

高雄醫學大學教職員工性騷擾防治、申訴及懲戒辦法

Regulations on Prevention, Complaint, and Punishment of Sexual Harassment of School Staff

98.10.06 九十八學年度性別平等教育委員會第1次會議通過
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98.10.30 九十八學年度第1次校務暨第3次行政聯席會議通過
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101.10.09 一〇一學年度第1次性別平等教育委員會審議通過
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101.11.08 一〇一學年度第1次校務會議通過
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2015.09.02 Reviewed and passed in the 1st Meeting of the Gender Equity Education Committee of the 104th academic year
104.10.07 一〇四學年度第1次校務會議通過
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104.12.02 高醫人字第1041103930號函公布
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112.06.06 111學年度第5次性別平等教育委員會通過
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112.06.15 111學年度第4次校務會議通過
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第 1 條 本校為防治性騷擾，提供免於性騷擾之友善環境保護被害人之權益，特依性騷擾防治法、性騷擾防治準則暨性別工作平等法訂定本辦法。

Article 1 Pursuant to the Sexual Harassment Prevention Act, Regulations of Sexual Harassment Prevention, and Act of Gender Equality in Employment, KMU has formulated the Regulations on Prevention, Complaint, and Punishment of Sexual Harassment of School Staff (hereinafter referred to as "the Regulations") to prevent sexual harassment and provide a friendly environment free from sexual harassment, thus protecting the rights and interests of victims.

第 2 條 本校教職員工（含約聘僱人員）發生性騷擾防治法第二條及性別工作平等法第十二條之性騷擾事件者，適用本辦法。但適用性別平等教育法處理者，不適用本辦法之規定。

Article 2 The Regulations shall apply to any sexual harassment that occurs among school staff (including contract employees) of KMU under Article 2 of the Sexual Harassment Prevention Act and Article 12 of the Act of Gender Equality in Employment. However, the provisions of the Regulations shall not apply to those who are subject to the Gender Equity Education Act.

第 3 條 本辦法所稱性騷擾，係指性侵害犯罪以外，對他人實施違反其意願而與性或性別有關之行為，且有下列各款情形之一：

Article 3 Excluding sexual assault crimes, the sexual harassment referred to herein means the sexual or gender-related behavior against the will of a male or female and meeting any of the following circumstances:

- 一、本校教職員工執行職務或在工作場所時，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。

1. In the course of school staff executing their duties, anyone makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination, causes them a hostile, intimidating, and offensive working environment leading to infringe on or interfere with their dignity, physical liberty or affects their job performance.

二、主管人員對部屬或對求職者為明示或暗示之性要求、具有性意味或性別歧視之言詞或行為，作為勞務契約成立、存續、變更或分發、配置、報酬、考績、陞遷、降調、獎懲等之交換條件。

2. A supervisor explicitly or implicitly makes a sexual request toward school staff or applicants, uses verbal or physical conduct of a sexual nature, or with an intent of gender discrimination as an exchange for the establishment, continuance, or modification of a labor contract or as a condition to their placement, assignment, compensation, evaluation, promotion, demotion, award, and discipline.

三、任何人以展示或播送文字、圖畫、聲音、影像或其他物品之方式，或以歧視、侮辱之言行，或以他法，而有損害他人人格尊嚴，或造成使人心生畏怖、感受敵意或冒犯之情境，或不當影響其工作、教育、訓練、服務、計畫、活動或正常生活之進行。

3. Any person who displays or broadcasts text, pictures, sounds, images, or other objects, or creates a situation that causes another person to feel scared, hostile, offended, or improperly affects another person's work, education, training, services, plans, activities or routine life, by discriminatory or insulting language and conduct, or in any other manners.

四、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。

4. Allow oneself or another person to provoke, lose, or impair the interest and right related to work, learning, training, service, plan, and activity on condition that another obeys or rejects the behavior.

第 4 條 本校為防治性騷擾行為之發生，應辦理性騷擾防治措施及推動工作如下：

Article 4 To prevent and control sexual harassment, KMU shall take measures and promote the following measures:

一、辦理防治性騷擾之教育訓練。

1. Provide education and training on preventing and treating sexual harassment.

二、頒布禁止工作場所性騷擾之書面聲明。

2. Promulgate a written statement prohibiting sexual harassment in the workplace.

三、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。

3. Handle the appeal confidentially and protect the appellant from any retaliation or other unfavorable treatment.

四、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。

4. If the parties involved require counseling, medical treatment, etc., they may be referred to relevant units or specialized institutions of KMU for physical and mental counseling or treatment depending on the situation.

五、設置專線電話、傳真、專用信箱或電子信箱等接受申訴，並將本辦法公開揭示。

5. Set up a dedicated telephone, fax, dedicated mailbox, or email to accept appeals, and disclose these measures publicly.

第 5 條 Article 5 本校由性別平等教育委員會(以下簡稱性平會)負責處理性騷擾防治法及性別工作平等法的性騷擾申訴案的審議及調查。但處理教職員工性騷擾申訴案時，學生代表及家長代表不參與。性平會調查成員之女性代表比例不得低於二分之一，並得視需要聘請專家學者擔任之。

The Gender Equity Education Committee (hereinafter referred to as "the Committee") is responsible for reviewing and investigating appeals related to sexual harassment under the Sexual Harassment Prevention Act and the Act of Gender Equality in Employment. However, student representatives and parent representatives do not participate in the handling of appeals regarding sexual harassment by school staff. The proportion of female representatives of the survey members shall not be less than half, and experts and scholars may be hired as necessary.

第 6 條 Article 6 性騷擾申訴得於法律規定之申訴時效內，以言詞或書面向本校人力資源室提出，人力資源室於接獲申訴案件三日內應移送性平會辦理。惟以言詞申訴者，受理之人員或單位應做成紀錄，經向申訴人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

The appeal regarding sexual harassment may be submitted to the Human Resources Office of KMU in words or in writing within the statute of limitations prescribed by law. The Human Resources Office shall transfer the appeal to the Committee for processing within three days of receiving it. In case of a verbal complaint, the person or unit that accepts the complaint shall make a record, which shall be read by the appellant, or be read to the appellant, and signed or sealed by the appellant after confirming that the contents are correct.

前項書面或言詞作成之紀錄，並載明下列事項：

The aforementioned text record of a written or verbal application or report shall

contain the following items:

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

1. The appellant's name, gender, date of birth, ID number, service unit and title, residence, contact phone number, and date of appeal.

二、 有代理人者，應檢附委任書，並載明其姓名、性別、出生年月日、國民身分證統一編號、職業、住居所、聯絡電話及與申訴人關係。

2. If there is an agent, a power of attorney shall be submitted, which shall specify the agent's name, gender, date of birth, ID number, occupation, residence, contact phone number, and relationship with the appellant.

三、 申訴之事實及內容。

3. The facts and contents of the complaint.

四、 可取得之相關事證或人證。

4. Relevant evidence or witnesses may be obtained.

五、 申訴書或言詞作成之紀錄不合前項規定，而其情形可補正者，應通知申訴人於十四日內補正。

5. If the record of the petition or verbal statement does not conform to the preceding example, and it can be corrected, the appellant shall be notified to make corrections within 14 days.

本校首長涉及性別工作平等法之性騷擾事件者，申訴人應向教育部提出申訴，其處理程序依教育部相關規定辦理。

If the head of KMU is involved in sexual harassment under the Act of Gender Equality in Employment, the appellant shall file an appeal with the Ministry of Education and the handling procedures shall be performed in accordance with relevant regulations of the Ministry of Education.

第 7 條 性騷擾之申訴有下列情形之一，應不予受理：

Article 7 Appeals of sexual harassment shall not be accepted under any of the following circumstances:

一、 逾期提出申訴者。

1. Those who file an appeal after the deadline.

二、 申訴書或言詞作成之紀錄，未於所定期限內補正者。

2. A record of the petition or verbal statement that has not been corrected within the prescribed time limit.

三、 同一事件已處理完畢者。

3. The same incident has already been processed.

本校不受理性騷擾申訴時，應於申訴或移送到達二十日內以書面通知當事人，並應

敘明理由。

If KMU does not accept an appeal of sexual harassment, it shall notify the person concerned in writing within 20 days of receiving or transferring the appeal and shall state the reasons.

第 8 條 調查性騷擾事件時，應依照下列調查原則為之：

Article 8 KMU shall investigate sexual harassment in accordance with the following principles:

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。

1. The investigation of sexual harassment incidents shall be conducted in an undisclosed manner, and the privacy and personal legal interests of the parties involved shall be protected.

二、性騷擾事件之調查應秉持客觀、公正、專業之精神，恪守迴避原則，並給予當事人充分陳述意見及答辯之機會。

2. The investigation of sexual harassment shall be conducted in an objective, impartial, and professional manner, and conform to the principle of avoiding conflicts of interest. The parties concerned shall be allowed to fully state their opinions and reply.

三、被害人之陳述明確，已無詢問必要者，應避免重複詢問。

3. If the victim's statement is clear and there is no need to interrogate, repeated interrogations shall be avoided.

四、性騷擾事件之調查，得通知關係人到場說明，並得邀請相關之學者專家協助。

4. In the case of an investigation of sexual harassment, the parties concerned and related persons may be notified to explain the scene, and the relevant scholars and experts may be invited to assist.

五、性騷擾事件之當事人或證人有權力不對等之情形時，應避免其對質。

5. If there is a power imbalance between those directly involved or witnesses, confrontation(s) shall be avoided.

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。

6. When necessary, written information may be produced without infringing the obligation of confidentiality, and be provided to those directly involved, or summarized and read to those directly involved.

七、處理性騷擾事件之所有人員，對於當事人之姓名或其他足以辨識身份之資料，除有調查必要或基於公共安全之考量者外，應予保密。

7. The names and other information that may lead to the identification of those directly involved in a sexual assault incident shall be kept confidential,

except for the necessity of investigation or public safety concerns.

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。

8. During the investigation of sexual harassment incidents, psychological counseling, and legal assistance may be referred or provided depending on the physical and mental condition of the person involved.

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。

9. No one who participates in an appeal, investigation, inquiry, or trial process of a sexual harassment case, by filing a complaint, reporting, accusing, initiating a lawsuit, testifying, providing assistance, or other actions, shall be subject to improper discrimination.

第 9 條 Article 9 除有不可抗力之因素，性平會應自接獲申訴或移送申訴案件到達七日內開始調查，並於二個月內完成調查，必要時得延長一個月，並應通知申訴當事人。

Unless there are force majeure factors, the Committee shall start the investigation within seven days of receiving or transferring the appeal, and complete the investigation within two months. If necessary, the investigation may be extended by one month, and the appellant shall be notified.

性平會就申訴案應為附理由之決議，並得作成懲戒或其他處理之建議，送交本校相關單位執行。

The Committee shall resolve the appeal with the reasons attached and may make recommendations for disciplinary or other handling, which shall be submitted to the relevant units of KMU for implementation.

前項決議，應以書面通知申訴人及其相對人。書面通知內容應包括決議之理由、申復之期限、受理單位及再申訴等救濟途徑。

The preceding resolution shall be notified in writing to the appellant and his/her counterpart. The written notice shall include the reasons for the resolution, the deadline for the reapplication, the acceptance unit, and the remedies such as re-appeal.

申訴人及其相對人對申訴案之決議有異議者，得於收到書面通知次日起二十日內，向性平會提出申復。申復以一次為限。

If the appellant and the counterpart have objections to the resolution of the appeal, they may file a reapplication with the Committee within 20 days of receiving the written notice. Reapplication is limited to one time.

本校接獲申復後，依下列程序處理：

After receiving a reapplication, KMU shall handle it in accordance with the

procedure below:

一、由性平會收件後，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。

1. After the Committee has received the written application form, it shall form an evaluation team. The team shall come to a reasoned judgment within thirty days and provide a written notification of the decision on the reapplication to the person making the reapplication.

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，其小組成員之組成中，女性人數比例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比例應占成員總數三分之一以上。

2. The evaluation team described in the preceding paragraph shall include three or five experts in gender equity education or legal professionals. Moreover, female members shall account for at least one-half of the team. Experts and scholars with a background in the investigation of campus sexual assault, sexual harassment, or sexual bullying shall account for at least one-third of the team.

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。

3. Members of the Committee or investigation team shall not serve as members of the evaluation team.

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。

4. When the evaluation team conducts a meeting, the members of the team will select a convener who will chair the meeting.

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。

5. While the meeting is in progress, should the need arise, the person making the reapplication will be allowed to make a statement, and the members of the Committee or investigation team shall be invited to be present to make explanations.

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。

6. When 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 for remaking decisions.

七、前款申復決定送達申復人前，申復人得依規定撤回申復。

7. Before the decision of the reapplication as described in the preceding subparagraph is sent to the person making the reapplication, the said person

may withdraw the reapplication in accordance with relevant provisions.

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

If the appellant and the counterpart have an objection to the trial results of the appeal, or if the investigation is not completed within the deadline, they may file a re-appeal with the Kaohsiung City Government within 30 days from the expiration of the deadline or the day after the notification of the investigation results is received.

第 10 條 申訴人於案件評議期間撤回申訴者，應以書面為之，於送達人力資源室後即予結案
Article 備查，人力資源室應即副知性平會。申訴撤回後並不得就同一事由再提出申訴。

10 If the appellant withdraws the appeal during the case review period, it shall be done in writing. After it is submitted to the Human Resources Office, the case shall be terminated for future reference, and the Human Resources Office shall inform the Committee. After the appeal is withdrawn, no appeal shall be filed on the same subject matter.

第 11 條 性平會之調查處理，不受該事件司法程序進行之影響。

Article The investigation and handling by the Committee shall not be affected by the
11 judicial proceedings.

第 12 條 性騷擾事件當事人得以書面或言詞，向性平會申請調解。事件經調解成功者，應作
Article 成調解書並應經雙方當事人簽字。惟情節重大時，性平會仍得繼續審議。

12 The parties involved in sexual harassment shall apply for mediation in writing or verbally to the Committee. If the incident is successfully mediated, a mediation agreement shall be prepared and signed by both parties. However, the Committee may continue to scrutinize the case if it is a serious one.

第 13 條 性騷擾行為經調查屬實者，本校得視情節輕重，對加害人依相關規定為調職、降職、
Article 減薪、懲戒或其他處理。如涉及刑事犯罪時，並應協助申訴人提出告訴。性騷擾申
13 訴經證實為誣告者，本校得視情節輕重，對申訴人依相關法令為懲戒或處理。

If an act of sexual harassment is found to be substantiated, KMU may, depending on the severity of the case, transfer the perpetrator to another position, demote him/her, reduce his/her salary, punish him/her, or deal with him/her in other ways in accordance with the relevant regulations. If a criminal offense is involved, assistance shall be provided to the appellant in filing a complaint. If the sexual harassment is proved to be a false accusation, KMU may, depending on the severity of the case, punish or deal with the appellant in accordance with the relevant laws and regulations.

第 14 條 本校對性騷擾案件審議結果，應採取後續追蹤考核監督，確保懲戒或處理措施有效

- Article 14 執行，以預防相同事件或報復情事發生。
KMU shall conduct follow-up examinations and supervision on the review results of sexual harassment to ensure that disciplinary or disciplinary measures are implemented effectively and to avoid the occurrence of similar incidents or retaliation.
- 第 15 條 Article 15 本校對擔任調查小組之成員，應予公差登記，並依法令或學校規定支給交通費或相關費用。
KMU shall register the members of the investigation team on official business and pay the transportation or related expenses according to the law or its regulations.
- 第 16 條 Article 16 本辦法未盡事宜依相關規定辦法。
Any matters not covered in the Regulations shall be handled in accordance with relevant provisions.
- 第 17 條 Article 17 本辦法經性平會及校務會議審議通過後，自公布日起實施，修正時亦同。
After being reviewed and approved by the Committee and University Council, the Regulations shall be implemented from the date of publication, and the same applies to amendments.