或檢舉案交性平會重新討論受理事宜，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 20 The University shall notify the applicant or whistleblower as to whether it decides to accept a claim or report within 20 days of receiving it. Pursuant to Article 29, Paragraph 3 of the *Act*, the applicant or whistleblower shall be informed of the specific reason(s) for non-acceptance and the deadline and competent unit for appeal. An applicant or whistleblower who does not receive notice by the aforementioned deadline or who receives a non-acceptance notice may file an appeal with the University in writing within 20 days. If the appeal is filed verbally, the University shall produce a formal record and read it back to, or have it read by, the applicant or whistleblower, who shall affix a signature or seal as confirmation of its accuracy. Appeals of non-accepted claims are limited to once per incident. Upon receiving an appeal, the University shall forward the case to the Committee to determine whether to reopen it, and the Committee shall notify the appellant of its decision in writing within 20 days. The Committee shall reopen the investigation in accordance with the applicable laws if it believes there are sufficient grounds to do so.

第二十一條 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，學校或主管機關應主動將事件交由所設之性平會調查處理。疑似被害人不願配合調

查時，學校或主管機關仍應提供必要之輔導或協助。
學校處理霸凌事件，發現有疑似性侵害、性騷擾或性霸凌情事者，視同檢舉，由學校防制霸凌因應小組移請性平會依前條規定辦理。

Article 21 Media coverage of an on-campus sexual assault, harassment, or bullying incident shall be treated as a formal report. The competent institution or authority shall refer the case to the Committee for processing and shall provide the necessary guidance or assistance for the victims, even if they are unwilling to cooperate in the investigation.
The University's Anti-Bullying Working Group shall refer bullying cases involving alleged sexual assault, harassment, or bullying to the Committee for processing in accordance with the preceding paragraph.

第二十二條 本校性平會處理校園性侵害、性騷擾或性霸凌事件時，得成立調查小組調查之。調查小組以三人或五人為原則，其成員之組成，依性平法第三十條第三項規定。
校園性侵害、性騷擾或性霸凌事件當事人之輔導人員、事件管轄學校或機關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。
針對本校擔任調查小組之成員，應予公差（假）登記。其交通費或相關費用，由事件管轄學校或機關，及派員參與調查之學校支應。

Article 22 The Committee may establish an ad hoc task force to conduct on-campus sexual assault, harassment, and bullying investigations. The task force shall be composed of three to five members who meet the requirements set forth under Article 30, Paragraph 3 of the Act.
The victim's counsellors and the managers/officers of the Committee or the competent institution shall recuse themselves from the investigation of an on-campus sexual assault, harassment, or bullying incident. Similarly, individuals involved in the investigation and handling of an incident shall recuse themselves from any advisory role to the victim.
Members of the ad hoc task force shall be issued official leave, travel allowances, and other applicable reimbursement, which shall be covered by either the competent institution/authority or the institution with which the members are affiliated.

第二十三條 性平法第三十條第三項所定具性侵害、性騷擾或性霸凌事件調查專業素養之專家學者，應符合下列資格之一：
一、持有中央或直轄市、縣（市）主管機關校園性侵害、性騷擾或性霸凌調查知能高階培訓結業證書，且經中央或直轄市、縣（市）主管機關所設性平會核可並納入調查專業人才庫者。
二、曾調查處理校園性侵害、性騷擾或性霸凌事件有具體績效，且經中央或直轄市、縣（市）主管機關所設性平會核可並納入調查專業人才庫者。
防治準則中華民國一百零八年十二月二十四日修正施行前，已持有中央或直轄市、縣（市）主管機關校園性侵害、性騷擾或性霸凌調查知能進階培訓結業證書，且經中央或直轄市、縣（市）主管機關所設性平會核可並納入調查專業人才庫者，自防治準則修正施行之日起三年內，得擔任第一項

專家學者，免受第一項第一款規定之限制。

Article 23 Pursuant to Article 30, Paragraph 3 of the *Act*, investigators of sexual assault, harassment, and bullying incidents shall be professional experts or scholars who meet one of the following criteria:

1. Holding a certificate of advanced on-campus sexual assault, harassment, and bullying investigation training issued by the local or central competent authority AND inclusion in the professional investigator database following approval by the gender equality committee of the local or central competent authority
2. Having previously investigated on-campus sexual assault, harassment, and bullying incidents AND inclusion in the professional investigator database following approval by the gender equality committee of the local or central competent authority

Those who were issued a certificate of advanced on-campus sexual assault, harassment, and bullying investigation training by the local or central competent authority prior to the December 24, 2019 amendments of the *Regulations* AND who were included in the professional investigator database following approval by the gender equality committee of the local or central competent authority may continue to serve as an investigator without meeting the requirements of Paragraph 1, Subparagraph 1 until December 24, 2022.

- 第二十四條 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，且不得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、本校就行為人、被害人、檢舉人或受邀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。
 - 六、依性平法第三十條第四項規定以書面通知當事人、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、事件管轄學校或機關所屬人員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、本校基於調查之必要，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，本校得經性平會決議，或經行為人請求，繼續調查處理。

Article 24 The following provisions shall apply to the investigation of on-campus sexual assault, harassment, or bullying incidents conducted by the University:

1. The alleged perpetrator must appear in person, but they may be accompanied by a legal representative if they are under age at the time of investigation.
2. The University shall respect the victim or their legal representative's request not to involve their current institution, in which case the University may not ask the current institution to appoint a representative to the investigation.
3. The investigative task force shall include members with expertise in special education if any parties involved hold a valid special education certificate.
4. Confrontation between the alleged perpetrator and the victim/whistleblower shall be avoided if an unequal power relationship exists between the two parties.
5. The University shall maintain the confidentiality of any personally identifiable information of the alleged perpetrator, victim/whistleblower, and individuals who aid in the investigation, except where the disclosure of such information is necessary to the investigation itself or for the safety of the general public.
6. Pursuant to Article 30, Paragraph 4 of the Act, written notices delivered to the alleged perpetrator, victim/whistleblower, and individuals and units involved in the investigation shall clearly indicate the purpose of the investigation, the time and place where they should appear, and the consequences for being absent or refusing to provide information.
7. The notices described in the preceding subparagraph shall require the recipients not to share any information related to the case privately via the Internet, telecommunication software, or any other channels
8. Personnel of the competent institution/authority may not be involved in the investigation or attempt to acquire any information related to the case under any guise, and they may not ask the parties involved to submit any statements or affidavits.
9. To facilitate investigation, the University may, without breaking confidentiality, produce written records or summaries of the incident for perusal by the alleged perpetrator, victim, or individuals who aid in the investigation.
10. In order to clarify any matters of legal liability, in the event that a claim is rescinded by the applicant, the Committee may move to continue the investigation whether of its own accord or at the alleged perpetrator's request.

第二十五條 依前條第五款規定負有保密義務者，為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。
 依前項規定負保密義務者洩密時，應依刑法或其他相關法規處罰。
 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、審判機關以外之人。但法律另有規定者，不在此限。
 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 25 All NCHU personnel involved in the investigation and handling of on-campus sexual assault, harassment, and bullying incidents shall be bound by the confidentiality requirements set forth in Subparagraph 5 of the preceding article. A breach of confidentiality by personnel described in the preceding paragraph is punishable under the *Criminal Code* and other applicable laws. Unless otherwise required by law, documents containing the alleged perpetrator's, victim's, whistleblower's, and/or witnesses' names shall be sealed and may not be made available to anyone other than law enforcement. With the exception of the original case documents, the personnel investigating or handling an on-campus sexual assault, harassment, or bullying incident shall delete

or redact the names and any identifiable personal information of the alleged perpetrator, victim, whistleblower, and witnesses on all records produced.

第二十六條 本校為保障校園性侵害、性騷擾或性霸凌事件當事人之受教權或工作權，受理申請調查或檢舉於必要時得依性平法第二十三條規定，採取下列處置，並報主管機關備查：

- 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。

當事人非事件管轄學校之人員時，應通知當事人所屬學校，依前項規定處理。前二項必要之處置，應經性平會決議通過後執行。

Article 26 Pursuant to Article 23 of the *Act*, in order to safeguard the rights to education and work of the parties involved in an on-campus sexual assault, harassment, or bullying incident, the following measures may be taken and reported to the supervisory authority for recordation:

1. Providing flexibility in the handling of the parties' attendance records and performance reviews; providing assistance with their studies or work; and providing exemptions from the applicable performance review/evaluation regulations
2. Minimizing interactions between the parties to respect the victim's wishes
3. Preventing any acts of retaliation
4. Preventing or minimizing the possibility of any further offenses by the alleged perpetrator
5. Other measures deemed necessary by the Committee

If a party is not affiliated with the competent institution, the institution with which the party is affiliated shall be notified to handle matters in accordance with the preceding paragraph.

Measures described in the first paragraph shall be implemented upon approval by the Committee.

第二十七條 本校應依性平法第二十四條第一項規定，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。但本校就該事件仍應依性平法為調查處理。

當事人非本校之人員時，應通知當事人所屬學校，依前項規定提供必要之協助。

Article 27 Pursuant to Article 24, Paragraph 1 of the *Act*, the University shall refer victims to the competent agencies for the necessary assistance based on their physical and mental condition. However, the University shall continue its investigation in accordance with the *Act*.

If a party is not affiliated with the competent institution, the institution with which the party is affiliated with shall be notified to provide the necessary assistance.

第二十八條 本校依性平法第二十四條第一項規定，於必要時，應對當事人提供下列適當協助：

- 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保護措施或協助。

當事人非本校之人員時，應通知當事人所屬學校，依前項規定提供適當協助。

前二項協助得委請醫師、臨床心理師、諮商心理師、社會工作師或律師等專業人員為之，其所需費用，本校應編列預算支應之。

Article 28 Pursuant to Article 24, Paragraph 1 of the Act, the University may provide the following assistance for the parties involved as needed:

1. Counselling services

2. Legal advice

3. Schoolwork support

4. Financial support

5. Other safeguards or measures deemed necessary by the Committee

If a party is not affiliated with the competent institution, the institution with which the party is affiliated with shall be notified to provide the necessary assistance described in the preceding paragraph.

Counselling services, as described in the first paragraph, may be provided by a physician, clinical psychiatrist, therapist, social worker, lawyer, and/or other professional, the costs associated with which shall be borne by the University.

第二十九條 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終止。

Article 29 Investigations by the Committee shall be independent from the results of litigation or legal procedures, if any.

Such investigations will not be terminated on the grounds that the alleged perpetrator no longer holds their original role.

第三十條 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。

本校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，依其事實認定對學校或主管機關提出改變身分之處理建議者，由本校或主管機關檢附經性平會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，本校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。

本校或主管機關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，不得要求本校性平會重新調查，亦不得自行調查。

Article 30 To respect professional judgment and avoid double jeopardy, the University shall refer to the Committee's investigative report for all facts related to an on-campus sexual assault, harassment, or bullying incident.

If the Committee's investigative report finds a sexual assault, harassment or bullying allegation to be true and recommends a change in the status of the alleged

perpetrator at the competent institution or authority, the University or its supervisory authority shall forward the report to the alleged perpetrator and ask them to provide a written statement by a given deadline.

Failure on the part of the alleged perpetrator to provide a written statement by the deadline shall be deemed as a forfeiture of their right to appeal. If a written statement is submitted, the Committee shall convene to review the statement. The investigation may only be reopened if the requirements set forth in Article 32, Paragraph 3 of the *Act* are satisfied.

The competent unit of the University or its supervisory authority that issues the decision may not reopen the investigation or ask the Committee to do so unless the requirements set forth in Article 32, Paragraph 3 of the *Act* are satisfied.

第三十一條 校園性侵害、性騷擾或性霸凌事件經本校性平會調查屬實後，本校應依性平法第二十五條第一項規定，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。其他機關依相關法律或法規有議處權限，本校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，並應依法對申請人或檢舉人為適當之懲處。性平法第二十五條第二項對行為人所為處置，應由本校命行為人為之，執行時並應採取必要之措施，以確保行為人之配合遵守。前項處置，由該懲處之學校或主管機關性平會討論決定實施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。依性平法第二十五條第二項第二款規定命行為人接受八小時之性別平等教育相關課程，應由學校所屬主管機關規劃。

Article 31 If the Committee finds an on-campus sexual assault, harassment, and bullying allegation to be true, the alleged perpetrator shall be issued a warning or demerit, dismissed, suspended, vacated, removed from office, have their contract or employment status terminated, or receive other appropriate penalties in accordance with Article 25, Paragraph 1 of the *Act*. The University shall also refer the alleged perpetrator to any agencies with authority over the case in accordance with the applicable laws or regulations. The applicant or whistleblower shall receive the appropriate penalties in accordance with the applicable regulations if they are found to have submitted a false accusation.

The University shall order the alleged perpetrator to comply with the corrective measures stipulated in Article 25, Paragraph 2 of the *Act* and shall take the necessary measures to ensure the alleged perpetrator's compliance.

The corrective measures described in the preceding paragraph shall be determined by the gender equality committee of the competent institution or authority, and shall include gender equality training. The nature of the training, method of implementation, duration, costs, and consequences for absences shall be determined by the Committee and be indicated in the written notice.

Pursuant to Article 25, Paragraph 2, Subparagraph 2 of the *Act*, alleged perpetrators shall receive eight hours of mandated gender equality training, which shall be organized by the supervisory authority of the competent institution.

第三十二條 本校將處理結果，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之單位。

申請人或行為人對本校處理之結果不服者，得於收到書面通知次日起二十日內，以書面具明理由向本校申復；其以言詞為之者，本校應作成紀錄，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。

本校接獲申復後，依下列程序處理：

- 一、由本校收件後，應即組成審議小組，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。
- 二、前款審議小組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，其小組成員之組成，女性人數應占成員總數二分之一以上，具校園性侵害、性騷擾或性霸凌事件調查專業素養之專家學者人數比例於學校應占成員總數三分之一以上。
- 三、原性平會委員及原調查小組成員不得擔任審議小組成員。
- 四、審議小組召開會議時由小組成員推舉召集人，並主持會議。
- 五、審議會進行時，得視需要給予申復人陳述意見之機會，並得邀所設性平會相關委員或調查小組成員列席說明。
- 六、申復有理由時，將申復決定通知相關權責單位，由其重為決定。
- 七、前款申復決定送達申復人前，申復人得準用前項規定撤回申復。

Article 32

Upon completion of the investigation, the University shall provide a copy of the investigative report with the written notices sent to the applicant and alleged perpetrator, who shall be informed of the deadline and competent unit for appeal. An applicant or alleged perpetrator who wishes to dispute the results may file an appeal with the University in writing within 20 days of the day following their receipt of the written notice. For appeals filed orally, the University shall produce a formal record and read it back to, or have it read by, the applicant or alleged perpetrator, who shall affix a signature or seal as confirmation of its accuracy.

The University shall handle appeals in accordance with the following procedures:

1. Upon receipt of an appeal, the University shall establish an ad hoc committee to issue a decision supported by the facts and notify the appellant of the results in writing within 30 days.
2. The ad hoc committee described in the preceding paragraph shall be composed of three to five members who are experts, scholars, or legal professionals specializing in gender equality. Female members shall make up at least half of the committee, while members with a professional qualification in the investigation of on-campus sexual assault, harassment, and bullying shall make up at least one third of the committee.
3. Members of the Gender Equality Education Committee and the original investigative task force may not serve on the ad hoc committee.
4. Members of the ad hoc committee shall select a convener from among themselves to serve as chair of its meetings.
5. If necessary, the ad hoc committee may ask the appellant to make a statement or invite members of the Gender Equality Education Committee or the original investigative task force to attend its meetings as non-voting members.
6. If the ad hoc committee finds that there are reasonable grounds for the appeal, it shall notify the competent unit to issue a new decision.
7. The appellant may rescind an appeal in accordance with the preceding paragraph at any time prior to the issuance of the appeal results.

第三十三條

本校依性平法第二十七條第一項規定建立之檔案資料，應指定專責單位或人員保存二十五年；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；其內容應包括下列事項：
- 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 33

Records produced by the University in accordance with Article 27, Paragraph 1 of the *Act* shall be maintained by a dedicated unit or personnel for 25 years. Records stored electronically shall be encrypted or locked with an electronic signature if necessary.

Records described in the preceding paragraph shall include original case files and investigative reports.

Original case files, as described in the preceding paragraph, shall include the following information:

1. Time and description of the incident
 2. Parties involved in the incident, including the whistleblower, victim, and alleged perpetrator
 3. Personnel who handled the incident and the associated procedures and records
 4. Records produced during the handling of the incident, including interview recordings, evidence, and other relevant information
 5. The alleged perpetrator's name, job title/student status, and family background
 6. Draft of the investigative report and the Committee's meeting minutes
- Investigative reports, as described in the second paragraph, are reports approved by the

Committee, which shall include the following information:

1. The course of the incident, including descriptions provided by the parties involved
2. Records of interviews, including the dates and interviewees
3. Statements and responses provided by the applicant, alleged perpetrator, witnesses, and other related individuals
4. Examination of the evidence
5. Determination of facts and reasoning
6. Recommended measures

第三十四條

學校或主管機關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 34

Evidence acquired by the competent institution or authority under Article 27-1,

Paragraph 3 of the *Act* shall be submitted to the Committee for verification and review after the parties involved have been given an opportunity to provide a statement.

第三十五條 本校依性平法第二十七條第二項及第三項規定為通報時，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、職稱或學籍資料。
本校應視實際需要，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 35 The contents of reports submitted by the University in accordance with Article 27-1, Paragraphs 2 and 3 of the *Act* shall be limited to the time and description of the confirmed on-campus sexual assault, harassment, or bullying incident, as well as the perpetrator's name and job title/student status.
If necessary, the University may provide information related to counselling, re-education, or other relevant measures imposed on the perpetrator to the institution with which they are subsequently affiliated.
If, following an evaluation, the University determines that the perpetrator is unlikely to commit any further offenses, it may choose to include such information in the reports described in the first paragraph.

第三十六條 本校應依防治準則內容，訂定校園性侵害、性騷擾或性霸凌防治規定，並將防治準則第七條及第八條規定納入教職員工聘約及學生手冊。
前項規定之內容，應包括下列事項：
一、校園安全規劃。
二、校內外教學及人際互動注意事項。
三、禁止校園性侵害、性騷擾或性霸凌之政策宣示。
四、校園性侵害、性騷擾或性霸凌之界定及樣態。
五、校園性侵害、性騷擾或性霸凌事件之申請調查或檢舉之收件單位、電話、電子郵件等資訊及程序。
六、校園性侵害、性騷擾或性霸凌事件之調查及處理程序。
七、校園性侵害、性騷擾或性霸凌事件之申復及救濟程序。
八、禁止報復之警示。
九、隱私之保密。
十、其他校園性侵害、性騷擾或性霸凌防治相關事項。

Article 36 The University shall formulate a set of regulations for the prevention of sexual assault, harassment, and bullying on campus in accordance with the Regulations and shall include Articles 7 and 8 of the *Regulations* in its faculty contracts and Student Handbook.
The regulations described in the preceding paragraph shall include the following matters:
1. Campus safety planning
2. Guidelines on interpersonal interaction on and off campus
3. Promotion of sexual assault, harassment, and bullying awareness
4. Definitions and possible forms of on-campus sexual assault, harassment, and bullying

5. Competent unit(s) for claims and reports of on-campus sexual assault, harassment, and bullying incidents (including contact email and phone number)
6. Procedures for the investigation and handling of on-campus sexual assault, harassment, and bullying incidents
7. Procedures for appeal of and redress for on-campus sexual assault, harassment, and bullying incidents
8. Warnings against retaliation
9. Privacy and confidentiality
10. Other matters related to the prevention of sexual assault, harassment, and bullying on campus

第三十七條 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 37 Upon the Committee's completion of an on-campus sexual assault, harassment, or bullying investigation, the University shall forward a status report, procedural report, investigative report, and the Committee's meeting minutes to the Ministry of Education for recordation. The same shall apply to any appeals filed by an applicant or alleged perpetrator, the results of which shall be reported to the Ministry of Education upon completion of the appeal process.

第三十八條 本辦法經行政會議通過後實施，修正時亦同。

Article 38 These Regulations shall be implemented upon approval by the Administrative Meeting. The same shall apply when amendments are made.