

# 國立東華大學校園性侵害性騷擾或性霸凌防治與處理要點

## National Dong Hwa University Regulations on Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus

94 年 10 月 26 日 94 學年度第 4 次行政會議通過

94 年 12 月 28 日 94 學年度第 1 次校務會議通過

101 年 11 月 28 日 101 學年度第 1 學期第 1 次校務會議通過(更名)

109 年 4 月 8 日 108 學年度第 2 學期第 1 次性別平等教育委員會會議修正通過

109 年 4 月 15 日 108 學年度第 2 學期第 4 次行政會議修正通過

109 年 5 月 20 日 108 學年度第 2 學期第 1 次校務會議修正通過

### 第一章 總則

第一條 國立東華大學（以下簡稱本校）為預防與處理校園性侵害性騷擾或性霸凌事件，依據性別平等教育法（以下簡稱性平法）第二十條與校園性侵害、性騷擾或性霸凌防治準則（以下簡稱防治準則）第三十五條規定訂定本要點。

第二條 本要點所稱之性侵害、性騷擾及性霸凌定義如下：

一、性侵害：指性侵害犯罪防治法所稱性侵害犯罪之行為。

二、性騷擾：指符合下列情形之一，且未達性侵害之程度者：

（一）以明示或暗示之方式，從事不受歡迎且具有性意味或性別歧視之言詞或行為，致影響他人之人格尊嚴、學習、或工作之機會或表現者。

（二）以性或性別有關之行為，做為自己或他人獲得、喪失或減損其學習或工作有關權益之條件者。

三、性霸凌：指透過語言、肢體或其他暴力，對於他人之性別特徵、性別特質、性傾向或性別認同進行貶抑、攻擊或威脅之行為且非屬性騷擾者。

第三條 本要點適用對象，指性侵害、性騷擾或性霸凌事件之一方為校長、教師、職員、工友或學生，他方為學生者。

其用詞定義如下：

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。

第四條 本校應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，公告周知本要點所規範之事項，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。

第五條 本校應蒐集校園性侵害、性騷擾及性霸凌防治與救濟等資訊，並於處理事件時，主動提供予相關人員。

前項資訊應包括下列事項：

一、校園性侵害、性騷擾及性霸凌事件之界定、類型及相關法規。

二、被害人之權益保障及本校所提供之必要協助。

三、申請調查、申復及救濟之機制。

四、相關之主管機關及權責單位。

五、提供資源協助之團體及網絡。

六、其他本校性平會認為必要之事項。

## 第二章 校園安全規劃

第六條 本校為防治校園性侵害、性騷擾或性霸凌，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、性騷擾或性霸凌事件之空間，並按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，應考慮教職員工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。

第七條 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，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。

本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。

## 第三章 校內外教學與人際互動注意事項

第八條 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，應尊重性別多元與個別差異。

第九條 本校教師於執行教學、指導、訓練、評鑑、管理、輔導或提供學生工作機會時，在與性或性別有關之人際互動上，不得發展有違專業倫理之關係。

教師發現其與學生間之關係有違反前項專業倫理之虞，應主動迴避或陳報本校處理。

第十條 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。

#### 第四章 校園性侵害、性騷擾或性霸凌之處理機制、程序及救濟方法

第十一條 本校校園性侵害、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，得以書面向本校申請調查或檢舉。但下列情形，不在此限：

一、行為人於行為時或現職為本校校長，應向教育部申請調查或檢舉。

二、行為人於兼任學校所為者，應向該兼任學校申請調查或檢舉。

第十二條 行為人於行為發生後已轉任或轉職至他校者，本校受理申請調查或檢舉時，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。

本校完成調查後，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學校處理。

第十三條 若本校為行為人之兼任學校，受理申請調查或檢舉後，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。

本校完成調查後，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處理。

第十四條 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。

第十五條 行為人二人以上，分屬不同學校者，以先受理申請調查或檢舉之行為人所屬學校為事件管轄學校，相關學校應派代表參與調查。

第十六條 本校接獲申請調查或檢舉而無管轄權之案件，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。

第十七條 本校校長、教師、職員或工友知悉發生疑似校園性侵害、性騷擾或性霸凌事件者，應立即以書面或其他通訊方式通報學生事務處生活輔導組，並由專責人員依規定辦理至遲不得超過二十四小時。

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

第十八條 本校校園性侵害、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，受理單位應作成紀錄，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，亦應記載或附卷處理。

第十九條 本校以學生事務處為校園性侵害、性騷擾或性霸凌事件之收件單位。收件後，應於三日內將申請人或檢舉人所提事證資料交付本校性平會調查處理。

本校性平會得指派委員三人以上組成小組，依性平法第二十九條第二項規定進行審查，決定申請調查案件是否受理。

第二十條 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，本校應主動將事件交由性平會調查處理。疑似被害人不願配合調查時，仍應提供必要之輔導或協助。

本校處理霸凌事件，發現有疑似性侵害、性騷擾或性霸凌情事者，視同檢舉，由本校防制霸凌因應小組移請性平會依前條規定辦理。

第二十一條 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，本校應作成紀錄，經向申請人或檢舉人朗讀或使閱覽，確認其內容無誤後，由其簽名或蓋章。

前項不受理之申復以一次為限。

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。

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。

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

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

第二十三條 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；當事人為未成年者，接受調查時得由法定代理人陪同。
- 二、被害人或其法定代理人要求不得通知現所屬學校時，得予尊重，且得不通知現就讀學校派員參與調查。
- 三、當事人持有各級主管機關核發之有效特殊教育學生鑑定證明者，調查小組成員應有具備特殊教育專業者。
- 四、行為人與被害人、檢舉人或受邀協助調查之人有權力不對等之情形者，應避免其對質。
- 五、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、本校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、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。

第二十四條 依前條第五款規定負有保密義務者，包括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。

第二十五條 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，本校於必要時得採取下列處置，並報教育部備查：

- 一、彈性處理當事人之出缺勤紀錄或成績考核，並積極協助其課業或職務，得不受請假、教師及學生成績考核相關規定之限制。
- 二、尊重被害人之意願，減低當事人雙方互動之機會。

三、避免報復情事。

四、預防、減低行為人再度加害之可能。

五、其他性平會認為必要之處置。

當事人非本校之人員時，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。

第二十六條 本校應視當事人之身心狀況，主動轉介至各相關機構，於必要時，應對當事人提供下列適當協助，但該事件仍應依性平法為調查處理。

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。

第二十七條 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中止。

第二十八條 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。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，依其事實認定提出改變身分之處理建議者，由本校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，性平會應再次召開會議審酌其書面陳述意見，除有性平法第三十二條第三項所定之情形外，不得重新調查。本校決定議處之權責單位，於審議議處時，除有性平法第三十二條第三項所定之情形外，不得要求性平會重新調查，亦不得自行調查。

第二十九條 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者，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。

本校依前項規定為懲處時，應命行為人接受心理輔導之處置，並得命其為下列一款或數款之處置：

一、經被害人或其法定代理人之同意，向被害人道歉。

二、接受八小時之性別平等教育相關課程。

三、其他符合教育目的之措施。

本校執行前項處置時並應採取必要之措施，以確保行為人之配合遵守。由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。

第三十條 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、由秘書室收件後，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、審議會議進行時，得視需要給予申復人陳述意見之機會，並得邀性平會相關委員或調查小組成員列席說明。

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。

第三十一條 申請人或行為人對本校之申復結果不服，得於接獲書面通知書之次日起三十日內，依下列規定提起救濟：

一、教師：依規定向本校教師申訴評議委員會提出申訴。

二、職員：依規定向本校職員陞遷及考績委員會提出申訴。

三、工友：依規定向本校工友評審委員會提出申訴。

四、學生：依規定向本校學生申訴評議委員會提出申訴。

第三十二條 本校應依規定建立校園性侵害、性騷擾或性霸凌事件之檔案資料，由性平會以密件文書歸檔保存二十五年；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。

第三十三條 本校於取得依性平法第二十七條之一第三項所訂事件相關事證資訊，經通知當事人陳述意見後，應提交性平會查證審議。

第三十四條 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。

第三十五條 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。

第三十六條 本要點若有未盡事宜，準用或適用其他相關法規。

第三十七條 本要點經性別平等教育委員會審議、校務會議通過，陳請校長核定後實施。



## National Dong Hwa University Regulations on Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus

2015.10.26 approved, 4<sup>th</sup> Administrative Meeting  
2015.12.28 approved, 1<sup>st</sup> University Affairs Meeting  
2012.11.28 approved and renamed, 1<sup>st</sup> Semester, 1<sup>st</sup> University Affairs Meeting  
2020.04.08 amended and approved, 2<sup>nd</sup> Semester, 1<sup>st</sup> Gender Equity Education Committee Meeting  
2020.04.15 amended and approved, 2<sup>nd</sup> Semester, 4<sup>th</sup> Administrative Meeting  
2020.05.20 amended and approved, 2<sup>nd</sup> Semester, 1<sup>st</sup> University Affairs Meeting

### Chapter 1 General Provisions

Article 1 This *Regulations on Prevention and Handling of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus* (hereinafter referred to as “the Regulations”) have been formulated by National Dong Hwa University (hereinafter referred to as “NDHU” or “the University”) in order to prevent and handle incidents of sexual assault, sexual harassment, and sexual bullying in accordance with Article 20 of the *Gender Equity Education Act* and Article 35 of the *Regulations on the Prevention and Healing of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus*.

Article 2 The following terms, “Sexual Assault”, “Sexual Harassment” and “Sexual Bullying”, used in the Regulations are defined as follows:

1. Sexual Assault refers to any sexual offense defined in the *Sexual Assault Crime Prevention Act*.
2. Sexual Harassment refers to any conduct listed below the circumstances of which are not of an extent to constitute a sexual assault:
  - (1) Engaging in remarks or conduct that are unwelcome and have explicit or implicit connotations of a sexual nature or of gender bias that adversely affect another person’s human dignity, their opportunity to learn or work, or their learning or work performance.
  - (2) Conduct related to using sex or gender as a condition for that person or any others to obtain, lose, or impair their learning- or work-related rights or interests.
3. Sexual Bullying refers to engaging in ridicule, attacks, or threats directed at another person’s gender characteristics, gender traits, sexual orientation, or gender identity using verbal, physical, or other forms of violence that are not in the category of sexual harassment.

Article 3 The description, “sexual assault, sexual harassment, or sexual bullying on campus” refers to sexual assault, sexual harassment, or sexual bullying that involves the President, faculty members, staff members, workers, or students at an educational institution as one party, and a student as the other party.

The terms used in the Regulations are defined as follows:

1. Faculty Members: full-time teacher, part-time teacher, long-term or short-term substitute teacher, military instructor, volunteer worker helping with teaching, student teacher actually engaged in teaching, or other persons engaged in teaching or research.

2. Staff Members or Workers: person not defined as one of the abovementioned faculty members but performing work at the University on a fixed or periodic schedule, volunteers helping with school affairs.
3. Students: person with a student status, person not enrolled in the University but in a period of transition between education programs or levels, person undertaking a continuing/extension education program, an exchange student, a student teacher, or research trainee.

Article 4 The University shall actively promote prevention education of sexual assault, sexual harassment, and sexual bullying on campus to enhance the knowledge and skills of faculty members, staff members, and students to respect one's own as well as others' sexuality or body autonomy. The University shall take measures as follows:

1. Regularly hold education and promotion programs on prevention of sexual assault, sexual harassment, and sexual bullying on campus for faculty members, staff members, and students; assessment and evaluation shall be made regarding the effectiveness.
2. Regularly hold in-service education programs each year for members of the Gender Equity Education Committee (hereafter referred to as "Committee") and sectors involved in the handling of sexual assault, sexual harassment, and sexual bullying incidents on campus.
3. Encourage the abovementioned persons to attend on- and off-campus seminars on the handling of sexual assault, sexual harassment, and sexual bullying incidents on campus. The University shall allow them to register attendance as official leaves and reimburse any associated expenses.
4. Promulgate the Regulations via multiple channels and include them into faculty and staff employment contracts and student handbooks.
5. Encourage the victim of or the complainant on a sexual assault, sexual harassment, and sexual bullying incident on campus to apply for an investigation or file a report at the earliest possible time in order to facilitate the collection of evidence, the investigation, and other handling.

Article 5 The University shall collect and compile information regarding the prevention of and relief measures for sexual assault, sexual harassment, and sexual bullying on campus. The University shall take the initiative to provide relevant personnel with the information while handling the incidents.

The abovementioned foresaid information shall contain the following items:

1. The definition of, classification of, and laws, rules and regulations relevant to sexual assault, sexual harassment, and sexual bullying incidents on campus.
2. The rights and interests of the victim, and the necessary assistance provided by the University.
3. The mechanisms of investigation application, reapplication, and relief.
4. Related competent authorities and authorized sectors.
5. Organizations and networks that provide resources and assistance.

6. Other matters deemed necessary by the Committee.

## **Chapter 2 Campus Safety Plan**

Article 6 In order to prevent sexual assault, sexual harassment, or sexual bullying incidents on campus, the University shall implement the following measures for the enhancement of campus safety:

1. Regularly inspect the planning for and usage of campus grounds and facilities, evaluate overall campus safety by assessing the arrangement, management, and security of indoor and outdoor areas, the signage system, the emergency help system and secure routes, lighting and visibility, and other important safety factors.
2. Record the locations where sexual assault, sexual harassment, or sexual bullying incidents have occurred on campus, and produce a map illustrating dangerous areas as necessary.

The abovementioned inspections upon planning for campus grounds and facilities shall take into consideration the differences of physical and psychological functions as well as languages and cultures between faculty members, staff members, and students and provide appropriate safety planning and explanations, of which the scope shall cover on-campus dormitories, bathing and restroom facilities, campus transport, etc.

Article 7 The University shall regularly hold campus safety review briefings and invite professional space designers, faculty members, staff members, students, and other users of the campus to participate.

The abovementioned review briefings may convene through electronic means, and shall promulgate the conclusions and pertinent records.

The University shall include the review of progress in improving the safety of hazardous campus grounds into the Committee's working report each academic term.

## **Chapter 3 Matters Requiring Attention regarding On- and Off-campus Teaching and Interpersonal Interaction**

Article 8 Faculty members, staff members, and students shall respect gender diversity and individual differences while conducting teaching activities, work-related tasks, and interpersonal interactions on and off campus.

Article 9 The faculty members shall not develop intimate relationships that violate professional ethics regarding sex- or gender-related interactions with students while teaching, guiding, training, assessing, managing, consulting, or offering job opportunities to them.

Those finding their relationship with a student in danger of violating the abovementioned professional ethics shall take the initiative to avoid further interaction or report the matter to the University for handling.

Article 10 The faculty members, staff members, and students shall respect others' and one's own autonomy over their sexuality and body, avoid unwanted sexual advances or requests for dates, and must not use forcible or violent means to handle conflicts related to sex or gender.

## **Chapter 4 Handling Mechanism, Procedures, and Reliefs of Sexual Assault, Sexual Harassment, or Sexual Bullying on Campus**

Article 11 The victim of a sexual assault, sexual harassment, or sexual bullying incident on campus or her/his legal representative (hereinafter referred to jointly as “the applicant”), or a complainant on such an incident, may apply or report in writing to the University for an investigation, except for the following circumstances:

1. If the alleged offender was at the time of the offense, or is presently the President, an application or report shall be made to the Ministry of Education.
2. If the alleged offender was employed part-time at the time of the offense, an application or report shall be made to the school in question.

Article 12 If the alleged offender is currently teaching or working at another school after the offense, the University shall notify in writing the school in question to appoint representatives to participate in the investigation while accepting the application or report; the school in question shall not reject.

After the University conclude the investigation that a sexual assault, sexual harassment, or sexual bullying incident on campus did in fact occur, the investigation report and handling suggestions shall be delivered to the abovementioned school for handling.

Article 13 If the alleged offender is currently teaching or working part-time at the University, the University shall notify in writing the school where the alleged offender is teaching or working full-time to appoint representatives to participate in the investigation after accepting the application or report; the school in question shall not reject.

After the University conclude the investigation that a sexual assault, sexual harassment, or sexual bullying incident on campus did in fact occur, the investigation report and handling suggestions shall be delivered to the abovementioned school for handling.

Article 14 If the alleged offender, at the time of the offense, served in two or more of the following capacities, President, faculty member, staff member, worker, or student, the capacity in which s/he interacted with the victim shall determine the capacity under whose applicable conditions the investigation will be conducted, as well as the school or agency with jurisdiction.

In case it is not possible to determine the capacity in which the alleged offender was serving at the time of the offense, or during a transition period when the alleged offender's status was indeterminate, as when admission to an academic program was still under consideration, the school accepting the application or report for an investigation shall be the

school with jurisdiction; any and all schools involved in the incident shall appoint representatives to participate in the investigation. However, if the alleged offender and the victim already possess student status at the time the application or report for an investigation is made or filed, the school at which the alleged offender is enrolled shall be the school with jurisdiction.

Article 15 If the two or more persons who belong to different schools are alleged to have been offenders in the same incident, the school accepting the application or report for an investigation first shall be the school with jurisdiction; any and all schools involved in the incident shall appoint representatives to participate in the investigation.

Article 16 In case the University receives an application or report for an investigation but does not possess jurisdiction in the matter, the case shall be transferred to a party with such jurisdiction, and the involved parties shall be informed.

In case an application or report for an investigation is made or filed during a period of academic transition, such that there is dispute over jurisdiction, the decision shall be made by the governing body serving in a supervisory position to both parties. When no such joint authority exists, the governing bodies for the two parties shall agree upon a collaborative decision.

Article 17 Upon being aware of a possible sexual assault, sexual harassment, or sexual bullying incident on campus, the President, faculty members, staff members, or workers shall immediately notify in writing or by other forms of communication the Student Living Services Division (Office of Student Affairs), of which the designated personnel shall act in accordance with related regulations within 24 hours.

When reporting a case in accordance with the current Article, the names and other information that may lead to the identification of the victim, the offender or the complainant shall be kept confidential, except for investigation necessity, public safety concerns, or other occasions prescribed by the law, rules, and regulations.

Article 18 An application or report for an investigation on a sexual assault, sexual harassment, or sexual bullying incident on campus to the University may be made verbally, in writing, or by email. If an application or report is made or filed verbally or by email, the sector accepting it shall create a text record of the application and have it read out to the applicant or the complainant or ask her/him to read it in order to confirm its accuracy. Subsequently, the text record shall be signed or sealed by the applicant or the complainant.

The abovementioned text record of a written, verbal, or email application or report shall contain the following items:

1. The name of the applicant or the complainant, the national identification card number, the institution where s/he or she is employed or enrolled, residence and domicile, telephone number,

and the date of the application for the investigation.

2. The applicant shall state the victim's date of birth when applying for an investigation.
3. If the applicant authorizes a representative as her/his investigation applicant, an authorization letter shall be submitted clearly stating the name of the representative, national identification card number, residence and domicile, and telephone number.
4. Any evidence related to the factual materials presented in an application or a report for an investigation shall be documented in writing or included as attachments.

Article 19 The Office of Student Affairs is designated by the University as the sector receiving applications or reports upon sexual assault, sexual harassment, or sexual bullying incidents on campus, and shall provide the Committee with the factual and evidential materials submitted by the applicant or complainant within three days for handling.

The Committee shall appoint a team of at least three members to review and decide whether or not to accept the application in accordance with Paragraph 2, Article 29 of the *Gender Equity Education Act*.

Article 20 Any sexual assault, sexual harassment, or sexual bullying incident on campus exposed by media shall be considered as a complainant's report; the University shall take the initiative to proactively refer the matter to the Committee for investigation and handling. In case that the suspected victim is not willing to cooperate with the investigation, the University shall nevertheless provide required counseling or assistance.

Any incident of bully, if found the occurrence of possible sexual assault, sexual harassment, or sexual bullying by the University, shall be considered as a complainant's report. The NDHU Anti-Bullying Response Team shall refer the matter to the Committee for handling in accordance with Article 19 of the Regulations.

Article 21 The University shall notify in writing the applicant or the complainant whether or not the application or the report has been accepted within twenty days after receiving the application or the report. The written notification of rejection shall contain grounds in accordance with Paragraph 3, Article 29 of the *Gender Equity Education Act*; the applicant or the complainant shall be notified of the deadline for a reapplication and the corresponding sector.

If the applicant or the complainant does not receive a notification by the abovementioned deadline, or has received a notification stating that an investigation will not be conducted, s/he may reapply in writing containing grounds to the University within twenty days from the next day of the day that received the notification. In case of a reapplication made verbally, the University shall create a text record of the reapplication and have it read

out to the applicant or the complainant or ask him/her to read it in order to confirm its accuracy. Subsequently, the text record shall be signed or sealed by the applicant or the complainant.

The abovementioned reapplication shall be made no more than once.

Upon receiving the reapplication, the University shall forward the application or the report for an investigation to the Committee for reopening a discussion, and notify in writing the applicant the result of the reapplication within 20 days. If the reapplication contains legitimate grounds, the Committee shall take actions in accordance with laws, rules, and regulations.

Article 22 The Committee shall organize an investigation team (hereinafter referred to as “the Team”) while handling sexual assault, sexual harassment, or sexual bullying incidents on campus. The Team shall be composed of three or five members in accordance with Paragraph 3, Article 30 of the *Gender Equity Education Act*.

The counseling personnel involved in the current sexual assault, sexual harassment, or sexual bullying incident on campus, the supervisor with authority over the Committee affairs, and the Committee officers shall recuse themselves from the investigation. Any person involved in the investigation and the handling of a sexual assault, sexual harassment, or sexual bullying incident on campus shall also recuse themselves from the counseling.

The University shall record time spent serving on the Team as work-related travel (leave of absence); any transportation or other pertinent expenses shall be paid in accordance with laws, rules, and regulations, or that of the University.

Article 23 The University shall investigate and handle a sexual assault, sexual harassment, or sexual bullying incident on campus in accordance with the following guidelines:

1. The alleged offender shall appear in person for investigation. Any alleged offender who is a minor shall be accompanied by a legal representative.
2. If a victim or her/his legal representative requests that the school at which the victim is presently enrolled not to be notified of the case, such request shall be respected; the school in question shall not be notified to dispatch any representative to participate in the investigation.
3. If an involved party possesses a valid special-education student certification issued by competent authorities at various levels, the Team shall recruit some special-education professionals.
4. In case of imbalance of power between the alleged offender and the victim, the complainant, or the person(s) invited to help with the investigation, confrontation shall be avoided.
5. The names and other information that may lead to the identification

of the alleged offender, the victim, the complainant, or the person(s) invited to help with the investigation shall be kept confidential, except for the necessity of investigation or public safety concerns.

6. When a written notification is given to the involved parties, pertinent persons, or sectors to cooperate with the investigation and provide information in accordance with Paragraph 4, Article 30 of the *Gender Equity Education Act*, the notification shall explicitly state the investigation purpose, time and date, location, and the consequence for failure to appear.
7. The abovementioned notification shall explicitly state that the involved parties cannot engage in private communication or use the Internet, messaging software, or other means to disseminate information pertinent to the incident.
8. Any person affiliated with the University shall not, under any pretext, undertake to understand or investigate the incident, and shall not request any involved party to provide a first-hand account or affidavit.
9. In case of the necessity for the investigation, written information may be produced so long as it violates no obligation of confidentiality, and provided to the alleged offender, the victim, or any person(s) invited to help with the investigation to read or be read out the summary.
10. In case that the applicant withdraws the application for an investigation, the University may continue to investigate or handle upon the resolution of the Committee or the request of the alleged offender in order to clarify the relevant legal liability.

Article 24 The stipulated by Paragraph 5, Article 23 of the Regulations regarding the obligation of confidentiality include all persons participating in the handling of a sexual assault, sexual harassment, or sexual bullying incident on campus.

The abovementioned persons shall be subjected to penalties in accordance with the *Criminal Law* or other pertinent laws, rules, and regulations in case of violating the obligation of confidentiality.

The University shall seal and store all original documents containing the names of the alleged offender, the victim, the complainant, and the witness. The documents in question shall not be browsed or made available to any person(s) other than the agencies in charge of legal investigation or trial except otherwise provided by the law.

In addition to the original documents, the names of and other information that may lead to the identification of the alleged offender, the victim, the complainant, and the witness shall be deleted from and replaced with codes in all external documents produced by the investigators of the sexual assault, sexual harassment, or sexual bullying incident on campus.

Article 25 The University shall take the following measures when necessary and report to the Ministry of Education for references in order to protect the right to education and the right to work of the involved parties of a sexual assault, sexual harassment, or sexual bullying incident on campus:

1. Handle the class attendance or academic performance assessment of



the victim with flexibility, and help the victim not to be limited by school regulations pertinent to leaves of absence, teachers, and student academic performance assessment, etc.

2. Respect the wishes of the victim, and reduce the chance of interaction between the two parties.
3. Avoid situations where vengeful behaviors may be undertaken.
4. Prevent and reduce the possibility of further assault or harassment by the alleged offender.
5. Other measures deemed necessary by the Committee.

If the victim is not employed by or enrolled at the University, the school at which s/he is employed or enrolled shall be notified and handling in accordance with all the Paragraphs of this Article.

Any necessary measures covered by the first two Paragraphs of this Article shall be implemented after a resolution has been passed by the Committee.

Article 26 The University shall take the initiative to refer the victim to pertinent agencies in accordance with the physical and psychological condition of the victim. The University shall also provide the victim with the following assistance when necessary. However, the incident in question shall still be investigated and handled in accordance with the *Gender Equity Education Act*.

1. Psychological counseling
2. Channels for legal advice
3. Schoolwork assistance
4. Financial assistance
5. Other protective measures or assistance deemed necessary by the Committee.

If the victim is not employed by or enrolled at the University, the school at which s/he is employed or enrolled shall be notified and provide appropriate assistance in accordance with the all the Paragraphs of Article 25.

The University may hire professionals, such as physicians, clinical psychologists, counseling psychologists, social workers, or lawyers, to provide the assistance stipulated in the first two Paragraphs of this Article, and make budgetary provisions for payment of any fees incurred.

Article 27 The investigation and handling conducted by the Committee shall not be affected by the judicial proceedings and conclusions of the incident. The abovementioned investigative procedures shall not be suspended due to the alleged offender's loss of her/his status at any point of the procedure.

Article 28 In accordance with the principles of deferring to expert judgment and avoiding repeated questioning, the University shall recognize and accept the facts related to a sexual assault, sexual harassment, or sexual bullying incident on campus in accordance with the investigation report of the Committee.

If the Committee convenes a meeting to evaluate an investigation report and finds that sexual assault, sexual harassment, or sexual bullying has in fact occurred and based on the finding the Committee recommends to the

University a change in status for the offender, the University shall provide the offender with an investigation report approved at the Committee meeting, and notify the offender to submit a written statement by the designated deadline.

If the abovementioned offender fails to submit a written statement by the deadline, it will be viewed as forfeiting the opportunity to make the statement. If the offender does make a written statement, the Committee shall reconvene a meeting to review and discuss the written statement; however, no investigation shall be reconducted except for situations stipulated by Paragraph 3, Article 32 of the *Gender Equity Education Act*.

The competent authority with the authority to determine applicable penalties shall not demand a reinvestigation by the Committee, nor undertake any investigation of its own except for situations stipulated by Paragraph 3, Article 32 of the *Gender Equity Education Act*.

Article 29 After the Committee has investigated and determined that a sexual assault, sexual harassment, or sexual bullying offense on campus has in fact occurred, the University shall impose on the offender a reprimand, official demerit, dismissal, suspension, non-renewal of appointment, discharge from employment, termination of contractual relationship, or other appropriate disciplinary action in accordance with Paragraph 1, Article 25 of the *Gender Equity Education Act*. If other agencies have the authority to determine punishment in accordance with pertinent laws or regulations, the University shall turn over the case to the competent authorities in question to determine punishment. In case of a confirmed false accusation, an appropriate punishment shall be imposed on the applicant or complainant in accordance with the law.

The University shall order that the offender receive psychological counseling while imposing disciplinary actions. The University may also order that offender to comply with one or more of the following disciplinary measures:

1. Apologize to the victim if the victim or the legal representative has given consent.
2. Attend eight hours of gender equity education related courses.
3. Other measures that serve an educational purpose.

The University shall take necessary measures to ensure that the offender does comply with the abovementioned disciplinary measures. The Committee shall discuss and determine the character of, means of enforcing attendance at, time of administration of, and the legal consequences of failure to attend the gender equity education related courses shall be explicitly stated in the written notification of the handling conclusions.

Article 30 The University shall provide the applicant and the offender with the investigation report and inform them the deadline for reapplication and the sector handling the reapplication while notifying in writing the applicant and the offender the handling conclusions.

The applicant or the offender who objects to the handling conclusions of the University shall reapply in writing with grounds to the University within

twenty days from the next day of the day s/he receives the notification. If the reapplication is made verbally, the University shall create a text record and have it read out to the applicant or the offender or ask her/him to read it in order to confirm its accuracy. Subsequently, the text record shall be signed or sealed by the applicant or the offender.

After receiving the reapplication, the University shall handle it in accordance with the following procedures:

1. After the Secretariat receives the reapplication, a review team shall be formed immediately, come to a reasoned conclusion within thirty days, and notify in writing the applicant the conclusion.
2. The abovementioned review team shall include gender equity education related experts and scholars and three or five legal professionals, of which the female members shall account for at least one-half of the team. At the University, the experts and scholars with the background in the investigation of sexual assault, sexual harassment, or sexual bullying incidents on campus shall account for at least one-third of the team.
3. The members of the Committee or the investigation team shall not serve as members of the evaluation team.
4. When the evaluation team conducts a meeting, the members of the team will select a convener who will also chair the meeting.
5. While the meeting is in progress, should the need arise, the applicant shall be given the opportunity to make a statement, and the members of the Committee or investigation team shall be invited to be present to make an explanation.
6. If the reapplication contains legitimate grounds, the pertinent competence authority shall be notified of the decision on the reapplication and responsible to remake a decision.
7. Before the abovementioned decision of the reapplication is sent to the applicant, s/he may withdraw the reapplication in question in accordance with the previous Paragraph.

Article 31 The applicant or the offender who objects to the reapplication decision of the University shall initiate the remedy procedures available within thirty days from the next day of the day s/he receives the written notification in accordance with the following regulations:

1. Faculty Members: File an appeal to the NDHU Teacher Grievance Review Committee in accordance with pertinent regulations.
2. Staff Members: File an appeal to the NDHU Staff Promotion and Performance Rating Committee in accordance with pertinent regulations.
3. Workers: File an appeal to the NDHU Worker Review Committee in accordance with pertinent regulations.
4. Students: File an appeal to the NDHU Student Grievance Review Committee in accordance with pertinent regulations.

Article 32 The University shall establish data of the sexual assault, sexual harassment, or sexual bullying incidents on campus in accordance with pertinent regulations; the data in question shall be filed as confidential and

preserved for twenty-five years by the Committee. If the data is preserved using electronic storage media, an electronic signature or encryption shall be utilized in handling the data when required.

The abovementioned data shall be categorized as either original documents or report documents.

The abovementioned original documents shall contain the following information:

1. Time of occurrence and type of the incident.
2. Involved parties (including the complainant, the victim, and the offender).
3. Person(s) handling the incident, procedures, and records.
4. Text documents produced, audio files of recorded interviews, collected evidence and other pertinent information obtained while handling the incident.
5. The offender's name, job title or student status, school records, and family background.
6. The initial draft of the investigation report submitted by the investigation team, and minutes of the Committee meeting.

The aforementioned report documents of this Article comprise the investigation report approved by the Committee; the contents shall include the following items:

1. The main points of the application for an investigation of the incident; accounts provided by the victim or in complaints included.
2. 2. Record of interviews conducted during the investigation; dates and subjects included.
3. Statements and replies of the alleged offender, the applicant, the witness, and other pertinent persons.
4. Assessment of pertinent material evidence.
5. Determinations of fact and reasoning thereof.
6. Recommendations for handling.

Article 33 Having secured the material evidence related to an incident as defined as Paragraph 3, Article 27-1 of the *Gender Equity Education Act*, and informed the victim to make her/his statement, the University shall the evidence to the Committee for verification and review.

Article 34 When the University reports a confirmed incident of campus sexual assault, sexual harassment, or sexual bullying on campus in accordance with Paragraph 2 and Paragraph 3, Article 27 of the *Gender Equity Education Act*, the report shall be limited to the time of occurrence, type of the incident, the offender's name, job title or school where s/he is enrolled. The University shall provide the school where the offender is employed or enrolled with the information of counseling, prevention education, or pertinent disciplinary measures in accordance with actual needs. The University may note the current situation of the offender's penitence in the content of the abovementioned report after reviewing the follow-up counseling and finding that is no likelihood of a repeat offense.

Article 35 The University shall report to the Ministry of Education and provide the situation of handling, the validation of handling procedures, the

investigation report, and the minutes of the Committee meeting after the investigation of the sexual assault, sexual harassment, or sexual bullying incident on campus is completed and the investigation report has been approved by the Committee. In case of reapplication submitted by the applicant or the offender, the reapplication conclusion shall be reported to the Ministry of Education when reached.

Article 36 Any other matter not set forth in the Guidelines shall be handled in accordance with applicable laws, rules, and regulations.

Article 37 The Guidelines have been reviewed by NDHU Gender Equity Education Committee, approved at the University Affairs Meeting and by the President before implementation.