

# 臺北基督學院性騷擾防治申訴及處理要點

## Guidelines for the Prevention, Compliant Filing and Management of Sexual Harassment of Christ's College Taipei

民國 105 年 11 月 17 日本校 105 學年度第 3 次行政會議通過

第一條 臺北基督學院（以下簡稱本校）為防治性騷擾，提供免於性騷擾之工作環境及保護被害人權益，特依性別工作平等法、工作場所性騷擾防治措施申訴及懲戒辦法訂定準則、性騷擾防治法、性騷擾防治準則訂定本要點。

Article 1 For the prevention of sexual harassment at work, the Guidelines have been established by Christ's College of Taipei to provide a work environment free of sexual harassment and the protection of the victims' legal rights in accordance with Gender Equality Employment Act, Criteria for Prevention Measures, Hearing and Disciplinary Actions pertinent to Sexual Harassment, Sexual Harassment Prevention Act, and Criteria for Sexual-Harassment Prevention.

第二條 本校之性騷擾防治、性騷擾事件之申訴及處理，除法令另有規定外，依本要點辦理。

Article 2 With the exception of other applicable laws and acts if applicable the sexual-harassment prevention and the complaint filing against alleged sexual harasser shall be administered by Christ's College according to the Guidelines.

第三條 本校教職員工（含約聘僱人員）發生性別工作平等法第十二條及性騷擾防治法第二條之性騷擾事件者，適用本要點。但適用性別平等教育法處理者，不適用本要點之規定。

Article 3 The faculty and staff members (including contractors), who have violated Article 12 of Gender Equality Employment Act and Article 2 of Sexual Harassment Prevention Act shall be processed according to the Guidelines. However, the Guidelines are not applicable when those incidences are governed by Gender Equality Education Act.

第四條 本要點所稱性騷擾，包括下列情形：

Article 4 Sexual harassments referred in the Guidelines include following circumstances:

一、具有「性別工作平等法」第十二條規定情形之一者：

D) A person commits one of the violations as defined by Article 12 of Gender Equality Employment Act.

（一）本校教職員工於執行職務時，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。

- (1) While being on duty as Christ's College's representative, a faculty or staff member, who causes hostile, intimidating or offensive work environments by demanding sexual favors, behaving discriminatingly pertaining to gender, talking or joking sexually, therefore, directly infringes/interferes another person's dignity, liberty or job performance.
- (二) 各級主管或因工作關係有管理監督權者對員工或求職者以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，作其任用、聘僱、工作配置、報酬、考績、陞遷、降調、獎懲等之交換條件。
- (2) A supervisor or a person with authority over his or her colleagues or job applicants explicitly or implicitly demands sexual favors, behaves discriminatingly, talks or joke sexually as condition(s) for employment, contracting job, work position, salary, performance appraisal, and promotion and awards; otherwise employment denial, demotion and penalties will be administered.

二、具有「性騷擾防治法」第二條規定，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，且有下列情形之一者：

- II) Besides sexual assault crimes forcing other party having sex or sexual acts, a person commits one of the following violations as defined by Article 2 of Sexual Harassment Prevention Act.
  - (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、訓練、服務、計畫、活動有關權益之條件。
    - (1) 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
  - (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、服務、計畫、活動或正常生活之進行。
    - (2) 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.

等教育委員會」(以下簡稱性平會),負責處理本要點相關申訴案之調查及評議。但處理教職員工性騷擾申訴案時,學生代表不參與申訴案之調查及評議。

Article 5 “Christ’s College Committee of Gender Equality for Education” (hereafter referred as “Gender Equality Committee”) established according to “Christ’s College Policy for the Establishment of Committee of Gender Equality for Education” 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, student representative does not participate in the investigation and deliberation of such hearing case.

第 六 條 性騷擾事件之申訴,加害人為本校教職員工者,申訴人應向本校性平會提出,惟如加害人為本校校長時,應向新北市政府提出;加害人非屬本校人員時,本校性平會仍應採取適當之緊急措施,於接獲申訴之日起七日內,將申訴書及相關資料移送其所在地直轄市或縣(市)主管機關處理。

Article 6 For sexual harassment complaint filing, should the offender be a faculty or staff member of Christ’s College, the complainant shall submit the complaint case to Gender Equality Committee. Should the offender be the President of Christ’s College, the case shall be filed at municipal Government of New Taipei City. Should the offender not be an employee of Christ’s College, the Gender Equality Committee must take emergency proceedings and submit the complaint case/report and related information to the direct authorities at the local municipal government, i.e., of New Taipei City.

第 七 條 性平會之任務如下:

Article 7 The responsibilities of Gender Equality Committee are listed below:

一、辦理防治性騷擾之教育訓練。

I) Administering the educational training for the prevention of sexual harassment.

二、設置專線電話、傳真、專用信箱或電子信箱等接受申訴並將相關資訊於本校顯著之處公開揭示。

II) 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 bulletin boards or public places.

三、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輔導或治療。

III) Should the party or victim need psychological counseling or medical treatment, the person shall be brought to the responsible department at Christ’s College or special task team for appropriate counseling or treatment according to the case.

第八條 性騷擾事件被害人本人或其代理人應於事件發生後一年內向本校性平會提出申訴。

Article 8 The victim of a sexual harassment incidence or the legal representative of the victim must submit complaint filing to Gender Equality Committee within one year from the date of the incidence.

申訴得以書面或言詞向人事暨行政室提出。其以言詞為之者，受理人員應作成紀錄，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。

申訴書或言詞作成之紀錄，應載明下列事項：

The complaint filing may be submitted to Administration Affairs Office either in writing or verbally. Should the complaint filing be verbal, the staff member interviewing the complainant must record the complaint filing as a written report, which shall be read by the victim. When the report is confirmed by victim to be accurate and true, it must be signed by the victim or imprinted with victim's seal.

The written complaint submitted by the victim or the written record of a verbal complaint must consist of following items:

一、申訴人之姓名、性別、出生年月日、國民身分證統一編號或護照號碼、服務單位與職稱、住所或居所、聯絡電話及申訴日期。

I) The last name, given name, gender, date of birth, ROC ID number or Passport number, department of employment and job title, residence address, contact phone number of the complainant as well as the date of compliant filing.

二、有法定代理人者，應載明其姓名、性別、出生年月日、國民身分證統一編號或護照號碼、職業、住所或居所、聯絡電話及與當事人關係。

II) The last name, given name, gender, date of birth, ROC ID number or Passport number, profession, residence address, contact phone number of the legal representative of the complainant as well as the relationship to the complainant.

三、有委任代理人者，應載明其姓名、性別、出生年月日、國民身分證統一編號或護照號碼、職業、住所或居所、聯絡電話及與當事人關係，並應檢附委任書。

III) The last name, given name, gender, date of birth, ROC ID number or Passport number, profession, residence address, contact phone number of the appointed agent of the complainant as well as the relationship to the complainant.

四、申訴之事實內容。

IV) The factual content of the sexual harassment incidence.

五、可取得之相關事證或人證。

V) Attainable evidence and/or witness(es).

六、提出申訴之年、月、日。

VI) The year, month and day of the complaint filing.

七、申訴人之簽名或蓋章。

VII) Signature and/or seal imprint of the complainant.

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。

Should the written complaint or the written record of the verbal complaint not be in compliance with the above requirement and the information be amendable, the complainant must be notified in order to amend such items within fourteen (14) days.

第九條 性騷擾之申訴有下列情形之一者，不予受理：

Article 9 In the event that one of following items occurs, the sexual harassment complaint filing is not accepted:

一、申訴書或言詞作成之紀錄，未依本要點所定期限內補正者。

I) The written complaint report submitted by the complainant or the written record of the verbal complaint has not met the content requirement and has not been amended within the 14-day period.

二、提起申訴逾申訴期限。

II) The complaint filing is submitted after the expiration of the filing period.

三、同一事件已撤回，再提起申訴。

III) Re-filing of a complaint case, which have been previously withdrawn by the complainant.

四、同一事件已調查完畢，並將調查結果函復當事人者。

IV) The same complaint case, which has been fully investigated and of which written investigation reports have been sent to both parties.

第十條 性騷擾事件申訴之調查、評議程序如下：

Article 10 The process for the investigation, review and deliberation of the sexual harassment complaint is as follows:

一、接獲性騷擾申訴案件，應由人事暨行政室於三日內確認是否受理，不受理之申訴案件，應於七日內提性平會決定，並於接獲申訴之日起二十日，以書面通知當事人。

I) Human Resources Office shall decide whether a sexual harassment complaint is acceptable for processing within three (3) days from receiving the written complaint. Within seven (7) days, the complaint file must be submitted to Gender Equality Committed for deliberation. In addition, both parties shall be

notified, in writing, within twenty (20) days from the receipt of the written complaint regarding the initiation of the complaint case.

二、性平會受理申訴案件後，應由主任委員遴選委員三至五人組成調查小組並推選一人為小組召集人，進行調查。

II) After accepting a sexual harassment complaint filing, the Chairman of Gender Equality Committee shall select three (3) to five (5) committee members to form the investigation team. One of the team members shall be the convener (team leader) leading the investigation.

三、性平會接受申訴後，應於申訴案提出之次日起七日內開始調查，並應於二個月內完成調查；必要時，得延長一個月，並應通知當事人。

III) After accepting a sexual harassment complaint filing, the Gender Equality Committee shall start the investigation within seven (7) days from the receipt of the complaint. In general, the investigation shall be completed within two (2) months; however, if necessary, it may be extended by one (1) month upon informing both parties.

第十一條 本校調查性騷擾事件時，應依照下列原則為之：

Article 11 When Christ's College investigate a sexual harassment incidence, it must follow the rules described below:

一、性騷擾事件之調查應以不公開方式為之，並保護當事人之隱私及其他人格法益。

D) 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.

二、性騷擾事件之調查應秉持客觀、公正及專業原則，給予當事人充分陳述意見及答辯之機會。

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.

三、被害人之陳述明確，已無詢問之必要者，應避免重複詢問。

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.

四、性騷擾事件之調查，得通知當事人及關係人到場說明，並得邀請具相關學識經驗者協助。

IV) For the investigation of sexual harassment complaint, the Gender Equality Committee shall request the parties and relevant individuals to explain on the

location. In addition, the Gender Equality Committee shall provide experts with extensive experience to assist in the investigation.

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。

V) When the parties or the witness involved in the sexual harassment incidence are of the relationship of supervisor and subordinate, the Gender Equality Committee must prevent them from facing each other during investigation.

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。

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.

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，除有調查之必要或基於公共安全之考量者外，應予保密。

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.

第十二條 參與性騷擾申訴事件之調查、評議人員，有下列各款情形之一者，應自行迴避：

Article 12 A reviewer (or committee member) involved in the investigation of sexual harassment complaint shall disqualify himself or herself if one of following circumstances occurs.

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時。

I) The reviewer (or committee member) himself or herself, his/her spouse, ex-spouse, a relative, a cousin, a second cousin, a relatives through marriages is a party of the complaint case.

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者。

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.

三、現為或曾為該事件當事人之代理人、輔佐人者。

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.

四、於該事件，曾為證人、鑑定人者。

IV) The reviewer (or committee member) himself or herself has been a witness or examiner of the same complaint case.

參與性騷擾申訴事件之調查、評議人員，有下列各款情形之一者，當事人得以書面列舉其原因及事實向性平會申請迴避：

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 General Equality Committee the reason(s) why such member should be disqualified from the case.

一、有前項所定之情形而不自行迴避者。

D) The reviewer (or committee member) himself or herself belongs to one of above categories and does not disqualify himself or herself.

二、有具體事實，足認其執行調查、評議有偏頗之虞者。

II) Having concrete evidence to indicate that such reviewer (or committee member) may be bias during investigation or deliberation.

被申請迴避之調查、評議人員，得對該申請提出意見書。性平會就該申請事件為準駁前，應停止參與申訴案件之調查及評議。

A reviewer (or committee member), who has been requested to be disqualified, may object such request in writing. Gender Equality Committee must stop the participation in investigation and review prior to approving the reviewer's objection.

調查、評議人員有第一項所定情形不自行迴避，亦未經當事人申請迴避者，得由性平會命其迴避。

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.

第十三條 調查結果通知之處理，依當事人間之關係，分述如下：

Article 13 The report of investigation results according to the relationship between the two parties shall be described as follow.,

一、適用「性別工作平等法」之性騷擾事件：調查結果應以書面通知雙方當事人及學校相關單位，內容應包括處理結果之理由、申覆之期限，並得作成懲戒或其他處理之建議。

D) Cases that are applicable under Gender Equality Employment Act: The written investigation results, which shall be sent to both parties and their departments at Christ's College, must contain the explanations for the deliberation decision, the deadline for filing an application for reconsideration, and the recommendations



for penalizing the losing party.

二、適用「性騷擾防治法」之性騷擾事件：調查結果應以書面通知當事人及新北市政府，內容應包括處理結果之理由、再申訴之期限及受理單位。

II) Cases that are applicable under Sexual Harassment Prevention Act: The written investigation results, which shall be sent to both parties and the municipal government of New Taipei City, must contain the explanations for the deliberation decision, the deadline for re-filing the complaint, and the appropriate committee for such re-filing.

第十四條 性騷擾申訴案件經決定後，當事人對該決定有異議者，依下列規定提出申覆或再申訴：

Article 14 After Gender Equality Committee decides on a sexual harassment complaint, should a party disagree with the decision, he or she can file an application for reconsideration or another complaint.

一、適用「性別工作平等法」之申訴案件：

I) Following complaint cases that are appropriately governed by Gender Equality Employment Act

(一) 申訴人及申訴之相對人對申訴案之決定有異議者，得於十日內提出申覆。其期間自申訴決定書送達當事人之次日起算。

(1) When the complainant or the accused disagrees with the decision, he or she shall submit an application for reconsideration within ten (10) days from the next day following the receipt of the written decision.

(二) 申覆應以書面敘明理由，連同原申訴決定書影本，向原為申訴決定之性平會為之。

(2) 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 same Gender Equality Committee.

(三) 性平會認為申覆無理由者，應維持原申訴決定；有理由者，應變更原申訴決定，並通知當事人及相關機關。

(3) When the Gender Equality Committee decides the application for reconsideration groundless, it shall maintain its original decision. When the Committee decides the application for reconsideration be valid, it must change its original decision and notify both parties and all related departments.

(四) 申覆案件經結案後，不得就同一事由，再提出申訴。

(4) After the application for reconsideration is concluded, the party cannot use the same reason to re-submit a complaint.

二、適用「性騷擾防治法」之申訴案件：學校逾期未完成調查或當事人不服調查結果，得於期限屆滿或於申訴決定書送達之次日起三十日內，向新北市政府提出再申訴。

II) For complaint cases that are applicable under Gender Equality Employment Act: When Christ's College does not complete its investigation in time or a party does not agree with the outcomes of the investigation, the party may submit a complaint filing after the end of 3-month investigation period or within thirty (30) days from the next day following the receipt of the Committee's written decision.

第十五條 性騷擾行為經調查屬實或經證實有誣陷之事實者，加害人或誣陷人為本校教職員工時，本校應視情節輕重為適當之懲處。

Article 15 Should Gender Equality Committee find the sexual harassment complaint be true and the offender be a faculty or staff member, Christ's College shall take appropriate actions to penalize the offender. Should Gender Equality Committee find the sexual harassment complaint be untrue and the false accuser be a faculty or staff member, Christ's College shall take appropriate actions to penalize such person.

第十六條 有下列情形之一者，本校性平會得決議暫緩調查及評議，評議決定期間自暫緩原因消滅或暫緩期間屆滿之次日起，重行起算：

Article 16 Should any of following events occur, Gender Equality Committee may decide to postpone/extend the investigation and deliberation to a future date. The new deliberation date may start when the eradication of event happens or the extension expires.

一、申訴人提出請求。暫緩申請以一次為限，最長不得逾一個月。

I) The complainant submits a request for an extension. The request is limited to one time and the extension period cannot be more than one (1) month.

二、性騷擾事件已進入司法程序。

II) The sexual harassment case has entered into judicial procedures.

三、其他有暫緩調查及評議之必要者。

III) Other events that may require the postponement of investigation and deliberation.

第十七條 適用性騷擾防治法之性騷擾事件之雙方當事人，得以書面或言詞向新北市政府申請調解。

Article 17 If applicable under Sexual Harassment Prevention Act, both the alleged offender and the complainant may submit written or verbal request to municipal government of New Taipei City for mediation.

第十八條 性平會應採取事後之追蹤考核監督，確保所作決議有效執行，避免相同事件或報復情事發生。

Article 18 Afterwards, the Gender Equality Committee shall follow up and supervise the aftereffects in order to i) ascertain the effective implementation of the decision of Gender Equality Committee, ii) prevent the similar incidence from occurring again, or iii) avert possible revenge.

第十九條 本校對於擔任調查小組之成員，於實際調查期間，應予公差登記，並依本校規定支付相關費用。

性平會委員撰寫調查報告書，得支領撰稿費；受邀學者專家出席性平會得支領出席費。

Article 19 The amount of time that members of Investigation Team use to carry out the investigation shall be recorded as official business and compensated to cover the incurred costs according to Christ's College's rules and regulations.

The drafting of an investigation report shall be compensated based on the scale for author's fees. All experts or educators attending the Committee meeting shall be compensated with attendance fees.

第二十條 本要點規範事項有未盡事宜，依「臺北基督學院校園性侵害、性騷擾或性霸凌防治及處理實施要點」、「臺北基督學院性別平等教育委員會設置辦法」及相關法令規定辦理。

Article 20 For the matters that are not addressed by the Guidelines, they will be administered according to “Christ's College Policy for the Establishment of Committee of Gender Equality for Education”, “Christ's College Guidelines of the Prevention and Management of Campus Sexual Assault, Sexual Harassment and Sexual Bullying” and other pertinent legislations.

第二十一條 本要點經行政會議通過，報請校長核定後公布施行。

Article 21 The Guidelines shall be passed by Administration Affairs Assembly and submitted to the President for approval, public announcement and implementation.